

## TELFORD & WREKIN COUNCIL

### Newport Neighbourhood Development Plan Decision Statement

#### 1. Summary

- 1.1. Following an independent Examination, Telford & Wrekin Council now confirms that the Newport Neighbourhood Development Plan will proceed to a Neighbourhood Planning Referendum.
- 1.2. This Decision Statement can be inspected at: Telford & Wrekin Council's web site at [www.telford.gov.uk/newportndp](http://www.telford.gov.uk/newportndp)
- 1.3. It 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 Business & Planning First Point, Telford & Wrekin Council, Wellington Civic Offices, Larkin Way, Telford. TF1 1LX during weekdays 8:30am to 5pm, and;
  - 1.3.3. Darby House Reception, Lawn Central, Telford, TF3 4JA during weekdays 8.45am to 5pm and
  - 1.3.4. Newport Library, High Street, Newport TF10 7AT, Tuesday, Wednesdays 10am to 5pm, Friday 9am to 4pm, Saturday 9.30am to 1pm.

#### 1. Background

- 1.1. In May 2013, Telford & Wrekin Council designated the area comprising the civic parish/town of Newport 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 Newport Neighbourhood Development Plan (Regulation 15) to the Borough Council in November 2017, the plan was publicised and representations were invited. The publicity period began on 5 December 2017 and ended on 23 January 2018.
- 1.3. Telford & Wrekin Council appointed an Independent Examiner, Mr Nigel McGurk, to review whether the Plan met the Basic Conditions 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 the legislation, has been prepared in accordance with all other legal requirements and should 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 meeting on 31<sup>st</sup> May 2018, 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 Borough of Telford and Wrekin to use the Newport Neighbourhood Development Plan to help it decide planning applications in the neighbourhood area?" will be held in the Newport Town Council area. The date on which the referendum will take place is agreed as 26 July 2018.

## **APPENDIX 1**

### **Cabinet Resolution in respect of the Newport Neighbourhood Development**

**Plan 31<sup>st</sup> May 2018**

#### **RESOLVED that –**

- (a) the Newport Neighbourhood Development Plan meets the “basic conditions” and all other legal requirements as summarised in the report and the Independent Examiner’s report, be agreed subject to the modifications recommended by the Independent Examiner;
- (b) the required modifications be agreed to Newport Neighbourhood Development Plan and that the Newport Neighbourhood Development Plan Referendum Version (May 2018) be agreed to proceed to Referendum;
- (c) the Referendum Area be agreed not to extend beyond the designated area to which the Newport Neighbourhood Development Plan relates;
- (d) the Managing Director be authorised to exercise all the relevant powers and duties and undertake all necessary arrangements for the Newport Neighbourhood Development Plan Referendum Version (May 2018) 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 plan for the Newport Neighbourhood 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 Newport Neighbourhood Plan.

<b>Modification recommended</b>	<b>Justification</b>	<b>TWC response</b>
The references to "Regulation 15 Consultation" and "November 17" should be deleted from the front cover and the contents of page 6, "How to Comment on the Plan," should also be deleted.	For the purposes of clarity and precision.	Accept
The last sentence of the second paragraph on page 7 should be deleted ("If successful...to 2031.")	For the purposes of clarity and precision.	Accept
Replace "2017" in heading with "2017-2031"	For the purposes of clarity and precision.	Accept
Page 8, third para, delete last sentence ("The Plan can be...Plan period.")	The statement is not correct. The making or modification of a Neighbourhood Plan is subject to clear requirements, as set out in Schedule 4B of the Town and Country Planning and these do not include any reference to the scope for modifications <i>"in liaison with the local planning authority."</i>	Accept
Page 8, last sentence of penultimate para, change to "... <i>Development Plan and as such, its policies will carry material planning weight.</i> "	For clarity and precision.	Accept
Page 9, first line, change to "...Neighbourhood Plans must <i>have regard to national policy and advice</i> and be in general...policy. This means that the policies in the Plan must have regard to the National...and <i>be in general conformity with the strategic policies of the Telford and Wrekin Local Plan.</i> " Delete rest of para, up until and including "...form part of the Development Plan."	For clarity and precision.	Accept

Modification recommended	Justification	TWC response
Page 9, second para, change to “ <i>The Telford and Wrekin Local Plan...</i> ”	Telford and Wrekin Local Plan now adopted.	Accept
Page 9, last para, change to “The Town Council will monitor progress <i>annually</i> . <i>The Telford....</i> ”	The Neighbourhood Plan does not possess the statutory powers to place a monitoring requirement upon the local planning authority	Accept
Page 10 second sentence, change to “The <i>document</i> will be...”	For clarity.	Accept
Page 10, third para, change to “...the Town Council <i>will monitor</i> housing and employment throughout the Plan period.”	The Neighbourhood Plan does not possess the statutory powers to place a monitoring requirement upon the local planning authority	Accept
Page 10, last para, change to “ <i>The Neighbourhood Plan must meet the Basic Conditions set out in the Town and Country Planning Act, which mean it must:...to national policy and guidance...Contribute to the achievement of...Be in general conformity with...</i> ”	For clarity and precision	Accept
Page 11, delete first sentence (“In addition...(HRA)”)	No Strategic Environmental Assessment, or Habitats Regulations Assessment has been undertaken. As above, the Neighbourhood Plan was screened in respect of these and it was concluded that neither were required	Accept
Page 14, Para 4.1.1, first line and page 15, Para 4.1.2, first and last paras, delete “emerging”	Telford and Wrekin Local Plan now adopted	Accept

Modification recommended	Justification	TWC response
Delete last two sentences of the first para on page 14, which read as policy requirements (“Additional housing...natural environment.) I also note in respect of this recommendation that there is no national or local strategic policy requirement to limit housing development to previously developed land or to require such development not to “ <i>affect the best and most versatile agricultural land.</i> ”	Only the Policies of the Neighbourhood Plan should contain the document’s land use planning policy requirements.	Accept
Page 15, penultimate para, delete and change to “4.1.3 Policy Options. <i>Telford and Wrekin Local Plan Policy HO5 requires development sites in Newport containing 11 or more dwellings to provide 35% affordable housing and Policy BE1 of the same Plan promotes high quality development.</i> ”	To correct text	Accept
Page 16, first sentence, change to “...developments, <i>in general conformity with Telford and Wrekin Local Plan Policy NE1.</i> ”	Telford and Wrekin Local Plan now adopted	Accept
Page 16, delete and change to “ <i>Telford and Wrekin Local Plan Policy HO7 supports the provision of specialist housing for older people and such provision is supported by the local community.</i> ”	For clarity and precision.	Accept
Page 16, change sub-section heading to “4.1.4 Policies”	To correct error	Accept
Policy H2, change first sentence to “ <i>New residential development will be expected to achieve high standards of design quality. It should:</i> ”	To remove unnecessary cross referencing of other Policies in the Plan	Accept
Change first bullet point to “ <i>Be in keeping with the character and appearance of the area,</i> ”	Improve text	Accept
Delete second bullet point	To avoid ambiguity and conflict with national advice.	Accept
Change third bullet point to “ <i>Maintain, protect and where appropriate, enhance biodiversity and geodiversity;</i>	For clarity and precision.	Accept

Modification recommended	Justification	TWC response
Change fourth bullet point to “ <i>Protect important trees, hedgerows and woodland;</i> ”	For clarity and precision.	Accept
Change fifth bullet point to “ <i>Have regard to the amenities of neighbours;</i> ”	For clarity and precision.	Accept
Change sixth bullet point to “ <i>Provide for safe and secure access and not result in harm to highway safety.</i> ”	For clarity and precision.	Accept
Delete Policy H3	Due to lack of evidence and precision. It does not provide a decision maker with a clear indication of how to react to a development proposal and does not meet the basic conditions.	Accept
Page 16 delete the two paras “Consultation revealed...all parts of Newport.”	Due to lack of evidence and precision.	Accept
Delete last sentence of supporting text on page 17 and the rest of the paragraph at the top of page 18, up until and including “...through consultation.” This is unnecessary and has been overtaken by events. I also note that it is the purpose of Examination to consider the Neighbourhood Plan against the basic conditions.	Due to lack of evidence and precision.	Accept
Delete Policy E1	In the absence of any explanatory detail, evidence or justification, Policy E1 appears ambiguous and does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.	Accept
Delete “emerging” before “Telford and Wrekin Local Plan” in respect of the three references on pages 18 and 19	Telford and Wrekin Local Plan now adopted	Accept
Page 20, delete first paragraph up until and including “...through consultation.”	References to various policies is unnecessary.	Accept

Modification recommended	Justification	TWC response
Policy GS1, change wording to “ <i>The eighteen areas set out in Table 2 and shown on the plans below are designated as Local Green Space, where new development is ruled out other than in very special circumstances.</i> ”	To be consistent with national policy.	Accept
Provide new plans below Policy GS1, showing the precise, clearly identifiable boundaries of each Local Green Space. Ensure that each Local Green Space can be clearly identified and that the reference numbers match those in Table 2	To help define the boundaries of the local green spaces.	Accept
Delete plan on page 27	Difficult to show the boundaries and will be replaced by individual plans.	Accept
Delete para 4.3.1. Replace with “ <i>Paragraphs 76 to 78 of the National Planning Policy Framework enable local communities to identify for special protection green areas of particular importance to them.</i> ”	The “ <i>Strategic Policies</i> ” section of the supporting text does not relate directly to the Local Green Space Policy.	Accept
Delete first sentence on page 22 (“These...circumstances.”)	This does not have regard to national policy, which refers to “ <i>very special circumstances,</i> ” as does the wording of Policy GS1 itself.	Accept
Delete Policy GS2	The “ <i>Fields in Trust Guidance for Outdoor Sport and Play (England)</i> ” comprises guidance only. In this respect, it is unclear on what basis – and no detailed information has been provided in justification of the approach – Policy GS2 seeks to turn guidance into statutory development plan policy.	Accept
Change the wording of Policy GS3 to “ <i>The provision of publicly accessible links to green spaces and the enhancement of the footpath network will be supported.</i> ”	Policy is onerous and does not meet basic conditions. There is no information to demonstrate	Accept



Modification recommended	Justification	TWC response
	that such a requirement is viable or deliverable, having regard to Paragraph 173 of the Framework.	
Policy WL1, change first sentence to “ <i>A residentially focused mixed use development, including affordable housing, will be supported at Water Lane, subject to the following:</i> ”	For clarity and precision.	Accept
Change first bullet point to “ <i>Development should conserve and/or enhance heritage assets and their settings, including the Newport Conservation Area.</i> ”	This does not have regard to national heritage policy, as set out in Chapter 12 of the Framework, “ <i>Conserving and enhancing the historic environment,</i> ” which does not place any requirement for all development to enhance Conservation Areas.	Accept
Change second bullet point to “ <i>Development should provide a mix of building...</i> ”	For clarity and precision. This fails to provide a decision maker with a clear indication of how to react to a development proposal.	Accept
Change third bullet point to “Building heights <i>should be...</i> ”	For clarity and precision.	Accept
Change sixth bullet point to “ <i>Development should respect the relationship with Victoria Park by presenting an attractive, active frontage and where possible, improving the site’s visual relationship with the Park</i> ”	For clarity and precision.	Accept
Change the seventh bullet point to “ <i>Architectural detailing and building materials should reflect and be in keeping with local character</i> ”	For clarity and precision. Policy wording is repetitive.	Accept
Delete eighth bullet point	For clarity and precision.	Accept
Change ninth bullet point to “ <i>Development should respect views to St Nicholas’ church</i> ”	For clarity and precision.	Accept

Modification recommended	Justification	TWC response
Change tenth bullet point to “ <i>The provision of new and improved links between Victoria Park and Newport High Street will be supported.</i> ”	For clarity and precision.	Accept
Delete eleventh bullet point (“Identify...significance”)	For clarity and precision.	Accept
Delete twelfth bullet point (which forms part of the first recommendation, above)	For clarity and precision.	Accept
Delete thirteenth and fourteenth bullet points	For clarity and precision.	Accept
Change penultimate bullet point to “Improvements to Water Lane...on the townscape will be supported.”	For clarity and precision.	Accept
Change last bullet point to “Development of the Water Lane site should take account of known surface and sub-surface archaeology and ensure unknown and potentially significant deposits are identified during development after consultation with the Shropshire Historic Environment Record (HER).”	Policy fails to have regard to Paragraph 193 of the Framework, which limits requirements for supporting information to that	Accept
Page 29, third para, change “object” to “objective”	For clarity and precision.	Accept
Page 30, last para, change to “...and enhances the Newport Conservation Area, Newport Town Council would like to see the composition of buildings and spaces use traditional materials and reflect the appearance and form of the original burgage plots.”	For clarity and precision.	Accept
Delete the paragraph of supporting text on page 34, up until and including “...through consultation.”	References to various policies is unnecessary.	Accept
Policy TL1, change second bullet point to “...future restoration will not be supported”	Use of the phrase “ <i>will not be permitted</i> ” in Policy TL1 runs the risk of predetermining the planning application process and failing to provide for a	Accept

Modification recommended	Justification	TWC response
	balanced consideration of harm and benefits arising from a planning proposal. Consequently, it could place an obstacle in the way of Policy TL1's contribution to the achievement of sustainable development	
Delete third bullet point	The wording is unnecessary and does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.	Accept
Delete fifth and sixth bullet points	Wording is vague and unnecessary. Such an approach can result in support for unsustainable forms of development and there is no substantive evidence to the contrary.	Accept
Delete "emerging" on page 34 – first paragraph of 4.5.1 and third paragraph of 4.5.1 – and on page 35 - ninth line	Telford and Wrekin Local Plan now adopted.	Accept
Delete supporting text on page 38	References to various policies is unnecessary.	Accept
Policy TA1, change first bullet point to: " <i>The enhancement and/or</i> improvement of public rights of way, especially those that enhance pedestrian and cycle links, will be supported."	For clarity and precision.	Accept
Delete second and third bullet points	For clarity and precision. No substantive evidence is provided to demonstrate that it would be viable for all development to enhance pedestrian and cycle accessibility. This wording fails to have regard to	Accept

Modification recommended	Justification	TWC response
	Paragraph 173 of the Framework in respect of viability.	
Change last bullet point to "...would result in the loss of off-street public car parking will not be..."	Assisting the plan to meet basic conditions in contributing to the achievement of sustainable development.	Accept
Page 39, first line, delete "emerging"	Telford and Wrekin Local Plan now adopted.	Accept
Page 40, delete the supporting text below the Policy, ("This policy conforms...through consultation.")	References to various policies is unnecessary.	Accept
Policy RS1, change to "Development should conserve or enhance the Newport Conservation Area and its setting." (delete rest of Policy)	For clarity and precision. The change will assist the plan to meet basic conditions in having regard to national policy.	Accept
Page 40, second line of 4.7.1, delete "emerging"	Telford and Wrekin Local Plan now adopted.	Accept
Page 41, delete supporting text underneath Policy RS1 up until and including "...through consultation."	References to various policies is unnecessary.	Accept
Delete Policy LW1	Policy LW1 is less detailed than the two strategic Policies NE1 & NE2 of the Local Plan. Rather, it seeks to place a requirement on any development in the rural area to " <i>enhance the natural countryside</i> ." It is not clear – in the absence of any substantive evidence - why all such development should be required to do this. Furthermore, there is no information to demonstrate that it would be viable for all forms of rural development to " <i>enhance the</i>	Accept

Modification recommended	Justification	TWC response
	<i>natural countryside</i> ” and consequently, the Policy fails to have regard to Paragraph 173 of the Framework in respect of viability.	
Delete 4.8 Local Landscape and Wildlife, inclusive of all related text on pages 41 to 43	Lack of evidence and text not necessary.	Accept
Policy CW2, final bullet point, change to “ <i>The proposal would not result in severe cumulative impacts on local highway networks</i> ”	The Policy refers to “ <i>unacceptable impacts on the local road networks.</i> ” However, these are not defined and consequently, this part of the Policy fails to provide a decision maker with a clear indication of how to react to a development proposal.	Accept
Page 43, delete “emerging” under 4.9.1	Telford and Wrekin Local Plan now adopted.	Accept
Delete supporting text on page 44 underneath Policy CW2	References to various policies is unnecessary.	Accept
Delete 4.10 and related text on pages 45 and 46	The Neighbourhood Plan does not contain a “ <i>Sustainability and Climate Change Policy.</i> ” Consequently, this supporting text is unnecessary.	Accept
Delete Section 5 and all related text (“The Development Plans...Local Plan.”)	This information on the Development Plans has been overtaken by events since adoption of the Local Plan.	Accept
Page 49, third para, delete last sentence (“Any formal...Wrekin Council.”)  Delete final para (“Telford...Borough.”)	A review of the Neighbourhood Plan would need to be carried out in line with statutory requirements and it is not the role of the Neighbourhood Plan to place a monitoring requirement upon the Local Planning Authority. I	Accept

Modification recommended	Justification	TWC response
Update the Contents and page numbering, taking into account the recommendations contained in this Report.	To take into account of changes made to the document as a result of the recommendations.	Accept

## Schedule of minor modifications

To enhance the clarity of the neighbourhood plan, the Parish Council and TWC have also made the following modifications for the purpose of correcting errors in the text and updating text to current position.

Part of Document	Minor modification made
Whole document	Add policy names like “Policy H1 – Housing Development in Newport” in the interest of clarity and improve presentation of the NP
3.4.2 Policy objectives	First sentence, change reference to Plan 20
Page 30 last paragraph	Change word “compliment” to “complement” to correct spelling error.

Richard Partington Managing Director Telford & Wrekin Council  
This statement is dated 8<sup>th</sup> May 2018



## Newport Neighbourhood Development Plan

### Statement of Compliance

Borough of Telford & Wrekin is satisfied that, subject to the modifications recommended by the independent examiner being made (and now incorporated in the Referendum Version of the Newport Neighbourhood Development Plan), the Newport Neighbourhood Development Plan:

- meets the basic conditions set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990; and
- is not considered to breach or otherwise be incompatible with any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998); and;
- complies with the provisions concerning neighbourhood development plans made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 .

.....  5 / 6 / 2018

Richard Partington

Managing Director, Borough of Telford & Wrekin