



Committee and Date:

Cabinet

2 May 2018

Application by Cleobury Mortimer 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 Cleobury Mortimer 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 Cleobury Mortimer Parish Council made the application to Shropshire Council in July 2017 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 August and September 2017. Only two responses were received to this consultation, neither of which objected to the principle of using the proposed Neighbourhood Plan Area.
- 1.3 It is the Council's role to decide if the Cleobury Mortimer 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 Cleobury Mortimer Parish Council in cooperation with Shropshire Council in due course.

2. Recommendations

1. Cabinet agrees that the Cleobury Mortimer Parish Plan area is an appropriate basis for the development of a Neighbourhood Plan and notifies the Parish Council accordingly.
2. Cabinet agrees that if the proposed Neighbourhood Plan Area is approved, Cleobury Mortimer Parish Council will be able to prepare the Cleobury Mortimer Neighbourhood Plan, which will be subject to public consultation, examination and local referendum as set out in Neighbourhood Planning Regulations 2012 as amended. Assuming any subsequent local referendum if successful, Shropshire Council's full Council will then be asked to adopt the final version of 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. Cleobury Mortimer 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 July 2017 and as required by regulation, advertised on 29th August 2017 for a period of four weeks. In advertising this information comments were invited through the ‘Get Involved’ section of the Shropshire Council website. Shropshire Council and Cleobury Mortimer Parish Council received only two responses to this consultation, neither of which objected 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 Cleobury Mortimer 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 Shropshire Local Plan Review. Neighbourhood Plans must be broadly consistent with other parts of the adopted Development Plan. Work on the Local Plan Review is ongoing and most recently has been subject to a Preferred Options consultation on the Preferred Scale and Distribution of Growth in Shropshire. This included a proposal that Cleobury Mortimer would continue to act as a ‘Key Centre’ and in doing so accommodating around 200 dwellings and 2 hectares of employment land between 2016 and 2036. Discussions between Shropshire Council and representatives from the Neighbourhood Plan Steering Group and the Parish Council will continue to ensure the aspirations of the Neighbourhood Plan are in conformity with the emerging Local Plan Review.
- 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 Central 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, Shropshire Council is 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 The Government's current consultation on revisions to the National Planning Policy Framework (NPPF) continues to support the principle of Neighbourhood Plans and their status as part of the Development Plan. The draft NPPF states "Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies". It is also made clear that Neighbourhood Plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.
- 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 Cleobury Mortimer 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 of 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 ongoing Local Plan Review.

5.4 In due course and as part of the Neighbourhood Plan preparation process, Shropshire Council will consider whether the Neighbourhood Plan for Cleobury Mortimer 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 Cleobury Mortimer and bring it into force. This final decision to make the plan will be a matter for Full Council.

Consideration of Designation

5.5 Only two responses were received to the consultation, from Gladman Development and Natural England. Neither response objected to the principle of the proposed designation, instead focussing on the regulatory process with Neighbourhood Plans, including the need for consistency with the strategic policies set out in the current Local Plan and the emerging Local Plan Review. Whilst clearly of help and interest, both responses do not require further consideration in defining the Neighbourhood Planning area.

5.6 Cleobury Mortimer 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 Cleobury Mortimer 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.

<p>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information):</p>
<p>Portfolio Holder:</p> <p>Councillor Robert Macey, Portfolio Holder for Planning and Regulatory Services</p>
<p>Local Member:</p> <p>Councillors Gwilym Butler and Madge Shingleton</p>
<p>Appendices:</p> <p>Appendix A: Area Application</p> <p>Appendix B: Area Application map</p>