



<u>Committee and Date</u>
Council 15 July 2021

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

ADOPTION OF THE STOKE UPON TERN 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 Stoke upon Tern 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 is included as Appendix 1 of this report, and is also available online at [Stoke upon Tern Neighbourhood Plan | Shropshire Council](#)

2. Recommendations

- A. That Shropshire Council as the Local Planning Authority ‘makes’ i.e. adopts the Stoke upon Tern 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 covering the production of Neighbourhood Development Plans provides the Framework for their production and adoption. Whilst the preparation of Neighbourhood Development Plans (referred to in this report as Neighbourhood Plans) are led locally by a qualifying body, usually the relevant town or parish council, Shropshire Council has key involvement at various stages of the process. Most notably this includes: formally agreeing the Neighbourhood Area to be covered by the plan; administering public consultation on a submission version of the Plan; appointing an independent assessor to examine the submission version of the Plan; agreeing any changes required to ensure the Plan meets a set of basic conditions; administering and reporting back of the referendum; and ‘making’ (adopting) the Plan.
- 3.2 Both Stoke upon Tern Parish Council and Shropshire Council have needed to follow a set of clearly defined national regulations set out in the Neighbourhood Planning (General) Regulations 2012 (as amended) in the

preparation and consultation of the Neighbourhood Plan. This regulatory process is covered in more detail in Section 5 of the Report. The risk of a legal challenge to the 'making' of the Neighbourhood Plan has been significantly reduced by both Stoke upon Tern Parish Council and Shropshire Council following these regulations closely.

- 3.3 The Plan was prepared by a steering group which included representatives from the Parish Council along with other local volunteers, with support from a planning consultant commissioned by the Parish Council. Shropshire Council acted as a statutory consultee during the preparation phase of the Plan, which allowed input at key stages. It is considered this collaborative process has helped to ensure the final version of the Neighbourhood Plan is in general conformity with the strategic policies of Shropshire's adopted Development Plan and the emerging Local Plan Review.
- 3.4 The steering group undertook community consultation which culminated in a consultation of a draft version of the Plan ending in September 2017. The Plan was then subject to some changes ahead of it being submitted to Shropshire Council in August 2018 following agreement by Stoke upon Tern Parish Council. Shropshire Council then undertook the statutory consultation into the submission version of the Plan and appointed an independent assessor to examine the Plan.
- 3.5 The Independent Examination into the submission version of the Neighbourhood Plan was carried out by an approved assessor between May and June 2019. The Examiner recommended a number of changes to the Plan in order for it to meet the following nationally prescribed basic conditions:
 - Be appropriate to make the plan, having regard to national policies and advice;
 - Contribute to the achievement of sustainable development;
 - Be in general conformity with the strategic policies of the development plan; and
 - Not breach, and be otherwise compatible with, European Union and European Convention on Human Rights obligations.
- 3.6 The Examiner reported back in June 2019 concluding the Plan could proceed to referendum if a number of proposed recommended changes were made to the Plan. The Examiner's Report is included as Appendix 2 to this report.
- 3.7 Whilst the Examiner's conclusions are not binding on the authority, all but one of his recommendations were agreed by Cabinet on 12th February 2020. Following a significant delay due caused by the Covid 19 emergency, the referendum into the Stoke upon Tern Neighbourhood Plan took place on 6th May 2021 within the area defined as the Neighbourhood Area (Stoke upon Tern parish), where the following question was asked "do you want Shropshire Council to use the Neighbourhood Plan for Stoke upon Tern to

help it decide planning applications in the neighbourhood area?" Appendix 3 to this report provides the referendum's Declaration of Result.

- 3.9 In summary, out of 329 people who voted 87.54% were in support of the Neighbourhood Plan. The turnout was 29.45%. 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 Stoke upon Tern, the referendum results indicated that, of the 329 votes cast, 288 votes (87.54%) were in favour of using the Neighbourhood Plan for Stoke upon Tern to help it decide planning applications in the neighbourhood area.
- 3.10 All necessary requirements relating to the administration of the referendum were carried out. Given this robust process it is considered there is minimal risk to the Council.
- 3.11 Subject to Council's decision, the Stoke upon Tern Neighbourhood Plan will become part of the statutory planning framework applied in Shropshire. 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 Plan policies unless material considerations indicate otherwise.
- 3.12 The Plan has been prepared positively by the steering group and, in its final format is considered to meet the required basic conditions. Following the successful referendum result it is considered there is also clear and overwhelming public support for the Neighbourhood Plan. It is therefore considered there would be a very significant risk of challenge if the Plan were not to be 'made' by Council.
- 3.15 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 need to be carefully monitored.

5. Background

- 5.1 Shropshire Council 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. The National Planning Policy Framework (NPPF) also explicitly supports the principle of Neighbourhood

Plans and their status as part of the Development Plan, stating “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.

- 5.2 Neighbourhood Plans must follow a defined regulatory process in both their preparation and adoption. So far the Stoke upon Tern Neighbourhood Plan has completed the following regulatory stages of the Neighbourhood Planning (General) Regulations 2012 (as amended): the formal designation of the Neighbourhood Area (Regulation 6 Stage), consultation on a draft version of the Plan (Regulation 14 Stage), submission of the draft Neighbourhood Plan by the relevant Qualifying Body to the Local Planning Authority (Regulation 15 stage), consultation and examination on the Final Draft version of the Plan (Regulations 16 and 17 stage), and the publication of the Examiner’s Report and decision to progress to referendum (Regulation 18). Following the successful referendum in May, the Council is now being asked to ‘make’ (adopt) the Neighbourhood Plan to form part of the Development Plan for the area.
- 5.3 Stoke upon Tern Parish Council requested that the parish of Stoke upon Tern be designated as a Neighbourhood Area in February 2015 and following a period of consultation this was formally agreed by Shropshire Council in February and March 2015. Following the establishment of the Neighbourhood Plan Steering Group and local consultation and evidence collection, a pre-submission draft version of the Plan was subject to consultation by the Parish Council. In August 2018 Stoke upon Tern Parish Council submitted the Neighbourhood Plan to Shropshire Council, along with the required Consultation Statement and Basic Conditions Statements. In meeting statutory requirement, Shropshire Council proceeded to carry out the Regulation 16 stage consultation between August and September 2018 with statutory consultees and other locally interested individuals and organisations. The Council appointed independent assessor Nigel McGurk to examine the Plan and following a period of examination Mr McGurk provided his report in June 2019.
- 5.4 In accordance with the Regulations, once adopted, planning applications in the area covered by plan 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 other material planning considerations, such as the National Planning Policy Framework.
- 5.5 It is considered the final version of the Stoke upon Tern Neighbourhood Plan, which covers the whole Parish of Stoke upon Tern, provides an effective and positive planning framework for taking decisions on planning applications..
- 5.6 The Plan provides a range of local policies to supplement the strategic policies of Shropshire’s Local Plan including: the delivery of affordable housing; new caravan sites, design of new development; support for rural diversification; the provision of new high quality and sports provision. For the

avoidance of doubt, the whilst the site at Clive Barracks, Tern Hill is mentioned for context, the Neighbourhood Plan does not allocated this site for development. This site is proposed to be included in the review of the Shropshire Local Plan as a new strategic settlement, and there is considered to be no conflict between the two Plans in this regard.

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

Cabinet Paper 12th February 2020 Cabinet Paper: Recommendation for Stoke upon Tern Neighbourhood Development Plan to Proceed to Referendum

Cabinet Member (Portfolio Holder)

Councillor Edward Potter, Portfolio holder for Economic Growth, Regeneration and Planning

Local Member

Councillor Paul Gill

Appendices

Appendix 1: Stoke upon Tern Neighbourhood Plan

Appendix 2: Examiner's Report (June 2019)

Appendix 3: Declaration of Referendum Result (May 2021)