



<u>Committee and Date</u>	<u>Item</u>
Portfolio Holder Decision Making Session 9am 18 th September 2013	1
Council 26 th September 2013	<u>Public</u>

ADOPTION OF THE BROSELEY TOWN PLAN

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1. Summary

- 1.1 This report seeks endorsement for adoption of the Broseley Town Plan by Shropshire Council as a material consideration for development management purposes. The responsibility for planning policy adoption falls to full Council. A copy of the Town Plan has been placed in the members library and can be viewed at: <http://www.2shrop.net/live/welcome.asp?id=3090>.
- 1.2 The Town Plan has been prepared by Broseley Town Council, with detailed consultation in the form of a residents' survey followed up by street surveys and a public meeting. Shropshire Council has promoted community-led plans as a more sustainable model to the full-blown statutory process for neighbourhood development plans set out in the Localism Act. As such the Broseley Town Plan does not need to undergo a costly examination or referendum, but is given weight by the Local Planning Authority through resolution of Shropshire Council to draw on the Town Plan to help inform development management decisions and by ensuring that the SAMDev Development Plan helps to deliver its vision, objectives and policies.

2. Recommendations

It is recommended that the portfolio holder recommends to the full Council that the vision, objectives and policies A1, A3, DS1-DS9, H1-H9, ED1, ED2, ED4, VE1, HP4, HP5, HP8, HP9, ENV1-ENV5 in the Broseley Town Plan (pages 1-12 of Appendix 1) be endorsed and adopted as material considerations for development management purposes.

Reasons for recommendation: To ensure that the Town Plan has been carefully considered before it is put before the full Council.

REPORT

3. Risk Assessment and Opportunities Appraisal

- 3.1 Shropshire Council's planning approach is committed to promoting and supporting community led planning as a more cost effective and sustainable alternative to the Neighbourhood Plans introduced by the Localism Act. For

such community led plans to be given formal weight as a material planning consideration when determining planning applications it is necessary for the local planning authority to formally adopt the Town Plan with this stated intention. There is a well-established practice of adoption by the local planning authority (including the former Bridgnorth District Council) for development management purposes.

- 3.2 Once adopted by the local planning authority, the Town Plan should be given due weight by the Planning Inspectorate, not least due to the strong public engagement with which it has been prepared and its focus on the sustainability of future proposals in Broseley. The Town Plan will also be reflected in the formal Development Plan, namely the emerging Site Allocations and Management of Development (SAMDev) Plan, that Shropshire Council is currently preparing. The SAMDev Plan will dovetail with the Broseley Town Plan in two ways: firstly through a Broseley settlement policy that reflects the key elements of the Town Plan, and secondly through a cross-reference to the Town Plan, confirming that development will be expected to meet its provisions.
- 3.3 For the avoidance of doubt, the resolution to adopt the Broseley Town Plan refers to pages 1-12 of the Town Plan in Appendix 1. The appendices to the Town Plan (pages 13 onwards) are not adopted at this stage, including appendix A (the settlement policy) and appendix B (the Town Plan map). The reason for this is that they will in due course form part of the adopted SAMDev Plan, and therefore have to undergo the full statutory process including Final Plan publication, submission to the secretary of state, independent examination by a planning inspector and adoption in its final form by Shropshire Council. The settlement policy and proposals map will not be concluded until the end of the statutory plan process which is expected to be late 2014, at which point they will gain the full weight afforded to a statutory development plan.
- 3.4 Certain policies in the Town Plan relate to matters beyond the scope of development management decisions on planning applications, or which refer to funding and other decisions by the Town Council and its partners. These are policies DS10, HP1-HP3, HP6-7, policies CR1-CR7.
- 3.5 Two other policies present a degree of conflict with the Shropshire Core Strategy and therefore cannot be included in the recommendation. These are VE2 relating to holiday accommodation on greenfield sites, which has a degree of conflict with Core Strategy policy CS16, and policy ED3, concerning retail development beyond the town centre, which conflicts to some degree with the NPPF. Shropshire Council will be bound by paragraphs 24-27 of the NPPF to apply a sequential test, which allows development outside town centres where there are no other available sites and where the adverse impact is not “significant” (as defined by case law).
- 3.6 The Planning & Compulsory Purchase Act 2004 requires that planning applications must be considered in accordance with the statutory development plan, unless material considerations indicate otherwise. Not only will the Broseley Town Plan be reflected in the statutory development

plan as described above, but its adoption by Shropshire Council for development management purposes ensures that it is very clearly a material planning consideration. The thorough consultation and democratic process by which the Town Plan was prepared also lends it significant weight that should be respected by planning inspectors. Nevertheless, other material considerations may on occasion over-rule the Town Plan, not least the provisions of the National Planning Policy Framework (NPPF). While Shropshire Council may seek to apply the Town Plan in development management decisions, it is important to set local expectations at a realistic level, particularly in light of appeal decisions across England that regularly depart from adopted local plans when other considerations, particularly housing supply, are brought to bear.

- 3.7 Shropshire Council officers and the Local Member have been involved in the preparation of the Broseley Town Plan. The work of Broseley Town Council and its active community members in producing this plan is to be applauded.

4. Financial Implications

- 4.1 The Broseley Town Plan has been prepared at the Town Council's expense and apart from officer time has had no cost implications for Shropshire Council. Furthermore, the Town Plan does not commit Shropshire Council to any future expenditure.

5. Background and Additional Information

- 5.1. The Town Plan for 2013-2026 will replace the previous Town Plan created in 2004 and updated in 2010. The Town Council intends to keep the plan up-to-date, with a full review scheduled for 2018. The Town Council intends to produce an Implementation Plan to accompany the Town Plan, being produced later this year and updated annually by the Town Council.
- 5.2 The Town Council prepared the Town Plan with detailed consultation in the form of a residents' survey (pages 16-24 of appendix 1, with the 460 responses summarised on pages 25-29). It is a remarkable achievement to have obtained responses from nearly 10% of residents. This was followed up by street surveys and a widely advertised public meeting, press statements and posters. Local councillors spent time interviewing people on the streets of town and full information was available on the Broseley Town Council website, including an invitation to respond in writing or online. Separate consultations have been held with young people facilitated by Shropshire Youth Service and the Broseley Youth Partnership (summary report pages 30-32 of appendix 1) and with local tourist information offices and Broseley providers of visitor accommodation (page 33). The responses were thoroughly reviewed and analysed and incorporated into the existing document, which itself had been subject to professional consultation processes. The Town Council's aim has always been to produce a Town Plan defined by community voices, and they are to be commended in how they have achieved that aim with excellence.

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

Report to Cabinet 16th January 2013: Draft Development Management Policies (example settlement policy S1)

Report to Cabinet 26th June 2013: Site Allocations & Management of Development Plan (Broseley Revised Preferred Options)

Cabinet Member (Portfolio Holder)

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

Local Member Jean Jones

Appendices: 1. Broseley Town Plan - copy available in members library and can be viewed at: <http://www.2shrop.net/live/welcome.asp?id=3090>

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 Adoption of the Broseley Town Plan

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.