



<u>Portfolio Holder Decision</u>		
<u>Making Session and date/time</u>		
Portfolio	Holder	Decision
Making Session		
19 th May 2015		
11 am		

<u>Item</u>
1
<u>Public</u>

Application by Stoke upon Tern Parish Council to be considered as a Neighbourhood Plan Area

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

- 1.1 This report seeks approval for the application by Stoke upon Tern Parish Council for the Civil Parish 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 February 2015 under the provisions of the Town and Country Planning Act 1990 and advertised on the 6th of February 2015 for a period of 6 weeks. It is the Council's role to decide whether or not the Civil Parish of Stoke upon Tern 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 Mal Price, the Portfolio Holder for Planning, Housing and Commissioning (Central) agrees that the Civil Parish of Stoke upon Tern is an appropriate basis for the development of a neighbourhood development plan and is therefore an appropriate neighbourhood area and further agrees that the required publicity is undertaken and Parish Council is notified.
- 2.2 Reasons for decision:
To consider whether the application to designate the whole of the Civil Parish as the Neighbourhood Plan area is appropriate, and that there are no other designated neighbourhood areas in the Civil Parish.

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. Stoke on Tern Parish 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 6th February 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 Stoke on Tern Parish Council have applied for the designation the whole of the area of the Civil Parish in their application. Further in considering the designation the Council also has to consider whether to designate the area as a business area (if the area wholly or predominantly business in nature). If such a business designation is given then this will require a parallel referendum for both businesses and residents following the completion of any neighbourhood plan. 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

3.3 This statutory framework covering the production of neighbourhood development plans is quite prescriptive and there is little risk for either Shropshire Council, or Stoke upon Tern Parish 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. In rural areas such as Shropshire it is usual for the neighbourhood plan area to be whole parishes. The designation of a neighbourhood plan area does not commit the Parish or Town Council to producing or completing a neighbourhood plan.

3.4 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 conform 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 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 Town and Country Planning Act 1990 (as amended) 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 NPPF.
- 5.3. Four of Shropshire's original five Front Runners have or are currently developing plans based on this "informal" localised approach with both Kinnerley PC and Oswestry TC having aspects of their community led plans adopted by Shropshire Council. Whilst at present over 50 new or refreshed Parish Plans are currently being developed with support from both Shropshire Council and organisations like the Community Council for Shropshire.
- 5.4. In following the statutory route to a formal Neighbourhood Plan Much Wenlock Town Council agreed to work with Shropshire Council to pursue their ambition to develop a neighbourhood plan for the Civil Parish of Much Wenlock. After progressing through the relevant stages prescribed in the Town and Country Planning Act 1990 (as amended) and the Localism Act 2011 culminating in a successful referendum on May 22nd 2014, the Much Wenlock Neighbourhood Plan was 'made' or adopted by Shropshire Council on 17th July 2014 becoming part of the statutory planning framework for Shropshire in the process.
- 5.5. 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. The Parish 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 Stoke upon Tern will cover the Civil Parish of Stoke upon Tern 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.

5.6. As part of the process Shropshire Council will consider whether the Neighbourhood Plan for Stoke upon Tern 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 Stoke upon Tern and bring it into force. This final decision will be a matter for Full Council as it makes planning policy.

Consideration of Designation

- 5.7. By the close of the consultation no responses had been received into the question of the area to apply to the proposed Stoke upon Tern Neighbourhood Plan.
- 5.8 The area is not wholly or predominantly business in nature and therefore it is not considered appropriate to designate it as a business area. However, the Area which matches the Civil Parish is a sensible and appropriate for a neighbourhood area reflecting local choice and democratic control. Shropshire Council can also confirm there are no other designated areas in the parish or that overlap from adjacent parishes

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information):

Key Decision: Yes/No

Included within Forward Plan: Yes/No

If a Key Decision and not included in the Forward Plan have the General Exception or Special Urgency Procedures been complied with: Yes/No

Name and Portfolio of Executive Member responsible for this area of responsibility:

Councillor Mal Price, Portfolio Holder Planning, Housing and Commissioning (Central)

Local Member:

Councillor Karen Calder

Appendices:

Appendix A: Area Application

Appendix B: Area Application map

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.