



Committee and Date

Item

Public



Adoption of Pontesbury Neighbourhood Development Plan

Responsible Officer:	Mark Barrow, Executive Director Place		
email:	Mark.barrow@shropshire.gov.uk	Tel:	01743 258 916
Cabinet Member (Portfolio Holder):	Cllr Chris Schofield – Planning and Regulatory Services		

1. Synopsis

1.1 The purpose of this report is to inform Council of the results of the referendum on the Pontesbury Neighbourhood Plan and for the Council to bring the Plan into force by ‘making’ (adopting) it as part of the statutory development plan under the provision of the Planning and Compulsory Purchase Act 2004 (as amended).

2. Executive Summary

2.1. The Pontesbury Neighbourhood Development Plan has been produced by the Pontesbury Neighbourhood Plan Steering Group, with Pontesbury Parish Council acting as the ‘Qualifying Body’. Work on the Neighbourhood Plan began in 2017 and has been produced in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended) (referred to in this report as ‘the Regulations’). The final draft Plan was submitted to an Independent Examiner in January 2023. Following the Examination the Pontesbury Neighbourhood Development Plan was brought to local referendum on 7 September 2023. The result was, of those who voted, 85.54% were in favour of Shropshire Council to use the Neighbourhood Plan for Pontesbury to help it decide planning applications in the neighbourhood area.

2.2. The Shropshire Plan recognises the importance of creating a Healthy Environment with a strategy objective to ‘*maintain, protect and enhance our outstanding natural and historic environment, promoting positive behaviours and greater biodiversity and environmental sustainability.*’ The Pontesbury Neighbourhood Development

Plan contains policies which strive to encourage development to achieve these objectives alongside those contained within the wider Development Plan for Shropshire.

3. Recommendations

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

Report

4. Risk Assessment and Opportunities Appraisal

- 4.1. The Localism Act and regulations covering 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 Pontesbury Parish Council and Shropshire Council have followed a set of clearly defined national regulations set out in the Neighbourhood Planning (General) Regulations 2012 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 Pontesbury Parish Council and Shropshire Council following these regulations closely.
- 4.3. The Plan was prepared by a steering group which included representatives from the Parish Council along with other local volunteers. 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 Draft Local Plan.
- 4.4. The steering group undertook community consultation which culminated in a consultation of a draft version of the Plan during spring 2022. The Plan was then submitted to Shropshire Council in October 2022 who undertook the statutory consultation into the submission version of the Plan and appointed an independent assessor to examine the Plan.

- 4.5. The purpose of the independent examination process is to ensure Neighbourhood Development Plans meet the following set of nationally prescribed 'Basic Conditions':
- Having regard to national policies and advice contained in guidance issues by the Secretary of State it is appropriate to make the Neighbourhood Plan;
 - The making of the Neighbourhood Plan contributes to the achievement of sustainable development;
 - The making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - The making of the Neighbourhood Plan does not breach, and is otherwise compatible, with retained EU obligations;
 - Prescribed conditions are met (in relation to the Neighbourhood Plan) and prescribed matters have been completed with in connection with the proposal for the neighbourhood plan.
- 4.6. The Examiner reported back in May 2023 concluding the Plan could proceed to referendum, subject to a number of modifications to the Plan. The Examiners Report is included as Appendix 2 of this report. The Examiners conclusions are not binding on the authority, however in this case all of the recommendations were incorporated into the Plan and agreed by Cabinet on 19th July 2023.
- 4.7. The referendum into the Pontesbury Neighbourhood Plan took place on 07th September 2023 within the area defined as the Neighbourhood Area (Pontesbury parish), where the following question was asked "*Do you want Shropshire Council to use the Neighbourhood Plan for Pontesbury to help it decide planning applications in the neighbourhood area.*" Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 as amended requires that the Council must 'make' (adopt) the Neighbourhood Plan if more than half of those voting have voted in favour of the plan. In this case out of 491 people who voted, 85.54% were in favour of the Neighbourhood Plan being used to help decide planning applications. The turnout was 18.46%. Appendix 3 to this report provides the referendums full 'Declaration of Result of Poll'. 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.
- 4.8. Subject to the Council's decision, the Pontesbury 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 provision of the Neighbourhood Plan policies unless material considerations indicate otherwise.
- 4.9. The Plan has been prepared positively 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 public support for the Neighbourhood Plan. It is therefore considered that there would be a very significant risk of challenge if the Plan were not to be 'made' by Council.

4.10. Shropshire Council has assessed that the Plan, including its preparation, does not breach, and would not otherwise be incompatible with, any retained EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

4.11. Risk table

<i>Risk</i>	<i>Mitigation</i>
Legal challenge to the process of 'making' (adoption) of the Neighbourhood Plan	This risk is significantly reduced by both Pontesbury Parish Council and Shropshire Council following the regulations set out within Neighbourhood Planning (General) Regulations 2012 (as amended)
Legal challenge if the Plan were not 'made' (adopted) by the Council	The referendum result of 85.54% of those who voted were in favour of the use of the Pontesbury Neighbourhood Plan as a decision-making tool for planning applications. This is clear and overwhelming public support for the Neighbourhood Plan and it is recommended that the Council as the Local Planning Authority 'make' (adopt) this Plan.

5. Financial Implications

5.1. The costs of undertaking the Examination and Referendum are met by Government Funding. 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 needs to be carefully monitored.

6. Climate Change Appraisal

6.1. The Pontesbury Neighbourhood Plan includes positively prepared policies seeking to achieve sustainable development and respond to climate change. Specifically, Policy GRE4 includes measures requiring proposals to be designed to meet a high level of sustainability and energy efficiency. Policy GRE4 also supports the use of renewable energy schemes and policy GRE5 provides a positive criteria to support community renewable energy schemes. The Neighbourhood Plan includes a carbon reduction objective and whilst there is no specific policy identified in the Plan regarding climate change adaption, the Plan is in general conformity with the current adopted local plan and the emerging local plan review, which includes a positive policy framework for mitigating and adapting to the impacts of climate change.

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. Neighbouring Plans must follow a defined regulatory process in both their preparation and adoption. The Pontesbury Neighbourhood Development Plan has completed the following regulatory stages of the Neighbourhood Area (General) Regulations 2012 :

- The formal designation of the Neighbourhood Area (Regulation 6), June 2016;
- Consultation on a draft version of the Plan (Regulation 14), carried out by Pontesbury Parish Council between 1st March 2022 – 12th April 2022;
- Submission of the draft Neighbourhood Plan by the relevant Qualifying Body to the Local Planning Authority (Regulation 15), October 2022;
- Consultation on the Final Draft Version of the Plan (Regulation 16), ran by Shropshire Council between 28th October 2022 – 09th December 2022
- Examination on the Final Draft version of the Plan (Regulation 17), January 2023 – May 2023;
- The publication of the Examiner's Report (May 2023) and decision to progress to referendum (Regulation 18), July 2023.

Following the successful referendum in September 2023, the Council is now being asked to 'make' (adopt) the Neighbourhood Plan to form part of the Development Plan for the area.

7.3. Pontesbury Parish Council formally requested that the parish of Pontesbury be designated as a Neighbourhood Area in June 2016 and following a period of consultation this was formally agreed by Shropshire Council in March 2017. 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 October 2022 Pontesbury Parish Council submitted the Neighbourhood Development Plan to Shropshire Council (Regulation 15 stage), along with the required Consultation Statement and Basic Conditions Statements. In meeting our statutory requirement, Shropshire Council proceeded to carry out the Regulation 16 stage consultation between 28th October and 09th December 2022 with statutory consultees and other locally interested individuals and organisations. The Council then appointed independent assessor Tony Burton to examine the Plan and following a period of examination Mr Burton provided his report in May 2023.

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 Pontesbury Neighbourhood Development Plan, which covers the whole Parish of Pontesbury, 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. Alongside policies relating to the design of housing in Pontesbury, protection of rights of way, biodiversity and climate change, the Plan also includes policies to enhance community facilities and services; safeguard the parishes landscape, including the identification of 6 highly valued amenity views for protection; support for small scale employment and farm diversification and the designation and protection of 8 local Green Spaces. The final version of the Pontesbury Neighbourhood Plan is attached to this report as Appendix 1.

8. Additional Information

- 8.1. Whilst Shropshire Council has helped to support the Neighbourhood Plan through its statutory role as consultee and administrator, the Plans inception and preparation has been led by Pontesbury Parish 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.
- 8.2. The appendices to this report provide a copy of the final version of the Pontesbury Neighbourhood Plan which went to referendum, the Examiners report and results of the referendum.

9. Conclusions

- 9.1. Following a positive referendum result, this report seeks to ‘make’ (adopt) the Pontesbury Neighbourhood Development Plan.

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

Cabinet Paper 19th July 2023: Recommendation for Pontesbury Neighbourhood Development Plan to Proceed to Referendum

Local Members: Cllr Nick Hignett and Cllr Roger Evans

Appendices

Appendix 1 – Pontesbury Neighbourhood Development Plan

Appendix 2 – Examiners Report (May 2023)

Appendix 3 – Declaration of Referendum Results (September 2023)