

Marton West Neighbourhood Forum

Modification Proposal Statement

Prepared in accordance with Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) in respect of the Modification Proposal to the made Marton West Neighbourhood Plan.

Introduction

As a 'Qualifying Body', the Marton West Neighbourhood Forum ("the Neighbourhood Forum") proposes to modify the made Marton West Neighbourhood Plan ("the Made Plan") of November 2016.

It has completed a pre-submission consultation on the proposed modified Neighbourhood Plan ("the Modified Plan") and submits to the Local Planning Authority, Middlesbrough Council ("the Council"), the Modified Plan for examination, alongside this Modification Proposal Statement, a Basic Conditions Statement, a Consultation Statement, and other supporting documents, in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended).

Regulation 15 of the amended 2012 Regulations requires:

"in relation to a modification proposal, a statement setting out whether or not the qualifying body considers that the modifications contained in the modification proposal are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal would modify, giving reasons for why the qualifying body is of this opinion".

In accordance with the requirement stated above, this document is therefore setting out the background reason to this modification; sets out what the modification is and will set out the reasons as to why the Neighbourhood Forum believe that this modification of the plan is so significant or substantial as to change the nature of the plan.

Background

The Made Plan covers the period 2016-2029.

On 30th November 2016 it was agreed by the Council to 'make' the Marton West Neighbourhood Plan, following a referendum, which took place on Thursday 20 October 2016.

The results showed 89% of those who voted were in favour of the plan.

Modification

The main reasons for the Neighbourhood Forum proposing to make modifications to the Made plan are set out below:

1. The Made plan, although adopted in November 2016, was based on the pre 2014 electoral ward boundary, excluding the De Brus area. In its basic conditions statement, this was explicitly stated. The De Brus area transferred from the Coulby Newham ward into the Marton West ward as a result of the boundary changes, which took effect in 2015.

2. It is acknowledged that work on the original Neighbourhood Plan was well advanced when the boundary changes were announced. The Neighbourhood Forum, at the time, determined that the Neighbourhood Plan would continue through the Council's Neighbourhood Planning process based on pre 2014 electoral boundaries, rather than re-start the entire process
3. Residents and businesses in the De Brus area subsequently sought to establish their own Neighbourhood Area and develop their own Neighbourhood Plan in 2018.
4. Following a formal submission to Middlesbrough Council, it was resolved that:

“The Council¹ will now:

- Use its powers of designation, under Section 61(G)(5) and (6) of the Town and Country Planning Act 1990, to designate the proposed area as part of the Marton West Neighbourhood Area; and
- Recommend that an early review is undertaken, by the Marton West Neighbourhood Forum, of the Marton West Neighbourhood Plan, in order to take account of the modified Marton West Neighbourhood Area.”

As such, the Made Plan is being updated and modified to take account of the characteristics of the enhanced De Brus Park area and reflect the views of its residents, businesses and local councillors.

Summary of modifications to the Made Plan

A re-constituted Neighbourhood Forum, representing each part of the Marton West ward, has undertaken a wide range of informal and formal consultation processes across the residents and businesses that live and work in the ward.

The outcomes of the consultation processes are documented in the accompanying Consultation Statement

In terms of modifications to the Made Plan policies, the only **material** change is associated with the Parks and Green Spaces Policy, i.e.

Parks and Green Spaces Policy (MW1)

The policy is amended to include the following:

Parkland to the south of, and indivisible from, Newham Hall is designated as **Local Green Space** due to its historic and considerable regional significance; important value to the health and well being of local communities: the need to protect veteran and notable trees and tranquil local landscape

¹ Middlesbrough Council, 7th January 2019

A minor change has been made to the Small Unallocated Sites policy, i.e.

Small Unallocated Sites (MW3)

This policy has been amended to explicitly highlight **broadband capacity** as part of the existing infrastructure. Members of the local community felt that this has not been given the prominence that it merits. The NPPF, (Paragraph 112) has specifically detailed the need to facilitate full fibre broadband connections.

The current Covid 19 crisis has highlighted the need for dependable broadband across homes and businesses and, as a by product, has shown how changes in working practices can have a significant impact on climate change

The ‘Change the Nature of the Plan’ Test

The Neighbourhood Forum recognises that the modification to the Made Plan, in Policy MW1, is deemed to be material. i.e. the designation would result in an official change in use of the land, which would be protected in the same way as a green belt designation, thereby only allowing development in very special circumstances, or of a very specific type as set out in paragraph 146 of the NPPF.

The Neighbourhood Forum, as the qualifying body, is of the opinion that the proposed modification does change the nature of the Made Plan and will thus necessitate a local referendum

Strategic Environmental Assessment

The Neighbourhood Forum confirmed in its screening opinion that the policies of the Made Plan would not have any significant environmental effects and would therefore not be required to prepare a Strategic Environmental Assessment (SEA) in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 and European Directive 2001/42/EC.

The Council and the Independent Examiner accepted this

The Neighbourhood Forum has undertaken a further screening assessment for the need to prepare an SEA, in light of the Modification Proposal. Again, a similar conclusion was arrived at. This has been shared with Historic England, Natural England and the Environmental Agency all of whom, support the Neighbourhood Forum’s assessment, or offers no alternative opinion

Conclusion

Whilst the modification to Policy MW1 is considered to remain within the spirit and stated intentions of the Council’s Local Development Plan (Housing Local Plan (adopted 2014), Core Strategy (adopted 2008), Regeneration DPD (adopted 2009) and the Local Plan (adopted 1999) it is recognised that the designation of LGS results in an official change in use of the land and thus necessitates a local referendum