



BOROUGH OF TELFORD & WREKIN

Ercall Magna Neighbourhood Development Plan Decision Statement Regulation 19 Neighbourhood Planning (General) Regulations 2012

1. Summary

1.1. Following a positive referendum result Borough of Telford & Wrekin (“Telford & Wrekin Council”) is publishing its decision to make the Ercall Magna Parish Neighbourhood Plan in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012. The Ercall Magna Parish Neighbourhood Plan is now part of Telford & Wrekin Councils Development Plan.

1. Background

1.1. In October 2013, Telford & Wrekin Council designated the area comprising the civic parish of Ercall Magna 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 Ercall Magna Neighbourhood Development Plan (Regulation 15) to the Borough Council in November 2022, the plan was publicised and representations were invited. The publicity period began on 7th November 2022 and ended on 16th December 2022.

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 13th July 2023, the Borough Council agreed that the Independent Examiner's recommended modifications should be accepted and that the amended Plan should proceed to a Referendum.
- 2.2. The Borough Council 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.
- 2.3. The Borough Council agreed 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 recommended that, with the specified modifications, the Plan meets the Basic Conditions and other legal requirements the Council agreed that the Examiner's recommended modifications should be accepted and that the amended Neighbourhood Plan should proceed to referendum.
- 2.5. A referendum was held on 7th September 2023 and 76.08% of those who voted were in favour of the plan.
- 2.6. Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 as amended requires that the Council must make the Neighbourhood Development Plan if more than half of those voting have voted in favour of the plan.
- 2.7. However, the council are not subject to this duty if the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

3. Decisions and Reasons

- 3.1 With the Examiner's recommended modifications, the Ercall Magna Parish Neighbourhood Plan meets the basic conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, is compatible with EU obligations and the Convention rights and complies with relevant provisions made by or under Section 38A and B of the Planning and Compulsory Purchase Act 2004 as amended.

- 3.2. The referendum held on 7th September 2023 met the requirements of the Localism Act 2011 posing the question: ‘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?’
- 3.3. The count took place on Thursday 7th September 2023 and greater than 50% of those who voted were in favour of the Plan being used to help decide planning applications in the plan area. The results of the referendum were;

Response	Votes	% of votes cast
Yes	229	76.08
No	72	23.92
Rejected	0	0
Turnout -	301	21.47
Electorate total	1402	

- 3.4 Telford & Wrekin Council has assessed that the Plan, including its preparation, does not breach, and would not otherwise be incompatible with, any EU obligation or any Convention rights (within the meaning of the Human Rights Act 1998).
- 3.5. The Ercall Magna Parish Neighbourhood Plan has now been made and planning applications in the area to which the Plan relates i.e. the administrative area of the Parish of Ercall Magna, must be considered against the Ercall Magna Parish Neighbourhood Development Plan, as well as existing planning policy, such as the Telford & Wrekin Local Plan and the National Planning Policy Framework and Guidance.