



## TELFORD & WREKIN COUNCIL

### Ercall Magna Neighbourhood Development Plan Decision Statement

#### 1. Summary

- 1.1. Following an Independent Examination, Telford & Wrekin Council have now confirmed that the Ercall Magna 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 <https://www.telford.gov.uk/ercallmagnandp>
- 1.3. These documents can also be viewed at the following locations:
  - 1.3.1. Telford & Wrekin Council Darby House Reception, Lawn Central, Telford, TF3 4JA during weekdays 9:00am to 5:00pm,
  - 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 5:00pm and;
  - 1.3.3. High Ercall Stores, Shop Lane, High Ercall, Telford, TF6 6AG every day 7:00am to 8:00pm.

#### 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 7<sup>th</sup> November 2022 and ended on 16<sup>th</sup> 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 13<sup>th</sup> 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. 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 Ercall Magna to help it decide planning applications in the neighbourhood area?" will be held in the Ercall Magna Parish Council area. The date on which the referendum will take place is agreed as 7<sup>th</sup> September 2023.

## **APPENDIX 1**

### **Cabinet Resolution in respect of the Ercall Magna Neighbourhood**

#### **Development Plan 13<sup>th</sup> July 2023.**

#### **RESOLVED that Cabinet –**

- i) note and agree the findings of the Independent Examiner that, subject to his recommended modifications, the Ercall Magna Neighbourhood Development Plan meets the “basic conditions” and all other legal requirements as summarised in this report and in the Independent Examiner’s report and;**
- ii) agree that the required modifications should be made to the Ercall Magna Neighbourhood Development Plan and that the Ercall Magna Neighbourhood Development Plan Referendum Version (July 2023) should proceed to Referendum, and agree that the Referendum Area should not be extended beyond the designated area to which the Ercall Magna Neighbourhood Development Plan relates and;**
- iii) That the Returning Officer proceed to exercise all the relevant powers and duties and undertake all necessary arrangements for the Ercall Magna 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 Ercall Magna 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.

<b>Ref</b>	<b>Modification recommended</b>	<b>Justification</b>	<b>TWC response</b>
M1	Provide a map and/or link showing the neighbourhood area boundary at a larger scale	Further clarity	Accepted
OM1	Provide a consistent structure of headings for each section of the Plan	Minor modifications	Dismissed
OM2	Provide further details of the evidence base online and provide a link from within the Plan	Further clarity	Dismissed
M2	Delete or amend the map on page 32 as recommended	Minor modifications	Accepted
M3	Make consequential amendments to the supporting text resulting from the proposed modifications in this report	Modifications	Accepted
M4	Amend Policy H1 to replace "will not adversely affect" with "does not have a significant adverse impact on"	Changes to the policy to meet the Basic Conditions	Accepted
M5	Amend Policy H2 to: <ul style="list-style-type: none"> <li>• Insert "of High Erccall" after "village"</li> <li>• In 1. replace "It does not adversely affect" with "Does not have a significant adverse impact on"</li> <li>• In 3. delete "It"</li> <li>• In 4. insert "significant" before "adverse"</li> <li>• Delete criterion 6</li> </ul>	Changes to the policy to meet the Basic Conditions	Accepted

Ref	Modification recommended	Justification	TWC response
M6	Amend Policy H3 to read “New housing development within the High Ercall Conservation Area should have regard to the High Ercall Conservation Area Management Plan 2009 and any subsequent updates”	Changes to the policy to meet the Basic Conditions	Accepted
M7	Provide a link to the adopted version of the High Ercall Conservation Area Management Plan	Accessibility to Management Plan	Accepted
M8	Delete Policy H4	Does not meet the Basic Conditions	Accepted
M9	Delete Policy H5	Does not meet the Basic Conditions	Accepted
M10	Delete Policy H6	Does not meet the Basic Conditions	Accepted
M11	Delete Policy H7	Does not meet the Basic Conditions	Accepted
M12	Amend Policy B1 to: <ul style="list-style-type: none"> <li>• Delete “and” in the second line</li> <li>• In 1. replace “harmful” with “adverse”</li> <li>• In 2. replace “unacceptable” with “significant adverse”</li> <li>• In 3. add “as appropriate” at end</li> </ul>	Changes to the policy to meet the Basic Conditions	Accepted
M13	Amend Policy B2 to: <ul style="list-style-type: none"> <li>• Delete “or Sui Generis” in the second line</li> <li>• Delete “only” in the second line</li> </ul>	Changes to the policy to meet the Basic Conditions	Accepted

Ref	Modification recommended	Justification	TWC response
	<ul style="list-style-type: none"> <li>• Delete “, via trade press, relevant property websites and local estate agents” in the fifth and sixth lines</li> <li>• Insert “a” after “at” and delete “and” in the sixth line</li> </ul>		
M14	<p>Amend Policy TL1 to:</p> <ul style="list-style-type: none"> <li>• In 1. replace “detrimental” with “significant adverse”</li> <li>• In 2. insert “significant” before “adverse”</li> </ul>	Changes to the policy to meet the Basic Conditions	Accepted
M15	<p>Amend Policy TL2 to:</p> <ul style="list-style-type: none"> <li>• Replace “But proposal” with “Proposals” in the second line</li> <li>• Delete “only” in the third line</li> <li>• Delete from “supported” in the third line to the end of the Policy and replace with “where the proposal can demonstrate the necessity for a greenfield site and its proposed location.”</li> </ul>	Changes to the policy to meet the Basic Conditions	Accepted
M16	<p>Replace Policy EG2 with:</p> <p>“New Development and Open Space</p> <p>New development will be supported where it does not have a significant adverse impact on the open spaces identified in [insert location of map].”</p>	Replaced policy with alternative as original did not meet the Basic Conditions	Accepted
M17	<p>Insert a new policy</p> <p>“Local Green Spaces</p> <p>The following locations (see [insert location of map(s)]) are designated as Local Green Spaces:</p> <ul style="list-style-type: none"> <li>• Ellerdine Village Hall playing field</li> </ul>	Provides further clarification on what Green Spaces are protected	Accepted

Ref	Modification recommended	Justification	TWC response
	<ul style="list-style-type: none"> <li>• High Ercall Village Hall playing field</li> <li>• Fields south of Park Lane and west of Shrewsbury Road, High Ercall</li> <li>• Roden playing field”</li> </ul>		
M18	Provide large scale maps showing the boundaries of the four Local Green Spaces and relate these to the relevant policy	Further clarity	Accepted
M19	Replace Policy EG3 with:  “Public Rights of Way and open spaces  Development proposals should protect public rights of way through or between open spaces (see [insert details of map]) or Local Green Spaces (see [insert detail of map(s)]) and where possible enhance them to provide well connected routes and open spaces.”	Replaced policy with alternative as original did not meet the Basic Conditions	Accepted
M20	Replace Policy EG4 with  “Green Infrastructure  Development proposals should, as appropriate, retain green infrastructure and provide new green infrastructure which links built and open areas.”	Replaced policy with alternative as original did not meet the Basic Conditions	Accepted
M21	Amend Policy EG5 to: <ul style="list-style-type: none"> <li>• Replace “an” with “a significant” in the first line</li> <li>• Delete from “Area” in the second line to the end of the Policy and insert “should provide appropriate mitigation.”</li> </ul>	Changes to the policy to meet the Basic Conditions	Accepted
M22	Provide an explanation or definition of “green infrastructure” and the different types of open and/or green space included in the Plan.	Further clarification	Accepted

Ref	Modification recommended	Justification	TWC response
M23	Amend Policy CH1 to: <ul style="list-style-type: none"> <li>• Delete “&amp; Position” in the title</li> <li>• Delete the second sentence</li> </ul>	Changes to the policy to meet the Basic Conditions	Accepted
M24	Delete Policies CH2 and CH3	Does not meet the Basic Conditions	Accepted
M25	Delete Policy CH4	Does not meet the Basic Conditions	Accepted
OM3	Amend Policy TR1 to: <ul style="list-style-type: none"> <li>• Insert “taken” after “opportunities” in the first line</li> <li>• Replace “should be considered” with “will be supported” in the third line</li> </ul>	Changes to the policy to meet the Basic Conditions	Accepted
M26	Delete Policy CF1	Does not meet the Basic Conditions	Accepted
M27	Amend Policy CF2 to read “Proposals for new and/or improved community facilities will be supported where it can be demonstrated the proposed development will not have a significant adverse impact on the amenity of surrounding residential areas or the local environment.”	Changes to the policy to meet the Basic Conditions	Accepted
OM4	Include a definition of “community facilities” consistent with that provided in the Telford and Wrekin Local Plan	Further clarity	Accepted