

CHESHIRE EAST COUNCIL

Strategic Planning Board

Date of Meeting:	22 nd May 2013
Report of:	Strategic Planning and Housing Manager
Subject/Title:	Brereton Neighbourhood Area Application

Portfolio Holder	Cllr David Brown – Strategic Communities
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1. Report Summary

- 1.1 Neighbourhood Planning was introduced via the Localism Act 2011 and allows communities to prepare plans relevant to their local areas. A Neighbourhood Plan cannot conflict with the strategic priorities identified in the Local Plan and is subject to an independent examination and referendum. Once adopted, a Neighbourhood Plan holds equal weight to the Local Plan for decision making purposes
- 1.2 The first stage of preparing a Neighbourhood Plan is the designation of a Neighbourhood Area, the geographic area to which a Neighbourhood Plan will apply. The body preparing a Neighbourhood Plan must apply to the Local Planning Authority to award this designation.
- 1.3 Cheshire East Council has received their first application to designate a Neighbourhood Area, from Brereton Parish Council, covering the area within the parish boundary.

2. Decision Requested

- 2.1 That the Strategic Planning Board gives consideration to the report and the Neighbourhood Area application.
- 2.2 That the Strategic Planning Board is recommends that the Portfolio Holder for Strategic Communities approves the designation of Brereton Parish as a Neighbourhood Area for the purposes of preparing a Neighbourhood Plan.

Reasons for Recommendations

- 2.3 Under the Town and Country Planning Act 1990, as amended by the Localism Act 2011, every planning authority must consider applications to designate Neighbourhood Areas for the purposes of Neighbourhood Planning. Failure to do so would be a failure to meet statutory requirements.

3 Wards Affected

3.3 Brereton Ward

4 Local Ward Members

4.3 Cllr John Wray

5 Policy Implications

5.3 The designation of Brereton Parish as a Neighbourhood Area will enable Brereton Parish Council to prepare a Neighbourhood Plan for this area. Any Neighbourhood Plan cannot conflict with strategic priorities and policies identified in the emerging Cheshire East Core Strategy.

6 Financial Implications

6.3 The designation of a Neighbourhood Area for Brereton will not incur direct costs to the Council.

6.4 At a later stage the Council is required to hold an independent examination of the proposed Neighbourhood Plan and a referendum on the plan.

6.5 Under the Neighbourhood Planning (General) Regulations 2013, costs of the examination and referendum are required to be met by the Council. The more Neighbourhood Plans the council receive, the greater the implications of these costs to the Council.

6.6 There are also implications for future revenue collection from the Community Infrastructure Levy (CIL), a charge levied on new development after the adoption of a CIL charging schedule by the planning authority.

6.7 The CIL Regulations 2013 require local authorities to pass on 15% of CIL collected within the boundary of a local council, to the local council. In areas with an adopted Neighbourhood Plan, this rises to 25% of relevant CIL receipts.

6.8 The body preparing a Neighbourhood Plan can, where they wish to do so, enter into an agreement with the Local Planning Authority to return all, or part of funds received via the CIL.

6.9 In areas without a Neighbourhood Plan, CIL payments are capped at £100 per dwelling. There is no cap in areas with a Neighbourhood Plan.

7 Legal Implications

7.3 Under the Town and Country Planning Act 1990, as amended by the Localism Act 2011, every planning authority must consider applications to designate Neighbourhood Areas for the purposes of Neighbourhood Planning.

8 Risk Management

8.3 The Council has a statutory duty to make a decision on Neighbourhood Area applications. Failure to make a decision means the Council is at risk of failing to meet its statutory requirements.

8.4 Increased applications to designate Neighbourhood Areas will divert more resources from the Spatial Planning Team to deal with them. The Council has currently received one Neighbourhood Area application and is aware of a growing interest in the process across the Borough.

9 Background and Options

9.3 Neighbourhood Planning was introduced by the Localism Act 2011 to enable communities to prepare their own development plan documents relevant to a specific geographic area.

9.4 A Neighbourhood Plan is a Development Plan Document prepared by a relevant body (either a town/parish council or a neighbourhood forum) which allows communities to allocate land and write policies which relate to the development of land. A Neighbourhood Plan is subject to an independent examination and a local referendum and, once adopted, will hold equal weight to the Local Plan for decision making purposes.

9.5 The preparation of Neighbourhood Plans is supported by the National Planning Policy Framework (NPPF); they are required to be prepared in accordance with the NPPF, the strategic policies of the Local Plan and all relevant legislation and national policy.

9.6 To date, three Neighbourhood Plans (Upper Eden, Exeter St. James and Thame) have been adopted across the country; more are due to follow. The Brereton Parish Council Neighbourhood Area Application is the first received by Cheshire East Council.

9.7 The Council publicised the application for a period of six weeks from 26th February 2013 to 9th April 2013 during which representations on the proposals were invited. Nine responses were received, eight of which support the application. One response was submitted as comment only; no objections were received. A full report of representations received is included in Appendix 3.

9.8 A Neighbourhood Area application must meet the requirements of section 61G of the 1990 Town and Country Planning Act (as amended by the Localism Act 2011) and the Neighbourhood Planning (General) Regulations 2012. An application must include a map which identifies the proposed area, a statement explaining why this area is considered appropriate and a statement explaining why the applicant is a relevant body to make the application. Brereton Parish Council have met these requirements.

9.9 The Council is not required to consider whether it is appropriate for a community to produce a Neighbourhood Plan, only whether the Neighbourhood Area is appropriate for the purposes of producing a Neighbourhood Plan. In determining this application the authority must have regard to the desirability of designating the whole of the area of a parish council as a Neighbourhood Area.

9.10 The proposed Neighbourhood Area covers the entirety of Brereton Parish and does not include any proposed strategic sites as identified in the emerging Cheshire East Core Strategy. No objections to the application were received and, as this is the first application

received by Cheshire East Council, the application does not conflict with any existing Neighbourhood Areas.

10 Access to Information

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

Name: Thomas Evans

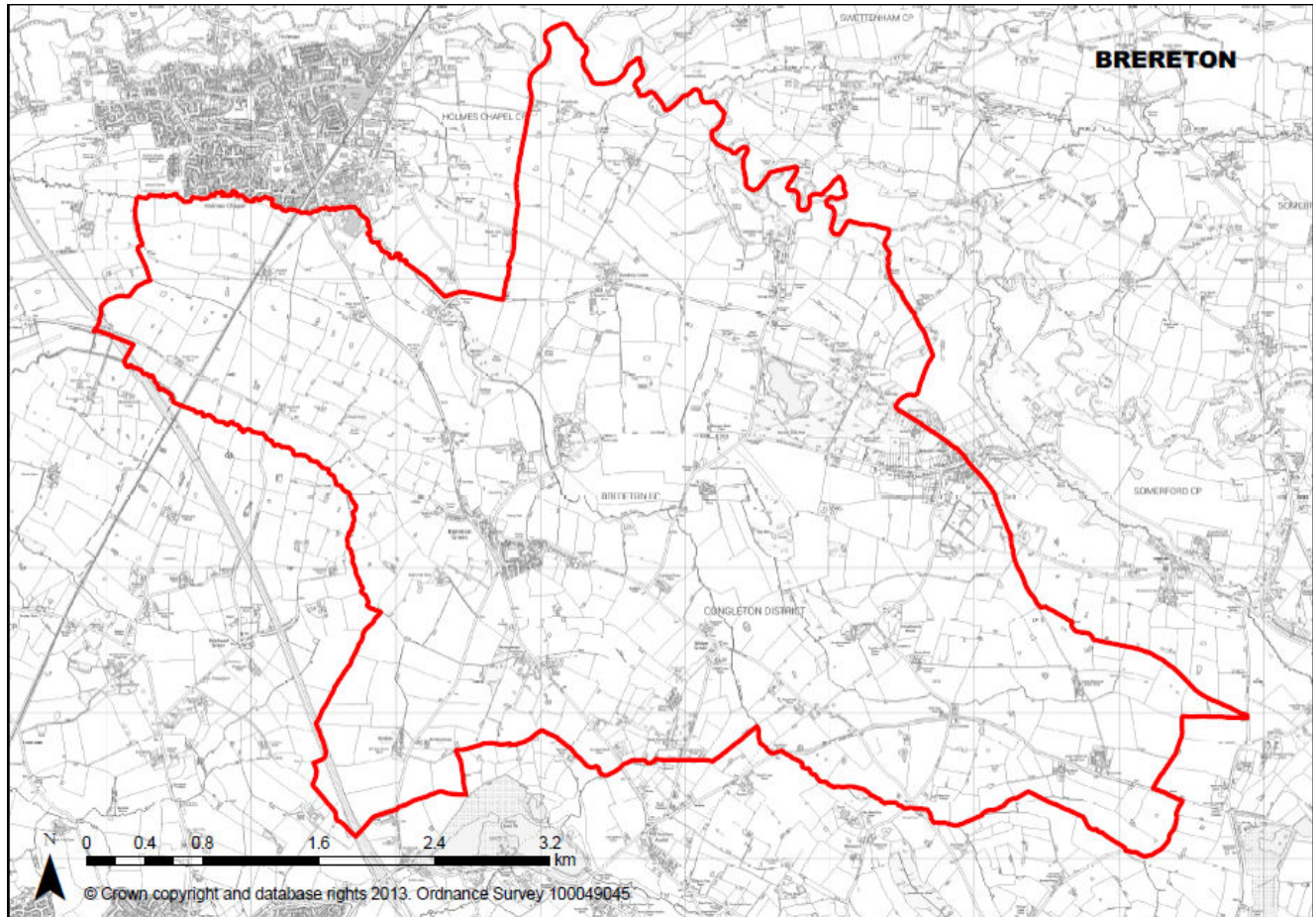
Designation: Planning Officer

Tel No: 01625 383709

Email: thomas.evans@cheshireeast.gov.uk

11 Appendices

12.1 Appendix 1: Brereton Parish Boundary



12.2 Appendix 2: Statement Submitted in support of Brereton Neighbourhood Area Application

Brereton Parish Council submitted a statement in support of their application to designate Brereton Parish as a Neighbourhood Area. It reads:

'Brereton is a civil parish within the Brereton Rural Ward of Cheshire East, and includes the isolated settlements of Brereton Green, Brereton Heath, Bagmere, Brindley Green, Brownedge, Hazelshawe, Illidge Green, Medhurst Green, Sandlow Green and Smethwick. The application to proceed with the development of a Neighbourhood Plan for a Neighbourhood Area comprising the area of our parish in its entirety is appropriate for the following reasons:

People in Brereton value the rural, agricultural economy and environment that they have now and want to keep it that way. They do not want to become a crowded dormitory area for the nearby towns and cities.

Our people wish to have more influence over the use of land in their area rather than letting others make these decisions without this local input. In particular, our people have a desire to

ensure development is sustainable, which is a challenge given the distances between the many settlements and communities.

The Neighbourhood Area will sit comfortably with the electorate and the existing sense of community that currently exists.'

12.3 Appendix 2: Results of Consultation

The Localism Act 2011 introduced amendments to the Town and Country Planning Act 1990 to devolve planning powers to a local level and allow communities to produce Neighbourhood Plans with equal weight to Local Plans.

The first stage in preparing a Neighbourhood Plan requires a local council, or neighbourhood forum, to apply to the Local Planning Authority to designate a Neighbourhood Area. This is the geographic area within which a future Neighbourhood Plan can take effect.

Brereton Parish Council submitted an application to designate the Parish of Brereton as a Neighbourhood Area in January 2013. A consultation on this application was held between 26th February 2013 and 9th April 2013.

The application was published within Brereton Parish and via Cheshire East Council's website. In total, nine representations were made to the application. Eight comments were received in support of the application, one representation was received as comment only. No objections were received to the application.

The full range of representations is detailed below:

Full Name	Organisation Details	ID	Type - Please indicate whether you support, object or wish to make a comment.	Comment - Please provide details:
Mr Martin de Kretser		NP-BR2	Support	In accordance with the Localism bill this will give Brereton Parish Council control of implementing the local plan and resisting inappropriate development. I concur with the boundary proposed.
Dr P. Smith		NP-BR3	Support	I wish them well in this endeavour which is very appropriate in safe guarding the area and giving greater strength to local decisions and the Localism Act.
Mr Andrew		NP-BR4	Support	I support Brereton Parish in applying for designation to

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Lindsay				produce a neighbourhood plan for their area. I think this is a key step under Localism for the people of the parish to become even more involved in shaping their own future.
Mr Alastair Strang		NP-BR5	Support	A worthwhile project.
Dr Elizabeth Love		NP-BR6	Support	I fully support this application which is an important step in ensuring that the residents have a strong voice in shaping the future of Brereton Parish
Mr David Brown		NP-BR7	Support	I consider this an opportunity for local residents to have a very positive say in the future development and maintenance of Brereton. Hopefully CEC will take more notice of local views than in the past and consult with us BEFORE making decisions in future. This will save considerable expense in backtracking and help CEC achieve transparency
Mrs Shirley Strang		NP-BR8	Support	
Mr Donald Muir	Chairman Sandy Lane Action Group	NP-BR9	Support	Sirs I strongly support this application by Brereton PC to designate a Neighbourhood Area and thereafter to create a Neighbourhood Plan. This action will enable Brereton to create a plan that is sensitive to the aspirations and need of the local community, whilst still being in general conformance with Cheshire East's emerging

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				<p>Local Plan.</p> <p>In doing so, Brereton will have relieved Cheshire East of the burden of preparing detailed plans for the designated area, which would inevitably miss many of the residents' preferences.</p> <p>Cheshire East's legal obligation to support Brereton, imposed by the Localism Act, will be more than offset by government grants (which should be shared with Brereton Parish).</p> <p>I call on Cheshire East not only to approve the Neighbourhood Area Designation, but to be generous rather than parsimonious in their support for Brereton PC.</p> <p>Yours faithfully Donald Muir</p>
Mr Dave Sherratt	LDF Assessor United Utilities	NP-BR10	Comment	<p>Dear Spatial Planning Team</p> <p>Proposal: Cheshire East Council ~ Brereton Parish Council's Application to Designate a Neighbourhood Area</p> <p>Thank you for your consultation and seeking our views in this process.</p> <p>We support growth and sustainable development within the North West and would like to build a strong partnership with you and neighbourhood forums to aid sustainable development and growth.</p> <p>Our aim is to proactively share our information; assist in the development of sound planning strategies, to identify future development needs and to secure the necessary long-term infrastructure investment.</p>

Full Name	Organisation Details	ID	Type - Please indicate whether you support, object or wish to make a comment.	Comment - Please provide details:
				<p>At this stage we have no specific comments to make on the Brereton Parish Council's application to designate a Neighbourhood Area, but wish to be included in further consultations and where necessary, the development of the Brereton Parish Council's Neighbourhood Area Plan.</p> <p>We would like to highlight that areas of the Neighbourhood Area may be served by private wastewater treatment and water supply facilities; which you will need to take into consideration when drafting your development plans and supporting policies.</p> <p>Our historical consultation responses to Cheshire East Council's Local Development Framework consultations; planning applications and pre developer enquiries are still valid and should be taken into consideration when developing your Neighbourhood Area Plan and supporting policies.</p> <p>If you wish to discuss this in further detail please do not hesitate in contacting me or Jenny Hope.</p> <p>Yours sincerely Dave Sherratt Local Development Framework Assessor</p>