



# Borough of Telford and Wrekin

## Cabinet

Thursday 19 October 2023

### Ercall Magna Neighbourhood Development Plan - Made Version

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<b>Cabinet Member:</b>	Cllr Richard Overton - Deputy Leader and Cabinet Member: Homes & Enforcement
<b>Lead Director:</b>	Katherine Kynaston - Director: Housing, Employment & Infrastructure
<b>Service Area:</b>	Housing, Employment & Infrastructure
<b>Report Author:</b>	Gavin Ashford - Strategic Planning Team Leader
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<b>Wards Affected:</b>	Ercall Magna
<b>Key Decision:</b>	Key Decision
<b>Forward Plan:</b>	20 September 2023
<b>Report considered by:</b>	SMT – 19 September 2023 Business Briefing – 28 September 2023 Cabinet – 19 October 2023

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#### 1.0 Recommendations for decision:

It is recommended that Cabinet:-

- 1.1 Agree to make the Ercall Magna Parish Neighbourhood Development Plan for use in determining planning applications in relation to area of Ercall Magna.

#### 2.0 Purpose of Report

- 2.1 The purpose of this report is to recommend to Cabinet the adoption of the Ercall Magna Neighbourhood Development Plan.

#### 3.0 Background

- 3.1 The Localism Act (2011) introduced legislation which allows Parish and Town Councils to produce a Neighbourhood Development Plan (NP) for their administrative area. This report recommends that the Ercall Magna Parish NDP become the eighth 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.
- 3.2 Ercall Magna Parish Council submitted their neighbourhood development plan (the “Ercall Magna Parish Neighbourhood Development Plan”) (EMNDP) to Telford & Wrekin Council as local planning authority in June 2022. 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.
- 3.3 Telford & Wrekin appointed an Independent Examiner (the Examiner), Tony Burton, to conduct the Examination of the EMNDP and his report was submitted to the Council in June 2023. The Report recommended proceeding to Referendum, subject to a number of modifications. Those modifications have now been applied to the EMNDP and incorporated into a Referendum version of the EMNDP (Appendix 1).
- 3.4 The purpose of this report is to recommend that Cabinet make the Ercall Magna Parish NDP following the outcome of the local referendum on 7th September 2023. This will mean that the policies within the Ercall Magna Parish NDP will become part of the Development Plan for Telford & Wrekin and will be considered in the determination of planning applications in the Ercall Magna Parish NDP area alongside national and borough wide planning policy.

#### **4.0 Summary of main proposals**

- 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, Ercall Magna Parish Council submitted their NP in June 2022 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 EMNDP is in accordance with and supports the policy approach to Ercall Magna and the rural area in the adopted Telford & Wrekin Local Plan.
- 4.3 A Referendum relating to the Ercall Magna Parish Neighbourhood Development Plan was held on Thursday 7<sup>th</sup> September 2023. The question that was asked in the Referendum was “*Do you want the Borough of Telford & Wrekin to use the neighbourhood development plan for Ercall Magna to help it decide planning applications in the neighbourhood area?*” The count took place on Thursday 7<sup>th</sup>

September 2023 and 76.08% of those who voted were in favour of the EMNDP being used to held decide the planning applications in the plan, the Local Planning Authority are obliged to proceed and make the plan.

## **5.0 Alternative Options**

5.1 The Localism Act (2011) introduced legislation which allows Parish and Town Councils to produce a Neighbourhood Development Plan (NP) for their administrative area. This process is led by Ercall Magna Parish Council, there is therefore no alternative option available.

## **6.0 Key Risks**

6.1 Following the positive result of the referendum being voted in favour of being made, the key risk of the Council not progressing to referendum on the EMNP would be the potential for a legal challenge from Parish Council.

## **7.0 Council Priorities**

7.1 The report recommendations link to the following Council priorities:

- Every child, young person and adult lives well in their community;
- Everyone benefits from a thriving economy;
- All neighbourhoods are a great place to live
- Our natural environment is protected, and the Council has a leading role in addressing the climate emergency

## **8.0 Financial Implications**

8.1 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. DLUHC confirmed in their letter dated 25th July 2023 that up to £20,000 funding is available to LPA's from when the authority issues a decision statement detailing their intention to send the plan to referendum.

8.2 The cost of this NDP will be met from these funds.

## **9.0 Legal and HR Implications**

9.1 The Localism Act 2011 provided a framework for a new statutory regime to establish Neighbourhood Planning and 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. Ercall Magna Parish Council has had to fulfil its publication and consultation obligations under this legislation and Telford & Wrekin Council as local planning authority publicised the EMNP, processed it through the Independent Examination Stage and has held a referendum, having considered recommendations made in the examiner's report.

9.2 The referendum took place on 7th September 2023 and more than half of those (76.08%) have voted in favour of the EMNDP. Subject to exceptions outlined in law, the Council must make the EMNDP 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 Human Rights provisions or where the referendum is legally challenged.

9.3 If the recommendation is agreed and the EMNDP is made, the Council is required to publish its decision and reasons for that decision. The Council also has to publish on its website the EMNDP as made and details of where and when it can be inspected.

## **10.0 Ward Implications**

10.1 The EMNP will become part of the Telford & Wrekin Local Development Plan and will be used to determine planning applications in the are of the Ercall Magna ward which is covered by the parish of Ercall Magna.

## **11.0 Health, Social and Economic Implications**

11.1 EMNP will help provide locally distinctive development policies for the Parish area. This will reflect the priorities of the Parish Council and local community and help to enhance the area including protecting areas of locally important green space.

## **12.0 Equality and Diversity Implications**

12.1 There are no specific equality or diversity implications.

12.2 The referendum venue was accessible to all members of the general public and the date of the referendum was advertised within the Parish.

## **13.0 Climate Change and Environmental Implications**

13.1 EMNP contains locally distinctive policies that will help protect green space within the Parish, conserve and protect biodiversity and the natural environment and improve the energy efficiency of new developments.

## **14.0 Background Papers**

- 1 Ercall Magna Neighbourhood Development Plan – Referendum Version
- 2 Ercall Magna Parish Neighbourhood Plan – Independent Examiners Report
- 3 Ercall Magna Parish Neighbourhood Development Plan – Examination / Regulation 15 Consultation Version
- 4 Consultation Statement
- 5 Basic Conditions Statement
- 6 Strategic Environmental Assessment Screening Statement
- 7 Habitat Regulation Assessment Screening Statement

## 15.0 Appendices

- A Ercall Magna Parish neighbourhood Development Plan – Made Decision Statement.
- B Ercall Magna Parish Neighbourhood Development Plan – Referendum Version

## 16.0 Report Sign Off

<b>Signed off by</b>	<b>Date sent</b>	<b>Date signed off</b>	<b>Initials</b>
Finance	08/09/2023	11/09/2023	AEM
Legal	8/9/2023	11/9/2023	SH