



Committee and Date

6th April 2022

Item

Public YES

Application by Tasley Parish Council for Tasley Parish to be considered as a Neighbourhood Area

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1. Synopsis

- 1.1 This report seeks approval for the application by Tasley Parish Council for the Parish area of Tasley to be considered as a Neighbourhood Area for the purposes of preparing a Neighbourhood Plan. (application attached as Appendix A, proposed area map as Appendix B and summary of consultation responses as Appendix C)

2. Executive Summary

- 2.1. Tasley Parish Council made the application to Shropshire Council in November 2021 under the provisions of the Town and Country Planning Act 1990. In line with regulations Shropshire Council consulted on the proposed area for four weeks between 10th December 2021 and 28th January 2022. Five responses were received to this consultation, none of which objected to the principle of identifying the proposed Neighbourhood Area.
- 2.2. It is Shropshire Council's role to decide if the proposed Neighbourhood Area is an appropriate area for the purposes of preparing a Neighbourhood Plan. This consideration should take account of any views expressed through the consultation process as well as information from the Parish Council. 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 Tasley Parish Council in cooperation with Shropshire Council in due course.

3. Recommendations

Cabinet agrees

- 3.1. the proposed Neighbourhood Area identified on the map in Appendix 2, covering the Parish of Tasley as an appropriate basis for the development of a Neighbourhood Plan and notifies Tasley Parish Council accordingly
- 3.2. that if the proposed Neighbourhood Area is approved, Tasley Parish Council will be able, but not obligated to prepare a Neighbourhood Plan for that area, which will be subject to public consultation, examination and local referendum as set out in Neighbourhood Planning Regulations 2012 as amended. Assuming any subsequent local referendum is successful, Shropshire Council will then be asked to adopt the final version of the Neighbourhood Plan.

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. Tasley Parish 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 in November 2021 and as required by regulation, was advertised on 10th December for a period of seven weeks. In advertising this information comments were invited through the 'Get Involved' section of the Shropshire Council website and e-mails circulated to all statutory consultees, as well as to adjoining Parish and Town Council areas. Shropshire Council received five responses to this consultation, none of which objected to the principle of the proposed Neighbourhood 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. In the event a 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.

- 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 Tasley Parish 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 Tasley 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 2022 or early 2023.
- 4.7. The Local Plan Review process, which has been subject to extensive consultation during its preparation process, establishes the strategic growth requirements for the County and a number of specific settlements up to 2038. It is important to acknowledge that the draft Plan proposes significant new development through the delivery of the Tasley Garden Village proposal of around 1050 dwellings, 16 hectares of employment land, a new local centre and associated green infrastructure. Whilst this proposal is proposed to support the sustainable growth of Bridgnorth, it is recognised this growth is principally within the parish of Tasley, and therefore within a location which would fall under this Neighbourhood Area if approved. By ensuring any Neighbourhood Plan conforms to the Shropshire Local Plan, and subject to the outcome of the current Local Plan Examination process, any Neighbourhood Plan for Tasley would need to recognise the Tasley Garden Village proposal within its own objectives and policies, as well as the other strategic policies of the Local Plan Review.

- 4.8. However, it does remain open to the Parish Council to use the Neighbourhood Plan process as a mechanism for proposing appropriately scaled development in addition to that proposed in the Local Plan Review, and/or to propose additional development management policies where these would add to local distinctiveness and not undermine the viability of already planned development. It will therefore be particularly important that constructive discussions between Shropshire Council and Tasley Parish Council continue in the coming months to define the scope of the issues the Neighbourhood Plan will seek to address and the timeframe for preparation to ensure the Neighbourhood Plan remains in general conformity with the emerging Local Plan.
- 4.9. 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 Tasley Neighbourhood Area allows the important first step in the preparation of a Neighbourhood Plan for the parish of Tasley. Whilst at this stage the contents of the Plan are not known, and will be subject to the objectives led by Tasley Parish 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's localised planning approach supports Neighbourhood Plans being brought forward under the Localism Act and the 2012 Neighbourhood Planning Regulations; indeed, the Council is legally obliged to do so. However, Shropshire Council is also committed to promoting and supporting other forms of locality planning for neighbourhoods as potentially more cost effective and sustainable alternatives to a full Neighbourhood Plan through Community-led planning, parish planning, design guides etc. It is acknowledged these other forms of locality planning do not form part of the statutory development plan, but instead can be considered as material considerations in planning decisions.
- 7.2. 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.
- 7.3. 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 Tasley Parish 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.
- 7.4. In due course and as part of the Neighbourhood Plan preparation process, Shropshire Council will consider whether the Tasley Neighbourhood Plan conforms to the adopted strategic policies of

the Development Plan and, in agreement with the Parish Council, put it forward for independent assessment. It will be the responsibility of Shropshire Council to arrange a local referendum to assess local support for the plan proposals and subject to a successful referendum outcome, a “yes” vote, Shropshire Council will have a legal duty to ‘make’ (adopt) the Tasley Neighbourhood Plan and bring it into force. This final decision to ‘make’ the plan will be a matter for full Council.

8. Additional Information

- 8.1 The Council received five responses to the recent consultation. These came from The Canal and Rivers Trust, Historic England, the Coal Authority, a Shropshire Councillor and a member of the public. None of these responses objected to the proposal. Nevertheless, information in these responses will be useful in the ongoing Neighbourhood Plan preparation. Historic England point out that the proposed area contains a varied range of designated and undesignated heritage assets.
- 8.2 As well as reflecting on consultation responses, Shropshire Council should also consider any other relevant issues. In doing so Council officers have had early discussions with representatives from the Parish Council, specifically to discuss the extent of the proposal and to further understand the rationale for the area proposed
- 8.3 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.
- 8.4 Tasley Parish 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 Parish 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 Tasley Parish Council have indicated they wish to prepare a Neighbourhood Plan for their Parish area. In order to progress this, and in line with national regulations, Shropshire Council have consulted on the principal of establishing Tasley Parish Council as a Neighbourhood Area. Following public consultation on this in late 2021, Shropshire Council has considered the responses and it is the officer recommendation to proceed with agreeing the Tasley Parish as a Neighbourhood Area for the purposes of preparing a Neighbourhood Plan.
- 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 Tasley Parish Council to lead. However, it does identify the ongoing need for Council officer, where appropriate, to work collaboratively with Tasley Parish 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)

Cabinet Member (Portfolio Holder)

Cllr Ed Potter, Portfolio Holder for Economic Growth, Regeneration and Planning

Local Member

Cllrs Julia Buckley and Les Winwood

Appendices

Appendix 1: Area Application

Appendix 2: Proposed Neighbourhood Area

Appendix 3: Summary of consultation responses