

MARTON WEST NEIGHBOURHOOD PLAN

Submission Draft Version

**A report to Middlesbrough Council
into the examination of the
Marton West Neighbourhood Plan
by Independent Examiner, Rosemary Kidd**

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1.0 Summary

- 1.1 The Marton West Neighbourhood Plan has been prepared to set out the community's wishes for the ward of Marton West to promote the economic, social and environmental well being of the community. The Plan aims to contribute to the greater sense of community and neighbourliness.
- 1.2 I have made a number of recommendations in this report in order to make the wording of the policies and their application clearer and to ensure that they meet the Basic Conditions. Section 7 of the report sets out a schedule of the recommended modifications.
- 1.3 The main recommendations concern:
- Introducing a new section on sustainable development;
 - Improving the wording of the housing policies to set out where new housing is to be delivered and the provisions for the Ford Riding School site;
 - Introducing a new policy on the provision of surface water drainage to deliver the relevant objective;
 - Amalgamating Policies MW2 and MW11 on Green Space;
 - Improving the clarity of the wording of several policies so that they can be interpreted consistently by decision makers; and
 - Deleting those aspects of the parking policy that are properly matters of parking enforcement.
- 1.4 Subject to these modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that the Marton West Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum.

2.0 Introduction

- 2.1 Neighbourhood planning is a relatively new process introduced by the Localism Act 2011 which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to develop a vision to steer the planning of the future of the parish, to prepare the policies and allocate land for development which will be used in the determination of planning applications in the parish.
- 2.2 Neighbourhood development plans that are in general conformity with the strategic policies of the local development plan for the local area (and which together form the local development plan), and have appropriate regard to national policy, have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
- 2.3 Neighbourhood Plans are developed by local people in the localities they understand and as a result each plan will have its own character. I have been appointed to examine whether the submitted Neighbourhood Plan meets the basic conditions and the other statutory requirements. It is not within my role to re-write a plan to conform to a standard approach or terminology. Indeed it is important that Neighbourhood Plans are a reflection of aspirations of the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
- 2.4 A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with particular land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.

Legislative Background

- 2.5 This report sets out the findings of the independent examination into the Marton West Neighbourhood Plan. The report makes recommendations to Middlesbrough Council including a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum. Middlesbrough Council will decide what action to take in response to the recommendations in this report.
- 2.6 I have been appointed by the Middlesbrough Council with the consent of Marton West Neighbourhood Forum, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Neighbourhood Forum and Middlesbrough Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience.

- 2.7 As independent examiner I am required to produce this report and must recommend either:
- that the Neighbourhood Plan is submitted to a referendum, or
 - that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
 - that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.
- 2.8 I make my recommendation in this respect and in respect to any extension to the referendum area, in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings
- 2.9 I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
- (a) the policies of the Neighbourhood Plan relate to the development and use of land for a designated neighbourhood area;
 - (b) the Neighbourhood Plan meets the requirements to: specify the period to which it has effect; not include provision about excluded development; and not relate to more than one neighbourhood area;
 - (c) the Neighbourhood Plan has been prepared for an area that has been properly designated for such plan preparation; and
 - (d) the Neighbourhood Plan has been prepared and submitted for examination by a qualifying body.
- 2.10 I am satisfied that the Neighbourhood Plan includes policies that relate to the development and use of land and does not include provision for any excluded development.
- 2.11 The Basic Conditions statement confirms that the Marton West Neighbourhood Plan area and the Marton West Neighbourhood Plan Forum were formally approved and designated by Middlesbrough Council on 18 June 2013. The Neighbourhood Plan area is co-terminus with the pre 2014 ward boundaries of Marton West ward. Paragraph 4 and Appendix 1 of the Basic Conditions Statement sets out the confirmation of designation letter. Paragraph 13 of the Basic Conditions statement states that the Plan does not relate to more than one neighbourhood area and that there are no other Neighbourhood Plans relating to that area.
- 2.12 Paragraph 13 of the Basic Conditions Statement states that the lifespan of the Neighbourhood Plan will be to 2029. However, the Plan itself does not make reference to the time period. It is recommended that it be shown on the front cover and in paragraph 5 of the introduction.

Recommendation 1: show the time period of the plan (2016 – 2029) on the front cover and in paragraph 5 of the introduction.

- 2.13 The neighbourhood plan making process has been led by Marton West Neighbourhood Forum which is a “qualifying body” under the Neighbourhood Planning legislation which entitles them to lead the plan making process. The Plan was prepared by the Neighbourhood Plan Steering Group.

Conformity with Basic Conditions and EU obligations

- 2.14 An Independent Examiner must consider whether a neighbourhood plan meets the “Basic Conditions”. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- The following prescribed condition relating to Neighbourhood Plans are met:
 - Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out a further basic condition in addition to those set out in the primary legislation. That the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended)).

- 2.15 I am satisfied that subject to the modification proposed, the Neighbourhood Plan has been prepared in accordance with the requirements set out in paragraph 2.14 above.

- 2.16 The role of an independent examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans. It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan. I have been appointed to examine whether the submitted Neighbourhood Plan meets the basic conditions and Convention rights, and the other statutory requirements.

- 2.17 I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the basic conditions and the other requirements I have identified.

Policy Background

- 2.18 The first basic condition is for the neighbourhood plan “to have regard to national policies and advice contained in guidance issued by the Secretary of State”. The requirement to determine whether it is appropriate that the plan is made includes the words “having regard to”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans which requires plans to be “consistent with national policy”.
- 2.19 Lord Goldsmith has provided guidance that ‘have regard to’ means “such matters should be considered.” The Guidance assists in understanding “appropriate”. In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “must not constrain the delivery of important national policy objectives.”
- 2.20 The National Planning Policy Framework 2012 (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied. The Planning Practice Guidance provides Government guidance on planning policy.
- 2.21 The third basic condition is for the neighbourhood plan to be in general conformity with the strategic policies contained in the Development Plan for the area. The Development Plan covering the neighbourhood plan area is the Middlesbrough Local Development Framework consisting of the Core Strategy (adopted 2008), the Regeneration DPD (adopted 2009) and the Housing Local Plan (adopted 2014).
- 2.22 The Basic Conditions Statement sets out an assessment of each policy to demonstrate how it has had regard to national policy and that it is in general conformity with the local strategic policies of the adopted Local Plan.
- 2.23 I have considered the Neighbourhood Plan as a whole and the policies against the NPPF and PPG and the adopted strategic policies. Where appropriate I have highlighted relevant policies and guidance when considering each policy of the Neighbourhood Plan. I have also considered the Basic Conditions Statement submitted alongside the Neighbourhood Plan.

EU obligations and human rights requirements

- 2.24 A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive, the Environmental Impact Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.

- 2.25 A Screening Opinion for the Strategic Environmental Assessment was undertaken on the draft Neighbourhood Plan which included consideration of the need for an assessment under the Habitats Directive. The SEA screening report was included in the Appendix 4 of the Basic Conditions Statement which was published for consultation alongside the submission draft Neighbourhood Plan and was consulted on from 15 January to 25 February 2016. Responses were received from Natural England, Environment Agency and Historic England. Whilst the environmental bodies have not expressly confirmed that the screening set out in Appendix 4 is satisfactory, they have not raised any concerns about the impact of the Neighbourhood Plan on environmental matters. The screening report concluded that as no significant adverse effects on the environment had been identified and no development would be proposed directly through the Neighbourhood Plan, a full SEA was not required.
- 2.26 Natural England has commented to say that they do not consider that the neighbourhood plan poses any likely significant risk to internationally or nationally designated nature conservation sites. As a consequence they have not made any specific comments on the plan. As there are no internationally designated nature conservation sites within or near Marton West it was concluded that an appropriate assessment under the Habitats Regulations was not required.
- 2.27 The Basic Conditions statement states that it is considered that the Neighbourhood Plan has had regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. Paragraph 24 of the Neighbourhood Plan states that one of the aims of the Plan is “to ensure that all residents of Marton West can live, work and play in a community without any prejudice in terms of race, gender, sexual orientation, age, disability, ethnic origin or religion”.
- 2.28 I consider that the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements and therefore satisfies that Basic Condition.

Contributes to sustainable development

- 2.29 Neither the Neighbourhood Plan nor the Basic Conditions Statement consider how the Neighbourhood Plan contributes towards delivering sustainable development. The Qualifying Body has provided me with a statement to explain how the Neighbourhood Plan will contribute to the achievement of economic, social and environmental aspects of sustainable development. It is recommended that this statement be included in the Neighbourhood Plan before the section on Vision and Objectives to explain how the neighbourhood plan will deliver sustainable development.

Recommendation 2: include the following text as a new section before the Vision and Objectives

Sustainable Development

The Marton West Neighbourhood Plan will contribute to achieving the economic, social and environmental aspects of sustainable development by:-

- ***contributing to a strong and competitive economy by supporting the incremental changes that will sustain and enhance Marton West as a place to live, and maintain its economic viability and vitality;***
- ***planning positively for housing growth to meet the needs of present and future generations and to ensure that any development in and around Marton West is supported by additional infrastructure, where necessary, in order to make it more sustainable;***
- ***supporting the provision of a mix of housing types and sizes that can meet the needs of a wide range of people, especially older households and thereby promoting a healthy and inclusive community;***
- ***supporting new development where it relates well to the local area and which helps provide good connectivity with the rest of the town and encourages the use of sustainable transport;***
- ***promoting policies to protect and enhance open space and biodiversity, which contribute to the sense of community and quality of life in the area; and***
- ***promoting policies which encourage the use of sustainable transport, to contribute to the health and well-being of the community.***

2.30 I am satisfied that, subject to the modifications proposed, the Marton West Neighbourhood Plan will support the delivery of sustainable development and help to meet the social and economic development needs of the parish within the environmental context of the area.

The Neighbourhood Plan Preparation

2.31 I am required under the Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.

2.32 The Consultation Statement sets out an overview of the consultation process. The preparation of the Neighbourhood Plan commenced in June 2013 with a questionnaire survey to all households (over 2400) and businesses in the area. Publicity for the survey and commencement of the preparation of the Neighbourhood Plan was through posters, a website and ward meetings.

2.33 Consultation on the submission draft plan ran from 15 January to 25 February 2015. A letter was delivered to all households in the area to inform them of the consultation. Statutory consultees were notified. Publicity was also given through the Community Council website and the Group's Facebook page. This resulted in 6 responses making comments on the plan from statutory consultees and 13 responses from members of the public in support of the plan.

- 2.34 A comprehensive summary of the issues raised at each stage of consultation and the action taken to address them as appropriate is included in the Consultation Statement.
- 2.35 I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulations 14 and 15 in The Neighbourhood Planning (General) Regulations 2012.

The Examination Process

- 2.36 The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or so that a person has a fair chance to put a case.
- 2.37 I had before me background evidence which have assisted me in understanding the background to the matters raised in the Neighbourhood Plan.
- 2.38 I have considered the Basic Conditions Statement and the Consultation Statement. In my assessment of each policy I have commented on how the policy has had regard to national policies and advice and whether the policy is in general conformity with relevant strategic Local Plan policies.
- 2.39 This report is the outcome of my examination of the Submission Draft Version of the Marton West Neighbourhood Plan dated 10/1/2015. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions. My report makes recommendations based on my findings on whether the Plan meets the Basic Conditions and provided the Plan is modified as recommended, I am satisfied that it is appropriate for the Neighbourhood Plan to be made. If the plan receives the support of over 50% of those voting then the Plan will be made following approval by Middlesbrough Council.
- 2.40 If recommending that the Neighbourhood Plan is submitted to referendum my report must also recommend whether the area for the referendum should extend beyond the neighbourhood area to which the Neighbourhood Plan relates, and if to be extended, the nature of that extension. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.
- 2.41 I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the basic conditions and the other requirements I have identified.

3.0 Neighbourhood Plan – As a whole

- 3.1 Where modifications are recommended, they are highlighted in bold print, with any proposed new wording in italics.
- 3.2 In considering the policies contained in the Plan, I have been mindful of the guidance in the Planning Practice Guide (PPG) that:
- “Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like.”*
- 3.3 In order to ensure that a Neighbourhood Plan can be an effective tool for the decision maker, the PPG advises that
- “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”*
- 3.4 NPPF paragraph 183 states that parishes can use neighbourhood planning to set planning policies through neighbourhood plans to determine decisions on planning applications. The Planning Practice Guidance on Neighbourhood Plans states that neighbourhood plans should “support the strategic development needs set out in the Local Plan” and further states that the neighbourhood plan must address the development and use of land by setting planning policies to be used in determining planning applications because once the plan is made it will become part of the statutory development plan”.
- 3.5 The Basic Conditions require that the examiner considers whether the plan as a whole has had regard to national policies and advice contained in guidance issued by the Secretary of State and whether it is in general conformity with the strategic local policies.
- 3.6 Before considering the policies individually, I have considered whether the plan as a whole has had regard to national and local strategic planning policies. The plan provides for the future development of the area, promotes good quality design in new development, safeguards the environment and accessibility. The plan supports the strategic development needs set out in the Local Plan and does not place blanket restrictions on new development in the area. It is considered therefore that the plan as a whole has had regard to national policies and advice contained in guidance issued by the Secretary of State and is in general conformity with the strategic local policies.
- 3.7 The Marton West Neighbourhood Plan includes a map showing the boundary of the neighbourhood plan area and maps showing the historical development

of the various estates. However the various sites referred to under the policies and their boundaries are not identified on maps.

Recommendation 3: Include map(s) in the plan to clearly identify the boundaries of the sites referred to in Policies MW2, MW3, MW5 and MW12 to ensure that the policies can be interpreted correctly.

Historical Context

- 3.8 The plan includes a section outlining the historical context for the area. Historic England has made a representation that this section could be improved by including reference to the designated heritage assets at Gunnersgate Farm and Bonny Grove Farm and by recognising the contribution they make to local distinctness. Historic England also suggested that the evidence base be extended to include documents relating to the heritage of the area. It is considered that this would improve the understanding of the historical context of the area.

Recommendation 4:

Include a section in the historical context on the designated heritage assets in the plan area. Add relevant documents to the background evidence.

The Neighbourhood Plan's Vision for Marton West

- 3.9 The Neighbourhood Plan opens with a summary of the historical development of the ward and key facts about its demography. The ward has been divided into three sections for consideration in the Plan: North of Gunnersgate Lane, McInnes Estate and Eagle Park. The areas are clearly shown on a map.

- 3.10 The Neighbourhood Plan includes a section entitled Vision. Paragraph 21 sets out a succinct vision statement:

“To maintain Marton West with the same Ethos and Character that currently exists, but to welcome incremental changes that will sustain and enhance its facilities and contribute to a greater sense of community and neighbourliness.”

- 3.11 Policy MW1 is headed “Vision for Marton West”. This policy lists each of the three sub-areas of the plan and sets out aims for each. However, these aims are the same for each:

- to maintain and protect the existing characteristics of the named estate,
- to encourage new housing to be low density and
- to promote a safe highway network within the area.

- 3.12 The only exception is the Eagle Park area which includes a further aim of protecting and enhancing Bonny Grove Park and Sudbury Pond. The role of this policy is unclear. It is recommended that it be reframed as aims for the sub-areas of the plan and not as a policy, as agreed with the Qualifying Body.

Recommendation 5: Revise Policy MW1 as follows:

Delete the heading MW1: Vision for Marton West and renumber subsequent policies.

Reformat the policy into aims for the sub-areas by revising the first sentence to read “*The aims for the sub-areas of Marton West are:*”

Revise the second and ninth bullets points to read “Encourage any new housing to be *of a density similar to the density of the existing nearby housing*”.

Revise the fifth bullet point to read “Encourage any new housing to *reflect the character of the estate by being of a density similar to the density of the existing nearby housing and primarily of bungalows*”.

Objectives

- 3.13 Six objectives are listed in the plan. Four relate to housing development, housing mix, design, surface water and sewerage provision. Objectives (e) and (f) cover high speed fibre optic broadband connectivity and the maintenance of infrastructure to a high standard. These two matters are not addressed in policies in the plan and the latter is in any case considered to be not an appropriate matter for a land use planning policy in a neighbourhood development plan. It is therefore recommended that they be deleted.
- 3.14 Objective b) refers to the mix of housing on the allocated Ford Riding School site including a predominance of bungalows. To ensure consistency with the recommended modifications to Policy MW5, it is recommended that objective b) be revised to delete reference to the “predominance” of bungalows.

Recommendation 6: Revise the objectives as follows:

**Delete “a predominance of” from objective b).
Delete objectives e) and f).**

- 3.15 Northumbrian Water has made a representation in support of objective d) “to ensure that the effectiveness of the surface water and sewage provisions are fit for purpose and are up-graded commensurate with any increase in demand”. A representation has been made expressing concern that this objective has not been translated into a meaningful policy in the plan. A recommended form of wording has been proposed by Northumbrian Water for a policy to be included in the neighbourhood plan.
- 3.16 I have considered all the policies of the neighbourhood plan and agree with the comments of Northumbrian Water that there is no explicit policy statement that will deliver this objective. Policy MW4 point (b) is the only reference that may be drawn on: it requires the consideration of the ability of existing infrastructure to meet the increased demand from the development.

Paragraphs 29 and 30 highlight the importance of ensuring the provision of adequate surface water mitigation and avoiding pollution pressures on Marton West Beck.

- 3.17 Policy CS4 of the Middlesbrough Core Strategy includes point (m) which seeks to ensure that “inappropriate development is not carried out in the floodplain and that sustainable methods of surface drainage are used. This should include the incorporation of Sustainable Drainage Systems in new developments to mitigate against localised flooding, promote water conservation and help protect water quality”.
- 3.18 The objectives set out the focus to steer the direction of the plan and form the starting point for the development of the policies. A plan should be able to demonstrate clear linkages between the objectives and the policies. It is acknowledged that Policy CS4 sets out the strategic policy that would require developers in the plan area to make provision for adequate surface water and sewerage measures. However it would be helpful if the plan could include a locally specific policy in order to translate objective d) into a policy. The issue has been raised with Qualifying Body who have proposed the following policy wording and background text which is considered to be in general conformity with Policy CS4. I recommend that, subject to consultation on the policy with Northumbrian Water, it should be included in the plan before the section on transport.

Recommendation 7: Add the following text and policy before the transport section:

“Surface Water Drainage

“Marton West does not currently have a significant problem with flooding. In order not to exacerbate any potential impacts from new development, proposals should aim to reduce the overall level of flood risk in the area and beyond through the layout and form of the development, and the appropriate application of sustainable drainage techniques.

“Policy MW8: Design to Reduce Surface Water Run Off

“New development within Marton West should be designed to maximise the retention of surface water on the development site and to minimise run-off. Sustainable Drainage Systems (SuDS) should be implemented wherever possible.”

4.0 Neighbourhood Plan – The Policies

Policy MW2 Parks and Green Space

- 4.1 This policy seek to safeguard and enhance open spaces within the plan area.

- 4.2 The Environment Agency has commented that they support this policy and Policy MW11 to support and/or enhance green areas of amenity. Particular support is given to the protection of Bonny Grove Park, Sudbury Pond and Fairy Dell.
- 4.3 It is considered that the policy is in general conformity with Middlesbrough Core Strategy Policy CS20 on Green Infrastructure which states that the Council will work with partners to ensure the successful creation of an integrated network of green infrastructure. This will be delivered through a planned network of multifunctional green space and inter-connecting links which are designed, developed, and managed to meet the environmental, social, and economic needs of communities. No modifications are proposed to this policy other than those recommended under Policy MW11.

Policy MW3 Housing Allocations

- 4.4 Policy MW3 supports the limited growth of Marton West in accordance with the housing allocations set out in the Middlesbrough Housing Local Plan. Sites are allocated in the Middlesbrough Housing Local Plan Policy H30 for a maximum of 50 houses at Ford Riding School. Two sites were allocated under Policy H31 within Marton West: the site at Longridge for 79 dwellings which is now complete and a small part of the Grey Towers Farm site. The development at the latter site has commenced. Policy MW4 also makes provision for small unallocated housing sites. The recommendation is made to improve the clarity of the policy.

Recommendation 8: Revise Policy MW3 to read:

“To support the sustainable growth of Marton West, housing development shall be carried out on sites allocated in the Middlesbrough Housing Local Plan in Policies H30 and H31 and on small unallocated windfall sites.”

Revise the first sentence of paragraph 28 to read:

“Housing sites are allocated in the Middlesbrough Housing Local Plan at Ford Riding School for a maximum of 50 high quality executive homes and at Longridge for 79 dwellings (which is largely complete). A small part of the Grey Towers Farm site lies within the plan area; development has commenced on this site.”

Revise the second sentence of paragraph 28 to read: “...should support sustainable growth.....”

Policy MW4 Small Unallocated Sites

- 4.5 Policy MW4 sets out 5 criteria to consider proposals for housing development on unallocated windfall sites.
- 4.6 Policy H1 of the Middlesbrough Housing Local Plan requires that “windfall developments will need to be sited within the urban area where they are

accessible to the community they serve and satisfy the requirements for sustainable development as contained in policy CS4. Such proposals should also demonstrate how they would contribute to achieving the spatial vision and objectives identified in this plan”. Policy CS4 sets out a number of factors that are to be taken into account in supporting sustainable development. It is considered that Policy MW4 is in general conformity with strategic local policies.

4.7 It is however, considered that criteria b), c) and e) are unclear and restrictive.

- Criterion b) refers to the “ability of the established infrastructure to meet increased demands arising from the development”. It is considered that this criteria is restrictive and fails to recognise that infrastructure may be improved to cope with the demands arising from new development.
- Criterion c) refers to any proposal having “no effect on existing amenity green space”. It is considered that this is unclear and restrictive. It is recommended that it be revised to make it explicit that it is the loss of the open space that is to be considered and how the provision of alternative open space is to be considered.
- Criterion e) refers to the site not impacting “on the already congested road infrastructure”. This appears to assume that the highway network is at a state of congestion and would not be able to accommodate any additional traffic. It is recommended that the criterion should be reworded so that the impact of the traffic arising from the development is assessed.

Recommendation 9: Revise Policy MW4 as follows:

b) the capacity of the existing infrastructure, and the potential to improve it, to meet the increased demands likely to result from the development;

c) the development should not result in the loss of existing amenity open space unless it is replaced by open space of a similar or improved area and quality within the development;

e) the development would not have an unacceptable adverse impact on the local highway network.

Policy MW5: Land at Ford Riding School, Brass Castle Lane

4.8 Policy MW5 supports proposals for a high quality residential development on the site. It seeks a proportion of developer contributions towards local traffic calming and the enhancement of local open space. Local Plan Policy H30 allocates the site for a high quality executive residential development to provide a maximum of 50 dwellings. It specifies various matters to be included as part of the development. However the policy does not specify the enhancement of local open space.

4.9 The improvement of green space is a matter that is in general conformity with local strategic policy. It is considered that the contributions towards improving

local open space is a reasonable matter to be included in developer contributions. All matters will be subject to negotiation and the amount of contribution for the additional requirement will be subject to the consideration of the viability and deliverability of the development.

- 4.10 Middlesbrough Council has commented that it is unclear at this stage whether this additional contribution would affect the viability and deliverability of the site. This would largely depend on the scheme and the proposed number of dwellings.
- 4.11 The final sentence of paragraph 31 states that the plan is seeking the majority of the developer contribution to go towards local traffic calming measures and a contribution to the upkeep of local open spaces. However Policy MW5 is worded differently and could therefore be confusing to future developers and decision makers. A recommendation is made to clarify the final sentence of paragraph 31.
- 4.12 The Environment Agency has commented that they recommend that environmental infrastructure such as habitat enhancement, water storage areas and green space, is taken into account when looking to fund local infrastructure.
- 4.13 Paragraph 31 sets out the background to the policy and includes the suggestion that at least 40% of the development should be built as bungalows to help offset the shortfall of this type of accommodation in south Middlesbrough.
- 4.14 The 2012 Strategic Market Housing Assessment identifies that there is a deficit of bungalows in south Middlesbrough. It also highlights the need for larger detached properties in the area. The Neighbourhood Plan has put forward the figure of 40% of the development at Ford Riding School being bungalows to redress the shortfall. However no evidence has been presented as to how this figure may affect the viability and deliverability of the site if this figure were made a requirement.
- 4.15 The Local Plan policy requirement for the site is for executive housing, however, there is no strategic policy reason to prevent a proportion of the housing being developed as bungalows.
- 4.16 It is recommended that Policy MW5 be revised to highlight the local need for bungalows and the suitability of the site for this type of housing. Paragraph 31 should also be revised to acknowledge that the figure of 40% is an aspiration and that the proportion of bungalows on the site will be a matter to be considered in the context of the overall deliverability of the development.

Recommendation 10: Revise Policy MW5 as follows:

“Proposals for a high quality residential development at Ford Riding School will be supported where an element of the dwellings provided should be bungalows. Subject to negotiation, a proportion of the

developer contributions should be made towards traffic calming measures within the vicinity and a donation made for the upkeep of Bonny Grove Park, Sudbury Pond and Fairy Dell.”

Revise paragraph 31 by adding the following after the second sentence:

“It is acknowledged that the figure of 40% is an aspiration and that the proportion of bungalows on the site will be a matter to be considered in the context of the overall deliverability of the development.”

Revise the final sentence of paragraph 31 to read

“As Section 106 Agreements are negotiable a proportion of the developer contribution could go towards local traffic calming measures within the vicinity and a donation made for the upkeep of Bonny Grove Park, Sudbury Pond and Fairy Dell.”

Policy MW6: Built Environment

- 4.17 Policy MW6 sets out design factors to be taken into account in the design of extensions and other residential modifications. The policy also includes criteria on street furniture and advertising boards.
- 4.18 Middlesbrough Urban Design Supplementary Planning Guidance sets out advice on advertisement displays which will also have to be satisfied. It would be helpful for decision makers to include reference to this in the policy to ensure that all matters are considered.
- 4.19 Subject to the modifications, it is considered that the policy has had regard to national planning guidance and is in general conformity with Core Strategy Policy CS5. Revisions are proposed to improve the clarity of the policy in accordance with NPPF guidance.

Recommendation 11: Revise Policy MW6 as follows:

Revise the first sentence to read: “*Alterations and extensions to residential property should*”

Add “and” at the end of point (f).

Add a sub-heading before point h) “Public realm improvements and advertisement boards”

Revise point h) to read “*Improvements to the public realm should ensure that street furniture is of a high standard.*”

Revise point i) to read “*Advertising boards should not be located on footways where this will cause an obstruction for partially sighted.....and they should be displayed in accordance with the Middlesbrough Urban Design Supplementary Planning Guidance.*”

Policy MW7: Design

- 4.20 Policy MW7 sets out four factors to be considered in the design of new development. Reference is made to the Core Strategy Design Policy CS5 and Middlesbrough Council's Urban Design SPD.
- 4.21 Historic England has commented that it would helpful to identify the key characteristics of the local vernacular to provide greater clarity over the detailed design requirements. It is considered that whilst this may be a helpful addition to the background text, there is no requirement that the policy include this material.
- 4.22 Natural England has commented that neighbourhood plans may provide opportunities to enhance the character and local distinctiveness of the natural environment, use resources more sustainably and bring benefits to the local community for example through provision or enhancement of green space. A suggestion is made that there may be scope to encourage opportunities for enhancing wildlife such as through the incorporation of bat roosts or bird boxes in new development. Revisions to the policy to provide for improvements to the natural environment would support advice in NPPF paragraph 118 that opportunities to support biodiversity in and around new development should be encouraged. It is recommended that consideration of the inclusion of a criterion to this effect may be helpful.
- 4.23 A representation has been made suggesting that point d) be revised to read: "be resisted if *the development* would have...."
- 4.24 It is considered that the policy is in general conformity with Policy CS5. Revisions are proposed to improve the clarity of the policy in accordance with NPPF guidance.

Recommendation 12: Revise Policy MW7 as follows:

Revise the first sentence to read: "New development in Marton West should be designed to:"

Revise point d) to read "not have an overbearing or detrimental impact on the privacyproperties."

Add a new criterion e): "provide opportunities to enhance wildlife within and around the development". Add text to the background to the policy to explain how this may be delivered.

Policy MW8: Backland Development

- 4.25 Policy MW8 sets out factors to be considered in the development of backland plots and tandem development.
- 4.26 Revisions are proposed to improve the clarity of the policy in accordance with NPPF guidance and to ensure that it can be applied consistently by decision makers.

- 4.27 Subject to the modifications, it is considered that the policy has had regard to national planning guidance and is in general conformity with Core Strategy Policy CS5.

Recommendation 13: Revise Policy MW8 as follows:

Revise point b) to read: “An acceptable standard of residential amenity can be provided for the new dwelling and its development would not have an unacceptable adverse impact on the amenity of adjacent dwellings”.

Revise point c) to read: “An adequate open area can be provided within the curtilage of the new and existing dwellings commensurate with area; and

Policy MW9: Public Transport

- 4.28 Policy MW9 supports initiatives for the improvement of public transport provision in the area.
- 4.29 It is considered that the policy has had regard to national planning guidance and is in general conformity with Core Strategy Policy CS17. No modifications are proposed.

Policy MW10: Parking

- 4.30 The background to Policy MW10 highlights concerns that have been experienced with parking on footways and verges. The policy includes a statement that “vehicles should be parked off road wherever possible” and criterion c) states that “inconsiderate parking on footways and grass verges should be avoided”.
- 4.31 NPPG states that policies in the Neighbourhood Plan must address the development and use of land. It is therefore considered to be not appropriate to include matters about car parking enforcement in neighbourhood plan policies.
- 4.32 The Council has commented that point b) does not accord with Tees Valley Design Guide & Specification – Residential and Industrial Estates Development.
- 4.33 To ensure that Policy MW10 has regard to national policy and local policy and guidance on parking, it is recommended that Policy MW10 be revised so that it refers to the requirements for parking provision for new development.

Recommendation 14: Revise Policy MW10 to read:

“Adequate off road parking provision shall be provided within new developments in accordance with the Council’s parking standards. Particular attention should be given to extensions to dwellings which entail modifications to driveways or the loss of garage space.”

Delete points b) and c)

Policy MW11 Green Space

- 4.34 Policy MW11 is the second green space policy in the plan. The policy seeks to safeguard the limited amount of green space in the plan area by resisting applications that would result in the loss of green space, mature trees and landscaping that make a positive contribution to the character of the area and local amenity.
- 4.35 It is considered that the policy has had regard to national guidance on green space and is in general conformity with Core Strategy Policy CS20 which states that “the loss of green space that contributes to the achievement of an integrated network of green infrastructure will be resisted”.
- 4.36 In the interests of clarity and succinctness, it is recommended that the text of Policy MW11 be added to Policy MW2.

Recommendation 15:

Delete Policy MW11 and place the text as a second paragraph in Policy MW2. Include paragraph 41 in the background to Policy MW2.

Policy MW12 Lingfield Primary School Parking

- 4.37 Policy MW12 seeks to improve parking and traffic calming around Lingfield Primary School through developer contributions.
- 4.38 It is considered that the policy has had regard to national guidance on road safety and is in general conformity with Core Strategy Policy CS19 on road safety.
- 4.39 It is recommended that the term “road calming” is amended to the usual term “traffic calming”. The final sentence of the policy that “the road infrastructure surrounding the school cannot accommodate any further traffic at school times” is considered to be a reason for the policy and should be placed in the background text rather than the policy.

Recommendation 16: Revise Policy MW12 as follows:

Revise the first sentence to refer to “traffic calming”. Delete the second sentence and move it to the background text.

5.0 Referendum

- 5.1 The Marton West Neighbourhood Plan reflects the views held by the community as demonstrated through the consultations and, subject to the modifications proposed, sets out a realistic and achievable vision to support the future improvement of community.
- 5.2 I am satisfied that the Neighbourhood Plan meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified, meets the basic conditions namely:
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contributes to the achievement of sustainable development;
 - is in general conformity with the strategic policies contained in the Development Plan for the area;
 - does not breach, and is otherwise compatible with, EU obligations and human rights requirements
- 5.3 **I am pleased to recommend to Middlesbrough Council that the Marton West Neighbourhood Plan should, subject to the modifications I have put forward, proceed to referendum.**
- 5.4 I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. In all the matters I have considered I have not seen anything that suggests the referendum area should be extended beyond the boundaries of the plan area as they are currently defined. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area defined by the Middlesbrough Council on 7 March 2013.

6.0 Background Documents

6.1 In undertaking this examination, I have considered the following documents

- Marton West Neighbourhood Plan Submission Draft Version 10/1/2015
- Marton West Neighbourhood Plan Basic Conditions Statement including Marton West Neighbourhood Plan SEA and HRA screening report
- Marton West Neighbourhood Plan Statement of Public Consultation
- National Planning Policy Framework March 2012
- Planning Practice Guidance March 2014 (as amended)
- The Town and Country Planning Act 1990 (as amended)
- The Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- Middlesbrough LDF Core Strategy 2008
- Middlesbrough Regeneration DPD 2009
- Middlesbrough Housing Local Plan 2014
- Middlesbrough Urban Design Guidance SPD
- Tees Valley Design Guide & Specification Residential and Industrial Estates Development

7.0 Summary of Recommendations

Recommendation 1: show the time period of the plan (2016 – 2029) on the front cover and in paragraph 5 of the introduction.

Recommendation 2: include the following text as a new section before the Vision and Objectives

Sustainable Development

The Marton West Neighbourhood Plan will contribute to achieving the economic, social and environmental aspects of sustainable development by:-

- *contributing to a strong and competitive economy by supporting the incremental changes that will sustain and enhance Marton West as a place to live, and maintain its economic viability and vitality;*
- *planning positively for housing growth to meet the needs of present and future generations and to ensure that any development in and around Marton West is supported by additional infrastructure, where necessary, in order to make it more sustainable;*
- *supporting the provision of a mix of housing types and sizes that can meet the needs of a wide range of people, especially older households and thereby promoting a healthy and inclusive community;*
- *supporting new development where it relates well to the local area and which helps provide good connectivity with the rest of the town and encourages the use of sustainable transport;*
- *promoting policies to protect and enhance open space and biodiversity, which contribute to the sense of community and quality of life in the area; and*
- *promoting policies which encourage the use of sustainable transport, to contribute to the health and well-being of the community.*

Recommendation 3: Include map(s) in the plan to clearly identify the boundaries of the sites referred to in Policies MW2, MW3, MW5 and MW12 to ensure that the policies can be interpreted correctly.

Recommendation 4:

Include a section in the historical context on the designated heritage assets in the plan area. Add relevant documents to the background evidence.

Recommendation 5: Revise Policy MW1 as follows:

Delete the heading MW1: Vision for Marton West and renumber subsequent policies.

Reformat the policy into aims for the sub-areas by revising the first sentence to read *“The aims for the sub-areas of Marton West are:”*

Revise the second and ninth bullets points to read *“Encourage any new housing to be of a density similar to the density of the existing nearby housing”*.

Revise the fifth bullet point to read *“Encourage any new housing to reflect the character of the estate by being of a density similar to the density of the existing nearby housing and primarily of bungalows”*.

Recommendation 6: Revise the objectives as follows:

Delete *“a predominance of”* from objective b).

Delete objectives e) and f).

Recommendation 7: Add the following text and policy before the transport section:

“Surface Water Drainage

“Marton West does not currently have a significant problem with flooding. In order not to exacerbate any potential impacts from new development, proposals should aim to reduce the overall level of flood risk in the area and beyond through the layout and form of the development, and the appropriate application of sustainable drainage techniques.

“Policy MW8: Design to Reduce Surface Water Run Off

“New development within Marton West should be designed to maximise the retention of surface water on the development site and to minimise run-off. Sustainable Drainage Systems (SuDS) should be implemented wherever possible.”

Recommendation 8: Revise Policy MW3 to read:

“To support the sustainable growth of Marton West, housing development shall be carried out on sites allocated in the Middlesbrough Housing Local Plan in Policies H30 and H31 and on small unallocated windfall sites.”

Revise the first sentence of paragraph 28 to read:

“Housing sites are allocated in the Middlesbrough Housing Local Plan at Ford Riding School for a maximum of 50 high quality executive homes and at Longridge for 79 dwellings (which is largely complete). A small part of the Grey Towers Farm site lies within the plan area; development has commenced on this site.”

Revise the second sentence of paragraph 28 to read: *“...should support sustainable growth....”*

Recommendation 9: Revise Policy MW4 as follows:

- b) the capacity of the existing infrastructure, and the potential to improve it, to meet the increased demands likely to result from the development;***
- c) the development should not result in the loss of existing amenity open space unless it is replaced by open space of a similar or improved area and quality within the development;***
- e) the development would not have an unacceptable adverse impact on the local highway network.***

Recommendation 10: Revise Policy MW5 as follows:

“Proposals for a high quality residential development at Ford Riding School will be supported where an element of the dwellings provided should be bungalows. Subject to negotiation, a proportion of the developer contributions should be made towards traffic calming measures within the vicinity and a donation made for the upkeep of Bonny Grove Park, Sudbury Pond and Fairy Dell.”

Revise paragraph 31 by adding the following after the second sentence:

“It is acknowledged that the figure of 40% is an aspiration and that the proportion of bungalows on the site will be a matter to be considered in the context of the overall deliverability of the development.”

Revise the final sentence of paragraph 31 to read

“As Section 106 Agreements are negotiable a proportion of the developer contribution could go towards local traffic calming measures within the vicinity and a donation made for the upkeep of Bonny Grove Park, Sudbury Pond and Fairy Dell.”

Recommendation 11: Revise Policy MW6 as follows:

Revise the first sentence to read: ***“Alterations and extensions to residential property should***

Add “and” at the end of point (f).

Add a sub-heading before point h) ***“Public realm improvements and advertisement boards”***

Revise point h) to read ***“Improvements to the public realm should ensure that street furniture is of a high standard.”***

Revise point i) to read ***“Advertising boards should not be located on footways where this will cause an obstruction for partially***

sighted.....*and they should be displayed in accordance with the Middlesbrough Urban Design Supplementary Planning Guidance.*"

Recommendation 12: Revise Policy MW7 as follows:

Revise the first sentence to read: "New development in Marton West should be designed to:"

Revise point d) to read "*not have an overbearing or detrimental impact on the privacyproperties.*"

Add a new criterion e): "*provide opportunities to enhance wildlife within and around the development*". Add text to the background to the policy to explain how this may be delivered.

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Revise point c) to read: "*An adequate open area can be provided within the curtilage of the new and existing dwellings commensurate with area; and*

Recommendation 14: Revise Policy MW10 to read:

"Adequate off road parking provision shall be provided within new developments in accordance with the Council's parking standards. Particular attention should be given to extensions to dwellings which entail modifications to driveways or the loss of garage space."

Delete points b) and c)

Recommendation 15:

Delete Policy MW11 and place the text as a second paragraph in Policy MW2. Include paragraph 41 in the background to Policy MW2.

Recommendation 16: Revise Policy MW12 as follows:

Revise the first sentence to refer to "traffic calming". Delete the second sentence and move it to the background text.