

Application by Burford and Tenbury Wells (Malvern Hills DC) Parish Councils to be considered as a Neighbourhood Plan Area

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1.0 Summary

- 1.1 The purpose of this report is to consider and determine the application to designate the parishes of Burford and Tenbury Wells (Malvern Hills DC) as a single neighbourhood area for the purposes of neighbourhood planning.
- 1.2 The proposed neighbourhood area involves the parish of Tenbury in Malvern Hills District and Burford in Shropshire. The application must therefore be approved by both Malvern Hills District and Shropshire Councils to be designated. This report seeks approval for the application by the Parish Councils for the Parish Council areas to be considered as an appropriate area for a single joint neighbourhood plan (attached as Appendix A, map as Appendix B).
- 1.3 Tenbury Town Council in conjunction with Burford Parish Council submitted their application to designate the parishes of Tenbury and Burford as a single neighbourhood area to Malvern Hills District and Shropshire Councils in November 2015. The application was made by Tenbury Town Council which has agreed to be the lead or named parish in taking forward the neighbourhood plan. It is the Council's role to decide whether or not the Parish Council area 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.
- 1.4 The views of respondents have been taken into consideration in making the following recommendation.

2.0 Recommendations

- 2.1 That Cabinet confirms that the Burford and Tenbury Parish Council areas are an appropriate area for the development of a single joint neighbourhood development plan and notifies the Parish Council accordingly.

REPORT

3.0 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. Tenbury Parish Council as the lead authority 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 4th December 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 Burford and Tenbury Wells Parish Councils have applied for the designation the whole of both parish council areas 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.

4.0 Risk Factors

- 4.1 The statutory framework covering the production of neighbourhood development plans is quite prescriptive and there is little risk for either Shropshire Council, or Burford 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 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.
- 4.2 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 SAMDev Plan (as they are required to), 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.

5.0 Financial Implications

5.1 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.

6.0 Background

6.1 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.

6.2 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.

6.3 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 Parish Council believes that this is a real opportunity for the community to have some ownership on future planning policy for the parish and, subject to passing the formal tests, an external assessment and a local referendum it will become part of the statutory planning framework. Currently it is expected its policies will apply until 2026, the same as Shropshire's Core Strategy but this may be extended to align with Shropshire Council's forthcoming Local Plan review.

6.4 As part of the process Shropshire Council will consider whether the Neighbourhood Plan for Burford and Tenbury Wells 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 Burford and Tenbury Wells and bring it into force. This final decision will be a matter for Full Council as it makes planning policy.

- 6.5 As required by the Regulations, the neighbourhood area application included a map showing the boundary of the proposed neighbourhood area and supporting information explaining why the Town and Parish Councils consider the proposed area to be appropriate. The proposed neighbourhood area covers the whole of the Tenbury and Burford parishes. In their application, Tenbury Town Council say “Tenbury is situated within the Malvern Hills district south of the River Teme with several historic and natural assets. Burford is situated to the north of the River Teme within the Shropshire Unitary Authority. The county boundary runs along the course of the River Teme. The two communities have developed together over time and are interdependent with retail and social services being concentrated on the Tenbury side of the river but the majority of employment opportunities being found on the Burford side of the river. The two Communities helped shape the Tenbury and Burford Community Plan produced in 2004 and updated in 2012 and it is hoped a Neighbourhood Plan will enable future planning decisions to recognise the needs of these interdependent communities as one whole. It will also help protect and enhance the natural environment from inappropriate development, in order to retain the character and individual identity of the area.”
- 6.6 If the neighbourhood area application is approved, both Malvern Hills District and Shropshire Councils are required under the Neighbourhood Planning Regulations to publish on their websites the name of the neighbourhood area, a map which identifies the area, and the name of the body that applied for the designation.

7.0 Consideration of Designation

- 7.1 In accordance with the Regulations, the application was placed on the Malvern Hills District and Shropshire Council websites for a six week period inviting representations. The deadline for comments was 15th January 2016.
- 7.2 The Councils received seven representations on the neighbourhood area application – available on request. Representations were received from:
- Environment Agency
 - Natural England
 - Historic England
 - Worcestershire County Council
 - Gladman Developments Limited
 - Councillor Barbara Williams
 - Mr. and Mrs. Gough (residents)
- 7.3 None of the representations raised any objection to the proposed neighbourhood area. The Environment Agency provided a guidance note on environmental issues that they suggest are considered in the preparation of the neighbourhood plan, including flood risk, climate change, waste water infrastructure, water management and groundwater protection. Natural England offered general advice relating to protected landscapes, protected species, local wildlife sites, best most versatile agricultural land and opportunities for enhancing the natural environment. Historic England highlighted the importance of local designated and undesignated heritage assets and signposted the Town and Parish Councils to relevant guidance. The Worcestershire County Council officer response requested that the neighbourhood plan have regard to various strategic documents and designations in the preparation of the neighbourhood plan. Gladman Developments Limited had no objection to the neighbourhood area

application but wished to take the opportunity to highlight a number of requirements that the neighbourhood plan should have regard to, including NPPF and strategic policies in the relevant Local Plans. Cllr. Williams and Mr and Mrs Gough supported the neighbourhood area application.

- 7.4 Tenbury Town and Burford Parish Councils are the relevant bodies to make a neighbourhood area application for the parishes of Tenbury and Burford. As required by the Regulations, the application included a map showing the proposed neighbourhood area and an explanation of why the Town and Parish Councils consider the area appropriate for the purposes of neighbourhood planning.
- 7.5 No objections were received to the proposed neighbourhood area during consultation undertaken by Malvern Hills District and Shropshire Councils.
- 7.6 In light of the above, it is considered appropriate to designate the parishes of Tenbury and Burford as a single neighbourhood 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:
Councillor Richard Huffer
Appendices:
Appendix A: Area Application
Appendix B: Area Application map

Appendix A: Area Application



The Pump Rooms, Teme Street, Tenbury Wells, Worcestershire WR15 8AH email:clerk@tenburytown.org.uk

Mr David Clarke
Development, Plans and Conservation
Malvern Hills District Council
The Council House, Avenue Road
Malvern, WR14 3AF

Mr Andrew Mortimer
Economic Growth and Prosperity
Shropshire Council
Shirehall, Abbey Foregate
Shrewsbury, SY2 6ND

Tuesday, 10th November 2015

Application for Designation of a Neighbourhood Area covering the Parishes of Tenbury (Malvern Hills District) and Burford (Shropshire)

In accordance with the Neighbourhood Planning (General) Regulations 2012, this is a formal application by Tenbury Town Council in conjunction with Burford Parish Council to Malvern Hills District Council and Shropshire Council for the designation of a Neighbourhood Plan Area for the purposes of developing a neighbourhood development plan. The application is for the designation of the parishes of Tenbury and Burford as a single neighbourhood area. The power to designate an area as a Neighbourhood Area is exercisable under Section 61G of the Town and Country Planning Act 1990.

The application is made by Tenbury Town Council, which has agreed to be the lead or named parish in taking forward this neighbourhood development plan – see authorisation to act in relation to neighbourhood area attached.

Under Regulation 5(1) of the Neighbourhood Planning (General) Regulations 2012, an area application has to include the following:

1. A map which identifies the area to which the application relates:
 - The map of the proposed Neighbourhood Area is attached. The proposed neighbourhood area includes the whole of the parish of Tenbury and the whole of the parish of Burford, and so satisfies section 61G (3) of the Act.

2. A statement explaining why this area is considered appropriate to be designated as a Neighbourhood Area:

- Tenbury is situated within the Malvern Hills district south of the River Teme with several historic and natural assets. Burford is situated to the north of the River Teme within the Shropshire Unitary Authority. The county boundary runs along the course of the River Teme. The two communities have developed together over time and are interdependent with retail and social services being concentrated on the Tenbury side of the river but the majority of employment opportunities being found on the Burford side of the river. The two Communities helped shape the Tenbury and Burford Community Plan produced in 2004 and updated in 2012 and it is hoped a Neighbourhood Plan will enable future planning decisions to recognise the needs of these interdependent communities as one whole. It will also help protect and enhance the natural environment from inappropriate development, in order to retain the character and individual identity of the area.

3. A statement that the body making the area application is a relevant body for the purposes of section 61G(2) of the 1990 Act;

- Tenbury Town Council is the relevant body for the purposes of the Town and Country Planning Act 1990, section 61G (2) as specified by the paragraph 2(a) of Schedule 9 of the Localism Act 2011 for the preparation of a Neighbourhood Plan.

Please let me know if any additional information is required.

Yours sincerely

Dawn Worgan
Town Clerk

cc – Mrs N. G. Griffiths – Parish Clerk, Burford Parish Council

Encs.

Authorisation to act in relation to Neighbourhood Area

This application is made by Tenbury Town Council who have agreed to be the lead or named Parish in taking forward the Neighbourhood Development Plan.

Section 61F(2) of the Town and Country Planning Act 1990 allows for neighbourhood development plan areas to be designated which include the whole or any part of another parish council with those parishes' consent.

This consent has been given by both Tenbury Town Council (at its Town Council Meeting on Monday 2nd November 2015) and Burford Parish Council (at its Parish Council Meeting on Monday 9th November 2015).

At its meeting on Monday 9th November 2015, Burford Parish Council agreed to submit a joint application with Tenbury Town Council for the designation of a neighbourhood area in accordance with the Neighbourhood Planning (General) Regulations 2012. Burford Parish Council also agreed that the application be made by Tenbury Town Council, which has agreed to be the lead or named parish in taking forward this neighbourhood development plan.

Appendix B: Area Application Map

