

# Cabinet Member Leader of the Council

## Agenda

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**Date:** Tuesday, 26th May, 2015  
**Time:** 1.00 pm  
**Venue:** Committee Suite 1 & 2, Westfields, Middlewich Road,  
Sandbach CW11 1HZ WA16 6QT

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Apologies for Absence**
2. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the body in question. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

3. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

4. **Willaston Neighbourhood Area Application** (Pages 1 - 6)

To consider the designation of Willaston Parish as Willaston Neighbourhood Area for the purposes of preparing Willaston Neighbourhood Plan.

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For requests for further information

**Contact:** Cherry Foreman

**Tel:** 01270 686463

**E-Mail:** [cherry.foreman@cheshireeast.gov.uk](mailto:cherry.foreman@cheshireeast.gov.uk) with any apologies

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**CHESHIRE EAST COUNCIL****Leader of the Council**

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<b>Date of Meeting:</b>	26 May 2015
<b>Report of:</b>	Interim Planning Executive
<b>Subject/Title:</b>	Willaston Neighbourhood Area Application
<b>Decision Taker:</b>	Councillor Michael Jones, Leader of the Council

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**1.0 Report Summary**

- 1.1 The report requests designation of the Willaston Neighbourhood Area. An application to designate this neighbourhood area was submitted by Willaston Parish Council in March 2015. Discussions on the extent of the neighbourhood area have been held; the extent of the neighbourhood area is proposed to reflect the extent of the Parish boundary for Willaston.

**2.0 Recommendations**

- 2.1 Approve and designate Willaston Parish as Willaston Neighbourhood Area, for the purposes of preparing Willaston Neighbourhood Plan, as per the map attached at Appendix 1.

**3.0 Reasons for Recommendations**

- 3.1 No circumstances exist where the exclusion of land from the proposed neighbourhood area were considered necessary; it is considered that the Willaston neighbourhood area application has been prepared in accordance with existing regulations and guidance and is desirable to designate for these reasons:
- The application submitted meets the requirements as presented at Part 2 (5) of the Neighbourhood Planning (General) Regulations 2012 and in accordance with National Planning Practice Guidance on Neighbourhood Planning
  - Willaston Parish Council is the relevant body to undertake Neighbourhood Planning in this location
  - The Neighbourhood Plan Area follows the existing political and administrative boundary for the Parish of Willaston and does not include land in any adjoining Parish
  - No other applications have been made for Neighbourhood Areas covering all or part of the area
  - There are no issues of a strategic nature within the neighbourhood area
  - The proposed neighbourhood area does not subdivide any proposed major development sites.
  - A five week consultation was held on the proposed Willaston Neighbourhood Area. 4 Comments were received, 1 of which supported the application, 3 of which were a comment only. No objections were received.
  - Given the above points, the proposed area is considered appropriate and desirable for the purposes of preparing a neighbourhood plan.

**4.0 Wards Affected**

- 4.1 Willaston and Rope Ward

## **5.0 Local Ward Members**

5.1 Councillor Sarah Pochin

## **6.0 Policy Implications**

6.1 The designation of Willaston Parish as a neighbourhood area will allow Willaston Parish Council to prepare a neighbourhood plan with formal statutory powers. Once completed, the plan will be adopted by Cheshire East Borough Council and form part of the Development Plan for the Borough. Once adopted, the policies eventually held in the Willaston Neighbourhood Plan will be used for decision making purposes within the parish of Willaston alongside those other relevant policies from the Cheshire East Development Plan.

## **7.0 Implications for Rural Communities**

7.1 A neighbourhood plan enables rural communities in Willaston (a parish with a population of some 2,277 people and with a significantly rural character) to participate in the plan making process and develop policies to address those planning matters that affect their interests and well being. The neighbourhood planning process generally allows greater engagement of rural communities and for such communities to take ownership of planning policy which directly affects their lives.

## **8.0 Financial Implications**

8.1 The designation of a neighbourhood area for Willaston Parish will not incur direct costs to the Council in itself, however this application, and future applications, will require input and time from officers both in the Neighbourhood Planning Team and from other services. Direct support from council officer and is available and Willaston Parish Council are eligible to apply for a direct grant from Cheshire East Council, up to £7,000. This support is being made available within existing budgets. There are also other grants available from Cheshire East council that may be awarded and from external bodies.

8.2 At a later stage direct costs will be incurred as the Council is required to hold an independent examination of the proposed neighbourhood plan and a referendum on the plan. Under the Neighbourhood Planning (General) Regulations 2012, the costs of this examination and referendum are required to be met by the Council. Such costs will be met through existing budgets and through grant funding from central government (£30,000 in total, payable to the authority from central government in recognition of the costs of examination and referendums; payable at three stages within the process: £5k at designation of the neighbourhood area, £5k at submission to examination and £20k at successful completion of the examination)

8.3 The Community Infrastructure Levy (CIL) is a charge levied on new development. Where an adopted CIL is in place, 15% of all CIL payments must be allocated to the local council which hosts development. Where such a local council has an adopted neighbourhood plan, this figure rises to 25% of CIL charges. As per the Community Infrastructure (Amended) Regulations 2013, Section 59A, local councils have discretion in spending these funds.

## **9.0 Legal Implications**

9.1 The Secretary of State has made the Neighbourhood Planning (General) Regulations 2012 and the Neighbourhood Planning (General) (Amended) Regulations 2015 under powers conferred by the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004. These Regulations ("the Regulations") came into force on 6 April 2012 and 9<sup>th</sup> February 2015 respectively.

- 9.2 Neighbourhood area applications must be made in accordance with Regulation 5 of the Regulations. Any qualifying body (including a parish council) is entitled to initiate the process. Applications must be publicised in compliance with Regulation 6 of those regulations. Section 61G of the 1990 Act sets out the requirements for determining applications for an area to be designated a neighbourhood area. In determining an application, the authority must have regard to the desirability of designating the whole area of a parish council as a neighbourhood area and the desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas.
- 9.3 Neighbourhood Development Plans and Orders, which may follow the making of a Neighbourhood Area, are prepared in accordance with the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) and the Regulations.

### **10.0 Risk Management**

- 10.1 Neighbourhood plans will, once formally adopted ('made') by the Council, form part of the Development Plan for Cheshire East. The content of the Willaston Neighbourhood Plan is as yet unknown and will only be determined by the community through the process of plan making. The content may include site allocations for development or policies that relate to the development of land. Neighbourhood plans are increasingly scrutinised by the development industry and are becoming the subject of legal challenge. As any future neighbourhood plan would form part of the Development Plan for Cheshire East, if legally challenged, it is the responsibility of Cheshire East Council to respond.
- 10.2 Managing this risk means carefully following the relevant guidance on process established in the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 and any further updated guidance.
- 10.3 It is anticipated that Willaston will need to provide an appropriate quantum of housing and employment to meet the settlements own needs and a small proportion of the wider needs of the Borough. The neighbourhood plan can assist with this process. No development sites have been identified in Willaston via the Local Plan process.

### **11.0 Background and Options**

- 11.1 The Localism Act 2011 introduced new legal rights that enable communities to prepare local development plans (neighbourhood plans) with equal weight to the Local Plan for decision making purposes on development proposals.
- 11.2 Such plans have the power to allocate land for development purposes and establish local policies applicable to the development of land. Any future neighbourhood plan must be prepared in accordance with the National Planning Policy Framework (NPPF) and the strategic policies held within the Development Plan of the host local authority.
- 11.3 The first stage in establishing a neighbourhood plan is the designation of a neighbourhood area (the geographic extent within which future policies and land designations will apply).
- 11.4 Willaston Parish Council has applied to designate the full extent of Willaston Parish as the Willaston Neighbourhood Area.
- 11.5 In considering this application Cheshire East Council must give regard to whether the application has been prepared in accordance with existing regulations and guidance and whether such a designation is desirable and appropriate for future planning in Willaston and its surrounding locality. It is considered that, for the reasons set out at 3.0, this has been achieved.

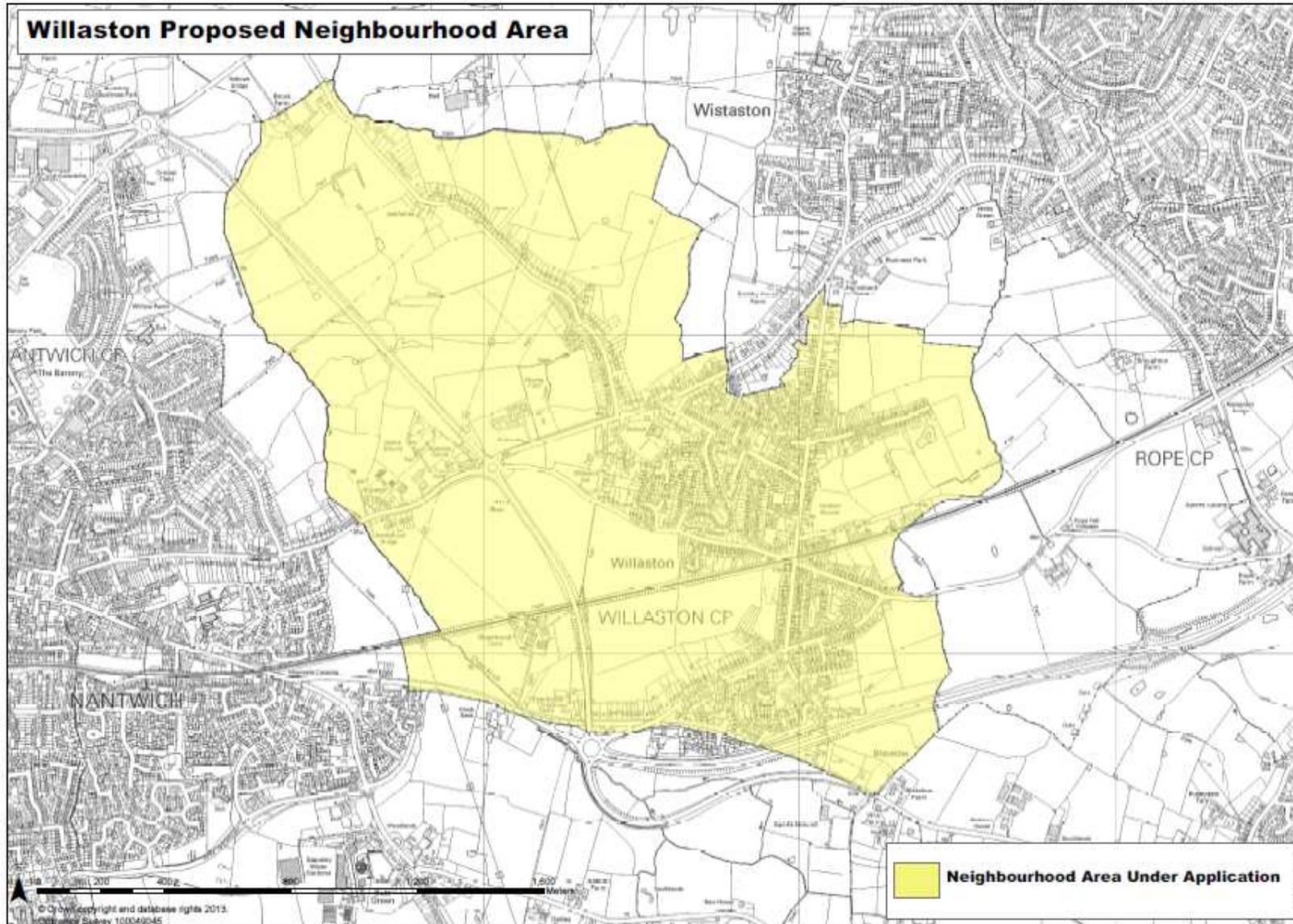
- 11.6 Willaston is a Parish with a population of some 2,277 residents located at the south western edge of Crewe and stands as a physically separate settlement from the town. Located within the Green Gap between Crewe and Nantwich, the settlement is set within the open countryside. Significant transport infrastructure is located within the parish, notably the A534 and A500 road links and the Crewe to Shrewsbury rail line. There are heritage and archaeological interests located within the Parish alongside natural conservation, and landscape interests.
- 11.7 There are no strategic interests located in the Parish as identified by the emerging Local Plan Strategy. The Local Plan Strategy is currently under review following comments received by the Inspector during the Examination in Public. Work on issues raised by the inspector, including approach to economic strategy, housing requirements, distribution of development and the approach to Green Belt in the Borough is under way. There is an interdependency within these separate areas of work and information in regard to these issues that may affect neighbourhood planning (particularly on housing need and distribution of development) will be available in the coming months.

## **12.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

Name: Tom Evans  
Designation: Principal Planning Officer  
Tel No: 01625 383709  
Email: Tom.Evans@cheshireeast.gov.uk

# Appendix 1: Proposed Willaston Neighbourhood Area



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