
Date of Meeting:	11/09/2013
Report of:	Strategic Planning & Housing Manager
Subject/Title:	Newbold Astbury and Moreton Neighbourhood Area Application
Portfolio Holder:	Councillor David Brown

1.0 Report Summary

- 1.1 Newbold Astbury Parish Council and Moreton Cum Alcumlow Parish Council have submitted a joint application to designate their respective parishes as a combined 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.

Neighbourhood plans must conform with 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, the neighbourhood area.

Limited funding for local authorities and for local communities is available from DCLG to support the process.

- 1.3 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 Newbold Astbury and Moreton Parishes 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 Newbold Astbury and Moreton Parishes (please see appendix 2 for further details) satisfies the criteria established above.

3.5 Neighbourhood area applications submitted by parish councils may cover an entire parish or more than one single 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 Newbold Astbury or Moreton Parishes 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 Odd Rode Ward

5.0 Local Ward Members

5.1 Cllrs Rhoda Bailey and Cllr Andrew Barratt

6.0 Policy Implications

6.1 The designation of Newbold Astbury and Moreton Parishes as a single neighbourhood area will enable Newbold Astbury Parish Council and Moreton cum Alcumlow 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 Newbold Astbury and Moreton 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 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 to prepare a development plan document relevant to a specific geographic area.
- 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 15/07/2013 to 27/08/2013 during which representations on the proposals were invited. Four responses were received, three 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.
- 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 areas 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

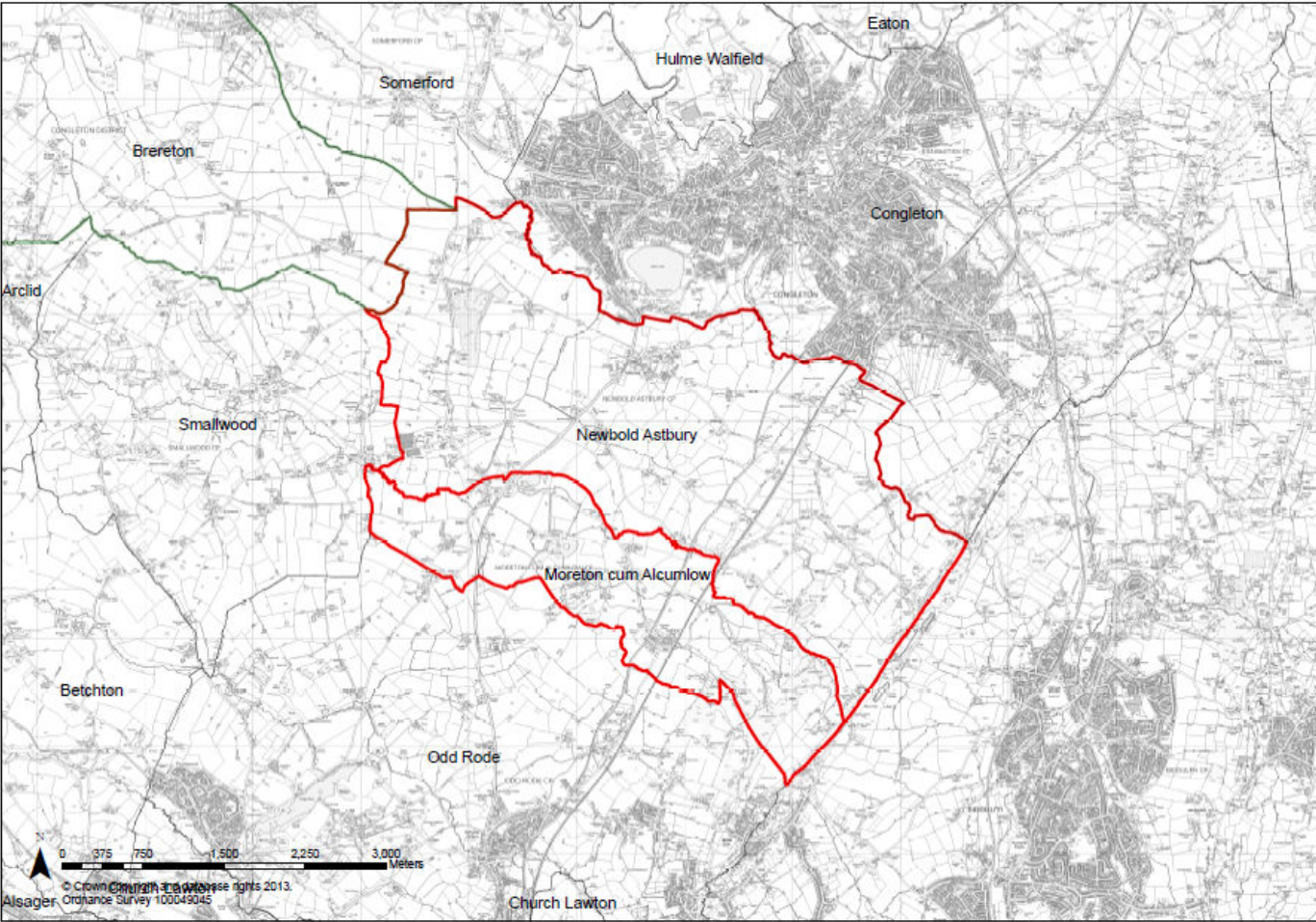
The background papers relating to this report can be inspected by contacting the report writer:

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Appendices:

Appendix 1: Newbold Astbury and Moreton cum Alcumlow Parish Boundaries
 Appendix 2: Statements submitted by the parish councils in support of Newbold Astbury and Moreton Parish Neighbourhood Area application
 Appendix 3: Results of Consultation
 Appendix 4: Neighbourhood Planning: A Guide

Appendix 1: Astbury and Moreton Parish Boundaries



Appendix 2

Statements submitted by the parish councils in support of Newbold Astbury and Moreton Parish Neighbourhood Area application

'Newbold Astbury Moreton is a wholly rural Parish, a substantial proportion of which is part of the South East Cheshire Green Belt and includes a Conservation Area and designated large areas of ASCV, HLV and an SSSI.

Lying immediately south of the urban settlement of Congleton and under pressure from urban expansion, a Neighbourhood Plan is considered essential to ensure the needs of the Parish population and communities and the largely agriculturally based economic activity are properly met by analyzing and coordinating future land use and development in the most appropriate and sustainable way.

Postal canvas and a public meeting have confirmed that the Parish Community strongly supports the concept of a Neighbourhood Plan which is appropriate for the whole Parish as a unifying Objective.'

Appendix 3: Results of Consultation

Type - Please indicate whether you support, object or wish to make a comment.	Comment - Please provide details:
Support	<p>The collective community of Alcumlow, Astbury, Moreton & Newbold 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 Alcumlow, Astbury, Moreton & Newbold, 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.</p>
Support	<p>I strongly support this application by Astbury-cum-Moreton PC to designate a Neighbourhood Area as the first step in creating a Neighbourhood Plan. This action will enable Astbury-cum-Moreton to create a plan that is sensitive to the aspirations and needs of the local community, whilst still being in general conformance with strategic requirements of Cheshire East's emerging Local Plan. In doing so, Astbury-cum-Moreton will relieve Cheshire East of some of the burden of preparing detailed plans for the designated area, which would inevitably miss many of the residents' preferences. Cheshire East's legal obligation to support Astbury-cum-Moreton, imposed by the Localism Act, will be offset by government grants. I call on Cheshire East not only to approve the Neighbourhood Area Designation, but to be generous rather than parsimonious in their support for Astbury-cum-Moreton PC.</p>
Support	<p>I support Astbury and Moreton Neighbourhood Area Application. Neighbourhood Planning is a key part of Localism and it is great to see parishes in Cheshire East setting out to produce Neighbourhood Plans for their area.</p>
Comment	<p>United Utilities: We support growth and sustainable development within the North West and would like to build a strong partnership with you and neighbourhood groups to aid sustainable development and growth. 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. At this stage we have no specific comments to make on the Neighbourhood Area Application submitted by the Newbold Astbury Parish Council, but wish to be included in further consultations and where necessary, the development of the Newbold Astbury and Moreton cum Alcumlow Parish Neighbourhood Plan and any Neighbourhood Development Orders or Community Right to Build Orders</p>