



Committee and Date:

Cabinet

1st March 2017

Application by Pontesbury Parish Council to be considered as a Neighbourhood Plan Area

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1. Summary

- 1.1 This report seeks approval for the application by Pontesbury Parish Council for the Parish Council area to be considered as an appropriate area for a potential Neighbourhood Plan to be prepared by the Parish Council (attached as Appendix A, map as Appendix B).
- 1.2 Pontesbury Parish Council made the application to Shropshire Council in August 2016 under the provisions of the Town and Country Planning Act 1990. Shropshire Council consulted on the proposed area for a period of four weeks between September and October 2016. Due to concerns expressed locally, a re-consultation took place for a further four weeks between November and December 2016. Only one response was received to these consultations but this did not object to the principle of using the proposed Neighbourhood Plan Area.
- 1.3 It is the Council's role to decide if the Pontesbury Parish Council area is an appropriate area for the purposes of preparing the proposed Neighbourhood Plan. This consideration takes into account 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 or potential content of the Neighbourhood Plan, which are issues to be considered by Pontesbury Parish Council in cooperation with Shropshire Council in due course.

2. Recommendations

1. Cabinet agrees that the Pontesbury Parish Plan area is an appropriate basis for the development of a Neighbourhood Development Plan and notifies the Parish Council accordingly.
2. Cabinet notes that if the proposed Neighbourhood Plan Area is agreed, Pontesbury Parish Council will be able to prepare the Pontesbury Neighbourhood Plan, which will be subject to public consultation, examination and local referendum as set out in Regulations. Assuming any subsequent local referendum is successful, Shropshire Council's Full Council will then be asked to adopt the Final version on 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. Pontesbury Parish Council is a relevant body for the purposes of the Act.
- 3.2 The relevant material (Area Application (Appendix A) and Map (Appendix B)) was received by Shropshire Council in June 2016 and as required by regulation, advertised on 28th September 2016 for a period of four weeks. In advertising this information comments were invited through the ‘Get Involved’ section of the Shropshire Council website. Following this four-week consultation period Pontesbury Parish Council expressed concern that opportunities to advertise the consultation locally had been missed. Whilst it was considered Shropshire Council had met its regulatory requirements, it was nevertheless considered appropriate and beneficial to re-consult on the proposed area for a further four-week period between 11th November and 12th December 2016. This second consultation was advertised more extensively by the Parish Council in its locality. Shropshire Council and Pontesbury Parish Council received only one response to these consultations but this did not object to the principle of the proposed Neighbourhood Plan Area.
- 3.3 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. 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.
- 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 Pontesbury 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 A key issue to be considered through the Neighbourhood Plan’s preparation is the implications of the ongoing ‘Partial Review’ into the Shropshire Local Plan. Neighbourhood plans must be broadly consistent with other parts of the adopted Development Plan. Work on the ‘Partial Review’, which is being undertaken by Shropshire Council and is currently the subject of its first ‘Issues and Options’ consultation stage until 20th March 2017, is likely to be ongoing for the next two years. Once adopted, the ‘Partial Review’ will roll forward the plan period to 2036 and will replace the existing Core Strategy and SAMDev Plans. If the proposed Pontesbury Neighbourhood Plan area is approved as recommended, it is clear that early discussions between the two Councils will be required in order to define the

role and scope of their respective plans, and in particular, to determine the respective timeframes for the two Plans to ensure consistency is maintained.

- 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 but is unlikely to be to the same degree as the other elements of the Development Plan. However, it will continue to be important for appropriate evidence to be produced to inform the 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 into 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 the Government. As previously acknowledged in reports on the Much Wenlock and Shifnal Neighbourhood Plans, 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, we are 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 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, 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 placed upon neighbourhood plans and how they should shape and direct sustainable development in their area, as outlined in paragraphs 184 and 185 of the National Planning Policy Framework.

- 5.3 The development of a Neighbourhood Plan must be facilitated by the Parish Council and will in most cases proceed with support and assistance from volunteers across the community. It is noted Pontesbury Parish Council have asked for volunteers to help the Plan's preparation. The Parish Council believes that this is a real opportunity for the community to have greater ownership on future planning policy for the parish, with particular focus on detailed policy in order to supplement the strategic policies of the adopted Core Strategy/SAMDev as well as the future 'Partial Review' of the Local Plan.
- 5.4 In due course and as part of the Neighbourhood Plan preparation process, Shropshire Council will consider whether the Neighbourhood Plan for Pontesbury conforms to its adopted strategic policies and, in agreement with the Parish 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 Pontesbury and bring it into force. This final decision to make the plan will be a matter for Full Council.

Consideration of Designation

- 5.5 By the close of both the initial consultation and re-consultation only one response had been received. This was from Gladman Developments Ltd and did not seek to query the proposed designated area, but instead gave a generic summary of the role of neighbourhood plans and the regulatory requirements governing their preparation. Whilst clearly of help and interest, Gladman's response does not require further consideration in defining the Neighbourhood Planning area.
- 5.6 Pontesbury Parish Council seeks 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 Plan is to be discussed, at this stage it is clear there is an understanding from the 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. It is considered the proposed Designated Area, which covers the Parish of Pontesbury only, is a sensible and appropriate one, and will allow flexibility as the Parish Council further defines the scope of the Plan. Shropshire Council can also confirm there are no other designated areas in this area.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information):
Portfolio Holder: Councillor Mal Price, Portfolio Holder for Planning, Housing, Regulatory Services and Environment
Local Member: Councillors Tudor Bebb (Rea Valley) and Roger Evans (Longden)
Appendices: Appendix A: Area Application Appendix B: Area Application map