



<u>Portfolio Holder Decision</u> <u>Making Session and date/time</u>
Portfolio Holder Decision Making Session 10am 20 th October 2014

<u>Item</u>
1
<u>Public</u>

Application by Bicton Parish Council to be considered as a Neighbourhood Plan Area

Responsible Officer Andrew Evans, Head of Economic Growth and Prosperity
Email: Andrew.m.evans@shropshire.gov.uk Tel: 01743 252003 Fax:

1. Summary

- 1.1 This report seeks approval for the application by Bicton Parish Council for the Civil Parish of Bicton to be considered as an appropriate area for a potential neighbourhood plan (application attached as Appendix A, map as Appendix B).
- 1.2 The application was made to Shropshire Council in April 2014 under the provisions of the Localism Act and advertised on the 7th of May for a period of 6 weeks. It is the Council's role to decide whether or not the Civil Parish of Bicton forms an appropriate area for their potential neighbourhood plan. Various other reports will be brought before Cabinet for decision at other key stages of the process.
- 1.3 The views of respondents have been taken into consideration in making the following recommendation.

2. Recommendations

- 2.1 Shropshire Council to agree that the Civil Parish of Bicton is an appropriate basis for the development of a neighbourhood development plan and notifies the Parish Council accordingly.

Reasons for decision:

The Civil Parish is an appropriate area for neighbourhood plan purposes, reflecting local choice and democratic control and that there are no other designated neighbourhood areas in the Civil parish.

REPORT

3. Risk Assessment and Opportunities Appraisal

- 3.1 The Town and Country Planning Act 1990 (as amended) and the Localism Act 2011 and associated regulations provide the statutory framework for the production of Neighbourhood Plans. This statutory framework covering the production of neighbourhood development plans is quite prescriptive and there is little risk for either Shropshire Council, or Bicton Parish Council in following this carefully. A high degree of trust and cooperation between the Councils is critical to reducing risk and ensuring an appropriate balance between local initiative and the statutory framework provided by the adopted Shropshire Core Strategy and emerging SAMDev Local Plan document. The designation of an appropriate area for a neighbourhood plan is to confirm the geographic area the Plan will cover, setting out policies for sustainable development in that area. In rural areas such as

Shropshire it is usual for the neighbourhood plan area to be whole parishes. The designation of a neighbourhood plan area does not commit the Parish or Town Council to producing or completing a neighbourhood plan. The emerging neighbourhood plan would after passing a series of checks and balances including independent examination and referendum become part of the statutory planning framework applied in Shropshire

- 3.2 A Neighbourhood Plan will, after passing through the relevant stages of consultation, submission, examination and the referendum, go on to become part of the statutory planning framework applied in Shropshire. In spite of the collaborative nature of the process to date, the plan will very much be a product of the community and as such will contain policies that, whilst in general conform with the Core Strategy and the emerging SAMDev Plan, will not have been tested and scrutinised to the same degree as the rest of the Development Plan. A 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 relevant Development Plan policies unless material considerations indicate otherwise. The weight given to the Plan thus still remains to be balanced with other considerations when taken into the round by decision makers.

4. Financial Implications

- 4.1 The Localism Act and Regulations provide that the costs of appointing an Assessor, conducting an Examination and holding a Referendum fall to Shropshire Council. Current provisions allow an application for these additional costs to be met in this and a reimbursement of costs will therefore be sought from the Government. As previously acknowledged in reports on the Much Wenlock Neighbourhood Plan 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's localised planning approach supports Neighbourhood Plans being brought forward under the Localism Act and the 2012 Neighbourhood Planning Regulations, indeed we are legally obliged to do so. However, Shropshire Council is also committed to promoting and supporting planning for neighbourhoods as a more cost effective and sustainable alternative based on sound community led planning principles established through a solid backdrop of community led plans, parish planning, design guides etc, working within the overall framework provided by the Core Strategy and SAMDev Local Plan documents.
- 5.2. Interestingly, the three success criteria cited by the government in their Impact Assessment for neighbourhood planning are - increasing housing supply, reducing opposition to economic growth and increasing community engagement and involvement in planning and development. All of which are key components of Shropshire's localised approach to planning, which, starting with our SAMDev Local Plan document and progressing through support for community led plans alongside our own Place Plans we are committing to the joint delivery of local ambitions, not only in terms of locally defined policy guidance (such as design guidance) but also community endorsed prioritisation of infrastructure and other beneficial investment to help make more sustainable places. This is very much in conformity with the emphasis on neighbourhood plans shaping and directing sustainable development in their area in paragraphs 184 and 185 of the National Planning Policy Framework (NPPF).

- 5.3. Four of Shropshire's original five Front Runners have or are currently developing plans based on this "informal" localised approach with both Kinnerley PC and Oswestry TC having aspects of their community led plans adopted by Shropshire Council. Whilst at present over 50 new or refreshed Parish Plans are currently being developed with support from both Shropshire Council and organisations like the Community Council for Shropshire.
- 5.4. Much Wenlock have been the exception to this rule and following the successful bid in February 2011 for Front Runner funding the Town Council agreed to work with Shropshire Council to pursue their ambition to develop a neighbourhood plan for the Civil Parish of Much Wenlock. After progressing through the relevant stages prescribed in the Town and Country Planning Act 1990 (as amended) and the Localism Act 2011 culminating in a successful referendum on May 22nd this year, the Much Wenlock Neighbourhood Plan was 'made' or adopted by Shropshire Council on 17th July becoming part of the statutory planning framework for Shropshire in the process.
- 5.5. The development of a neighbourhood plan must be facilitated by the Parish Council and will in most cases proceed with support and assistance from volunteers across the community. The Parish Council believes that this is a real opportunity for the community to have some ownership on future planning policy for the parish. The Neighbourhood Plan for Bicton will cover the Civil Parish of Bicton and, subject to passing the formal tests, an external assessment and a local referendum and; it will become part of the statutory planning framework. Its policies will apply until 2026, the same as Shropshire's Core Strategy
- 5.6. As part of the process Shropshire Council will consider whether the Neighbourhood Plan for Bicton conforms to its adopted strategic policies and, in agreement with Bicton Parish Council, will put it forward for independent assessment. It will be the responsibility of Shropshire Council to arrange a local referendum to assess local support for the plan proposals and subject to a successful referendum outcome, a "yes" vote, Shropshire Council will have a legal duty to 'make' the Neighbourhood Plan for Bicton and bring it into force. This final decision will be a matter for Full Council as it makes planning policy.
- 5.7. By the close of the consultation only two responses had been received into the question of the area to apply to the proposed Bicton Neighbourhood Plan. One response was from Shropshire Playing Fields Association supporting the proposal for the Civil Parish to be designated as the neighbourhood plan area. The second response was from Berry's on behalf of Morris Properties objecting to the designation on the basis of concerns about long term growth of Shrewsbury into Bicton Parish and that any Neighbourhood Plan must conform with the Core Strategy and SAMDev policies. This does not constitute a reason in itself for not designating the area rather it suggests that all stakeholders should work closely together throughout the process to ensure conformity between plans and that strategic policies are not undermined.
- 5.8 The Area which matches the Civil Parish is a sensible and appropriate one reflecting local choice and democratic control. Shropshire Council can also confirm there are no other designated areas in the parish or that overlap from adjacent parishes.

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

Key Decision: Yes/No

Included within Forward Plan: Yes/No

If a Key Decision and not included in the Forward Plan have the General Exception or Special Urgency Procedures been complied with: Yes/No

Name and Portfolio of Executive Member responsible for this area of responsibility:

Councillor Mal Price, Portfolio Holder Planning, Housing and Commissioning (Central)

Local Member:

Councillor John Overall

Appendices:

Appendix A: Area Application

Appendix B: Area Application map

Declaration of Interest

- I have no interest to declare in respect of this report

Signed Date

NAME:

PORTFOLIO HOLDER FOR:

- I have to declare an interest in respect of this report

Signed Date

NAME:

PORTFOLIO HOLDER FOR:

(Note: If you have an interest you should seek advice as to whether it is appropriate to make a decision in relation to this matter.)

For the reasons set out in the report, I agree the recommendation(s) in the report entitled

Signed

Portfolio Holder for

Date

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and pro-forma is returned to Democratic Services for processing.

Additional comment:

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Note: If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, Head of Legal and Democratic Services, Chief Executive and the Head of Finance, Governance and Assurance (S151 Officer) and, if there are staffing implications the Head of Human Resources (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Portfolio Holder: Your decision will now be published and communicated to all Members of Council. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication.