



Committee and Date

Item

Public



Recommendation for The Three Parishes of Adderley, Moreton Say and Norton in Hales Neighbourhood Plan to Proceed to Referendum

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Cabinet Member (Portfolio Holder):	Cllr Chris Schofield		

1. Synopsis

This report seeks Cabinet approval to proceed to local referendum on the Adderley, Morton Say and Norton in Hales (Three Parishes) Neighbourhood Development Plan.

2. Executive Summary

- 2.1. The purpose of this report is to seeks Cabinet approval for the Three Parishes Neighbourhood Development Plan (the Plan) to proceed to referendum to determine whether the Plan should become part of the statutory Development Plan for the neighbourhood area, and therefore be used in the determination of planning applications in that neighbourhood area.
- 2.2. The Shropshire Plan recognises the importance of creating a Healthy Environment with a strategic objective to *'maintain, protect and enhance our outstanding natural and historic environment, promoting positive behaviours and greater biodiversity and environmental sustainability'*. The Three Parishes Neighbourhood Development Plan contains policies which strive to encourage development to achieve these objectives alongside those contained within the wider Development Plan for Shropshire.

- 2.3. The Three Parishes Neighbourhood Development Plan (also referred to as the Neighbourhood Plan) has been produced in accordance with the Neighbourhood Planning (General) Regulations 2012 (referred to in this report as ‘the Regulations’). The plan has been prepared by Adderley, Morton Say and Norton in Hale Neighbourhood Plan Steering Group, with Adderley Parish Council acting as the local ‘Qualifying Body’. Work on the plan began in 2018 and has included several consultation stages. The draft version of the plan was submitted to Shropshire Council in June 2023, after which Shropshire Council undertook further statutory consultation and appointed an independent person to conduct the examination into the plan.
- 2.4. The purpose of the independent examination process is to ensure Neighbourhood Development Plans meet a set of nationally prescribed ‘Basic Conditions’, and to recommend if the Plan should proceed to a local referendum. The examination into the Three Parishes Neighbourhood Plan concluded in April 2024. The Examiner’s Report is attached as Appendix 1.
- 2.5. The Examiner has recommended that the Plan can proceed to local referendum, subject to a number of modifications being made. It is now Shropshire Councils role to consider the outcome of the Examiner’s report, including the proposed modifications, and to agree if the plan can proceed to referendum.
- 2.6. The schedule of modifications is shown in Appendix 2. This schedule has followed consideration of the Examiner’s conclusions and proposed modifications. Appendix 4 of this report sets out the proposed final ‘referendum’ version of the Three Parishes Neighbourhood Development Plan. It is therefore recommended that the ‘referendum’ version of the Plan proceed to referendum.
- 2.7 If agreed, the referendum will take place on a date to be arranged, but, must be between 18th July 2024 and 29th August 2024. Should the Plan gain public support at the referendum, Shropshire Council’s Full Council will be asked to formally ‘make’ (adopt) the Three Parishes Neighbourhood Development Plan to form part of the statutory Development Plan for Shropshire.

3. Recommendations

Cabinet Agrees:

- 3.1. The Three Parishes Neighbourhood Plan meets the ‘Basic Conditions’ and all the other legal requirements as summarised in the Independent Examiner’s Report, subject to the modifications proposed in the Schedule of Modifications (Appendix 2)
- 3.2. The required modifications be agreed, and that the final ‘referendum’ version of the Three Parishes Neighbourhood Development Plan (April 2024) (Appendix 4) proceed to local referendum.
- 3.3. The referendum area be that as defined as the designated area to which the Three Parishes Neighbourhood Development Plan relates.

Report

4. Risk Assessment and Opportunities Appraisal

- 4.1. Having received a draft Neighbourhood Plan from a qualifying body (normally a Parish or Town Council), it is the responsibility of the Local Planning Authority (LPA), under regulation 16 of the Neighbourhood Planning (General) Regulations 2012, to publicise and to seek representations on the Plan. It is also the responsibility of the Local Planning Authority under paragraph 7 of Schedule 4B to the Town and Country Planning Act 1990 (TCPA 1990) to appoint an independent person to assess the Plan. In following these requirements Shropshire Council published and consulted on the submission version of the Three Parishes Neighbourhood Development Plan for eight weeks from 07th July 2023 to 01st September 2023. In agreement with Three Parishes of Adderley, Morton Say and Norton in Hales. Dr Louise Brooke-Smith was appointed to examine the Plan in October 2023.
- 4.2. Only a draft Neighbourhood Plan that meets the basic conditions can be put to a referendum and be 'made' (adopted) by the Local Authority. The basic conditions, as set out in paragraph 8(2) of Schedule 4B of the TCPA 1990 that are applied to Neighbourhood Development Plans by section 38A of the Planning and Compulsory Purchase Act 2004 are:
- Having regard to national policies and advice contained within guidance issued 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 in connection with the proposal for the Neighbourhood Plan.
- 4.3. In assessing the Plan, the examiner has three options:
- a) That the Plan proceeds to referendum as submitted;
 - b) That the Plan is modified by the LPA to meet 'basic conditions' and then the modified version proceeds to referendum; or
 - c) That the Plan does proceed to referendum;

The Neighbourhood Development Plan examination is therefore a particularly focussed process, unlike that of an examination applied to Local Plans prepared by Local Planning Authorities. This leaves little in the way of opportunity to actively make changes to improve the plan at this stage, unless these changes (or modifications) are to ensure the Plan meets one or more of the basic conditions.

- 4.4. The Examiner's Report is included as Appendix 1 of this report. It is the role of Shropshire Council to consider the overall conclusions and the proposed

modifications in the Examiner's Report. The Examiner's Report is not binding on the Authority and there may be occasions where it is necessary for the Local Authority to propose a different modification to that proposed by the Examiner or indeed disagree with the need for a modification. However, it is considered there is a risk of legal challenge if the Local Authorities conclusions were to differ significantly from that of the Examiners without appropriate rationale.

- 4.5. The Examiner's report into the Three Parishes Neighbourhood Development Plan has concluded that it should be modified by the Local Planning Authority to meet the basic conditions. It is this modified version of the Plan which should proceed to referendum. The Schedule of Modifications attached as Appendix 2 to this report show how the Local Planning Authority has considered each of the modifications proposed by the Examiner.
- 4.6. In this case, officers have considered in detail the recommendations of the Examiner, supported by further discussions with the Three Parishes. It is proposed that the recommended changes to the Plan are incorporated into the final 'referendum' version. It is this version which is before Cabinet and included as Appendix 4. It is considered the proposed modifications are necessary and support the Plan meeting the 'basic conditions'. The changes involve partial amendments to the wording of policies and in some cases partial replacement with a suggested alternative. It is not considered that these changes taken as a whole fundamentally impact on the wider objectives of the Three Parishes Neighbourhood Plan.
- 4.7. The Examiners report notes that the NPPF (National Planning Policy Framework), was updated in December 2023 and the NPPF references within the main body of the Three Parishes Neighbourhood Plan relate to 2021 version of the NPPF because that was the relevant version when the plan was prepared. The policy section within the NPPF relating to Neighbourhood Plans remains in place within the 2023 version as does the overall approach to sustainable development and the updated NPPF (2023) does not have any substantive impact on the plan itself. However for the avoidance of doubt as per the Examiners recommendations the Neighbourhood plan is amended to clarify this and make it clear that the referenced NPPF paragraph numbers relates to the 2021 version. The relevant adopted Core Strategy policies and SAMDev policies which the neighbourhood plan policies relate to have also been incorporated into the referendum version of the plan as recommended by the Examiner. A table demonstrating how the Neighbourhood Plan policies link with the policies of the adopted Core Strategy and SAMDev Plans is attached as Appendix 3.
- 4.8. The Examiner suggests within their report that the Qualifying Body may wish to consider pausing the process of the Neighbourhood Plan to await the outcome of the Local Plan Review to enable consideration of any implications arising from that examination. The Examiner acknowledges that this is a decision for the qualifying body however and is content that with the modifications the current Neighbourhood Plan could proceed to referendum. Given that local plan review examination remains ongoing and is currently undergoing a further consultation period it is officers recommendation that this Neighbourhood Plan proceeds to referendum and this is supported by the Qualifying Body.
- 4.9. The Examiner's report recommends that the Referendum Area be restricted to the Neighbourhood Plan Area, which covers the majority of the parish boundaries. A

small area of each of the three parishes is excluded from the Three Parishes neighbourhood area as those areas were already part of the Market Drayton Neighbourhood Area and it is not legally possible for an area to be included in more than one Neighbourhood Plan. Whilst the conclusions of the Examiner for the Market Drayton Neighbourhood Plan meant that the plan was unable to proceed to referendum in its current format this outcome does not alter the extent of the Neighbourhood Area already agreed with Market Drayton and Three Parishes. The Examiner for the Three Parishes Neighbourhood Plan is content that the neighbourhood Plan area reflects the greater proportion of the Parishes of Adderley, Norton in Hales and Moreton Say and is content that this defined Neighbourhood Plan Area should also reflect the area for any forthcoming referendum.

4.10. Assuming the Cabinet approve the Plan to proceed to referendum, the Councils' Electoral Services will administer this process in line with the Neighbourhood Plan Regulations, which specifies that this should take place no more than 56 days from publication of the decision statement. Taking into account the necessary notice periods it is considered the referendum will take place between 18th July 2024 and 29th August 2024. It is considered there is little risk to the Council if this process follows the regulations closely.

Risk table

<i>Risk</i>	<i>Mitigation</i>
Legal challenge if the Local Authority's conclusions differ significantly from that of the Examiners Report.	Should the Local Authority propose a different modification or disagree with the need for a modification as proposed by the Examiner, an appropriate rationale should be provided.
Legal challenge to the referendum process	This risk is significantly reduced by Shropshire Council administering the process in line with Neighbourhood Plan Regulations and ensuring the referendum takes place no more than 56 days from publication of the Cabinet decision statement

5. Financial Implications

- 5.1. 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; conducting an Examination and holding a Referendum. Current provisions allow an application for these additional costs to be met, and a reimbursement of the costs will therefore be sought from central Government. From previous experience of organising and managing Neighbourhood Planning referendums it is considered that the likely cost of this process will be met in full by the reimbursement.
- 5.2. 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 TCPA 1990. Members are advised that the liability for the future appeal costs rests with Shropshire Council as the Local Planning Authority and as such the usability of such plans and their impact on local decision making will need to be

carefully monitored. However, it should be noted that in seeking approval to proceed to referendum on this Plan, there is agreement that the content of the Neighbourhood Development Plan is in broad conformity with the policies of Shropshire's adopted Local Plan. It is therefore considered that there is very limited risk to Shropshire Council and additional financial liability as a result of this report and recommendations.

6. Climate Change Appraisal

- 6.1. The recommendations propose that Cabinet agree to proceed to referendum with the Three Parishes Neighbourhood Development Plan. If successful at referendum, the Plan is subsequently adopted by the Council, it will become part of the statutory Development Plan for the area and will be used in the determination of planning applications.
- 6.2. **Energy and fuel consumption:** The Plans policy G3 – Carbon Reduction - encourages energy efficient development and both policy G3 and Plan policy H1 – Housing Design encourage use of alternative renewable sources of energy.
- 6.3. **Renewable energy generation:** The Plans Policy H1 encourages the use of renewal sources of energy generation for new housing. This is also supported within the plans policy G3 which seeks to encourage community renewable energy generation schemes.
- 6.4. **Carbon offsetting or mitigation:** Whilst not specifically identified within the Neighbourhood Development Plan, the Plan is in general conformity with the current adopted Local Plan and the emerging Local Plan Review, which includes a positive policy framework to encourage carbon offsetting and mitigation.
- 6.5. **Climate change adaptation:** The referendum version of the plan includes an objective seeking development mitigates for and enables adaptation to the effects of climate change.

7. Background

- 7.1. Shropshire Council supports Neighbourhood Development Plans being brought forward under the Localism Act and the 2012 Neighbourhood Planning Regulations, indeed, the Council is legally obliged to do so. The Government's National Planning Policy Framework (NPPF) supports the principle of Neighbourhood Plans and their status as part of the Development Plan. The NPPF at paragraph 13 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 Development Plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies.
- 7.2. Neighbourhood Development Plans must follow a defined regulatory process in both their preparation and adoption. This includes the formal designation of the

area (Regulation 6 stage), the consultation on a draft version of the Plan (Regulation 14 stage), submission to the Local Planning Authority (Regulation 15 stage), and consultation and examination of the Final Draft version of the Plan (Regulation 16 stage).

- 7.3. Adderley Parish Council formally requested in 2018 on behalf of Adderley, Moreton Say and Norton in Hales Parish Councils that the three parishes (excluding the areas of the parishes already included within the Market Drayton Neighbourhood Area) be designated as a Neighbourhood Area. Following a period of public consultation between 24th September – 24th October 2018, this was formally agreed by Shropshire Council on 12th December 2018. Whilst Adderley Parish Council have acted as the ‘relevant body’ for regulatory purposes, it is understood all Three Parish Councils have contributed to the Neighbourhood Plans preparation. A Neighbourhood Steering Group was established to locally undertake the preparation of the Plan. This group included representatives of all three parish councils. From an early point in the process positive opportunities were provided by Adderley, Moreton Say and Norton in Hales Parishes Councils and the subsequent Steering Group to inform and encourage the involvement of local residents to have their say in the visions and objectives of the plan. A range of means were used including, posters, publication in local parish and church magazines, coffee morning, an open forum, and postal and online questionnaires.
- 7.4. Between 30th November 2022 and 9th January 2023 the three parishes ran a statutory consultation into the pre-submission version of the Neighbourhood Development Plan (Regulation 14 stage). The draft version of the Plan responded to the initial community consultation and survey results and proposed a number of development management policies.
- 7.5. In June 2023 Adderley Parish Council on behalf of the three parishes submitted the submission draft of the Neighbourhood Development Plan to Shropshire Council (Regulation 15 stage), along with the required Consultation Statement and Basic Conditions Statements. In meeting the statutory requirements, Shropshire Council proceeded to carry out the Regulation stage 16 consultation between 07th July 2023 to 01st September 2023 with statutory consultees and other locally interested individuals and organisations. In October 2023 Dr Louise Brooke-Smith was appointed to examine the Plan. As required by the Regulations, this appointment was agreed by Adderley Parish Council as the Qualifying Body.
- 7.6. Dr Brooke-Smith's examination was carried out as written representations only. In addition to the Plan submission documents, Dr Brook-Smith considered the representations made at the Regulation 16 stage consultation and incorporated this within the Examiner's final report. Officers have liaised with Adderley Parish Council as the qualifying body on the updated version of the Plan, which takes account of the conclusions of the Examiner's report, and they are satisfied that this version of the Plan should now proceed to referendum.
- 7.7. If Cabinet agree for the Three Parishes Neighbourhood Development Plan to proceed to referendum, the question will be:

Do you want Shropshire Council to use the Three Parishes of Adderley, Moreton Say and Norton in Hales Neighbourhood Plan to help it decide planning applications in the neighbourhood area?

- 7.8 The Plan will need to gain the support of over 50% of those who cast a vote to be able to move forward to be ‘made’ (adopted) by Shropshire Council. If this is the case the decision to ‘make’ the Plan will need to be taken to Full Council. Assuming the recommendations are agreed a final date for the referendum will be formalised after 05th June 2024.

8. Additional Information

- 8.1. The appendices to this report provide information on the Examiner’s report into the Neighbourhood Plan, the proposed modifications, and the final ‘referendum’ version of the Plan which incorporates all the required modifications.

9. Conclusions

- 9.1. Further to the outcomes of the Examiner’s report into the Three Parishes Neighbourhood Development Plan, it is recommended that all the necessary modifications are agreed and that the final version of the Plan proceed to local referendum.

List of Background Papers

Cabinet Report 12th December 2018 – Application by Adderley Parish Council for Adderley, Moreton Say and Norton In Hales Parishes to be considered as a Neighbourhood Area

Local Member: *Cllr Wynn (for Adderley and Moreton Say) and Cllr Aldcroft (for Norton in Hales)*

Appendices

Appendix 1 – Examiners Report

Appendix 2 – Schedule of Modifications

Appendix 3 – Table of conformity of the Three Parishes Neighbourhood Plan to the adopted Development Plan

Appendix 4 - Final ‘referendum’ version of Three Parishes of Adderley, Moreton Say and Norton in Hales Neighbourhood Development Plan