

**TELFORD & WREKIN COUNCIL**

**CABINET - 27 MARCH 2014**

**SUBMISSION OF MADELEY NEIGHBOURHOOD DEVELOPMENT PLAN**

**REPORT OF ASSISTANT DIRECTOR: PLANNING SPECIALIST**

**LEAD CABINET MEMBER: COUNCILLOR CHARLES SMITH**

**PART A) – SUMMARY REPORT**

**1.0 SUMMARY OF MAIN PROPOSALS**

1.1 Madeley Town Council submitted their Neighbourhood Development Plan (NDP) with supporting documents to the Council in February 2014. Members are referred to the NDP and supporting documents (see paragraph 12 of this report). In response and in accordance with its statutory duties, Telford & Wrekin now has to complete a number of checks to ensure that all the procedural and other requirements have been met and commence the 6-week publicity period which allows written representations to be made.

1.2 Subject to Cabinet approval and, in liaison with Madeley Town Council, the Council will proceed with the appointment of an Independent Examiner.

**2.0 RECOMMENDATIONS**

**That Cabinet confirm in a Decision Statement that they are satisfied the Madeley Neighbourhood Development Plan meets the requirements of the Act and Regulations and to authorise the Assistant Director: Planning Specialist to undertake all necessary arrangements for the Madeley Neighbourhood Development Plan to be processed in accordance with the relevant legislation through the Independent Examination stage**

**3.0 SUMMARY IMPACT ASSESSMENT**

<b>COMMUNITY IMPACT</b>	Do these proposals contribute to specific Priority Plan objective(s)?	
	Yes	Co-operative Council: - Involving local people more in planning and running services - As a Council, supporting our community better and encouraging people to do more to help their own communities
	Will the proposals impact on specific groups of people?	
	Yes	Neighbourhood Development Plans contribute to the local planning framework for future development within a designated area. Production of the Madeley NDP has involved the whole of the Madeley Parish community through consultation where people have had the opportunity to provide formal comments on policies which will affect the future development of their area. The 6-week publicising period will allow for representations to be made to the Independent Examiner and the referendum an opportunity for the whole Madeley Parish to vote on the plan prior to formal adoption.
<b>TARGET</b>	Subject to Cabinet approval, the Madeley NDP will proceed to examination, the findings of which will be reported to Cabinet for further consideration	

<b>COMPLETION/ DELIVERY DATE</b>	prior to a referendum in the summer, the specific timescale of which will depend on the outcome of the examination and Cabinet's further considerations.	
<b>FINANCIAL/VALUE FOR MONEY IMPACT</b>	Yes	<p>The costs associated with the introduction of Neighbourhood Plans, including the additional costs of designations, referendum and examinations have to be met by the Local Authority. Madeley received funding as a Frontrunner for neighbourhood planning and the balance of this funding is available to offset the costs incurred. In addition funding, up to a maximum of £30,000 is available from the DCLG if required to meet the costs incurred by the Local Authority.</p> <p>The appointment of the Independent Examiner by the Local Authority will comply with procurement requirements and will be funded from the available DCLG grant.</p>
<b>LEGAL ISSUES</b>	<p>The Localism Act 2011 provided a framework for a new statutory regime to establish Neighbourhood Planning. Subsequent legislation has added more detail to that framework. The Town Council has had to fulfil its publication and consultation obligations under this legislation and the Borough Council as local planning authority has had to publicise the NDP. The Borough Council as Local Planning Authority ("the LPA") now has to consider a number of matters relating to the NDP to ensure compliance.</p> <p>The issues which the LPA now needs to consider and determine are set out in this report</p> <p>If the LPA finds that there has not been compliance, it must reject the NDP. If the LPA finds that there has been compliance, the NDP will be referred to an Independent Examiner for examination.</p> <p>After the Independent Examiner's report/recommendations have been completed, they will be presented to the LPA for consideration. This will be the subject of a further report to Cabinet where it will be decided whether, in the light of the Independent Examiner's report, the LPA is going to proceed to a referendum in respect of the NDP.</p> <p>Further legal points are raised later in this report</p>	
<b>OTHER IMPACTS, RISKS &amp; OPPORTUNITIES</b>	<p>The Authority has completed the required checks to ensure the Madeley NDP meets the necessary requirements for this stage of the process. However, subject to Cabinet approving the recommendation in this report, there will be an independent examination of the NDP and there is a risk that the Independent Examiner will recommend that the NDP should be modified or rejected. The recommendations of the Independent Examiner will be considered at a further meeting of Cabinet in due course.</p> <p>There is some potential risk associated with consistency of NDP policies with those contained in the emerging Shaping Places Local Plan, although Officer engagement with the Town Council will have helped to mitigate this. As part of their Conformity Statement, Madeley Town Council has also provided supporting information to demonstrate consistency of their NDP against the plans objectives as set out at Strategy &amp; Options stage.</p> <p>Opportunities associated with the NDP include a strengthening of</p>	

		local engagement in the planning process and in the development of the Shaping Places Local Plan, including acceptance of proposed development in the area. A successful NDP will raise the profile of the Council locally and nationally.
<b>IMPACT ON SPECIFIC WARDS</b>		Cuckoo Oak Ward: Cllr Alan Mackenzie & Cllr Derek White; Madeley Ward: Cllr Paul Watling & Cllr Gill Green; Woodside Ward: Cllr Kevin Guy & Cllr Rae Evans

## **4.0 PART B) – ADDITIONAL INFORMATION**

### **4.1 Background**

4.1.2 Neighbourhood planning was introduced by the Localism Act (2011). It provides the opportunity for a Parish/Town Council or local forum to produce an NDP with the involvement of local people, helping to inform future planning decisions in their area.

4.1.3 In February 2011 Telford & Wrekin Council and Madeley Town Council successfully bid for them to become one of the government's Frontrunners in neighbourhood planning. The Madeley Neighbourhood Plan Steering Group was subsequently formed and has led development of the NDP through a number of key stages. Waters Upton, Ercall Magna and Newport Town & Parish Councils are also Frontrunners in the process of developing their plans. More recently, Stirchley & Brookside Parish Council were designated as a neighbourhood area outside of the Frontrunner scheme.

4.1.4 Under the Town and Country Planning Act 1990 Telford & Wrekin Council has a statutory duty to assist communities in the preparation of Neighbourhood Development Plans (NDP's) at key stages in the process. Officers have been working closely with the Town Council regarding the NDP and Cabinet approved the designation of the neighbourhood plan area for Madeley on 18th October 2012. Subsequent to this, the Town Council has worked with its community to produce a NDP which has been subject to the required period of consultation.

4.1.5 Following this consultation, Madeley Town Council submitted their NDP on 11<sup>th</sup> February 2014 for Telford & Wrekin Council to complete the necessary checks and proceed to the next stages of publication, examination and referendum. The NDP, along with supporting documents are available at [www.telford.gov.uk/neighbourhoodplanning](http://www.telford.gov.uk/neighbourhoodplanning)

### **4.2 Legal compliance checking**

4.2.1 Telford & Wrekin Council is required to consider a number of matters set out in the legislation and, if they are satisfied that the matters have been met or complied with, the NDP must be submitted for independent examination. The matters for consideration are as follows:

- Whether the NDP proposal is a repeat proposal – there are a number of provisions relating to this consideration. However, this is not a repeat proposal so these provisions are satisfied
- Whether Madeley Town Council is authorised to act - Madeley Town Council is a Parish Council and is proposing a NDP in respect of a Plan Area which consists of the whole of its administrative area and it is considered that it is authorised as required
- Whether there is another NDP proposal relating to the area – there is not, so this provision is satisfied

- Whether the NDP proposal and the documents and information accompanying it comply with the rules for submission to Telford & Wrekin Council as the Local Planning Authority (LPA) – The NDP proposal can properly be described as a Neighbourhood Development Plan. It has been submitted to the LPA in the prescribed form and is accompanied by other documents and information as prescribed. The proposal documents identify the area to which the NDP relates, include a compliant Consultation Statement and include a statement explaining how the proposed NDP meets the “basic conditions” as required by the legislation (see below). It is considered that the Town Council have complied with the requirements in these respects in that all these documents have been provided.

4.2.2 The Independent Examiner will be considering the following:

- Whether, having regard for national planning policy and guidance from the Secretary of State, it is appropriate that the NDP should be made
- Whether the NDP contributes to the achievement of sustainable development
- Whether the NDP is in general conformity with the strategic policies contained in the Development Plan for the area of the Authority
- Whether the NDP is in breach and/or is otherwise compatible with EU obligations

4.2.3 When the NDP next comes before Cabinet, with the benefit of the Independent Examiner’s report/recommendations, these matters will be considered in detail.

4.2.4 Bearing in mind these tests, officers are satisfied that all the required documentation can now be submitted for the Independent Examination. With regard to EU obligations, a Screening Determination on the Environmental Assessment of Plans and Programmes Regulations 2004 has been submitted. It concludes that an Environmental Assessment of the NDP is not required as it is unlikely to have significant environmental effects. This determination was agreed by the relevant bodies including Natural England, The Environment Agency and English Heritage. Further, it is not considered that the NDP provisions are likely to have a significant effect on a European site, as defined in the Conservation of Habitats and Species regulations 2010(d) either alone or in combination with other plans or projects.

4.2.5 Full details of how Madeley Town Council considers that they have demonstrated that they comply with these requirements are set out in their Basic Conditions Statement.

4.2.6 Other procedural requirements which have been met include the provision of a map identifying the Plan Area, a Consultation Statement and the actual NDP document. The Town Council has also provided a Historic Conservation Assessment and an Evidence Base Summary.

4.2.7 With regards to general conformity with the strategic policies for the Borough, this is covered in more detail in the following section.

### **4.3 Conformity check**

4.3.1 In order to successfully progress through the Independent Examination, the key test of the NDP in terms of policy is whether or not the plan is in ‘general conformity’ with the strategic policies of the adopted development plan for the local area.

4.3.2 The Basic Conditions Statement (BCS) submitted by Madeley Town Council forms the basis of this determination. It identifies the main policies from the Core Strategy, Wrekin Local Plan, and the plan objectives of the emerging Shaping Places Local Plan (SPLP). An

assessment is then made in the statement as to how the NDP conforms to these policies. In general terms, Telford & Wrekin Council considers the statement to be comprehensive in coverage of the relevant policies and clearly sets out why the Town Council consider that the NDP supports the strategic policies of the higher tier plans.

- 4.3.3 A specific issue for the process of adopting a NDP for Madeley is to ensure that the policies and proposals within the plan are broadly consistent with the emerging SPLP. Alongside the BCS is the Evidence Base Summary. Again, in broad terms, it is clear from the summary document that the NDP has been informed by proportionate evidence similar to that being used to support the emerging SPLP, alongside other locally-specific available data.
- 4.3.4 Consequently, based on the comprehensive nature of the BCS, and the appropriate scope and nature of the evidence base used to underpin the NDP, Telford & Wrekin Council consider that the relevant requirements have been met for the NDP to be progressed on to the next stage and submitted for independent examination.

#### **4.4 Publication**

- 4.4.1 The Madeley NDP is being publicised for a 6 week period between 24<sup>th</sup> February and 8<sup>th</sup> April 2014 in accordance with Regulations “in a manner that is likely to bring it to the attention of the local community”. The NDP is available via Telford & Wrekin Council’s website [www.telford.gov.uk/neighbourhoodplanning](http://www.telford.gov.uk/neighbourhoodplanning) and Madeley Town Council website [www.madeleytowncouncil.gov.uk](http://www.madeleytowncouncil.gov.uk). A copy is available for viewing in the following places; Madeley Town Council, Madeley Library, Business & Planning First Point Wellington, First Point Telford. A notice was placed in the Telford Journal. All bodies referred to in Consultation Statement (February 2014) have been notified of the publication period, along with consultees on Telford & Wrekin Council’s Development Plan database.
- 4.4.2 Any representations submitted to Telford & Wrekin Council during this publicity period will be forwarded to the Independent Examiner to supplement the NDP which will be submitted in its current form.

#### **4.5 Examination & Referendum**

- 4.5.1 Subject to Cabinet approval, the NDP will proceed to the next stage; examination. During the publication period an independent examiner will be appointed by Telford & Wrekin Council in agreement with Madeley Town Council. The Independent Examiner will check the contents of the plan, supporting documents and any written representations.
- 4.5.2 The outcome of the examination will be a report with recommendations, from the Independent Examiner to Telford & Wrekin Council for its consideration. The report will recommend that either the NDP should be submitted to a referendum, modified and then submitted to a referendum or that the NDP should be rejected.
- 4.5.3 If the NDP successfully progresses through Independent Examination and consideration by Cabinet, in accordance with Regulation 4 of the Neighbourhood Planning (Referendum) Regulations 2012, not fewer than 28 days (excluding weekends and bank holidays) before the date of the referendum, the Council must publish an Information Statement declaring when a referendum will be held and related details such as the question that will be asked. In accordance with Regulation 3, this question will ask whether voters agree to the use of the NDP to help decide planning applications in the Plan Area. If all proceeds smoothly, it is anticipated that the referendum could be held in the summer 2014.

4.5.4 If a majority of those voting (over 50%) are in favour, this is sufficient to require Telford & Wrekin Council to make the NDP after which it will be published on Telford & Wrekin Councils website.

#### **4.6 Conclusion**

4.6.1 As a frontrunner Madeley Town Council are the first in the Borough to progress to this stage, working closely with their community to produce a plan which reflects local views on future development in the Parish and policies which, subject to being adopted, will be taken into consideration in the decision making process.

4.6.2 Following submission of the NDP it is recommended that Cabinet confirm that they are satisfied that the legal requirements have been met and arrangements needed to proceed to subsequent stages of the process. A further report will be brought for Cabinet consideration following receipt of the Independent Examiners report and prior to undertaking the referendum.

#### **5.0 IMPACT ASSESSMENT – ADDITIONAL INFORMATION**

5.1 Once adopted, the Madeley NDP will become part of the statutory planning framework for the borough. In accordance with the ethos of neighbourhood planning, the NDP is based on extensive community engagement and therefore a product of the community with policies reflecting their views. Therefore, whilst the policies will have been tested for general conformity with the existing Core Strategy and saved policies from the Wrekin Local Plan, it is not a legal requirement to test them to the same degree as these Development Plan's which were subject to an Examination in Public.

5.2 In accordance with legal requirements, planning applications should be determined in accordance with the provisions of relevant Development Plan's which, for the Madeley Parish, would include the NDP once it is adopted as well as the Core Strategy and saved policies from the Wrekin Local Plan. This is unless material considerations indicate otherwise, meaning the weight given to the NDP must be balanced with other considerations as part of the decision making process undertaken by Development Management.

5.3 Comments on the draft NDP were collated from the Development Management Team and submitted to Madeley Town Council as part of the formal consultations on the draft NDP. They are contained in the Consultation Statement which will be made available to the Independent Examiner. Their intention was to provide constructive support to the process and reduce potential risks associated with implementing the plan.

#### **6.0 PREVIOUS MINUTES**

6.1 Application for the Designation of a Neighbourhood Area – Madeley (Cabinet, 18<sup>th</sup> October 2012)

## **7.0 BACKGROUND PAPERS**

Madeley Neighbourhood Development Plan – Examination version (Feb 2014)  
Basic Conditions Statement (February 2014)  
Consultation Statement (February 2014)  
Regulation 14 Consultation (February 2014)  
Historic Conservation Assessment (February 2014)  
Evidence Base Summary (February 2014)  
The Environmental Assessment of Plans and Programmes Regulations 2004, Regulation 9  
Screening Determination - Madeley Neighbourhood Plan

Available at [www.telford.gov.uk/neighbourhoodplanning](http://www.telford.gov.uk/neighbourhoodplanning)

**Report prepared by Rachel Taylor, Environment & Planning Policy Team Leader  
Telephone: 01952 384220**