



Committee and Date

FULL COUNCIL 15th
December

Item

Public

Adoption of the Broseley Neighbourhood Development Plan

**Responsible
Officer**

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1. Synopsis

- 1.1 This report informs Council of the results of the referendum on the Broseley Neighbourhood Plan and allows Council to bring the Plan into force by approving and 'making' it as part of the statutory development plan.

2. Executive Summary

- 2.1 The Broseley Neighbourhood Development Plan has been produced by the Broseley Neighbourhood Plan Steering Group, with Broseley Town Council acting as the 'Qualifying Body'. Work on the Plan began in 2018, and was submitted to an independent Examiner in January 2022, which led to it being brought to local referendum in September 2022 where 89.22% of those that voted wanted the plan to be used by Shropshire Council to help it decide planning applications in the neighbourhood area.

3. Recommendations

- 3.1 That Shropshire Council, as the Local Planning Authority 'makes' (i.e. adopts) the Broseley Neighbourhood Development Plan (as set out in Appendix 1) and brings it into force with immediate effect as part of the Development Plan under the Planning and Compulsory Purchase Act 2004.

REPORT

4. Risk Assessment and Opportunities Appraisal

- 4.1 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.
- 4.2 Both Broseley Town Council and Shropshire Council have followed 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 7 of the Report. The risk of a legal challenge to the 'making' of the Neighbourhood Plan has been significantly reduced by both Broseley Town Council and Shropshire Council following these regulations closely.
- 4.3 The Plan was prepared by a steering group which included representatives from the Town Council along with other local volunteers, with support from a planning consultant commissioned by the Town 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.
- 4.4 The steering group undertook community consultation which culminated in a consultation of a draft version of the Plan during the summer of 2020. The Plan was then subject to some changes ahead of it being submitted to Shropshire Council in May 2021 following agreement by Broseley Town Council. Shropshire Council then undertook the statutory consultation into the submission version of the Plan and appointed an independent assessor to examine the Plan.
- 4.5 The Independent Examination into the submission version of the Neighbourhood Plan was carried out by an approved assessor between January and March 2022. 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.
- 4.6 The Examiner reported back in March 2022 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.
- 4.7 Whilst the Examiner’s conclusions are not binding on the authority, all but one of his recommendations were agreed by Cabinet on 20th July 2022. The referendum into the Broseley Neighbourhood Development Plan took place on 15th September 2022 within the area defined as the Neighbourhood Area (Broseley parish), where the following question was asked “do you want Shropshire Council to use the Neighbourhood Plan for Broseley to help it decide planning applications in the neighbourhood area?” Appendix 3 to this report provides the referendum’s Declaration of Result.
- 4.8 In summary, out of 761 people who voted 89.22% were in support of the Neighbourhood Plan. The turnout was 18.84%. 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 Broseley, the referendum results indicated that, of the 761 votes cast, 679 votes (89.22%) were in favour of using the Neighbourhood Plan for Broseley to help it decide planning applications in the neighbourhood area.
- 4.9 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.
- 4.10 Subject to Council’s decision, the Broseley Neighbourhood Development 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.
- 4.11 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.

- 4.12 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).

5. Financial Implications

- 5.1 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.

6. Climate Change Appraisal

- 6.1 The Broseley Neighbourhood Plan includes positively prepared policies seeking to achieve sustainable development and responding to the challenge of climate change. Specifically Policy SD1 of the Plan seeks new development in Broseley to be designed to a high standard of energy efficiency and to achieve high and sustainable levels of design and construction. Policy SD3 seeks the retro-fitting of heritage properties to reduce energy demand and to generate renewable energy where appropriate.
- 6.2 Overall the Plan is considered to represent a positive step in supporting suitable adaptations and mitigating the impacts of climate change, within the remit it has defined for itself.

7. Background

- 7.1 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.

- 7.2 Neighbourhood Plans must follow a defined regulatory process in both their preparation and adoption. The Broseley Neighbourhood Development 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 September 2022, the Council is now being asked to ‘make’ (adopt) the Neighbourhood Plan to form part of the Development Plan for the area.
- 7.3 Broseley Town Council requested that the parish of Broseley be designated as a Neighbourhood Area in April 2018 and following a period of consultation this was formally agreed by Shropshire Council in September 2018. 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 May 2021 Broseley Town 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 July and September 2021 with statutory consultees and other locally interested individuals and organisations. The Council appointed independent assessor Tony Burton to examine the Plan and following a period of examination Mr Burton provided his report in March 2022.
- 7.4 In accordance with the Regulations, once adopted, planning applications in the area covered by the 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.
- 7.5 It is considered the final version of the Broseley Neighbourhood Development Plan, which covers the whole Parish of Broseley, provides an effective and positive planning framework for taking decisions on planning applications.
- 7.6 The Plan provides a range of local objectives and policies to supplement the strategic policies of Shropshire’s Local Plan, which largely reflect the priorities of the area and the outcomes of the plan preparation process, which included local community consultation. Of particular note, the Plan includes:

- policies relating to supporting the application of design principles to new development (DS1 – DS10);
- the allocation of land off Avenue Road for 20 dwellings (Policy H02 and Appendix 5);
- the revision to the development boundary and allocation of land at Cockshutt Lane to support the delivery of employment land (Policy EJ3 and Appendix 6); and,
- the identification of a number of ‘Valued Green Spaces’ and policies for their protection (Policies GR1-GR2)

8. Additional Information

8.1 Whilst Shropshire Council has helped to support the Neighbourhood Plan through its statutory role as consultee and administrator, the Plan’s inception and preparation has been led by Broseley Town Council with support of their Neighbourhood Plan Steering Group. These bodies are to be commended for their dedication and skill in bringing this Plan through to fruition. The Neighbourhood Plan will be a positive addition to the Development Plan for the local area and will help to ensure that decisions are made that reflect local nature and characteristics.

9. Conclusions

9.1 This report seeks to adopt (‘make’ the Broseley Neighbourhood Development Plan, following a successful referendum

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

Cabinet Paper 20th July 2022: Recommendation for Broseley Neighbourhood Development Plan to Proceed to Referendum.

Cabinet Member (Portfolio Holder)

Councillor Richard Marshall

Local Members

Councillor Caroline Bagley.

Councillor Dan Thomas

Appendices

Appendix 1 – Broseley Neighbourhood Development Plan

Appendix 2 – Examiners Report

Appendix 3 – Declaration of Referendum Results