



Portfolio Holder Decision Making Session
and date/time

Portfolio Holder Decision Making Session

11.00am 1st December 2015

Application by Market Drayton Town Council to be considered as a Neighbourhood Plan Area

Responsible Officer Andy Evans, Head of Economic Growth and Prosperity
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1. Summary

- 1.1 This report seeks approval for the application by Market Drayton Town Council for the Town Council area and parts of the surrounding parishes of Moreton Say, Adderley and Norton in Hales to be considered as an appropriate area for a potential neighbourhood plan (attached as Appendix A, map as Appendix B).
- 1.2 The application was made to Shropshire Council in June 2015 under the provisions of the Town and Country Planning Act 1990 and advertised on the 10th July 2015 for a period of 6 weeks. It is the Council's role to decide whether or not the Town Council area and surrounds forms an appropriate area for their potential neighbourhood plan. Various other reports will be brought before Cabinet for decision at other key stages of the process.
- 1.3 The views of respondents have been taken into consideration in making the following recommendation.

2. Recommendations

- 2.1 The Portfolio Holder for Planning, Housing and Commissioning (Central) confirms that the Market Drayton Town Council area and surrounds is an appropriate basis for the development of a neighbourhood development plan and notifies the Town and Parish Councils accordingly.

Reasons for decision:

To consider whether the application to designate the whole of the Town Council area and surrounds as the Neighbourhood Plan area is appropriate, and that there are no other overlapping designated neighbourhood areas in the Town Council or surrounding relevant Civil Parish areas.

REPORT

3. Legal Context and Application Procedure

- 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. Market Drayton Town Council is a relevant body for the purposes of the Act.

- 3.2 The relevant material was received by Shropshire Council and as required by regulation, advertised on 10th July 2015 for a period of 6 weeks. In determining the application Shropshire Council must have regard to the desirability of designating the whole of the area of a parish council as a neighbourhood area and the desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas. It is noted that Market Drayton Town Council have applied for the designation the whole of the town council area and parts of the surrounding parishes of Moreton Say, Adderley and Norton in Hales in their application.
- 3.3 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.

Risk Factors

- 3.4 The statutory framework covering the production of neighbourhood development plans is quite prescriptive and there is little risk for either Shropshire Council, or Market Drayton Town Council in following this carefully. A high degree of trust and cooperation between the Councils is critical to reducing risk and ensuring an appropriate balance between local initiative and the statutory framework provided by the adopted Shropshire Core Strategy and emerging SAMDev Local Plan document. The designation of an appropriate area for a neighbourhood plan is to confirm the geographic area the Plan will cover, setting out policies for sustainable development in that area. The designation of a Neighbourhood Plan area does not commit the Parish or Town Council to producing or completing a Neighbourhood Plan.
- 3.5 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 planning framework applied in Shropshire. This plan will very much be a product of the community and as such will contain policies that, whilst in general conformity with the Core Strategy and the emerging SAMDev Plan, will not have been tested and scrutinised to the same degree as the rest of the Development Plan. A Neighbourhood Plan contains a range of locally produced policies which the community have expressly asked to be brought into play to help guide the decision making process. 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 still remains to be balanced with other considerations when taken into the round by decision makers.

4. Financial Implications

- 4.1 The Localism Act and Regulations provide that the costs; of delivering a supporting role particularly in the latter stages; appointing an Assessor; conducting an Examination and holding a Referendum fall to Shropshire Council. Current provisions allow an application for these additional costs to be met, and a reimbursement of costs will therefore be sought from the Government. As previously acknowledged in reports on the Much Wenlock Neighbourhood Plan the robustness of the Neighbourhood Plan Policies will be tested over time by independent Planning Inspectors on appeal. 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 we are legally obliged to do so. However, we are also committed to promoting and supporting planning for neighbourhoods as a more cost effective and sustainable alternative based on sound community led planning principles established through a solid backdrop of community led plans, parish planning, design guides etc, working within the overall framework provided the Core Strategy and SAMDev Local Plan documents.
- 5.2. Interestingly, the three success criteria cited by the government in their Impact Assessment for neighbourhood planning are - increasing housing supply, reducing opposition to economic growth, and increasing community engagement and involvement in planning and development. All of which are key components of Shropshire's localised approach to planning, which, starting with our SAMDev Local Plan document and progressing through support for community led plans alongside our own Place Plans we are committing to the joint delivery of local ambitions, not only in terms of locally defined policy guidance (such as design guidance) but also community endorsed prioritisation of infrastructure and other beneficial investment to help make more sustainable places. This is very much in conformity with the emphasis on neighbourhood plans shaping and directing sustainable development in their area in paragraphs 184 and 185 of the National Planning Policy Framework.
- 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. The Town Council believes that this is a real opportunity for the community to have some ownership on future planning policy for the parish with particular focus on detailed policy for proposed and additional housing development on a significant brownfield site. The Neighbourhood Plan for Market Drayton will cover the Town of Market Drayton and elements of the surrounding parishes of Moreton Say, Adderley and Norton in Hales and, subject to passing the formal tests, an external assessment and a local referendum it will become part of the statutory planning framework. Its policies will apply until 2026, the same as Shropshire's Core Strategy
- 5.4. As part of the process Shropshire Council will consider whether the Neighbourhood Plan for Market Drayton conforms to its adopted strategic policies and, in agreement with the Town Council, will 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' the Neighbourhood Plan for Market Drayton and bring it into force. This final decision will be a matter for Full Council as it makes planning policy.

Consideration of Designation

- 5.5. By the close of the consultation only one response had been received querying the boundary of the proposed area but raising no substantive objections. No other responses had been received into the question of the area to apply to the proposed Market Drayton Neighbourhood Plan.
- 5.6. Market Drayton Town Council seeks to ensure the future sustainable development of the town by planning for the relocation of sports facilities outside the current administrative boundary. In so doing it has sought and gained approval from the adjoining Parish Councils of Moreton Say, Adderley and Norton-in-Hales to propose designation of parts of these parishes within the Neighbourhood Plan area for Market Drayton. The proposed Neighbourhood Plan area includes important employment land at Sych Farm industrial

estate, land designated for the improvement and development of Mullers Dairy, the possible development of a Marina and land for possible relocation of sports facilities. These areas are critical to the sustainable development of the town. The proposed Area is a sensible and appropriate one reflecting local choice and realistic opportunities for the provision of community infrastructure through the relocation of sports facilities. Shropshire Council can also confirm there are no other designated areas in the Town Council area or the parishes of Moreton Say, Adderley and Norton-in-Hales.

<p>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information):</p>
<p>Key Decision: Yes/No</p> <p>Included within Forward Plan: Yes/No</p> <p>If a Key Decision and not included in the Forward Plan have the General Exception or Special Urgency Procedures been complied with: Yes/No</p>
<p>Name and Portfolio of Executive Member responsible for this area of responsibility:</p> <p>Councillor Mal Price, Portfolio Holder Planning, Housing and Commissioning (Central)</p>
<p>Local Member:</p> <p>Councillors Roger Hughes, David Minnery, Paul Wynn</p>
<p>Appendices:</p> <p>Appendix A: Area Application</p> <p>Appendix B: Area Application map</p>

Declaration of Interest

- I have no interest to declare in respect of this report

Signed Date

NAME:

PORTFOLIO HOLDER FOR:

- I have to declare an interest in respect of this report

Signed Date

NAME:

PORTFOLIO HOLDER FOR:

(Note: If you have an interest you should seek advice as to whether it is appropriate to make a decision in relation to this matter.)

For the reasons set out in the report, I agree the recommendation(s) in the report entitled

Signed

Portfolio Holder for

Date

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and pro-forma is returned to Democratic Services for processing.

Additional comment:

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Note: If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, Head of Legal and Democratic Services, Chief Executive and the Head of Finance, Governance and Assurance (S151 Officer) and, if there are staffing implications the Head of Human Resources (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Portfolio Holder: Your decision will now be published and communicated to all Members of Council. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication.

Application to designate a Neighbourhood Area
Town and Country Planning Act 1990
Neighbourhood Planning (General) Regulation 2012

Town Clerk details:

Mrs Julie Jones

The Town Hall

18 Frogmore Road

Market Drayton

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townclerk@marketdrayton.gov.uk

01630 653364

Relevant body:

We confirm that we are the relevant body to undertake neighbourhood plan in our area in accordance with section 61G of the 1990 Act and section 5C of the 2012 Regulations.

Name of Council

Market Drayton Town Council

Extent of the area:

The area which falls within the town boundary of Market Drayton and part of the parishes of Morton Say, Adderley and Norton in Hales – please see map.

Justification statement:

Market Drayton Town Council seeks to ensure the future sustainable development of the town by planning for the relocation of sports facilities outside the current administrative boundary. In so doing it has sought and gained approval from the adjoining Parish Councils of Moreton Say, Adderley and Norton-in-Hales to propose designation of parts of these parishes within the Neighbourhood Plan area for Market Drayton. The proposed Neighbourhood Plan area includes important employment land at Sych Farm industrial estate, land designated for the improvement and development of Mullers Dairy, the possible development of a Marina and land for possible relocation of sports facilities. These areas are critical to the sustainable development of the town.

Name: Julie Jones

Position: Town Clerk

Date: 10 June 2015