



**Committee and Date**

**Cabinet  
15 February 2023**

Item

Public



# Application by Church Stretton Town Council for Church Stretton Parish to be considered as a Neighbourhood Area

<b>Responsible Officer:</b>	Mark Barrow, Executive Director Place		
email:	<a href="mailto:mark.barrow@shropshire.gov.uk">mark.barrow@shropshire.gov.uk</a>	Tel:	01743 258916
<b>Cabinet Member (Portfolio Holder):</b>	Richard Marshall		

## 1. Synopsis

This report seeks approval for the application by Church Stretton Town Council for the Parish area of Church Stretton to be considered as a Neighbourhood Area for the purposes of preparing a Neighbourhood Development Plan.

## 2. Executive Summary

2.1 It is Shropshire Council’s role to decide if the proposed Neighbourhood Area is an appropriate area for the purposes of preparing a Neighbourhood Development Plan (referred to in this report at Neighbourhood Plan). The recommendation focusses solely on the extent of the area to be used in the preparation of the proposed Neighbourhood Plan. This recommendation does not deal with the proposed content of the Neighbourhood Plan, which are issues to be considered by Church Stretton Council in cooperation with Shropshire Council in due course. The application attached as Appendix A, proposed area map as Appendix B. It is considered the identification of the Church Stretton Parish area as a Neighbourhood Area responds positively to the Shropshire Plan’s objectives, in particular the meeting the ambition improve the health of Shropshire’s economy and environment.

### **3. Recommendations**

- 3.1. That Cabinet agree the designation of the proposed Neighbourhood Area identified on the map in Appendix 2, covering the Parish of Church Stretton as an appropriate basis for the development of a Neighbourhood Development Plan and notifies Church Stretton Town Council accordingly.

## **Report**

### **4. Risk Assessment and Opportunities Appraisal**

- 4.1 The power to designate a Neighbourhood Area is exercisable under Section 61G of the Town and Country Planning Act 1990. Under Regulation 5(1) of The Neighbourhood Planning (General) Regulations 2012 an Area Application must include a map that identifies the area to which the application relates and a statement to explain why the area is considered appropriate to be designated as a Neighbourhood Area and that the body is in fact a “relevant body” for the purposes of Section 61 G(2) of the Act. Church Stretton Town Council is a relevant body for the purposes of the Act.
- 4.2 The relevant material (Area Application and Area Map included as Appendix 1 and 2 to this report) was received by Shropshire Council on 20<sup>th</sup> October 2022 and as stated Under Regulation 5(1) of The Neighbourhood Planning (General) Regulations 2012, public consultation is not required as the area for designation relates to the full parish area.
- 4.3 In determining the application Shropshire Council must have regard to the desirability of designating the whole of the parish area as a Neighbourhood Area and the desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas. In the event the designation is approved, it will be published on the Council’s website. If the designation is refused under Section 61G (9) of the Act, reasons must be given and the decision publicised in accordance with Regulation 7 of the Regulations. It is considered there is significant risk to the Council of not agreeing to the Church Stretton Parish Area as a Neighbourhood Area without sound rationale.
- 4.4 The designation of an appropriate area for a Neighbourhood Plan is to confirm the geographic area the Plan will cover. This does not set policies to be contained in the Neighbourhood Plan, or the thematic scope of that Plan. Indeed, and importantly, the designation of a Neighbourhood Area does not commit the Parish or Town Council to producing or completing a Neighbourhood Plan. It is, however, a first important step in the process of preparing a Neighbourhood Plan and required by regulations.
- 4.5 When approved, Neighbourhood Plans form part of the statutory development plan for the area. The statutory framework covering the production of neighbourhood plans is therefore quite prescriptive and there is little risk for either Shropshire

Council or Church Stretton Town Council in following this carefully. However, it is important that a high degree of trust and cooperation between the Councils is maintained in order to reduce any risk of the inconsistency and conflict between the Neighbourhood Plan and those other parts of the Development Plan prepared by Shropshire Council.

- 4.6 Shropshire Council's Local Plan Review (2016-2038) will be an important and ongoing consideration in the context of any Neighbourhood Plan prepared for the Church Stretton Parish Council area. The National Planning Policy Framework (NPPF) clarifies that Neighbourhood Plans must support the delivery of the strategic policies of the Local Plan. The draft Local Plan Review is currently at Examination in Public having been submitted to the Secretary of State on 3rd September 2021. It is therefore at a very advanced stage, and subject to the outcomes of the current independent Examination, could be adopted in late 2023.
- 4.7 A Neighbourhood Plan will, after passing through the relevant stages of consultation, submission, examination and the referendum, go on to become part of the statutory Development Plan for the area. By definition, the Neighbourhood Plan should be a product of the community and as such will contain policies that, whilst in general conformity with other elements of the Development Plan, should have its own distinct character. The degree of scrutiny to be applied to a Neighbourhood Plan through its examination process is dependent upon the scope of the plan, and it will continue to be particularly important for appropriate evidence to be produced to inform the Neighbourhood Plan. Statute provides that planning applications should be determined in accordance with the provisions of relevant Development Plan policies unless material considerations indicate otherwise. The weight given to the Plan thus remains to be balanced with other considerations when taken in the round by decision makers.

## 5. Financial Implications

- 5.1 The Localism Act and Regulations provide that the following costs would fall to Shropshire Council: delivering a supporting role particularly in the latter stages of the Plan's development; appointing an Examiner for the Plan; and conducting an Examination and holding a Referendum. Current provisions allow an application for these additional costs to be met, and a reimbursement of costs will therefore be sought from Central Government. It is considered likely the robustness of the Neighbourhood Plan policies will be tested over time by independent Planning Inspectors on planning appeals made under Section 78 of the Planning Act. Members are advised that the liability for future appeal costs rests with Shropshire Council as Local Planning Authority and as such the usability of such plans and their impact on local decision making will need to be carefully monitored.

## 6. Climate Change Appraisal

- 6.1 The designation of the Church Stretton Neighbourhood Area allows the important first step in the preparation of a Neighbourhood Plan for the parish of Church Stretton. Whilst at this stage the contents of the Plan are not known and will be subject to the objectives led by Church Stretton Town Council in consultation with their communities, it does present an opportunity to explore additional development management policies for the local area, which could respond to the ongoing need to mitigate and adopt to the impacts of climate change. Any new development

management policies would need to show how they are deliverable and ensure development remains viable.

## 7. Background

7.1 Shropshire Council fully supports the principle of areas seeking to develop their own Neighbourhood Plans to supplement and complement the wider policies of the Development Plan. The Government's National Planning Policy Framework (NPPF) supports the principle of Neighbourhood Plans and their status as part of the Development Plan. The NPPF states "Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies". It is also made clear that Neighbourhood Plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies.

7.2 The development of a Neighbourhood Plan must be facilitated by the Town or Parish Council and will, in most cases, proceed with support and assistance from volunteers across the community. It is recommended that Church Stretton Town Council begin early consultation with their communities and seek to agree in principle grant funding from Locality - the national organisation overseeing funding and technical support to Neighbourhood Plans on behalf of the Department for Levelling Up, Housing and Communities.

7.3 In due course and as part of the Neighbourhood Plan preparation process, Shropshire Council will consider whether the Church Stretton Neighbourhood Plan conforms to the adopted strategic policies of the wider Development Plan as part of ongoing cooperation between the Councils and as part of formal consultation responses. Ultimately, the Neighbourhood Plan will be subject to an independent assessment and will need to meet a number of mandatory 'basic conditions' set out in legislation.

## 8. Additional Information

8.1 Council officers have had early discussions with representatives from Church Stretton Town Council, specifically to discuss the extent of the proposal and to further understand the rationale for the area proposed

8.2 Having had these early discussions, it is considered the proposed area, which accords with the parish boundary, is appropriate for the purposes of preparing a Neighbourhood Plan and that the proposed Neighbourhood Plan can therefore offer the opportunity to deliver some additional value through the preparation of locally relevant planning policies to support the delivery of appropriate development, whilst continuing to be in conformity with the strategic policies of the Local Plan.

8.3 Church Stretton Town Council must seek to ensure the future sustainable development of the settlement by providing detailed planning policies for their area. Whilst the exact scope and remit of the Neighbourhood Plan is to be discussed, at this stage it is clear there is an understanding from the Town Council as to the general role of the Neighbourhood Plan and the type of policies it is likely to

introduce. Further discussions will help to clarify this. In addition, it should be recognised that in line with national regulations on Community Infrastructure levy (CIL), areas with adopted ('made') Neighbourhood Plans in place, receive 25% CIL Neighbourhood Funds (uncapped) from CIL liable development in its area after the Plan's adoption, compared with 15% (capped) in non-Neighbourhood Plan areas.

## 9. Conclusions

- 9.1 Church Stretton Town Council have indicated they wish to prepare a Neighbourhood Plan for their whole Parish area. It is the officer recommendation to proceed with agreeing the parish as a Neighbourhood Area, and that there are no appropriate reasons not to do so.
- 9.2 This report only seeks to agree the Parish as a Neighbourhood Area. It does not cover any matters of content of a Neighbourhood Plan for the area, and it is fully acknowledged this is a responsibility of Church Stretton Town Council to lead. However, it does identify the ongoing need for Council officer, where appropriate, to work collaboratively with Church Stretton Town Council on the preparation of a Neighbourhood Plan and sets out the regulatory requirements of Shropshire Council within this process.

### **List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

None

### **Local Member:**

Cllrs Hilary Luff and David Evans

### ***Consultation with Local Member***

Members have been kept up to date, via email, on the progress of the Neighbourhood Plan and this paper

### **Appendices [Please list the titles of Appendices]**

Appendix A – Application from Church Stretton Town Council

Appendix B – Map of Designated Area