



Committee and Date

Item

Public



## Adoption of Cleobury Mortimer Neighbourhood Development Plan

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

### 1. Synopsis

1.1 This report provides the Cleobury Mortimer Neighbourhood Plan referendum results bringing 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 Cleobury Mortimer Neighbourhood Development Plan has been produced by the Cleobury Mortimer Neighbourhood Plan Steering Group, with Cleobury Mortimer Town Council 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 June 2023. Following the Examination, the Cleobury Mortimer Neighbourhood Development plan was brought to local referendum on 07<sup>th</sup> December 2023. The result was, of those who voted, 84.21% were in favour of Shropshire Council using the Neighbourhood Plan for Cleobury Mortimer 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 Cleobury 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 Cleobury Mortimer 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 Cleobury Mortimer Town 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 this Report. The risk of a legal challenge to the 'making' of the Neighbourhood Plan has been significantly reduced by both Cleobury Mortimer 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. 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 Summer 2021. Due to a need for

a fresh call of sites which resulted in a revision to the draft version a fresh consultation was held in Summer of 2022. The Plan was then submitted to Shropshire Council in January 2023 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 June 2023 concluding that 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 18<sup>th</sup> October 2023.

- 4.7. The referendum into the Cleobury Mortimer Neighbourhood Plan took place on 07<sup>th</sup> December 2023 within the area defined as the Neighbourhood Area (Cleobury Mortimer parish), where the following question was asked *"Do you want Shropshire Council to use the Neighbourhood Plan for Cleobury Mortimer 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 456 people who voted, 84.21% were in favour of the Neighbourhood Plan being used to help decide planning applications. The turnout was 17.86%. 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 Cleobury Mortimer 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 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 the 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 Cleobury Mortimer Town 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 84.21% of those who voted were in favour of the use of the Cleobury Mortimer 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 Cleobury Mortimer Neighbourhood Plan includes positively prepared policies seeking to achieve sustainable development and respond to climate change. Specifically, the Plans 'Good Residential Design Principles' through policy CM6 (Housing Design) encourages the provision of energy efficient homes with zero-carbon impact and the use of renewable energy. Whilst no specific climate change adaption policies are put forward, 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. Neighbourhood Plans must follow a defined regulatory process in both their preparation and adoption. The Cleobury Mortimer Neighbourhood Development Plan has completed the following regulatory stages of the Neighbourhood Planning (General) Regulations 2012:

- The formal designation of the Neighbourhood Area (Regulation 6), May 2018.
- Consultation on a draft version of the Plan (Regulation 14), carried out by Cleobury Mortimer Town Council between 12<sup>th</sup> July 2021 – 27<sup>th</sup> August 2021.
- Second Consultation on draft version of Plan (Regulation 14), due to amendments to site allocations locations, carried out by Cleobury Mortimer Town Council between 27<sup>th</sup> May 2022 – 11<sup>th</sup> July 2022.
- Submission of the draft Neighbourhood Plan by Cleobury Mortimer Town Council to the Local Planning Authority (Regulation 15), November 2022.
- Consultation on final draft version of the Neighbourhood Plan (Regulation 16), carried out by Shropshire Council between 16<sup>th</sup> January 2023 – 10<sup>th</sup> March 2023
- Examination on the Final Draft Version of the Neighbourhood Plan (Regulation 17), May 2023 – August 2023.
- Publication of the Examiner’s Report (August 2023) and decision to progress to referendum (Regulation 18), (October 2023)

Following the successful referendum in December 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. 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.
- 7.4. It is considered the final version of the Cleobury Mortimer Neighbourhood Development Plan, which covers the whole parish of Cleobury Mortimer, provides an effective and positive planning framework for taking decisions on planning applications.
- 7.5. 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 housing design in Cleobury Mortimer, protection of the environment and provision of adequate water infrastructure, the Plan also includes a housing allocation for delivery of 120 homes, a 1.3ha employment allocation through the extension of the existing

Tenbury Road employment area and an extension to Cleobury Mortimers existing cemetery. The final version of the Cleobury Mortimer Neighbourhood Plan is attached to this report 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 Cleobury Mortimer 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.
- 8.2. The appendices to this report provide a copy of the final version of the Cleobury Mortimer 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 Cleobury Mortimer Neighbourhood Development Plan.

### List of Background Papers

Cabinet Paper 18<sup>th</sup> October 2023: Recommendation for Cleobury Mortimer Neighbourhood Development Plan to Proceed to Referendum

**Local Member:** Cllr Gwilym Butler and Cllr Simon Harris

### Appendices

**Appendix 1** – Cleobury Mortimer Neighbourhood Development Plan

**Appendix 2** – Examiners Report (June 2023)

**Appendix 3** – Declaration of Referendum Results (December 2023)