

## TELFORD & WREKIN COUNCIL

### Tibberton & Cherrington Neighbourhood Development Plan Decision

#### Statement

#### 1. Summary

- 1.1. Following an Independent Examination, Telford & Wrekin Council have now confirmed that the Tibberton & Cherrington Neighbourhood Development Plan will proceed to a Neighbourhood Planning Referendum.
- 1.2. This Decision Statement, which sets out the decision and the reasons for its decision (required by reg18(2)(a)) , and a copy of the Independent Examiner's report (required by reg 18(2)(c)) , can be inspected at: Telford & Wrekin Council's web site at [www.telford.gov.uk/tibbertonandcherringtonndp](http://www.telford.gov.uk/tibbertonandcherringtonndp).
- 1.3. These documents can also be viewed at the following locations:
  - 1.3.1. Telford & Wrekin Council Addenbrooke House Reception, Ironmasters Way, Telford, TF3 4NT during weekdays 8.45am to 5pm,
  - 1.3.2. Telford & Wrekin Council, Wellington Library, Larkin Way, Telford. TF1 1LX during weekdays 10:00am to 5:00pm (closed Wednesdays) Saturday 10:00am to 1:00pm and;
  - 1.3.3. Sutherland Arms, Tibberton, Newport, TF10 8NN Monday to Sunday 12am to 11pm.

#### 1. Background

- 1.1. In January 2019, Telford & Wrekin Council designated the area comprising the civic parish of Tibberton & Cherrington as a Neighbourhood Area for the purpose of preparing a Neighbourhood Plan in accordance with Part 2 of the Town and Country Planning (England), Neighbourhood Planning (General) Regulations 2012.
- 1.2. Following the submission of the Tibberton & Cherrington Neighbourhood Development Plan (Regulation 15) to the Borough Council in November 2020, the plan was publicised and representations were invited. The publicity period began on 9<sup>th</sup> November 2020 and ended on 4<sup>th</sup> January 2021.
- 1.3. Telford & Wrekin Council appointed an Independent Examiner, Mr Tony Burton, to review whether the Plan met the Basic Conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990

and satisfied certain other criteria as required under the legislation and whether it should proceed to Referendum.

- 1.4. The Independent Examiner's report concludes that, subject to his recommended modifications being made, the Plan meets the Basic Conditions set out in legislation, and has been prepared in accordance with all other legal requirements and should now proceed to a Neighbourhood Planning Referendum.
- 1.5. Having considered each of the recommendations made in the Independent Examiner's report, and the reasons for them, the Borough Council has decided to make the recommended modifications to the draft Plan to secure that it meets the Basic Conditions set out in legislation.

## **2. Decision and Reasons**

- 2.1. At its Cabinet meeting on 23<sup>rd</sup> September 2021, the Borough Council agreed that the Independent Examiner's recommended modifications should be accepted and that the amended Plan should proceed to a Referendum. Appendix 1 sets out the Borough Council's Cabinet resolution in respect of this Plan.
- 2.2. The Borough Council has made the modifications recommended by the Independent Examiner to secure that the Plan meets the Basic Conditions and has made a number of other modifications for the purpose of correcting errors. Appendix 2 sets out these modifications and the reasons for making them.
- 2.3. The Borough Council agrees with the Independent Examiner's recommendation that there is no reason to extend the Neighbourhood Plan Area for the purposes of holding the Referendum.
- 2.4. The Independent Examiner has recommended that, with the specified modifications, the Plan meets the Basic Conditions and other legal requirements. The Borough Council agrees with this view. Therefore, to meet the requirements of the legislation, a Referendum which poses the question "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?" will be held in the Tibberton & Cherrington Council area. The date on which the referendum will take place is agreed as 11<sup>th</sup> November 2021.

## **APPENDIX 1**

### **Cabinet Resolution in respect of the Tibberton & Cherrington Neighbourhood Development Plan 23<sup>rd</sup> September 2021.**

#### **RESOLVED that –**

- i) That Cabinet agree with the Independent Examiner that, subject to his recommended modifications, the Tibberton & Cherrington Parish Neighbourhood Development Plan meets the “basic conditions” and all other legal requirements as summarised in this report and in the Independent Examiner’s report;**
- ii) That Cabinet agree that the required modifications be made to Tibberton & Cherrington Parish Neighbourhood Development Plan and that the Tibberton & Cherrington Parish Neighbourhood Development Plan Referendum Version (August 2021) should proceed to Referendum; iii That Cabinet agree that the Referendum Area should not be extended beyond the designated area to which the Tibberton & Cherrington Neighbourhood Development Plan relates; and**
- iii) That the Chief Executive proceed to exercise all the relevant powers and duties and undertake all necessary arrangements for the Tibberton & Cherrington Parish Neighbourhood Development Plan (Referendum Version) to now proceed to Referendum and for the Referendum to take place asking the question whether the voter wants Telford & Wrekin Council to use this neighbourhood development plan for the Tibberton & Cherrington Parish Neighbourhood Development Plan area to help it decide planning applications in this neighbourhood area.**

## Appendix 2

Schedule of Modification Recommended in the Independent Examiner's Report for Tibberton & Cherrington Neighbourhood Plan.

Ref	Modification recommended	Justification	TWC response
OM1	Provide a link to a suitable map which clearly depicts the boundary of the neighbourhood area at an appropriate scale	Clarity needed.	Accepted
OM2	<p>Correct the following titles:</p> <p>In the Contents</p> <ul style="list-style-type: none"> <li>• “National and Local Planning Policy Framework.....page 12”</li> <li>• “Neighbourhood Plan Vision and Objectives.....page 17”</li> <li>• “Tibberton and Cherrington Parish Profile.....Annex C”</li> <li>• “Figure 5: Green Space”</li> <li>• “Figure 8: Listed Buildings in Tibberton and Cherrington”</li> <li>• “Figure 14: Tibberton and Cherrington Parish Rights of Way”</li> <li>• “Figure 18: Tibberton and Cherrington Parish Local Wildlife Site and Local Geological Site”</li> <li>• “Table 5: Household Types in Tibberton and Cherrington”</li> </ul> <p>On page C-5</p> <ul style="list-style-type: none"> <li>• “Figure 11 Growth of Population and Housing Stock”</li> </ul>	Minor corrections	Accepted
M1	Delete all references to the Landscape Character Assessment other than as an expression of an intention to prepare one for publication at a future date	Inappropriate to include a requirement for developments to be validated with a	Accepted

Ref	Modification recommended	Justification	TWC response
		document that hasn't been undertaken to date.	
OM3	<p>Make the following amendments:</p> <ul style="list-style-type: none"> <li>• Page 18, second paragraph – replace “planning policy guidance” with “development plan”</li> <li>• Be consistent in use of “&amp;” or “and” in “Telford and Wrekin Council”</li> </ul>	Minor change and consistency in document.	Accepted
OM4	Make appropriate drafting changes to reflect the evolution of the Plan in the version to go to referendum	Changes to account for referendum	Accepted
M2	<p>Amend Policy CA1 as follows:</p> <ul style="list-style-type: none"> <li>• Replace the first two lines of the first paragraph with “Development proposals will be supported that protect or enhance the following community facilities:”</li> <li>• Delete the first line of the second paragraph</li> <li>• Replace “will not be supported unless it satisfies” in the second line of the second paragraph with “should satisfy”</li> <li>• Replace “would” with “will” in the first line of the third paragraph</li> </ul>	Changes to the policy to ensure it meets the basic conditions.	Accepted
OM5	Provide a map showing the location of each of the identified community facilities	Further clarity	Accepted
M3	<p>Amend Policy CA2 as follows:</p> <ul style="list-style-type: none"> <li>• Delete “small-scale” in the title and first line</li> <li>• Add “; or” to end of first bullet</li> <li>• Remove bullet before “Proposals for the re-use of land.....” to create a new paragraph</li> <li>• Replace “will not be permitted unless” with “should demonstrate”</li> <li>• Replace “recognised form of” with “viability”</li> </ul>	Changes to the policy to ensure it meets the basic conditions.	Accepted

Ref	Modification recommended	Justification	TWC response
M4	<p>Amend Policy CA3 as follows:</p> <ul style="list-style-type: none"> <li>• Insert “significant” before “detrimental” in the first bullet and “adverse” in the second bullet</li> <li>• Insert “the development” after “settlements and” in the first bullet</li> <li>• Delete third bullet after “service provision”</li> <li>• Add “; and” at end of the penultimate bullet</li> <li>• Insert new fourth bullet “development of a size and with landscaping appropriate to its rural location in the parish”</li> <li>• Delete existing fourth bullet and insert new paragraph “Appropriate tourism and leisure development proposals involving the re-use of existing buildings or as part of farm diversification will be supported.”</li> </ul>	Changes to the policy to ensure it meets the basic conditions.	Accepted
M5	<p>Amend Policy RCH1 to:</p> <ul style="list-style-type: none"> <li>• Replace the first paragraph with “Development proposals will be supported that sustain and enhance the significance of historic buildings (including their settings) that contribute to local character and which make a positive contribution to the locally distinctive historic character of the Parish.”</li> <li>• Delete “locally important” and insert “significantly” after “contribute” in the third bullet</li> <li>• Create a new bullet from the second sentence of the third bullet that reads “Avoid substantial demolition, alteration, extension or other development of a Duke of Sutherland cottage that causes significant harm to its significance, including its setting.”</li> <li>• Replace “enhancing” with “enhance” in the fifth bullet</li> <li>• Replace the sixth bullet with “Involve the conversion or extension of historic agricultural buildings to residential use when accompanied by evidence that there is no appropriate alternative employment development“</li> <li>• Replace the seventh bullet with “Are of innovative design which fits sensitively into Tibberton’s and Cherrington’s frontages and street scenes”</li> <li>• Insert “; and/or” at the end of the penultimate bullet</li> </ul>	Changes to the policy to ensure it meets the basic conditions.	Accepted

Ref	Modification recommended	Justification	TWC response
	<ul style="list-style-type: none"> <li>Replace the last paragraph with “Development proposals likely to have a significant impact on local historic character and distinctiveness and/or on heritage assets should include evidence as to how this is taken into account by the proposal.”</li> </ul>		
M6	<p>Retitle and replace Policy RCH2 with:</p> <p>“Policy RCH2: Residential development within Tibberton</p> <p>Proposals for new housing development will be supported on suitable infill sites within the Tibberton Settlement Boundary (Figure 1).”</p>	Changes to the policy to ensure it meets the basic conditions.	Accepted
OM6	Provide a clear explanation on the intention of the Policy to distinguish between the application of Local Plan policies HO10 and HO11 across the parish area in the supporting text.	Clarity	Accepted
M7	Delete Policy RCH3	The policy is ambiguous and does not meet the basic conditions	Accepted
M8	<p>Amend Policy RCH4 to:</p> <ul style="list-style-type: none"> <li>Replace “are to” with “should” in the first line</li> <li>Replace “and cycle” with “cycling and horse riding” in criterion e)</li> <li>Replace criterion h) with “It has regard to the importance of retaining the Parish’s dark skies”</li> <li>Replace criterion j) with “It contributes to reducing environmental and climate impacts”</li> <li>Replace “adversely affect” with “have significant adverse impacts on” in criterion k)</li> <li>Insert “; and/or” at the end of the penultimate criterion</li> </ul>	Changes to the policy to ensure it meets the basic conditions.	Accepted

Ref	Modification recommended	Justification	TWC response
M9	Amend Policy RCH5 to: <ul style="list-style-type: none"> <li>• delete “and tenure” from the title”</li> <li>• insert “of a size and type” after “households”</li> <li>• delete the text from “need” to the end</li> </ul>	Changes to the policy to ensure it meets the basic conditions.	Accepted
M10	Replace Policy EOR1 with “Development proposals that would cause loss of or significant harm to The Playing Fields, including the children’s play area, (see Table 1 and Figure 5) will not be supported, with the exception of those associated with community facilities (including the expansion of the school and the enhancement of facilities supporting the playing fields).”	Changes to the policy to ensure protection of Tibberton C of E Primary.	Accepted
M11	Clarify the boundary of the open space protected under the Green Guarantee scheme in relation to the school buildings and include the area of open space between the two areas protected under the Green Guarantee Scheme in a revised Figure 5 as provided during the examination	Clarification.	Accepted
M12	Replace the supporting text with that provided during the examination.	Further supporting text which provided further clarification, this was sent during the examination process.	Accepted
M13	Amend to Policy EOR2 to: <ul style="list-style-type: none"> <li>• Replace “All development will be expected” with “Development proposals should”</li> <li>• Insert “where appropriate” after “woodland”</li> </ul>	Changes to the policy to ensure it meets the basic conditions.	Accepted
M14	Amend Policy HB1 to: <ul style="list-style-type: none"> <li>• Insert “where appropriate” after “supported”</li> <li>• Replace “will be expected to” with “should”</li> <li>• Insert “serving the same function” after “measures”</li> </ul>	Changes to the policy to ensure it meets the basic conditions.	Accepted

Ref	Modification recommended	Justification	TWC response
	<ul style="list-style-type: none"> <li>• Replace “must” with “should”</li> <li>• Replace “village” with “Parish”</li> <li>• Replace “the character of the specific neighbourhood involved” with “local character”</li> </ul>		