

TELFORD & WREKIN COUNCIL

CABINET - 19 MARCH 2015

MADELEY NEIGHBOURHOOD DEVELOPMENT PLAN: PROCEED TO MAKING

REPORT OF THE 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. The documentation was checked in accordance with the authority's statutory duties to be able to commence a 6-week publicising period followed by an Independent Examination in June 2014.
- 1.2 The appointed Independent Examiner (the Examiner), John Parmiter, conducted the Examination including a public hearing and submitted the Examiners report to the Council in June including a recommendation to proceed to Referendum, subject to a number of modifications. Those modifications were applied to the NDP and Cabinet agreed to proceed to formal Referendum, in October 2014.
- 1.3 The purpose of this report is to recommend that Cabinet 'Make' the Madeley NDP part of the Development Plan for Telford & Wrekin following a successful Referendum on 29th January 2015. This will mean that the policies within the Madeley NDP will be considered alongside national and borough wide planning policy in the determination of planning applications within the NDP area.

2.0 RECOMMENDATIONS

That Cabinet agree to Make the Madeley Neighbourhood Development Plan

3.0 SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	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 Plans establish a formal statutory 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, including a 6-week formal publicising consultation period. The Referendum stage provided an opportunity for the whole Madeley Parish to vote on the plan prior to formally making the Plan.

TARGET COMPLETION/ DELIVERY DATE	Subject to Cabinet approval, once the Madeley NDP is Made it will be used as part of the Development Plan for the Borough.	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	The costs associated with the development and approval of the Madeley Neighbourhood Development Plan, including the costs of the referendum, have been funded from DCLG grants made available to Telford and Wrekin Council for this purpose. JAC 090215
LEGAL ISSUES		<p>Because the referendum has now taken place and more than half of those voting have voted in favour of the NDP, the LPA must Make the NDP as soon as reasonably practicable unless it considers that the Making of the plan would breach or otherwise be incompatible with any European Union obligation or any of the Convention Rights within the meaning of the Human Rights Act 1998.</p> <p>If the recommendation is agreed and the NDP is Made, there are further statutory procedural requirements on the Council which include an obligation to publish its decision and its reasons for that decision. The Council also has to publish on its website the NDP as made and details of where and when it can be inspected. IR 060215</p>
OTHER IMPACTS, RISKS & OPPORTUNITIES		Opportunities associated with the NDP include a strengthening of 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 successfully made NDP raises the profile of the Council locally and nationally.
IMPACT ON SPECIFIC WARDS		Cuckoo Oak Ward (Councillors Alan Mackenzie and Derek White), Madeley Ward (Councillors Gill Green and Paul Watling), Woodside Ward (Councillors Kevin Guy and Rae Evans)

4.0 PART B) – ADDITIONAL INFORMATION

4.1 Background

- 4.1.1 In February 2011 Telford & Wrekin Council and Madeley Town Council successfully bid for Madeley 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. Under the Town and Country Planning Act 1990 Telford & Wrekin Council as LPA has a statutory duty to assist communities in the preparation of the NDP through the various statutory stages in the process.
- 4.1.2 In accordance with the 1990 Act and the Neighbourhood Planning Regulations, Madeley Town Council submitted their NDP on 11th 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/madeleyndp.
- 4.1.3 The Examination version of the Madeley NDP was publicised from 24th February to 8th April 2014 inviting comments from the public and stakeholders. An Independent Examiner was appointed, John Parmiter, to review whether the Plan met the Basic Conditions, other legislative requirements and whether the Plan should proceed to Referendum. A public hearing was held on 6th June and the Examiners Report was received in June recommending the Plan, as modified in accordance with his report met all relevant legal requirements and could proceed to referendum. This was agreed by Cabinet on the 16th October 2014.
- 4.1.4 The Madeley NDP Referendum was held on the 29th January 2015 receiving a majority 'yes' vote. The result was 94% of valid votes in favour and 6% against. Overall turnout at the Referendum was 16.57% from a 12,126 electorate with 4% of turnout voting at a polling station.

4.2 Considerations for Cabinet

- 4.2.1 The LPA can decline to Make the Plan if they consider that it would breach any EU obligations or any Convention rights. It is not considered that the Madeley NDP breaches any EU obligations or Convention Rights. Therefore, following the result of the Referendum, it is recommended that the Madeley NDP is Made by Telford & Wrekin Council. This will allow the Madeley NDP to be given full weight in the determination of planning applications within the Parish of Madeley alongside national and borough-wide adopted policy.

4.3 Following Making

- 4.3.1 Once the Madeley NDP is Made it will be published on the Telford & Wrekin Council website and used in the determination of planning applications for the Neighbourhood Plan area i.e. the Parish of Madeley.

4.4 Conclusion

- 4.4.1 This is the first NDP in Telford & Wrekin to reach the end of the process and become part of the Development Plan. It is currently only one of 74 NDP's out of a total 1310 in England to reach this stage and once it is Made it will be one of only 32 Made NDP's in England. This provides a model for the other four Town & Parish Councils (Ercall Magna PC, Newport TC, Waters Upton PC and Stirchley & Brookside PC) who are currently at different stages of developing their NDPs.

5.0 IMPACT ASSESSMENT – ADDITIONAL INFORMATION

- 5.1 Once the Madeley NDP is Made, it will become part of the statutory planning framework for the Borough.
- 5.2 In accordance with legal requirements, planning applications should be determined in accordance with the provisions of relevant Development Plans which, for the Madeley Parish, would include the NDP as well as the Core Strategy and saved policies from the Wrekin Local Plan. This is unless material considerations indicate otherwise, meaning the NDP policies must be balanced with other considerations as part of the decision making process undertaken by the LPA.

6.0 PREVIOUS MINUTES

- 6.1 Application for the Designation of a Neighbourhood Area – Madeley (Cabinet, 18th October 2012)
- 6.2 Submission of Madeley Neighbourhood Development Plan (Cabinet, March 27th 2014)
- 6.3 Madeley Neighbourhood Development Plan: Consideration of Examiner's recommendations and proposed modifications prior to Referendum (Cabinet, October 16th 2014)

7.0 BACKGROUND PAPERS

Madeley Neighbourhood Development Plan (February 2015)
Madeley Neighbourhood Development Plan: Referendum Version (August 2014)
Madeley Neighbourhood Development Plan: Independent Examiner's Report (June 2014), including the list of proposed modifications.
Madeley Neighbourhood Development Plan: Examination Version (February 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/madeleyndp

Report prepared by Clare Francis, Project Officer, Environment & Planning Policy
Telephone: 01952 384224