



*Cabinet Date:*  
2<sup>nd</sup> November 2020

## **Application by Clive Parish Council for Clive Parish to be considered as a Neighbourhood Area**

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### **1. Summary**

- 1.1 This report seeks approval for the application by Clive Parish Council for the Parish area of Clive to be considered as a Neighbourhood Area for the purposes of preparing a Neighbourhood Plan. (application attached as Appendix A, proposed area map as Appendix B).
- 1.2 Clive Parish Council made the application to Shropshire Council in June 2020 under the provisions of the Town and Country Planning Act 1990. In line with regulations Shropshire Council consulted on the proposed area for four weeks between 10<sup>th</sup> July to 7<sup>th</sup> August 2020. Six responses were received to this consultation, none of which objected to the principle of identifying the proposed Neighbourhood Area.
- 1.3 It is Shropshire Council's role to decide if the proposed Neighbourhood Area is an appropriate area for the purposes of preparing a Neighbourhood Plan. This consideration should take account of any views expressed through the consultation process as well as information from the Parish Council. The recommendation focusses solely on the extent of the area to be used in the preparation of the proposed Neighbourhood Plan. This recommendation does not deal with the proposed content of the Neighbourhood Plan, which are issues to be considered by Clive Parish Council in cooperation with Shropshire Council in due course.

### **2. Recommendations**

1. Cabinet agrees the proposed Neighbourhood Area identified on the map in Appendix 2, covering the Parish of Clive as an appropriate basis for the development of a Neighbourhood Plan and notifies Clive Parish Council accordingly.
2. Cabinet agrees that if the proposed Neighbourhood Area is approved, Clive Parish Council will be able to prepare a Neighbourhood Plan for that area, which will be subject to public consultation, examination and local referendum as set out in Neighbourhood Planning Regulations 2012 as amended. Assuming any subsequent local referendum is successful, Shropshire Council's full Council will then be asked to adopt the final version of the Neighbourhood Plan.

## REPORT

### 3 Risk Assessment and Opportunities Appraisal

- 3.1 The power to designate a Neighbourhood Area is exercisable under Section 61G of the Town and Country Planning Act 1990. Under Regulation 5(1) of The Neighbourhood Planning (General) Regulations 2012 an Area Application has to include a map that identifies the area to which the application relates and a statement to explain why the area is considered appropriate to be designated as a neighbourhood area and that the body is in fact a “relevant body” for the purposes of Section 61 G(2) of the Act. Clive Parish Council is a relevant body for the purposes of the Act.
- 3.2 The relevant material (Area Application and Area Map included as Appendix 1 and 2 to this report) was received by Shropshire Council in June 2020 and as required by regulation, was advertised on 10<sup>th</sup> July 2020 for a period of four weeks. In advertising this information comments were invited through the ‘Get Involved’ section of the Shropshire Council website and e-mails circulated to all statutory consultees, as well as to adjoining Parish and Town Council areas. Shropshire Council received six responses to this consultation, none of which objected to the principle of the proposed Neighbourhood Area.
- 3.3 In determining the application Shropshire Council must have regard to the desirability of designating the whole of the parish area as a Neighbourhood Area and the desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas. In the event the designation is approved, it will be published on the Council’s website. In the event a designation is refused under Section 61G (9) of the Act reasons must be given and the decision publicised in accordance with Regulation 7 of the Regulations.
- 3.4 The designation of an appropriate area for a Neighbourhood Plan is to confirm the geographic area the Plan will cover. This does not set policies to be contained in the Neighbourhood Plan, or the thematic scope of that Plan. Indeed, the designation of a Neighbourhood Plan area does not commit the Parish or Town Council to producing or completing a Neighbourhood Plan. It is, however, a first important step in the process of preparing a Neighbourhood Plan.
- 3.5 When approved, Neighbourhood Plans form part of the statutory development plan for the area. The statutory framework covering the production of neighbourhood plans is therefore quite prescriptive and there is little risk for either Shropshire Council or Clive Parish Council in following this carefully. However, it is important that a high degree of trust and cooperation between the Councils is maintained in order to reduce any risk of the inconsistency and conflict between the Neighbourhood Plan and those other parts of the Development Plan prepared by Shropshire Council.
- 3.6 The implications of Shropshire Council’s ongoing Local Plan Review is an important and ongoing consideration. The National Planning Policy Framework (NPPF) clarifies that Neighbourhood Plans must support the delivery of the strategic policies of the Local Plan. Work on the Local Plan Review is well advanced, with the Council recently consulting on a full draft version of the Plan at Regulation 18 (closing on 30<sup>th</sup> September). It is envisaged that the Council will proceed to the formal Regulation 19 stage of consultation in late 2020, having taken account of the most recent comments to the draft Plan. Within the proposed neighbourhood area the Local Plan Review identifies Clive as a Community Hub, which includes a preferred housing guideline of 30 dwellings over the plan period (2016-2038) and a proposed residential allocation at Flemley Park Farm, the High Street for around 20 dwellings. The Council is aware there has been a significant level of interest in the Local Plan locally and this has led to a significant response to the Local Plan. As well as considering responses, the Council will continue to engage in constructive discussions between Shropshire Council and the Parish Council continue in the coming weeks and

months to define the scope of the issues the Neighbourhood Plan will seek to address and the timeframe for preparation to ensure the Neighbourhood Plan remains in general conformity with the emerging Local Plan.

- 3.7 A Neighbourhood Plan will, after passing through the relevant stages of consultation, submission, examination and the referendum, go on to become part of the statutory Development Plan for the area. By definition, the Neighbourhood Plan should be a product of the community and as such will contain policies that, whilst in general conformity with other elements of the Development Plan, should have its own distinct character. The degree of scrutiny to be applied to a Neighbourhood Plan through its examination process is dependent upon the scope of the plan, and it will continue to be particularly important for appropriate evidence to be produced to inform the Neighbourhood Plan. Statute provides that planning applications should be determined in accordance with the provisions of relevant Development Plan policies unless material considerations indicate otherwise. The weight given to the Plan thus remains to be balanced with other considerations when taken in the round by decision makers.

#### **4. Financial Implications**

- 4.1 The Localism Act and Regulations provide that the following costs would fall to Shropshire Council: delivering a supporting role particularly in the latter stages of the Plan's development; appointing an Examiner for the Plan; and conducting an Examination and holding a Referendum. Current provisions allow an application for these additional costs to be met, and a reimbursement of costs will therefore be sought from Central Government. It is considered likely the robustness of the Neighbourhood Plan Policies will be tested over time by independent Planning Inspectors on planning appeals made under Section 78 of the Planning Act. Members are advised that the liability for future appeal costs rests with Shropshire Council as Local Planning Authority and as such the usability of such plans and their impact on local decision making will need to be carefully monitored.

#### **5. Background**

- 5.1 Shropshire Council's localised planning approach supports Neighbourhood Plans being brought forward under the Localism Act and the 2012 Neighbourhood Planning Regulations, indeed the Council is legally obliged to do so. However, Shropshire Council is also committed to promoting and supporting other forms of locality planning for neighbourhoods as potentially more cost effective and sustainable alternatives to a full Neighbourhood Plan through Community-led planning, parish planning, design guides etc. It is acknowledged these other forms of locality planning do not form part of the statutory development plan, but instead can be considered as material considerations in planning decisions.
- 5.2 The Government's National Planning Policy Framework (NPPF) supports the principle of Neighbourhood Plans and their status as part of the Development Plan. The NPPF states "*Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies*". It is also made clear that Neighbourhood Plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.
- 5.3 The development of a Neighbourhood Plan must be facilitated by the Town or Parish Council and will, in most cases, proceed with support and assistance from volunteers across the community.

5.4 In due course and as part of the Neighbourhood Plan preparation process, Shropshire Council will consider whether the Clive Neighbourhood Plan conforms to the adopted strategic policies of the Development Plan and, in agreement with the Parish Council, put it forward for independent assessment. It will be the responsibility of Shropshire Council to arrange a local referendum to assess local support for the plan proposals and subject to a successful referendum outcome, a “yes” vote, Shropshire Council will have a legal duty to ‘make’ (adopt) the Clive Neighbourhood Plan and bring it into force. This final decision to ‘make’ the plan will be a matter for full Council.

**Consideration of Proposed Designation**

5.5 The Council received six responses to the recent consultation. These came from Historic England, the Coal Authority, Natural England, the Canal and River Trust, Sport England and the National Grid. None of these responses objected to the proposal. Nevertheless, information in these responses will be useful in the ongoing Neighbourhood Plan preparation. Historic England point out that the proposed area contains a varied range of designated and undesignated heritage assets. The response from National Grid confirms they have no record of any electricity apparatus in the proposed area.

5.6 As well as reflecting on consultation responses, Shropshire Council should also consider any other relevant issues. In doing so Council officers have had early discussions with representatives from the Parish Council, specifically to discuss the extent of the proposal and to further understand the rationale for the area proposed.

5.7 Having had these early discussions, it is considered the proposed area, which accords with the parish boundary, is appropriate for the purposes of preparing a Neighbourhood Plan and that the proposed Neighbourhood Plan can therefore offer the opportunity to deliver some additional value through the preparation of locally relevant planning policies to support the delivery of appropriate development, whilst continuing to be in conformity with the strategic policies of the Local Plan Review.

5.8 Clive Parish Council must seek to ensure the future sustainable development of the settlement by providing detailed planning policies for their area. Whilst the exact scope and remit of the Neighbourhood Plan is to be discussed, at this stage it is clear there is an understanding from Parish Council as to the general role of the Neighbourhood Plan and the type of policies it is likely to introduce. Further discussions will help to clarify this.

<b>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information):</b>
<b>Portfolio Holder:</b>
Cllr Robert Macey, Portfolio Holder for Housing and Strategic Planning
<b>Local Member:</b>
Cllr Simon Jones
<b>Appendices:</b>
Appendix 1: Area Application
Appendix 2: Proposed Neighbourhood Area

