

**EDGMOND PARISH NEIGHBOURHOOD PLAN: CONSIDERATION OF EXAMINER'S  
RECOMMENDATIONS AND PROPOSED MODIFICATIONS PRIOR TO REFERENDUM**

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

**LEAD CABINET MEMBER: COUNCILLOR OVERTON**

**PART A) – SUMMARY REPORT**

**1. SUMMARY OF MAIN PROPOSALS**

- 1.1 The Localism Act (2011) introduced legislation which allows Parish Councils to produce a Neighbourhood Development Plan (NP) for their administrative area.
- 1.2 Edgmond Parish Council submitted their neighbourhood development plan (the “Edgmond Parish Neighbourhood Plan”) (ENP) and other supporting documents to Telford & Wrekin Council as local planning authority in August 2017. In response and in accordance with its statutory duties, Telford & Wrekin undertook a number of checks to ensure that all the procedural and other requirements had been met and completed a 6-week publicity period which allowed written representations to be made.
- 1.3 Telford & Wrekin appointed an Independent Examiner (the Examiner), John Parmiter, to conduct the Examination of the ENP with a report being submitted back to the Council in December 2017. The Report recommended proceeding to Referendum, subject to a number of modifications. Those modifications have now been applied to the ENP and incorporated into a Referendum version of the ENP (Appendix 3).
- 1.4 The purpose of this report is to seek Cabinet approval for the ENP, subject to the modifications, to proceed to formal Referendum. The full list of modifications proposed by the Examiner are set out in the Examiner’s Report. (Appendix 1 )
- 1.5 Whilst the Examiner’s proposed modifications are not binding, they are considered by Officers to be appropriate. No additional modifications are considered to be required prior to the Referendum stage.
- 1.6 Members need to be satisfied that the ENP meets certain “basic conditions” before it can proceed to a Referendum. As explained in this report, Officers and the Examiner are satisfied that these “basic conditions” have been met.

**2. Recommendation**

- 2.1 **That Cabinet agree with the Independent Examiner that, subject to the modifications recommended by him being made, the Edgmond Parish Neighbourhood Plan meets the “basic conditions” and all other legal requirements as summarised in this report and the Independent Examiner’s report and**
- 2.2 **That Cabinet agree that the required modifications should be made to Edgmond Parish Neighbourhood Plan and that the Edgmond Parish Neighbourhood Plan Referendum Version (February 2018) should proceed to Referendum, and**
- 2.3 **That Cabinet agree that the Referendum Area should not be extended beyond the designated area to which the Edgmond Neighbourhood Plan relates**
- 2.4 **That the Managing Director be authorised to exercise all the relevant powers and duties and undertake all necessary arrangements for the Edgmond Parish Neighbourhood Plan (Referendum Version) to now proceed to Referendum and for the Referendum to take place asking the question whether the voter wants Telford & Wrekin Council to use this neighbourhood plan for the Edgmond Parish Neighbourhood Plan area to help it decide planning applications in this neighbourhood area.**

### 3. 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	NDP's contribute to the local planning framework for future development within a designated area. Production of the ENP has involved the whole of the parish community and people have had the opportunity to provide formal comments on policies which will affect the future development of their area including a minimum 6-week formal publicising consultation period. The referendum stage provides an opportunity for the whole Edgmond Parish to vote on the plan prior to formally making the plan.
<b>TARGET COMPLETION/ DELIVERY DATE</b>	Subject to Cabinet approval, the ENP will proceed to referendum, the outcome of which will determine if the ENP can be made (approved) by the Authority. To achieve this, the referendum must result in more than half of those voting in favour of the ENP. It is anticipated that, after putting all necessary arrangements in place, the ENP will proceed to referendum, subject to Cabinet approval, in April 2018. Subject to a favourable outcome, the final version of ENP is anticipated to be presented to Cabinet for approval in the Summer of 2018	
<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. DCLG confirmed in their letter dated 22 <sup>nd</sup> February 2017 that, up to £20,000 funding is available to LPA's which would cover those costs. However, to qualify for this funding a referendum date needs to be scheduled prior to making a funding claim. AEM 15/01/18.
<b>LEGAL ISSUES</b>	Yes	<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. Edgmond PC has had to fulfil its publication and consultation obligations under this legislation and the Borough Council as local planning authority has now publicised the Edgmond NP and processed it through the Independent Examination stage. With the benefit of the Examiner's report the Borough Council as LPA ("the LPA") now has to properly consider a number of matters relating to the ENP before it can proceed to a referendum.</p> <p>The issues which the LPA now needs to consider and determine are set out in this report. If the LPA is satisfied that certain conditions have been met a referendum must be held. If the LPA is not so satisfied, the ENP must be refused.</p> <p>If the referendum takes place and results in more than half of those voting (i.e. 50% + 1) voting in favour of the ENP, subject to certain exceptional circumstances, the LPA must make the ENP as soon as reasonably practical.</p> <p>Further legal points are raised later in this report IR – 12.01.18</p>
<b>OTHER IMPACTS, RISKS &amp; OPPORTUNITIES</b>	Yes	The main risk associated with the referendum stage is that the referendum itself does not deliver a majority vote in favour of the Plan. In this context the LPA would be unable to make the ENP a statutory plan to be applied to the determination of planning applications in the designated area. However, this is unlikely bearing in mind the level of engagement carried out by Edgmond Parish Council with the assistance of the LPA, which has sought to address

		the key issues identified through the consultation process. Opportunities associated with the ENP include a strengthening of local engagement in the planning process.
<b>IMPACT ON SPECIFIC WARDS</b>	Yes	Edgmond and Ercall Magna Ward

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

### **4. INFORMATION**

- 4.1 Neighbourhood planning was introduced by the Localism Act 2011. It provides the opportunity for a Parish/Town Council or local forum to produce a neighbourhood development plan with the involvement of local people, helping to inform future planning decisions in their area. 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 NP through the various statutory stages in the process. In accordance with the 1990 Act and the Neighbourhood Planning Regulations, Edgmond Parish Council submitted their NP in August 2017 for Telford & Wrekin Council to complete the necessary checks and proceed to the next stages of publication, examination and referendum.
- 4.2 The referendum version of the ENP is in accordance with and supports the policy approach to Edgmond and the rural area in the ‘recently adopted’ Telford & Wrekin Local Plan.

### **5. Examination of the Edgmond Neighbourhood Plan**

- 5.1 An independent examination of the plan took place between November and December 2017. The purpose of the examination was to establish whether procedural and other matters had been properly dealt with and in establishing whether or not the ENP met the ‘basic conditions’. The “basic conditions” include the following:
- Whether, having regard for national planning policy and guidance from the Secretary of State, it is appropriate that the ENP should be made
  - Whether the ENP contributes to the achievement of sustainable development
  - Whether the ENP is in general conformity with the strategic policies contained in the Development Plan for the area of the Authority
  - Whether the ENP is in breach of and/or is otherwise compatible with EU obligations
  - Whether the making of the ENP is likely to have a significant effect on any “European Sites” as defined in the Conservation Habitats and Species Regulations 2012
- 5.2 The Examiner also had to consider whether the area for any referendum should extend beyond the area to which the ENP related.
- 5.3 The Examiner has proposed a number of recommended changes which principally relate to modifying the policies contained in the ENP. Members’ attention is drawn to the proposed modifications which are set out in the Examiner’s report (Appendix 1). These modifications have been incorporated within the Referendum Version of the ENP (Appendix 3), the main changes are summarised below:
- Deletion of wording from Policy RES1 (New Residential Development within Edgmond Village) which sought to restrict the number of dwellings on any given site to a maximum of 3 dwellings;
  - Changes to Policy RES2 (Residential Development Beyond Edgmond Village) to reduce the blanket-restrictive nature of the policy as drafted;
  - Minor rewording of Policy RES4 (Conservation of Edgmond’s Historic Character) to bring it line with relevant legislation;
  - Recognition and acceptance by the Examiner of the Local Green Spaces as designated in the plan, subject to minor amendments including those relating to parts of the boundaries;
  - Rewording of Policy E3 (Harper Adams University) to focus any new development more closely around the existing developed areas, concentrate expansion – especially involving larger buildings – north of the Shrewsbury Road and deal with adverse impacts of new development through design, landscape, lighting and traffic mitigation measures;
  - Deletion of Policy C2 (Developer Contributions) in line with the Examiner’s view that the policy does not meet the Basic Conditions test.

5.4 On all other aspects of the basic conditions tests, the Examiner concluded that, subject to his recommended modifications being made, the ENP met the tests. In addition, the Examiner also concluded that the ENP has been prepared in accordance with all other legal requirements, in particular those under paragraph 8(1) of schedule 4B of Town and Country Planning Act (TCPA), in that:

- the ENP had been prepared and submitted for examination by a qualifying body;
- the ENP had been prepared for an area that has been designated under Section 61G of the TCPA as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 (PCPA);
- the ENP met the requirements of Section 38B of the PCPA (i.e. the Plan must specify the period to which it has effect (to 2031), must not include provisions about development that is excluded development, and must not relate to more than one Neighbourhood Area); and
- the policies relate to the development and use of land for a designated Neighbourhood Area, in line with the requirements of Section 38A of the PCPA.

5.5 Consequently, the Examiner recommended that the ENP, as modified in accordance with his report met all relevant legal requirements and should proceed to referendum. The Examiner also concluded that the boundary of the referendum (or 'referendum area') should be the same as the boundary of the ENP. An additional business referendum is not required.

5.6 As stated above, it is important for the Examiner and the LPA to be satisfied that the ENP is in general conformity with the strategic policies contained in the Telford & Wrekin Local Plan. The Examination took place before the Telford & Wrekin Local Plan was adopted, however and helpfully, the Examiner noted that the Parish Council prepared its ENP policies in the context of and alongside the emerging Local Plan and the Examiner himself had regard for the relevant strategic policies of the emerging Local Plan when making his recommendations. Further, your officers are satisfied that the ENP is in general conformity with the strategic policies contained in the newly adopted Local Plan.

## **6. Considerations for Cabinet**

6.1 Cabinet must:

- a) consider each of the recommendations made by the Examiner and the reasons for them
- b) decide what action to take in respect of each recommendation
- c) be satisfied that the ENP meets the basic conditions (see para 5.1 above) and be satisfied that the ENP is compatible with EU Convention Rights and be satisfied that the ENP complies with the various requirements referred to at paragraph 5.4 above

OR

be satisfied that the ENP would meet those conditions, be compatible with those rights and comply with those requirements if modifications were made to the ENP as recommended by the Examiner.

6.2 In respect of a) and b), Members are recommended to accept each of the Examiner's recommendations and reasons and to agree that all of the Examiner's recommendations be incorporated into a new version of the ENP (the Edgmond Neighbourhood Plan: Referendum Version February 2018).

6.3 In respect of c) Members are recommended to accept the Examiner's recommendation that the ENP would meet these conditions, be compatible with these rights and comply with these requirements if his recommended modifications were made to the ENP and further that these modifications should be made.

6.4 In respect of the area in which the Referendum is to take place, Members are recommended to accept the Examiner's recommendation that the Referendum Area should not change and should be the same as the designated ENP area.

6.5 If Members accept the Examiner's and officers' recommendations, a Referendum must be held on the making of the ENP by the LPA

6.6 If Members are not satisfied in respect of c) above and do not accept the Examiner's recommendations, they must refuse to make the ENP.

6.7 In any event, Members' decisions and reasoning in these matters has to be published in a decision notice.

## **7. Preparing for Referendum**

7.1 Subject to Cabinet approval, the ENP will proceed to the next stage; Referendum. The Referendum is organised and carried out by Telford & Wrekin Council. The Referendum will only be carried out in Edgmond Parish as the Neighbourhood Plan area. In accordance with Regulation 4 of the Neighbourhood Planning (Referendum) Regulations 2012 the Council will publish an Information Statement declaring when a Referendum will be held and the questions to be asked no less than 28 working days beforehand. In accordance with Regulation 3, the Referendum will ask whether voters want the LPA to use the ENP to help decide planning applications in the Plan Area.

7.2 It is anticipated that the Referendum will be held, subject to Cabinet approval in April 2018.

7.3 The key tasks involved in preparing for the Referendum include the preparation of documents and website information for inspection including 'information statement', printing of polling cards and organisation of polling stations similar to those used at local government elections. The organisation of the Referendum will be led by TWC Electoral Services in liaison with the Environment & Planning Policy Team and Edgmond Parish Council.

7.4 If more than 50% of those voting vote in favour of the ENP, Telford & Wrekin Council must then 'make' the ENP within 8 weeks of the referendum.

7.5 A neighbourhood plan comes fully into force as part of the statutory development plan once it has been made. It will be published on Telford & Wrekin Councils website and used in the determination of planning applications in the Neighbourhood Plan area i.e. in the Parish of Edgmond.

## **8. Conclusion**

8.1 Edgmond Parish Council is the third "qualifying body" in the Borough to progress a NP 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, if the Edgmond NP is made, will be taken into consideration in the decision making process.

8.2 A further report will be brought for Cabinet consideration following the outcome of the Referendum.

## **9. IMPACT ASSESSMENT – ADDITIONAL INFORMATION**

9.1 Once the Edgmond NP is made, it will become part of the statutory planning framework for the Borough. In accordance with the ethos of neighbourhood planning, the ENP is based on extensive community engagement and therefore a product of the community with policies reflecting their views. The policies, once modified, are considered to be in general conformity with the 'recently adopted' Telford & Wrekin Local Plan

9.2 In accordance with legal requirements, planning applications should be determined in accordance with the provisions of relevant Development Plan's which, for the Edgmond Parish, would include the ENP as well as the Telford & Wrekin Local Plan. This is unless material considerations indicate otherwise, meaning the ENP policies must be balanced with other considerations as part of the decision making process undertaken by the LPA.

## **10. BACKGROUND PAPERS**

- Edgmond Parish Neighbourhood Plan – Examination / Regulation 15 Consultation Version
- Letter to Telford & Wrekin Council (TWC) accompanying the documents
- Consultation Statement (June 2017)
- Revised Basic Conditions Statement (June 2017)
- Edgmond Conservation Area Appraisal
- Edgmond Neighbourhood Plan Landscape Character Assessment
- Habitat Regulation Assessment Screening Statement for Edgmond Neighbourhood Plan
- Screening Statement of the need for Strategic Environmental Assessment

## **11. Appendices**

Appendix 1 - Edgmond Parish Neighbourhood Plan Independent Examiners Report

Appendix 2 - Edgmond Parish Neighbourhood Plan – Examination / Regulation 15 Consultation Version

Appendix 3 - Edgmond Parish Neighbourhood Plan –Referendum Version

**Date: 10 January 2018**

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