

ADOPTION OF THE SHIFNAL NEIGHBOURHOOD PLAN

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1. Summary

- 1.1 The purpose of this report is to inform Council of the results of the referendum on the Shifnal Neighbourhood Plan and for Council to bring the Plan into force by adopting it as part of the statutory development plan under the provisions of the Planning and Compulsory Purchase Act 2004 s38A (as amended). A copy of the Plan has been placed in the members' library and is also available online at: <http://www.shifnalplan.co.uk/wp-content/uploads/2014/12/ShifnalNPJune2016-REFERENDUMVERSION.pdf>

2. Recommendations

That Shropshire Council as the Local Planning Authority 'makes' i.e. adopts the Shifnal Neighbourhood Plan and brings it into force as part of the Development Plan for Shropshire.

REPORT

3. Risk Assessment and Opportunities Appraisal

- 3.1 The Localism Act and Regulations provide the Framework for the production of Neighbourhood Plans. On 12 October 2014, in response to a formal application from Shifnal Town Council, Shropshire Council designated the town and civil parish of Shifnal for the purpose of preparing a Neighbourhood Development Plan in accordance with Part Two of the Neighbourhood Planning (General) Regulations 2012.
- 3.2 The Neighbourhood Plan was drafted by a steering group with the benefit of extensive community input, culminating in a 6 week pre-submission consultation that ended on 26th February 2016. The Plan was revised following this consultation and submitted to Shropshire Council and then to an external Examiner for evaluation before being put to a local vote, or referendum on 15 September 2016.
- 3.3 Following a 30% turn out, 93% of those voting were in favour of using the Neighbourhood Plan for Shifnal to help Shropshire Council to decide planning applications in the neighbourhood area.

- 3.4 Subject to Council's decision, the Shifnal Neighbourhood Plan will now become part of the statutory planning framework applied in Shropshire. In spite of the collaborative nature of the process to date, the plan will very much be a product of the community and as such will contain policies that, whilst in general conformity, will not have been tested and scrutinised to the same degree as the rest of the Development Plan. The 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 the Neighbourhood Development Plan policies unless material considerations indicate otherwise. However, the weight attributed to the Neighbourhood Plan must still be balanced with other material considerations when taken into account by decision makers.
- 3.5 However having the Neighbourhood Plan adopted and in place is only part of the story, equally important is seeing these local ambitions materialise on the ground. It is important to note that the Plan provides an excellent platform for continued active engagement and discussion on development and related issues between the Council, the Town Council, the community and the local members.
- 3.6 Shropshire Council has assessed that the plan, including its preparation, does not breach, and would not otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

4. Financial Implications

- 4.1 The Act and Regulations provide that the costs of appointing an Assessor conducting an Examination and holding a Referendum fall to initially Shropshire Council but are reimbursed by national Government. 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 the plan and its impact on local decision making will be carefully monitored.

5. Background

- 5.1 The Examiner's Report concluded that the plan met the basic conditions, and that subject to the modifications included in his report published on 1 April 2016, proposed that the plan should proceed to a referendum. Having carefully considered the Examiner's Report and recommendations, the Council agreed that the Examiner's recommended modifications should be accepted and that the amended Neighbourhood Plan should proceed to a referendum.
- 5.2 Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 as amended requires that the Council must adopt, or 'make' the neighbourhood plan if more than half of those voting have voted in favour of the plan. In the case of Shifnal, the referendum results indicated that, of the 1660 votes cast,

1545 votes (93%) were in favour of using the Neighbourhood Plan for Shifnal to help it decide planning applications in the neighbourhood area.

- 5.3 In accordance with the Regulations, once adopted, planning applications in the town and civil parish must be considered against the Neighbourhood Plan, as well as existing Local Plan policies in the adopted Core Strategy and SAMDev plans as well as the National Planning Policy Framework.

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

Examiners Report: <http://shropshire.gov.uk/media/2139009/Shifnal-Neighbourhood-Plan-Examiner-s-Report.pdf>

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