

Cabinet Member for Housing and Planning

Date of Meeting: 20.07.15
Report of: Executive Director of Economic Growth and Prosperity
Subject/Title: Somerford Neighbourhood Area Application
Portfolio Holder: Councillor Ainsley Arnold

1.0 Report Summary

1.1 The report requests designation of the Somerford Neighbourhood Area. An application to designate this neighbourhood area was submitted by Somerford Parish Council in January 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 Somerford.

2.0 Recommendations

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

3.0 Reasons for Recommendations

3.1 National Planning Practice Guidance suggests that Local Authorities should seek to designate the neighbourhood area applied for by the local council concerned and give regard to the desirability of doing so.

3.2 In this instance no circumstances exist where the exclusion of land from the proposed neighbourhood area were considered necessary; it is considered that the Somerford 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
- Somerford 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 Somerford 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 and an on going dialogue will continue between the Council and Somerford Parish Council as the neighbourhood plan proceeds.
- A six week consultation was held on the proposed Somerford Neighbourhood Area. 6 comments were received: 2 comments in support, 1 objection and 3 which were comment only.
- One objection was raised and seeks the exclusion of a site which is subject to planning approval, the 'Somerford triangle', and also the exclusion of land at

proposed Strategic Location 6, Back Lane, Radnor Park. As per National Planning Practice Guidance, it is appropriate for local plan sites to be included within neighbourhood plan areas and therefore there is no planning reason to exclude this site from the proposed neighbourhood area. As the permission for the site at the Somerford triangle has already been granted, there is similarly no planning reason to exclude this site from the neighbourhood area.

- Somerford Parish contains a significant section of the proposed Congleton Link Road and land proposed for allocation of strategic housing sites, as identified by the emerging Local Plan Strategy. Neighbourhood plans are tested against a series of 'Basic Conditions' one of which is to test that the neighbourhood plan is in general conformity to the strategic policies contained in the Local Plan.

3.3 Given the above points, the proposed area is considered appropriate and desirable for the purposes of preparing a neighbourhood plan.

4 Wards Affected

4.1 Brereton Rural Ward

5.0 Local Ward Members

5.1 Councillor John Wray

6.0 Policy Implications

6.1 The designation of Somerford Parish as a neighbourhood area will allow Somerford 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 Somerford Neighbourhood Plan will be used for decision making purposes within the parish of Somerford 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 Somerford (a rural parish with a numerically small population) 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 Somerford 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 will be made available to Somerford Parish Council toward preparing a neighbourhood plan. 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 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 (£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 under powers conferred by the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004, and these Regulations (“the Regulations”), which came into force on 6 April 2012.
- 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 Somerford 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 Cheshire East Council will continue to work closely with the relevant town and parish councils seeking to deliver neighbourhood plans across the Congleton area. A strategy to deliver a series of residential and employment land allocations has been developed with significant input from Congleton Town Council, across a number of years. This strategy, including the delivery of highways infrastructure of borough wide significance (the Congleton Link Road), is detailed in the emerging Cheshire East Local Plan. The Council and its officers will continue to closely engage with the stakeholders that have an interest in this strategy to seek its timely and successful delivery.

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 Somerford Parish Council has applied to designate the full extent of Somerford Parish as the Somerford 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 Somerford and its surrounding locality. It is considered that, for the reasons set out at 3.0, this has been achieved.
- 11.6 Somerford is a Parish with a population of some 343 residents located north west of Congleton. The parish is defined by its rural character and continuous links to the existing settlement of Congleton; land within the parish is largely designated as Open Countryside in the Congleton Borough Local Plan and also within the Jodrell Bank Radio Telescope Consultation Zone. There are heritage and archaeological interests located within the Parish and significant natural conservation interests around the river Dane.
- 11.7 There are significant strategic interests located in the Parish as identified by the emerging Local Plan Strategy. Sites at north Congleton (Back Lane and Radnor Park - Strategic Location 6) have been identified to accommodate both employment and residential development. Land within the parish has also been identified to accommodate the delivery of the Congleton Link Road, the final route for which has undergone consultation. Development proposals are likely to be submitted as a planning application in summer 2015.
- 11.8 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 with preliminary findings now reported. 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.
- 11.9 The boundary of Somerford parish closely adjoins the parished boundary of Congleton Town. Congleton is identified as a Key Service Centre for the purposes of the emerging Local Plan Strategy with much of the identified growth for the town to be located within the parishes adjoining the settlement to the north. Housing and employment figures associated with the emerging Local Plan Strategy may be revised pending the results of on-going work with the Local Plan Strategy and stakeholders will be kept informed of developments here, and the implications for their neighbourhood plans.

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 Somerford Neighbourhood Area



