

Shropshire Council assessment of:
Market Drayton Neighbourhood Plan
Regulation 15 Submission version May 2018

In January 2015 Market Drayton Town Council agreed with Shropshire Council to deliver a neighbourhood plan. A Steering Group established by Market Drayton Town Council to prepare the Neighbourhood Development Plan which included members from the community in addition to neighbouring parish council representatives first met on 19th February 2016. Market Drayton's Neighbourhood Plan was drafted based on extensive community input and has completed its early local stages, culminating in this 6 week submission consultation ending in mid-July. The Plan was amended and revised following earlier consultations and has now been agreed by the Town Council to be submitted to Shropshire Council and thence an external Examiner for evaluation before being put to a local vote, or referendum.

At this stage Shropshire Council as the Local Planning Authority (or LPA) must consider:

1. whether the Town council or neighbourhood forum is authorised to act (see determining the application criteria for a neighbourhood forum'),
2. whether the proposal and accompanying documents
 - a. comply with the rules for submission to the LPA, and
 - b. meet the 'definition of an NDP' and
 - c. meet the 'scope of NDP provisions', and
3. whether the Town council or neighbourhood forum has undertaken the correct procedures in relation to consultation and publicity (see 'pre submission consultation by the Town council or neighbourhood forum').

The Council must notify the Town council whether they are satisfied that the proposal complies with the criteria for a neighbourhood plan. Shropshire Council's findings must be publicised in a Decision Statement and where this is satisfactory appoint an independent Examiner to examine the Plan.

The Council is also able at this stage, in common with other parties, to submit its own representations to be considered by the examiner. In order to continue to be supportive and constructive and to mitigate any potential risks in adopting and implementing the Plan as the Local Planning authority, some wording suggestions will be forwarded to the Town Council and copied to the Examiner within the consultation period.

The Market Drayton Neighbourhood Plan covers an area larger than the administrative boundary of Market Drayton Town Council and takes in parts of the neighbouring parishes of Moreton Say, Adderley and Norton in Hales. This was done to reflect the realities of tightly drawn boundaries and little available land for new development. The Neighbourhood Plan Steering Group contained representatives of these neighbouring Parish Councils although Market Drayton Town Council have acted as the lead body in the plan preparation process and indeed are the 'qualifying body' in terms of the neighbourhood plan regulations carrying out the prescribed steps and procedures in preparing and submitting the Neighbourhood Plan.

The Market Drayton Town Council is an appropriate body to have completed the submission Plan and associated documents. The documents received comply with the rules for submission set out, i.e. the Plan and supporting documentation are complete and can fairly and reasonably be described as a Neighbourhood Plan. The Consultation Statement sets out the extensive and legally compliant consultation completed by and on behalf of the Town Council in developing the Neighbourhood Plan in particular detailing the consultation and dialogue with the 3 other parishes.

The Consultation Statement also sets out the findings of a Neighbourhood Plan 'Health Check' undertaken by the Town Council prior to submission. This is an exercise performed by 'Locality' an organisation funded by central government to support and promote the delivery of Neighbourhood Plans. The results of the Health Check and subsequent amendments to the Plan are detailed in the Consultation Statement.

Following an assessment of the Plan there is no reason not to confirm to the Town Council that the Plan meets the basic criteria of a Neighbourhood Development Plan as set out in Schedule 4B of the 1990 Act, and that following the completion of the publicity period it be submitted for examination.

The draft Plan has been received and checked. It includes a map identifying the Plan Area; a Consultation Statement which contains details of those consulted, how they were consulted and summarises the main issues and concerns raised and how these have been considered, and where relevant addressed in the proposed Neighbourhood Plan (NP); the proposed NP itself; and a Basic Conditions Statement explaining how the NP meets the 'basic conditions' (ie requirements of para 8 schedule 4B to the 1990 Act) and an SEA Report that addresses Environmental and Sustainability Assessment requirements.

The Plan has now been publicised in accordance with the Regulations: "in a manner that is likely to bring it to the attention of the local community". The Plan is now available on both the Shropshire Council, the Town Council and Parish Council web sites and has been made available in Market Drayton Festival Hall, parish/village halls and other locations in the designated area.. The Town Council have issued press releases concerning their submission of the Plan to Shropshire Council and placed notices around the town drawing attention to the availability of the Plan. The bodies referred to in the Town council's Consultation Statement have also been notified that the Plan has been received. Any representations submitted to Shropshire Council during this publicity period will be forwarded to the Examiner alongside the Plan and its associated documents.

As part of its consideration of whether the MDNP meets the 'scope of NDP provisions' Shropshire Council needs to assess that the draft Market Drayton Neighbourhood Plan meets the Basic Conditions as set out in the Act:

1. having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan,
2. the making of the neighbourhood development plan contributes to the achievement of sustainable development,

3. the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
4. the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations.

These are also the four tests against which the Independent Examiner will assess the Neighbourhood Plan.

Complies with national Policy and guidance

The MDNP has been prepared in line with national policy and guidance and meets the necessary criteria and expectations of a neighbourhood plan as set out in the NPPF and NPPG. This has been assisted by the Town Council's decision to enlist the support of an independent planning consultant and ongoing dialogue and discussion with Shropshire Council.

It is recognised that proposed changes to the NPPF are currently out for consultation (2018), but at the time of Market Drayton Neighbourhood Plan's submission have not been confirmed. The Neighbourhood Plan is therefore considered alongside the 2012 NPPF.

Contributes to Sustainable Development

The pursuit of sustainable development is at the heart of the Market Drayton Neighbourhood Plan, as is highlighted by the Neighbourhood Plan's vision and the objectives to help achieve the vision.

The Neighbourhood Plan seeks to ensure that development promotes good design, preserves the valued local character and environment of the village, contributes to the creation of a sustainable community, and seeks to maintain and build a strong local economy. The role of each Neighbourhood Plan policy to the contribution of delivering sustainable development is shown in further detail in the Basic Conditions Statement accompanying the Neighbourhood Plan.

General conformity with Development Plan strategic policies

Shropshire Council has had ongoing dialogue with the Town Council throughout the preparation of the Neighbourhood Plan and has recently given detailed comments to the Town Council on a pre-submission draft. The majority of these comments have been incorporated by the Town Council into the publication version. There are therefore no outstanding conformity issues and the MDNP is in general conformity with the Development Plan for Shropshire (comprising the Shropshire Core Strategy and the Site Allocations and Management of Development – 'SAMDev' – Plan). Hence Shropshire Council wholeheartedly supports the both the preparation the Town Council has undertaken and the policy approach set out by the Neighbourhood Plan.

The Town Council are to be commended in delivering a Neighbourhood Plan that seeks to deliver solutions to a set of particular local issues including market town regeneration and support for surrounding rural areas. This has been achieved through using the opportunities offered by the process to allocate additional sites over and above those identified in the Local Plan. The Neighbourhood Plan is positive in identifying additional housing sites and Shropshire Council wholly supports this.

However the Neighbourhood Plan views these additional sites as simply helping to contribute to the existing housing requirement rather than additional provision over and above the Local Plan target of 1200 dwellings for the plan period up to 2026. This view prevails throughout the supporting documents; the Basic Conditions Statement refers to this in section 4 on page 52; the Neighbourhood Plan *“Does not promote any growth over and above that set out as strategic policy”*.

Shropshire Council is comfortable with this approach as criteria 3 of policy S11.1 of its SAMDev Local Plan document allows for the release of further greenfield land for housing in the north of the town on sustainable sites adjoining the development boundary, subject to suitable access. In addition the MDNP is clear that housing to be supported on sites on land off Maer Lane (policy MDNDP4) and at Greenfields (policy MDNDP5) is that required to facilitate and in certain circumstances cross subsidise either much needed community infrastructure (sports facilities) or economic regeneration (marina proposals).

Both Shropshire Council and the Health Check have highlighted the steps involved in allocating sites and that these sites should be suitable for development, capable of being delivered for development and achievable in the plan period. Although the nature of the examination is different for Neighbourhood Plans than Local Plans, the MDNP should still be able to demonstrate why certain sites have been identified and others have not, that the proposed development will come forward in the plan period and contribute to the achievement of sustainable development. Nevertheless, Shropshire Council is satisfied that the MDNP and its evidence base including extensive local knowledge can demonstrate in sufficient detail why the choice of sites is such and that they will come forward in the period covered by the MDNP.

Shropshire Council is aware that the MoD is considering the possible future redevelopment of all or part of nearby Tern Hill Barracks for housing provision. This site lies approximately 2 miles south-east of Market Drayton and has been the home base of the Royal Irish Regiment. However as yet there have been no firm proposals put forward or timescales set out so Shropshire Council do not consider the additional sites proposed in Market Drayton to contribute to the SAMDEv target will have an impact on the potential redevelopment of the barracks. There has been no representation received from the MoD (or their representatives) to the previous MDNP consultations.

Shropshire Council supports the approach taken in the policy framework of the MDNP. The policies identifying and bringing forward the both the Marina development and the relocation of the sports pitches along with additional housing recognise that housing development is part of a comprehensive approach; and the marina should be master planned whilst a phased approach is suggested for the redevelopment of the sports pitches. These policies recognise that development economics favours the provision of housing over other uses, and that this can sometimes come forward well in advance of other forms of development and infrastructure requirements and attempts to avoid this through various development control criteria and the masterplan approach. However it remains a risk, recognised by Shropshire Council, that driven by ‘market economics’, additional housing could be delivered more rapidly than other elements of the proposals .

The MDNP suggests in policies MDNDP9 and MDNDP10 that 2 sites are to be designated as Local Green Spaces and to receive the protection afforded to such sites by national planning guidelines. Both sites are part of a comprehensive list of similar sites in policy MDNDP7 identified as making an important contribution to local green infrastructure. These 2 sites however, (specifically redundant railway line land south of Greenfields and land to the south of Market Drayton Swimming Pool), have been specifically selected as Local Green Spaces because they have been assessed as having significant community value. The NPPF states in para 76 that local communities are able to identify in neighbourhood plans green areas of particular importance to them for special protection. Shropshire Council agrees with the MDNP that Local Green Space designation is not appropriate for all the sites in MDNDP policy 7. NPPF states that the designation should only be used:

- where the green space is in reasonably close proximity to the community it serves;
- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- where the green area concerned is local in character and is not an extensive tract of land.

In line with the findings of the Health Check, Shropshire Council has reservations about the designation of these 2 sites as Local Green Space due to the lack of reference to the other NPPF criteria and would like to see further evidence to satisfy these criteria. Sites designated as Local Green Space are afforded the same protection as Green Belt land, it is important therefore that the selection of such sites is thoroughly justified. Currently the MDNP only refers to the sites as having special significance to the local community and should at least demonstrate why this is the case.

At earlier stages it was suggested that there is a conflict with policy CS5 of the Shropshire Core Strategy. Shropshire Council is satisfied that there is no conflict, as although identified sites are outside the current development boundary this is being undertaken through a formal development plan process of evidence gathering, consultation, and examination. However once these sites have been formally allocated in the 'made' or adopted Neighbourhood Plan the development boundary around Market Drayton should be redrawn to accommodate these sites. The MDNP should also make it absolutely clear that the designated area for the MDNP is not the development boundary for Market Drayton.

Compatible with EU Regulations

The content and broad approach of the plan is not considered to have a significant effect on the environment, or a significant adverse effect on EU designated sites. The policies in the Neighbourhood Plan seek to safeguard existing assets and the plan does not introduce policies which would significantly change the status of land beyond the planning framework in place. Therefore neither SEA nor HRA is required.

Shropshire Council is aware that the MDNP is unusual particularly in rural areas in combining elements of 4 different parish areas. However, Shropshire Council is satisfied that the all the correct procedures have been followed and that engagement

between the Town Council and 3 Parish Councils has been appropriate and proportionate. The presence of representatives from the Parish Councils on the steering group and input at all stages of preparation means that initial misgivings and problems have been solved and dialogue remains ongoing.

Conclusion

When considered against these tests, I am satisfied that the Market Drayton Neighbourhood Plan broadly complies with the provisions of National Planning Guidance, in particular the National Planning Policy Framework, that although the tests differ from those applied to a Local Plan, the Plan contributes to sustainable development and is in conformity with the Core Strategy and does not breach and is otherwise compatible with European obligations. Shropshire Council must now notify Market Drayton Town Council it is satisfied that the proposal complies with the criteria for a neighbourhood plan and must also publicise its decision in a 'decision statement'.

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