

Cabinet Member for Housing and Jobs Agenda

Date: Tuesday, 26th August, 2014
Time: 9.30 am
Venue: Committee Suite 1, Westfields, Middlewich Road, Sandbach
CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. Apologies for Absence

2. Declarations of Interest

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. Public Speaking Time/Open Session

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relating to the work of the body in question. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

4. Adlington Neighbourhood Area Application (Pages 1 - 8)

To approve the designation of Adlington Parish as Adlington Neighbourhood Area for the purposes of preparing the Adlington Neighbourhood Plan.

For requests for further information

Contact: Cherry Foreman

Tel: 01270 686463

E-Mail: cherry.foreman@cheshireeast.gov.uk with any apologies

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CHESHIRE EAST COUNCIL**Portfolio Holder for Housing and Jobs**

Date of Meeting: 26.08.14
Report of: Strategic Planning & Housing Manager
Subject/Title: Adlington Neighbourhood Area Application
Portfolio Holder: Councillor Don Stockton

1.0 Report Summary

- 1.1 The report requests designation of the Adlington Neighbourhood Area. An application to designate this neighbourhood area was submitted by Adlington Parish Council in December 2013. Discussions ensued on whether there was a need to exclude land from this original area submitted. These issues are now felt to be resolved and the application as submitted meets the requirements necessary to proceed.

2.0 Recommendations

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

3.0 Reasons for Recommendations

- 3.1 With the issues on the exclusion of land resolved, it is considered that the Adlington 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.
 - Adlington 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 Adlington 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 a position of understanding has been reached by Adlington Parish Council, Poynton Town Council and Cheshire East Borough Council.

4.0 Wards Affected

- 4.1 Poynton West and Adlington

5.0 Local Ward Members

- 5.1 Councillor Phillip Hoyland / Councillor Roger West

6.0 Policy Implications

- 6.1 The designation of Adlington Parish as a neighbourhood area will allow Adlington 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 Adlington Neighbourhood Plan will be used for decision making purposes within the parish of Adlington 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 Adlington (a largely rural parish) 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 and for such communities to take ownership of planning policy which directly affects their futures.

8.0 Financial Implications

- 8.1 The designation of a neighbourhood area for Adlington 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 Adlington 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 (£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 Adlington 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 Adlington Parish Council has applied to designate the full extent of Adlington Parish as the Adlington 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 Adlington and its surrounding locality.

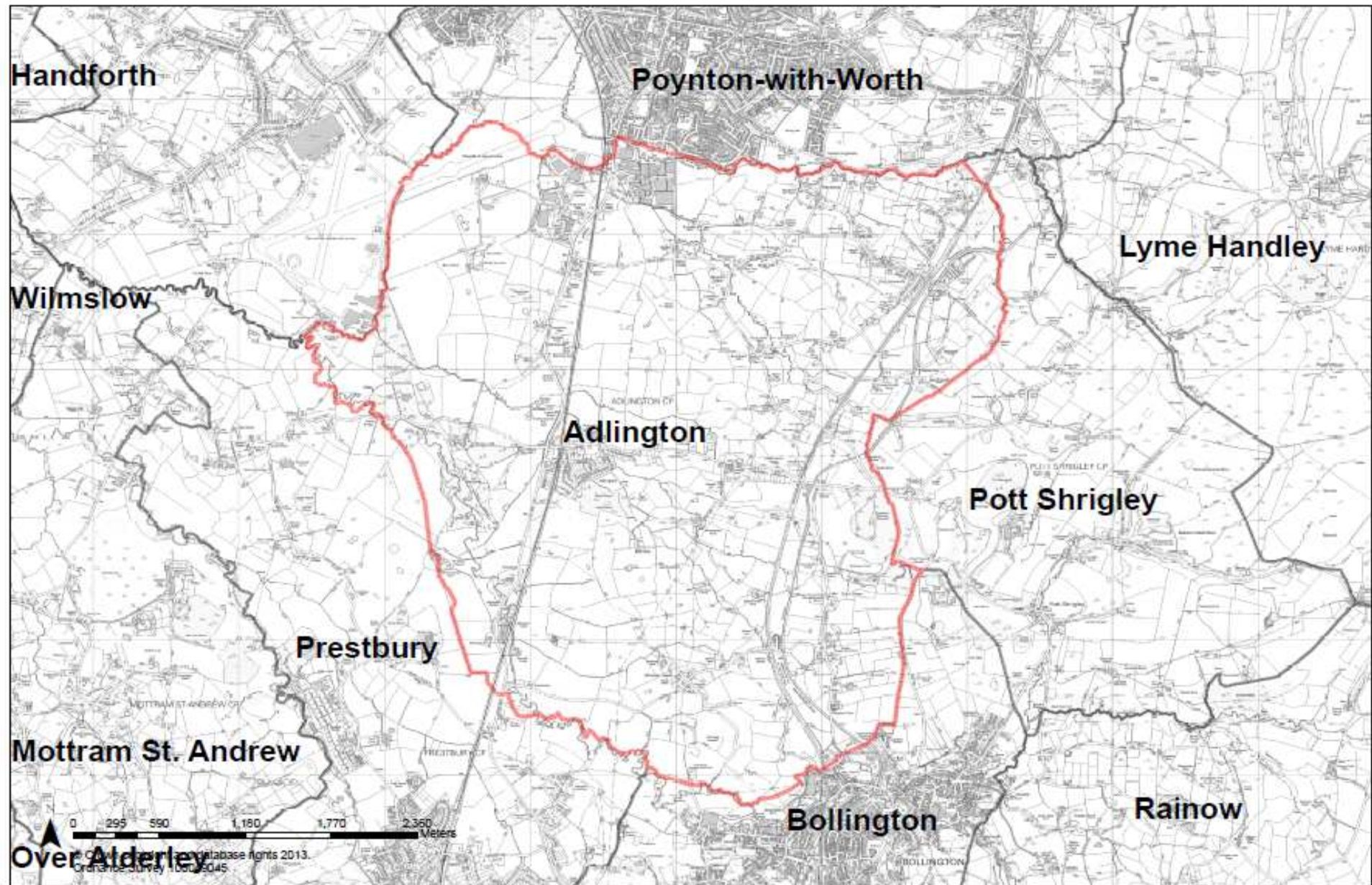
- 11.6 There are strategic interests located in the Parish as identified by the Local Plan Strategy. These are the Poynton Relief Road and the need to deliver some 200 homes in Poynton. This need is anticipated to be delivered at the edge of the settlement at an undetermined location, identified through either the preparation of a neighbourhood plan or through the Site Allocations process. One option to deliver this need may be to accommodate development to the south of Poynton, functionally related to the town but within Adlington Parish.
- 11.7 Originally, to accommodate these issues, proposals were made to exclude areas of land from the Adlington neighbourhood area. After a series of discussion between Adlington Parish Council, Poynton Town Council and Cheshire East Borough Council, it was agreed between the parties that this option was not desirable and that close working across interested parties is a meaningful way to address planning consideration in this allocation.

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 Adlington Neighbourhood Area



Appendix 2: Letter from Adlington Parish Council To Cheshire East Borough Council



Mr A. Fisher
Head of Strategic & Economic Planning
Cheshire East Council
Westfields
Sandbach
Cheshire
CW11 1HZ

14th July 2014

Dear Mr Fisher

I can confirm that at its meeting this evening Adlington Parish Council approved the following undertaking:

As part of close involvement and consultation between Poynton Town Council and Adlington Parish Council, some initial, encouraging work, has resulted in the tentative identification of suitable sites that would fully meet the requirements of Cheshire East's Local Plan.

At the same time, and given the current consultation on the preferred route of the Poynton Relief Road, and proposed improvements to the A523, both Poynton and Adlington Councils are prepared to show flexibility in their Neighbourhood Plans so as not to prejudice the delivery of this important strategic road project.

Both Councils would also wish to assure Cheshire East Council that they are committed to, and supportive of, the infrastructure plans, and our obligations as currently contained within the Cheshire East Local Plan concerning both housing and employment land.

In the light of the assurances given above, both Councils would ask that no area is excluded from the Neighbourhood Plan areas applied for.

Given this undertaking the Parish Council would be grateful if you could now arrange for the Adlington Neighbourhood Plan Area Designation application, submitted in December 2013, to be considered by the Strategic Planning Board without further delay, preferably at the next meeting of the Board on Wednesday 23rd July 2014.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Helen Richards', is written over a horizontal line.

Helen Richards
Clerk

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