

Date of Meeting:	14/08/2013
Report of:	Strategic Planning & Housing Manager
Subject/Title:	High Legh Neighbourhood Area Application
Portfolio Holder:	Councillor David Brown

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## **1.0 Report Summary**

- 1.1 High Legh Parish Council has submitted an application to designate High Legh Parish as a neighbourhood area.
- 1.2 The Localism Act 2011 introduced new legal rights enabling communities to plan locally for growth by preparing formal development plan documents (neighbourhood plans) to allocate land for development and prepare policies which apply to the development of land.
- 1.3 Neighbourhood plans must conform to the NPPF, all relevant legislation and the strategic policies held within the local plan. The first stage in the process of preparing such a plan is the formal designation of the geographic area to which a neighbourhood plan will apply, this is the neighbourhood area.
- 1.4 Limited funding for local authorities, and for local communities, is available from Department for Communities and Local Government (DCLG) to support the process.
- 1.5 Cheshire East Council is required to consider whether designation of the submitted neighbourhood area is desirable. The Council can, with valid reasons, choose to reject all, or part of the proposed neighbourhood area. The criteria under which a neighbourhood area can be rejected are set out below.

## **2.0 Decision Requested**

- 2.1 That the Strategic Planning Board gives consideration to the report and to the neighbourhood area application.
- 2.2 That the Strategic Planning Board recommends that the Portfolio Holder for Strategic Communities approves the designation of High Legh Parish as a neighbourhood area for the purposes of preparing a neighbourhood plan.

## **3.0 Reasons for Recommendations**

- 3.1 Under the Town and Country Planning Act 1990, as amended by the Localism Act 2011, every local planning authority must consider valid applications to designate neighbourhood areas for the purposes of neighbourhood planning.

3.2 The local planning authority is required to assess whether:

- a valid neighbourhood area application has been submitted;
- whether , under section 61G of the Localism Act 2011, it is desirable to designate the whole of the parish area as a neighbourhood area
- whether it is desirable to maintain existing neighbourhood area boundaries

3.3 An application is valid where it meets the criteria for an application as established in Part 2, 5. – (1) of The Neighbourhood Planning (General) Regulations 2012 and provides:

- A map which identifies the area to which the application relates;
- A statement explaining why this area is considered appropriate to be designated as a Neighbourhood Area; and
- A statement that the organisation or body making the application is a relevant body for the purposes of section 61G of the Town and Country Planning Act 1990, as amended by the Localism Act 2011.

3.4 The application submitted by High Legh Parish (please see appendix 2 for further details) satisfies the criteria established above.

3.5 Neighbourhood area applications submitted by parish councils may cover the entire parish; a local planning authority can exclude land from inclusion within a neighbourhood area, particularly where land is identified as of strategic importance to the local plan. Where the Council decides to exclude part of the submitted neighbourhood area, the council must use its powers of designation to secure that some of the area applied for is designated a neighbourhood area.

3.6 The emerging Cheshire East Core Strategy does not identify any areas within High Legh Parish as a strategic priority and there is no valid planning reason to exclude any part of the area from the designation applied for; existing legislation allows the Council to reconsider this position should a strategic need arise to do so.

3.7 No other neighbourhood area boundaries are under consideration.

#### **4.0 Wards Affected**

4.1 High Legh Ward

#### **5.0 Local Ward Members**

5.1 Cllr Steve Wilkinon

#### **6.0 Policy Implications**

6.1 The designation of High Legh Parish as a neighbourhood area will enable High Legh Parish Council to prepare a neighbourhood plan for this area. Any neighbourhood plan must be prepared in accordance with the strategic priorities and policies identified in the emerging Cheshire East Local Plan and be positively prepared to address the social, economic and environmental needs of the area.

## **7.0 Financial Implications**

- 7.1 The designation of a neighbourhood area for High Legh 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 Spatial Planning team and from other services.
- 7.2 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. The more applications the Council receives to undertake neighbourhood planning, the greater the implications of these costs to the Council.
- 7.3 Funding from the DCLG is available to reflect costs incurred. A maximum of up to £30,000 (non ring-fenced) per plan is available and payable in three stages:
- £5,000 upon designation of a Neighbourhood Area,
  - £5,000 upon publication of the plan prior to examination; and
  - £20,000 upon successful completion of the examination
- 7.4 DCLG have also made up to £7,000 directly available to communities preparing neighbourhood plans via Locality.
- 7.5 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 local planning authority.
- 7.6 The CIL Regulations 2013 require local authorities to pass on 15% of CIL collected within the boundary of a local council (i.e. Town or Parish Council), to the local council. The 15% will apply across the whole of the area administered by the local council whether or not they have an adopted neighbourhood plan and is capped at £100 per dwelling built.
- 7.7 Within neighbourhood areas with an adopted neighbourhood plan, CIL payments from the local planning authority to the local council are required to rise to 25%. This proportion of CIL is payable where development takes place within a designated neighbourhood area and is uncapped.
- 7.8 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 any funds received via the CIL; a local authority can also exclude sites of strategic importance from proposed neighbourhood areas.

## **8.0 Legal Implications**

- 8.1 Chapter 3 of the Localism Act 2011 (sections 116 to 121), in force since 15 November 2011, introduced the concept of Neighbourhood Planning. It made substantial amendments to the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 and provided that any qualifying body (including a Parish

Council) is entitled to initiate a process for the purpose of requiring a local planning authority in England to make a Neighbourhood Development Order.

- 8.2 Such an order would grant planning permission in relation to a particular neighbourhood area as specified in the order, for development as specified in it, or for development of any class specified in the order.
- 8.3 A “neighbourhood area” can be an area within the local planning authority’s area; power to designate as such is only exercisable where a relevant body (including a Parish Council) has applied to the local planning authority, and the LPA is determining the application; the legislation includes some restriction on this power in Section 61G (5). Schedule 4B of the Town and Country Planning Act 1990 (as inserted by the Localism Act) sets out a detailed process for the making of neighbourhood development orders, including a process for submitting any draft for independent examination, and, on the making of an order, a referendum.
- 8.4 The Secretary of State has made the Neighbourhood Planning (General) Regulations 2012 under powers conferred by the 1990 and 2004 Acts, and these Regulations, which came into force on 6 April 2012, make further detailed provision on this subject.

## **9.0 Risk Management**

- 9.1 The Council has a statutory duty to consider neighbourhood area applications and decide whether to designate neighbourhood areas. Failure to discharge this duty will put the Council at risk of failing to meet its statutory requirements.
- 9.2 Increased applications to designate neighbourhood areas and prepare neighbourhood plans will divert resources from the Spatial Planning Team.
- 9.3 There are also time and cost implications for other services required to support the process, particularly for the Electoral Team in supporting any referendum.

## **10.0 Background and Options**

- 10.1 Neighbourhood planning was introduced by the Localism Act 2011 as a new community right .
- 10.2 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. It is subject to an independent examination, a local referendum and, once adopted, will hold equal weight to the local plan for decision making purposes.
- 10.3 The preparation of neighbourhood plans is supported by the National Planning Policy Framework (NPPF); they are required to be prepared positively in accordance with the NPPF, the strategic policies of the Local Plan, all relevant legislation and national policy to promote local growth and development.

- 10.4 Local planning authorities have a duty to support and assist the preparation of neighbourhood plans which may include providing guidance on the process, sharing information and best practice. Funding is available to reflect costs incurred by the local authority.
- 10.5 Funding is also available to communities preparing a neighbourhood plan in the form of a grant of up to £7,000 and for planning assistance from Locality and Planning Aid England.
- 10.6 The Council publicised the application for a period of six weeks from 10/06/2013 to 11/06/2013 during which representations on the proposals were invited. Five responses were received, all of which support the application. No objections were received. A full report of representations received is included in Appendix 3.
- 10.7 At this stage the local planning authority is required to assess whether a valid neighbourhood area application has been submitted and whether it is desirable to designate the whole of the parish council area as a neighbourhood area.
- 10.8 Where the Council decides to refuse an application to designate a neighbourhood area, they must provide reasons to the applicant for refusing the application. These reasons may include the submission of an invalid application, or the submission of an application which conflicts with the strategic aims of the Local Plan.
- 10.9 Where the Council decides to exclude part of the submitted neighbourhood area, the council must use its powers of designation to secure that some of the area applied for is designated a neighbourhood area.

#### **11.0 Access to Information**

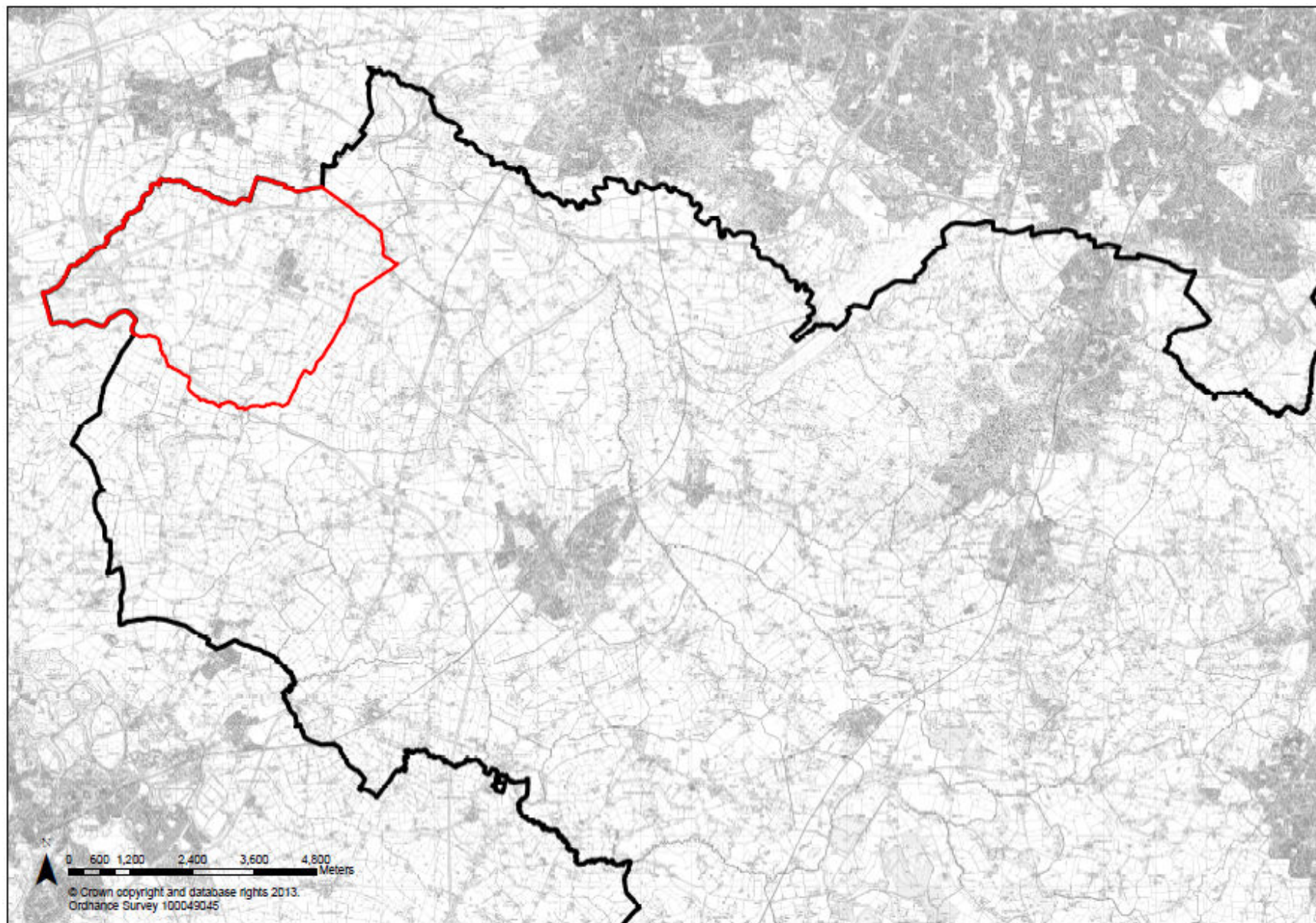
The background papers relating to this report can be inspected by contacting the report writer:

Name: Thomas Evans  
Designation: Planning Officer  
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#### **Appendices:**

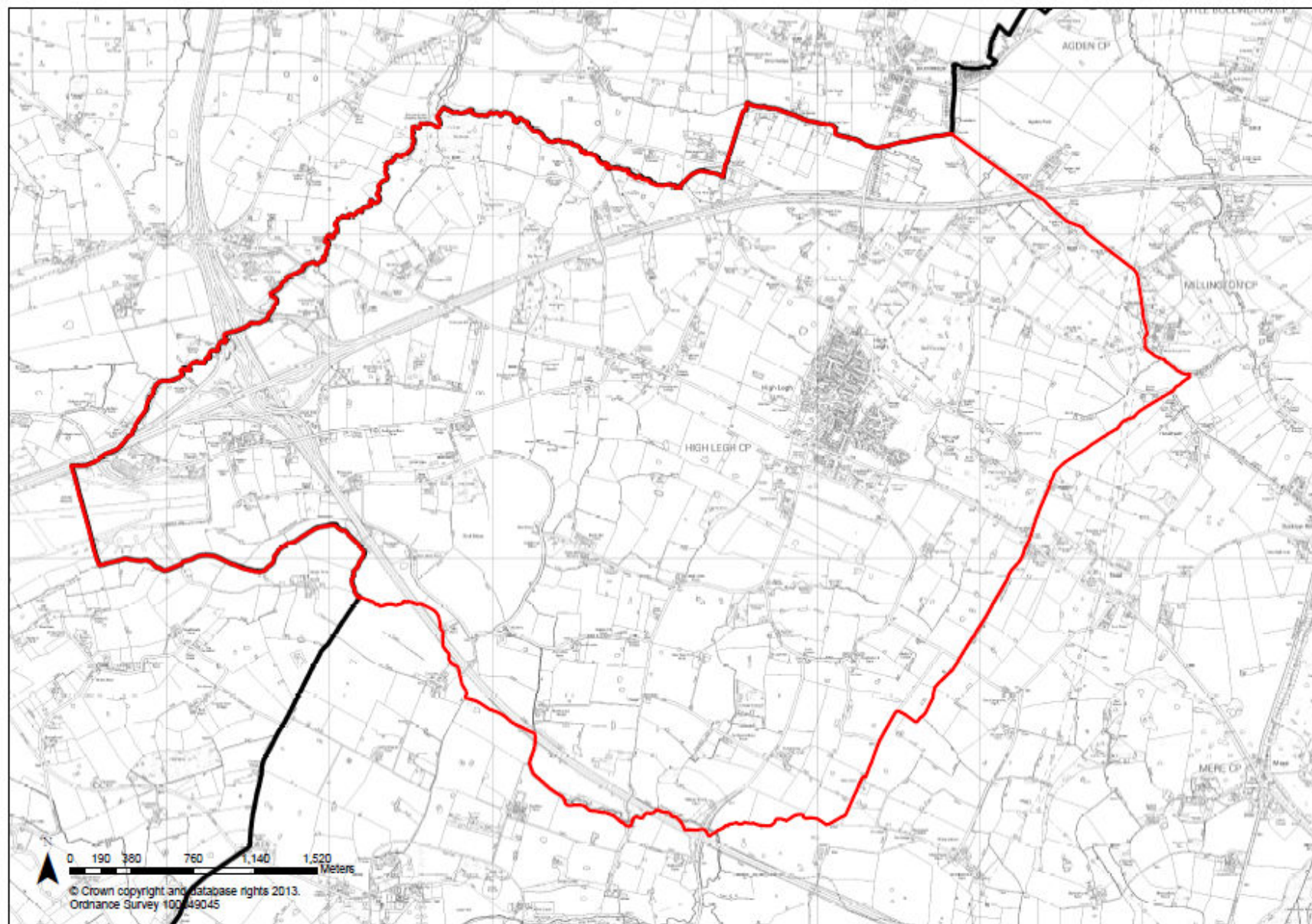
Appendix 1: High Legh Parish Boundary  
Appendix 2: Statements submitted in support of High Legh Parish Neighbourhood Area application  
Appendix 3: Results of Consultation

## Appendix 1: High Legh Parish Boundary





## Appendix 1: High Legh Parish Boundary



**Appendix 2:                Statements submitted in support of High Legh Parish Neighbourhood  
Area a application**

Statement from High Legh Parish Council in support of High Legh Neighbourhood Area  
Application:

*The parish is a discrete part of Cheshire East with a strong sense of local community. It is bounded and affected by neighbouring parishes and towns in Cheshire East, Cheshire West & Chester and Warrington.*

*In developing and publishing a Parish Plan, the community strongly asked that it should be proactive in addressing planning, landscape and environmental issues that affect it.*

*It is clear that there is a strong desire to retain the overall rural and urban balance of the parish while ensuring it's continuance and development as a thriving and sustainable area.*

*The Parish has agreed that it needs to play its part in the development of Local Plans for Cheshire East.*



### Appendix 3: Results of Consultation

Type - Please indicate whether you support, object or wish to make a comment.	Comment - Please provide details:
Support	I agree that High Legh should have a Neighbourhood Plan so that we retain the rural aspect of the parish.
Support	High Legh Parish is an area with a distinct identity and strong community and social ties. The aspirations of High Legh residents may well differ from those of residents of adjacent areas, particularly when the impact of A556 and HST developments are being considered.
Support	It has become apparent that High Legh is in a 'forgotten corner' of Cheshire East and its rural aspect is often overlooked when strategic planning matters such as the A556 and HS2 are under consideration. I think the community will benefit from a stronger local voice such as proposed by the Neighbourhood Area.
Support	The High Legh community can only benefit from a stronger local voice such as that proposed by the Neighbourhood Plan / Forum. It is simply a win / win situation for High Legh, who for the very first time will be able to directly influence what happens in their parish. Local decisions by local people who have the community at heart, not remote mandarins who have their career and back yards at heart.
Support	<p>High Legh Parish is a discrete part of Cheshire East with a strong sense of local community. This has been demonstrated over many years by the strong activities of the Community Association, Parish Council, Local Church (St John's) and most recently the extensive work on the High Legh Parish Plan.</p> <p>It is a distinct area close to, but quite separate from Lymm, Knutsford, Altrincham and Northwich. It has distinct local needs and many residents that have the energy and enthusiasm to 'make things happen' for the benefit of the community as a whole. High Legh needs to have its own views heard on planning, landscape and environmental issues that affect us. There is a strong desire to retain the overall rural and urban balance of the parish while ensuring its continuance and development as a thriving and sustainable area.</p>