

TELFORD & WREKIN COUNCIL

CABINET – 2 DECEMBER 2021

TIBBERTON & CHERRINGTON PARISH NEIGHBOURHOOD DEVELOPMENT PLAN

REPORT OF THE DIRECTOR – HOUSING, EMPLOYMENT & INFRASTRUCTURE

LEAD CABINET MEMBER – COUNCILLOR DAVID WRIGHT

PART A) – SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

- 1.1 The Localism Act (2011) introduced legislation which allows Parish and Town Councils to produce a Neighbourhood Development Plan (NDP) for their administrative area. This Report recommends that the Tibberton & Cherrington Parish NDP become the sixth NDP in the Borough to be adopted (made), reflecting the Councils commitment to engage local communities further in planning for development in their local areas.
- 1.2 Tibberton & Cherrington Parish Council submitted their NDP (the “Tibberton & Cherrington Parish Neighbourhood Development Plan”) (TCNDP) to Telford & Wrekin Council as local planning authority in July 2020. 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 publication period which allowed written representations to be made.
- 1.3 Telford & Wrekin appointed an Independent Examiner (the Examiner), Mr Tony Burton, to conduct the Examination of the TCNDP and his report was submitted to the Council in July 2021. The Report recommended proceeding to Referendum, subject to a number of modifications. Those modifications have now been applied to the TCNDP and incorporated into a Referendum version of the TCNDP (Appendix 2).
- 1.4 The purpose of this report is to recommend that Cabinet ‘make’ Tibberton & Cherrington Parish NDP following the outcome of the local referendum on 11th November. This will mean that the policies within the Tibberton & Cherrington Parish NDP will become part of the Development Plan for Telford & Wrekin and will be considered in the determination of planning applications in the Tibberton & Cherrington Parish NDP area alongside national and borough wide planning policy.

2. RECOMMENDATIONS

- 2.1 That Cabinet agree to make the Tibberton & Cherrington Parish Neighbourhood Development Plan.**
- 2.3 That Cabinet authorise the Director: Housing, Employment & Infrastructure to exercise all of the Council’s relevant powers and duties and undertake all necessary procedural arrangements relating to the making of the Tibberton & Cherrington Parish Neighbourhood Development Plan.**

3. IMPACT OF ACTION

3.1 The Local Planning Authority will be obliged to make the TCNDP, if the referendum results are in favour of the Plan. This will allow the TCNDP to be given full weight in the determination of planning applications with the Parish of Tibberton & Cherrington alongside national and borough-wide adopted policy.

4. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes	Co-operative Council: - Involving local people in planning and running services - As a Council, supporting our community to engage with the future development of their area
	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 TCNDP 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 Tibberton & Cherrington Parish to vote on the plan prior to formally making the plan.
TARGET COMPLETION/ DELIVERY DATE	Subject to Cabinet approval, and the outcome of the referendum the final version of TCNDP would be presented to Cabinet in December 2021 to be made.	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	The costs associated with the introduction of Neighbourhood Development Plans, including the additional costs of designations, referendum and examinations have to be met by the Local Authority. DCLG confirmed in their letter dated 29 th June 2021 that, up to £20,000 funding is available to LPA's which would cover those costs. The Authority submitted a claim for these funds in August 2021, the funds will be received before 31 st March 2022. The cost of this NDP will be met from those funds. AEM – 28.10.21
LEGAL ISSUES	Yes	The provisions for the preparation of a neighbourhood development plan are set out in sections 38A, 38B and 38C of the Planning and Compulsory Purchase Act 2004 The referendum is due to take place on 11th November and if more than half of those voting (i.e. 50% + 1) have voted in favour of the TCNDP, subject to certain exceptional circumstances, the Council must make the TCNDP as soon as reasonably practical and in any event within 8 weeks of the referendum, unless it considers that the making of the plan would breach or otherwise be incompatible with any

		<p>European Union obligation or any of the Convention Rights within the meaning of the Human Rights Act 1998 or where a legal challenge regarding the referendum has been brought.</p> <p>If the recommendation is agreed and the TCNDP 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 TCNDP as made and details of where and when it can be inspected.</p> <p>JL – 28.10.21</p>
OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	<p>The main risk associated with the referendum stage is if the referendum itself does not deliver a majority vote in favour of the Plan. In this context the Council would be unable to make the TCNDP. However, this is unlikely bearing in mind the level of engagement carried out by Tibberton & Cherrington Parish Council with the assistance of the Council, which has sought to address the key issues identified through the consultation process.</p> <p>Making of the neighbourhood plan allows it to come into force as part of the statutory development plan in Telford & Wrekin. The TCNDP must be made within 8 weeks of the referendum. A successfully made NDP raises the profile of the Council locally and nationally.</p> <p>Opportunities associated with the TCNDP include a strengthening of local engagement in the planning process.</p>
IMPACT ON SPECIFIC WARDS	Yes	Edgmond & Ercall Magna

PART B) – ADDITIONAL INFORMATION

5. INFORMATION

5.1 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, Tibberton & Cherrington Parish Council submitted their NP in July 2020 for Telford & Wrekin Council to complete the necessary checks and proceed to the next stages of publication, examination and referendum.

5.2 The referendum version of the TCNDP is in accordance with and supports the policy approach to Tibberton & Cherrington and the rural area in the adopted Telford & Wrekin Local Plan.

5.3 A Referendum relating to the Tibberton & Cherrington Parish Neighbourhood Development

Plan was held on Thursday 11th November 2021. The question that will be asked in the Referendum is “**Do you want the Borough of Telford & Wrekin to use the neighbourhood development plan for Tibberton & Cherrington to help it decide planning applications in the neighbourhood area?**” The count took place on Thursday 11th November 2021 and 94% of those who voted were in favour of the TCNDP being used to help decide the planning applications in the plan, the Local Planning Authority are obliged to proceed and make the plan.

6. Considerations for Cabinet

6.1 The referendum has taken place and more than half have voted in favour of the TCNDP. The LPA is now obliged to make the TCNDP. The LPA can only 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 TNDP breaches any EU obligations or Convention Rights. Therefore, following the result of the Referendum, it is recommended that the TCNDP is made by Telford & Wrekin Council. This will allow the TCNDP to be given full weight in the determination of planning applications within the Parish of Tibberton & Cherrington alongside national and borough-wide adopted policy.

6.2 Once the TCNDP 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 Tibberton & Cherrington.

7. Conclusion

7.1 Tibberton & Cherrington Parish Council is the sixth “qualifying body” in the Borough to progress a NDP 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, once the TCNDP is made, will be taken into consideration in the determination of planning applications in the Parish of Tibberton & Cherrington.

8. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

8.1 Once the Tibberton & Cherrington NDP is made, it will become part of the statutory planning framework for the Borough. In accordance with the ethos of neighbourhood planning, the TCNDP is based on extensive community engagement with policies reflecting their views.

8.2 In accordance with legal requirements, planning applications should be determined in accordance with the provisions of the Local Development Plan which, for the Tibberton & Cherrington Parish, would include the TCNDP (once made) as well as the Telford & Wrekin Local Plan. This is unless material considerations indicate otherwise, meaning the TCNDP policies must be balanced with other considerations as part of the decision making process by the Council.

9. PREVIOUS MINUTES

9.1 Tibberton & Cherrington Parish Neighbourhood Development Plan: Consideration of

Examiner's recommendations and proposed modifications prior to Referendum (Cabinet, 23rd September 2021)

10. **BACKGROUND PAPERS**

- Tibberton & Cherrington Parish Neighbourhood Plan – Referendum Version (July 2021)
- Tibberton & Cherrington Parish Neighbourhood Plan – Independent Examiners Report
- Tibberton & Cherrington Parish Neighbourhood Development Plan – Examination / Regulation 15 Consultation Version
- Letter to Telford & Wrekin Council (TWC) accompanying the documents
- Consultation Statement (July 2020)
- Basic Conditions Statement (July 2020)
- Strategic Environmental Assessment Screening Statement
- Habitat Regulation Assessment Screening Statement

Available at: www.telford.gov.uk/tibbertonandcherringtonndp

Appendices

Appendix 1 – Tibberton & Cherrington Parish neighbourhood Development Plan – Made Decision Statement.

Appendix 2 – Tibberton & Cherrington Parish Neighbourhood Development Plan –Referendum Version

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