

CHESHIRE EAST COUNCIL

PORTFOLIO HOLDER HOUSING AND JOBS

Date of Meeting: 21 October 2014
Report of: Strategic Planning & Housing Manager
Subject/Title: Middlewich Neighbourhood Area Application
Portfolio Holder: Councillor Don Stockton

1.0 Report Summary

- 1.1 The report requests designation of the Middlewich Neighbourhood Area. An application to designate this neighbourhood area was submitted by Middlewich town Council in August 2014. 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 Middlewich.

2.0 Recommendations

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

3.0 Reasons for Recommendations

- 3.1 It is considered that the Middlewich 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
 - Middlewich Parish Council is the relevant body to undertake Neighbourhood Planning
 - The Neighbourhood Plan Area follows the existing political and administrative boundary for the Parish of Middlewich 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
 - Issues concerning strategic interests in the Parish have been discussed; relevant strategic issues have been identified, these are Local Plan Strategy Site CS20 Glebe Farm, Strategic Location SL9 Brooks Lane, Strategic Location SL10 Midpoint 18 Extension and a key piece of infrastructure, the Middlewich Eastern Bypass.

4.0 Wards Affected

- 4.1 Middlewich

5.0 Local Ward Members

- 5.1 Councillor Paul Edwards; Councillor Simon McGrory; Councillor Michael Parsons

6.0 Policy Implications

- 6.1 The designation of Middlewich Parish as a neighbourhood area will allow Middlewich Town 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 Middlewich Neighbourhood Plan will be used for decision making purposes within the parish of Middlewich 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 Middlewich (a largely urban parish with close connections to adjacent rural areas) to participate in the plan making process and develop policies to address those planning matters that affect their interests and well being. The process allows greater engagement of rural communities in and adjoining Middlewich and for Middlewich Town Council to take ownership of planning policy which directly affects rural areas within and adjoining the parish.

8.0 Financial Implications

- 8.1 The designation of a neighbourhood area for Middlewich 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 Spatial Planning team and from other services. A package of technical support has been made available to Middlewich Parish Council toward preparing a neighbourhood plan. This support is being made available within the existing budget for the Spatial Planning team. There are also other grants available from Cheshire East council that may be awarded and from external bodies such as Locality.
- 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 (£20,000 payable to the authority from central government in recognition of the costs of referendums and payable upon successful examination of a neighbourhood plan)
- 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.

9.0 Legal Implications

- 9.1 Neighbourhood area applications must be made in accordance with Regulation 5 of the Neighbourhood Planning (General) Regulations 2012. 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 Town and Country Planning Act 1990 sets out the requirements for determining applications for an area to be designated a neighbourhood area. Section 61G(5)(c) of the 1990 Act provides that a 'neighbourhood area' must be an area which the local planning authority considers "appropriate". In determining an application, the local planning authority must also have regard to the desirability of designating the whole of the area of a parish council as the neighbourhood area.
- 9.2 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 Neighbourhood Planning (General) Regulations 2012.

- 9.3 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): In determining an application the authority must have regard to the desirability of designating the whole of the area of a parish council as a neighbourhood area. 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.
- 9.4 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.

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 Middlewich 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.

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 Middlewich Town Council has applied to designate the full extent of Middlewich Parish as the Middlewich 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 Middlewich and its surrounding locality.

11.6 There are strategic interests located in the Parish as identified by the emerging Local Plan Strategy and existing Development Plan including these are Local Plan Strategy Site CS20 Glebe Farm, Strategic Location SL9 Brooks Lane, Strategic Location SL10 Midpoint 18 Extension and a key piece of infrastructure, the Middlewich Eastern Bypass. It is considered appropriate to include such strategic interests within the neighbourhood area.

12.0 Conclusions

12.1 For the reasons set out in section 3 above, it is recommended to approve and designate Middlewich Parish as Middlewich Neighbourhood Area, for the purposes of preparing Middlewich Neighbourhood Plan, as per the map attached at Appendix 1.

13.0 Access to Information

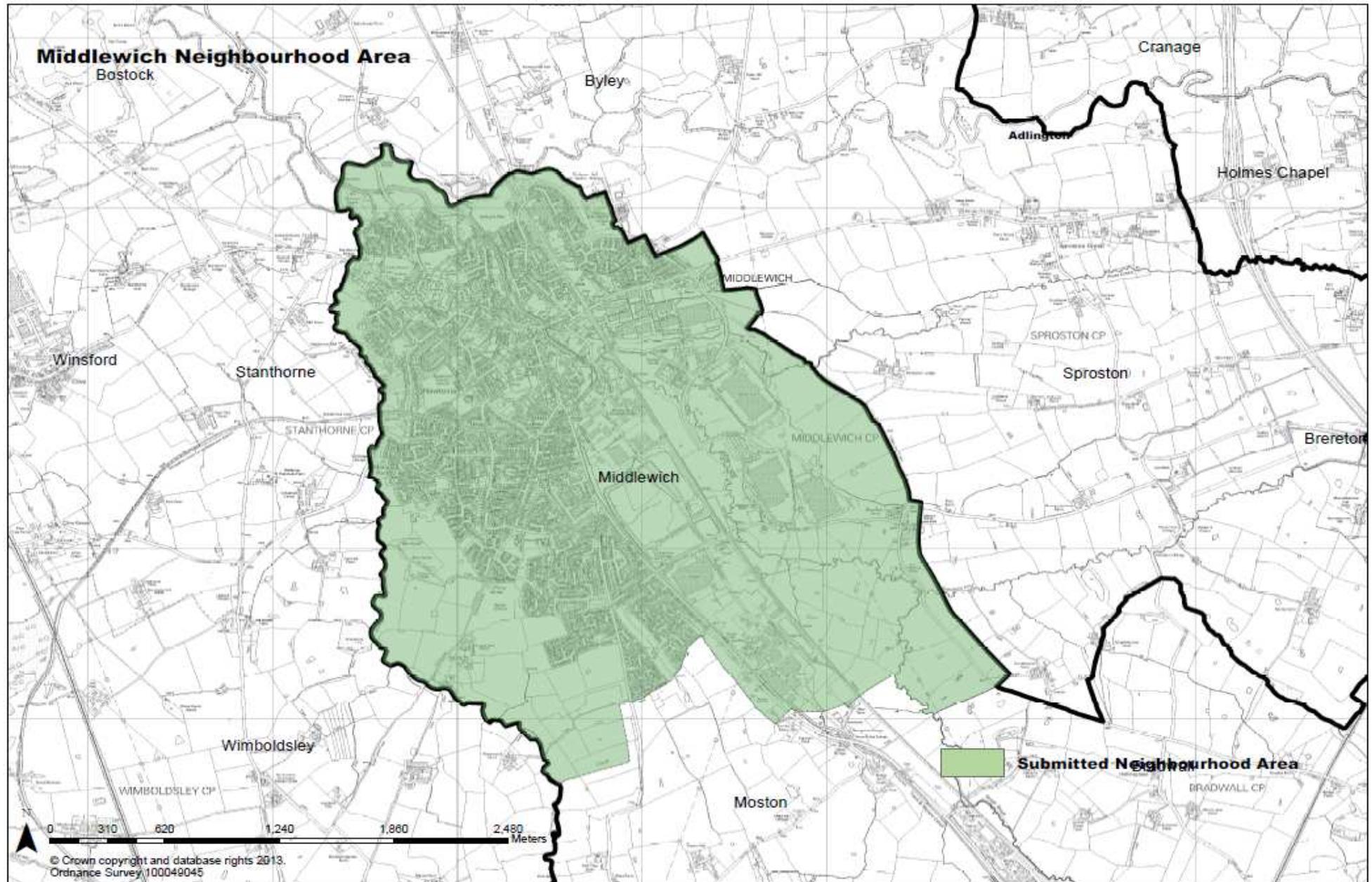
The background papers relating to this report can be inspected by contacting the report writer:

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14.0 Appendix 1: Proposed Middlewich Neighbourhood Area

15.0 Appendix 2: Results of Consultation

Appendix 1: Proposed Middlewich Neighbourhood Area



Appendix 2: Results of Consultation

9 responses were received to the consultation. Of these, 4 supported the proposed neighbourhood area and 5 submitted comments only. 1 response was received outside of the time limit of the consultation, submitting a comment only.

All comments are available via this link:

http://cheshireeast-consult.limehouse.co.uk/portal/planning/np/middlewich_neighbourhood_area_consultation