

**TELFORD & WREKIN COUNCIL**

**CABINET – 16 JUNE 2016**

**WATERS UPTON NEIGHBOURHOOD PLAN: PROCEED TO MAKING**

**REPORT OF THE ASSISTANT DIRECTOR: BUSINESS, DEVELOPMENT & EMPLOYMENT**

**LEAD CABINET MEMBER: COUNCILLOR RICHARD OVERTON**

**PART A) – SUMMARY REPORT**

**1.0 SUMMARY OF MAIN PROPOSALS**

- 1.1 Waters Upton Parish Council submitted their Neighbourhood Development Plan (NP) with supporting documents to the Council in December 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 December 2015.
- 1.2 The appointed Independent Examiner (the Examiner), John Parmiter, submitted the Examiner’s 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 NP and Cabinet agreed to proceed to formal Referendum in February 2016.
- 1.3 The purpose of this report is to recommend that Cabinet ‘make’ the Waters Upton NP following the outcome of the local Referendum on 5 May 2016. This will mean that the policies within the Waters Upton NP will become part of the Development Plan for Telford & Wrekin and will be considered in the determination of planning applications in the NP area alongside national and borough wide planning policy.

**2.0 RECOMMENDATIONS**

- 2.1 That Cabinet agree to make the Waters Upton Neighbourhood Plan.**
- 2.2 That Cabinet authorise the Assistant Director: Business, Development & Employment to exercise all of the Council’s relevant powers and duties and undertake all necessary procedural arrangements relating to the making of the Waters Upton Neighbourhood Plan.**

**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 Plans establish a formal statutory planning framework for future development within a designated area. Production of the Waters Upton NP has involved the whole of the Waters Upton 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 Waters Upton Parish to vote on the plan prior to formally making the Plan.

<b>TARGET COMPLETION/ DELIVERY DATE</b>	Subject to Cabinet approval, once the Waters NP is Made it will be used as part of the Development Plan for the Borough.	
<b>FINANCIAL/VALUE FOR MONEY IMPACT</b>	Yes	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. The scheme has received DCLG Neighbourhood Plan funding and there is sufficient funding available to meet the final costs of the referendum which are estimated at £2 per elector. AEM 200416 .
<b>LEGAL ISSUES</b>		Because the referendum has now taken place and more than half of those voting have voted in favour of the NP, the LPA must Make the NP 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.  If the recommendation is agreed and the NP 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 NP as made and details of where and when it can be inspected. IR 210416
<b>OTHER IMPACTS, RISKS &amp; OPPORTUNITIES</b>		Opportunities associated with the NP include a strengthening of local engagement in the planning process and in the development of the Telford & Wrekin Local Plan, including acceptance of proposed development in the area. A successfully made NP raises the profile of the Council locally and nationally.
<b>IMPACT ON SPECIFIC WARDS</b>		Edgmond and Ercall Magna Ward

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

##### **4.1 Background**

4.1.1 In February 2011 Telford & Wrekin Council and Waters Upton Parish Council made a successful bid for Waters Upton to become one of the government's Frontrunners in neighbourhood planning. A Waters Upton Neighbourhood Plan Steering Group was subsequently formed and has led development of the Neighbourhood Plan (or NP) through a number of key stages. Under the Town and Country Planning Act 1990 Telford & Wrekin Council as the local planning authority (the LPA) has a statutory duty to assist communities in the preparation of the NP through the various statutory stages in the process.

4.1.2 In accordance with the 1990 Act and the Neighbourhood Planning Regulations, Waters Upton Parish Council submitted their NP on 15<sup>h</sup> December 2014 for Telford & Wrekin Council to complete the necessary checks and proceed to the next stages of publication, examination and referendum. The NP, along with supporting documents are available at :

[www.telford.gov.uk/info/20172/planning\\_policy\\_and\\_strategy/544/waters\\_pton\\_neighbourhood\\_plan](http://www.telford.gov.uk/info/20172/planning_policy_and_strategy/544/waters_pton_neighbourhood_plan)

4.1.3 The Waters Upton NP Referendum was held on 5 May 2016 receiving a majority 'yes' vote. The result was 86% of valid votes in favour and 14% against. Overall turnout at the Referendum was 44% from a 747 person electorate with 328 turning out to vote.

## **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 Waters Upton NP breaches any EU obligations or Convention Rights. Therefore, following the result of the Referendum, it is recommended that the Waters Upton NP is Made by Telford & Wrekin Council. This will allow the Waters Upton NP to be given full weight in the determination of planning applications within the Parish of Waters Upton alongside national and borough-wide adopted policy.
- 4.2.2 Once the Waters Upton NP 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 Waters Upton.

## **4.3 Conclusion**

- 4.3.1 This is the second NP in Telford & Wrekin to reach the end of the process and become part of the Development Plan. It provides a model for the other Town & Parish Councils (Ercall Magna PC, Newport TC, Lilleshall and Stirchley & Brookside PC) who are currently at different stages of developing their NPs. The Neighbourhood Plan has reached this stage following considerable work by the Waters Upton Neighbourhood Plan Steering Group and extensive consultation and cooperative working between the Council and the Parish Council.

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

- 5.1 Once the Waters Upton NP 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 Waters Upton Parish, would include the NP as well as the Core Strategy and saved policies from the Wrekin Local Plan. Planning applications will also be increasingly determined by the new Telford & Wrekin Local Plan as it passes its stages of development to full adoption. This is unless material considerations indicate otherwise, meaning the NP 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 – Waters Upton (Cabinet 14 November 2013).
- 6.2 Submission of Waters Upton Neighbourhood Plan (Cabinet 26 February 2015).
- 6.3 Waters Upton Neighbourhood Plan: Consideration of Examiner's recommendations and proposed modifications prior to Referendum (Cabinet 25 February 2016).

## **7.0 BACKGROUND PAPERS**

Waters Upton Neighbourhood Plan: Referendum Version (January 2016)  
Waters Upton Neighbourhood Plan: Independent Examiner's Report (January 2015), including the list of proposed modifications.  
Waters Upton Neighbourhood Plan – Examination Version (December 2014)  
Basic Conditions Statement (December 2014)  
Consultation Statement (December 2014)  
Regulation 14 Consultation (December 2014)  
Evidence base Summary (December 2014)  
The Environmental Assessment of Plans and Programmes Regulations 2004, Regulation 9  
Screening Determination – Waters Upton Neighbourhood Plan

Available at :

[www.telford.gov.uk/info/20172/planning\\_policy\\_and\\_strategy/544/waters\\_upton\\_neighbourhood\\_plan](http://www.telford.gov.uk/info/20172/planning_policy_and_strategy/544/waters_upton_neighbourhood_plan)

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**Appendix 1: Waters Upton Neighbourhood Plan Made Decision Statement**

**Appendix 2: Waters Upton Neighbourhood Plan Referendum Version**