

Cabinet Member for Housing and Jobs

Agenda

Date: Tuesday, 5th May, 2015
Time: 2.30 pm
Venue: Room G1 - Ground Floor, 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.

For requests for further information

Contact: Cherry Foreman

Tel: 01270 686460

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

4. **Brereton Parish Council Neighbourhood Plan Regulation 14 Consultation**
(Pages 1 - 8)

To consider a consultation response to the proposals contained in the Brereton Parish Council Neighbourhood Plan.

5. **Bunbury Parish Council Neighbourhood Plan Regulation 14 Consultation**
(Pages 9 - 18)

To consider a consultation response to the proposals contained in the Bunbury Parish Council Neighbourhood Plan.

6. **Disley Neighbourhood Area Application** (Pages 19 - 26)

To consider the designation of Disley Parish as Disley Neighbourhood Area for the purposes of preparing the Disley Neighbourhood Plan.

7. **Goostrey Neighbourhood Area Application** (Pages 27 - 34)

To consider the designation of Goostrey Parish as Goostrey Neighbourhood Area for the purposes of preparing the Goostrey Neighbourhood Plan.

8. **Weston and Basford Neighbourhood Area Application** (Pages 35 - 42)

To consider the designation of Weston and Basford Parish as Weston and Basford Neighbourhood Area for the purposes of preparing the Weston and Basford Neighbourhood Plan.

9. **Wistaston Neighbourhood Area Application** (Pages 43 - 50)

To consider the designation of Wistaston Parish as Wistaston Neighbourhood Area for the purposes of preparing the Wistaston Neighbourhood Plan.

CHESHIRE EAST COUNCIL

Cabinet Member for Housing and Jobs

Date of Meeting:	5 th May 2015
Report of:	Caroline Simpson Director of Economic Growth and Prosperity
Subject/Title:	Brereton Parish Council Neighbourhood Plan Regulation 14 Consultation
Portfolio Holder:	Councillor Don Stockton

1.0 Report Summary

- 1.1 Brereton Parish Council (BPC) have produced a draft neighbourhood plan and are seeking representation on its content.
- 1.2 Draft neighbourhood plans must be subject to public consultation prior to submission to the Local Planning Authority (known as the Regulation 14 consultation). At this stage, the plan consulted upon must be the preferred option of the community producing the plan.
- 1.3 Consultation allows representations to be made and, where appropriate, for BPC to make amendments to its proposed plan, prior to submission to Cheshire East Council for consideration.
- 1.4 This report provides a consultation response to the draft BPC Neighbourhood Plan, and is appended to this report at Appendix 1.

2.0 Recommendation

- 2.1 That Brereton Parish Council consider the response to their proposals as outlined in Appendix 1.

3.0 Reasons for Recommendation

- 3.1 The reasons for each recommendation are outlined in the consultation response attached at Appendix 1. Neighbourhood plans must be produced to support sustainable development and meet the basic conditions as outlined at para. 8(2) of Schedule 4B to the Town and Country Planning Act 1990. They must be produced in conformity with the National Planning Policy Framework and the strategic policies of the adopted local plan. In Cheshire East the relevant adopted local plan consists of the saved policies held within the Congleton Borough Local Plan 2011.

4.0 Wards Affected

- 4.1 Brereton Rural

5.0 Local Ward Members

- 5.1 Councillor John Wray

6.0 Policy Implications

- 6.1 The Brereton Neighbourhood Plan will, once adopted by CEC, form part of the statutory development plan for CEC and be applied within the Brereton Neighbourhood Area.
- 6.2 To ensure CEC meets its responsibilities as the Local Planning Authority and to ensure co-ordination between the emerging Local Plan Strategy for CEC and locally produced neighbourhood plans, it is important for the Council to consider the implications of emerging neighbourhood plans and for the Council to make recommendations that would assist the delivery of positive and sustainable development in Cheshire East.
- 6.3 Brereton is identified within the category of Other Settlements and Rural Villages in the evidence base that supports the emerging Local Plan Strategy for CEC. The area should accommodate a proportion of the quantum of 2500 homes and 5ha of employment land to be distributed across the Other Settlements and Rural Villages. As part of the examination of the Local Plan Strategy (currently suspended at time of writing) these figures are currently under review and may change with implications for policies adopted as part of the neighbourhood plan.

7.0 Implications for Rural Communities

- 7.1 A neighbourhood plan enables rural communities in Brereton 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. The formal stages of consultation built into the neighbourhood plan process ensures such engagement is possible and the stages leading up to the production of a draft plan should also actively seek to enable all local residents and businesses in policy formation.

8.0 Financial Implications

- 8.1 The emerging neighbourhood plan for Brereton will incur direct costs to the Council to support an independent examination of the plan and, should the examination be successful, a local referendum. Such costs will be met through existing budgets and through grant funding from central government (£30,000 per neighbourhood plan is payable to the authority from central government to support this agenda).
- 8.2 As the proposed Brereton neighbourhood plan will form part of the Development Plan for Cheshire East Council, should the document be legally challenged, CEC will be responsible for meeting such costs.
- 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 local councils have an adopted neighbourhood plan, this figure rises to 25% of CIL charges.

9.0 Legal Implications

- 9.1 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.
- 9.2 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.
- 9.3 Once adopted by the Local Planning Authority (made), the neighbourhood plan is brought into full effect as a statutory part of the Development Plan for Cheshire East Council

10.0 Risk Management

- 10.1 Neighbourhood plans will, once formally adopted ('made') by the CEC, form part of the Development Plan for Cheshire East. At the current stage, the plan submitted to consultation is the preferred option of BPC. The formal stages of consultation built into the neighbourhood plan process enable BPC to receive representations and to inform any refinement, alterations or improvements prior to formal submission of the plan to CEC.
- 10.2 The Council continues to prepare its Local Plan Strategy and whilst the LPS is not yet adopted, the examination of the plan is due to convene in Summer 2015; it is recommended that neighbourhood plans take this document, and its evidence base, into consideration when proposing planning policy.
- 10.3 As any future neighbourhood plan will form part of the Development Plan for Cheshire East, if legally challenged it is the responsibility of Cheshire East Council to respond to such a challenge and meet any associated costs.
- 10.4 Cheshire East Council will seek to work with local councils to ensure that policies proposed in neighbourhood plans meet the requirements placed upon them by legislation.

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 Brereton Parish Council have prepared a draft neighbourhood plan with specific policy content that will potentially affect planning decisions within the Brereton Neighbourhood Area.

- 11.3 From the day of publication, decision takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the Framework (NPPF para. 216).
- 11.4 The emerging Cheshire East Local Plan Strategy (LPS) is such an emerging plan and not yet formally adopted. The LPS was submitted to examination in September 2014 and whilst the Inspector recognised that the first test of local plan making had been passed (the Duty to Co-operate), the examination was suspended to allow the production of further supporting evidence to justify some positions reached within the LPS.
- 11.5 The LPS has been in production since 2010, has been tested through a series of public consultations and is the final stages of production. It is anticipated that the examination of the LPS will resume in summer 2015.
- 11.6 Accordingly this consultation response to the draft BPC Neighbourhood Plan takes into account the NPPF, the existing Congleton Borough Local Plan, the emerging CEC LPS and other relevant legislation including the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012.

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: Consultation Response to the draft Brereton Neighbourhood Plan.

The emerging Brereton Neighbourhood Plan (BNP) contains a series of policies that seek to deliver sustainable development and include positive approaches to planning across a range of issues from landscape and environment to housing, biodiversity and the local economy. There are areas that would benefit from further policy development and from the preparation of further evidence to support the position already preferred by the parish council.

The points raised below refer to key recommendations that Cheshire East Council feels are necessary to address to deliver a neighbourhood plan that is supported by evidence, complies with national planning policy and does not conflict with the strategic aims of the emerging Local Plan Strategy for Cheshire East. The recommendations outlined below are intended to assist the Parish Council toward submission of a neighbourhood plan that meets the Basic Conditions as outlined in the Neighbourhood Planning (General) Regulations 2012).

Key Issues:

- Definition of settlement boundaries
- Alterations to Affordable Housing criteria
- Clarification on the exceptions to self build schemes

Vision

No conflict with existing or emerging CEC Development Plan.

Objectives

No conflict with existing or emerging CEC Development Plan.

Policy HOU03

No conflict with existing or emerging CEC Development Plan.

Comment:

Should BPC seek to rely on the existing settlement boundary for settlements within Brereton Brereton as identified in the Congleton Local Plan (2006) (CLP) they should be aware that 1) these boundaries are likely to be subject to alteration via the local plan process and that 2) where a local planning authority cannot demonstrate a five supply of land for housing, those policies related to the restriction of housing supply (including settlement boundaries) cannot be afforded full weight for decision making purposes.

Therefore, the policy as proposed will be subject to change outside the remit of the neighbourhood plan. If the intention of the policy is to retain control over such changes at the neighbourhood plan level, further work is recommended to define the settlement boundaries referred to, at the neighbourhood plan level.

Recommendation:

Should BPC seek to rely on a defined settlement boundary for the purposes of neighbourhood plan policies, BPC should introduce an additional policy specifically relating to Settlement Boundaries and identifying the extent of the settlement boundary for the settlements within Brereton. This would remove any doubt over the relationship between BNP and the CLP (and any alterations that may be made to boundaries held within the CLP).

If such a policy is introduced, supporting evidence to justify the decisions reached on the extent and limits of such boundaries should be provided to support the policy position.

Policy HOU05

No conflict with existing or emerging CEC Development Plan.

Comment:

Reference is made here to 'confirmation of local connections within Brereton' as a factor in considering self build applications. If the intention of the policy is to limit self build on this basis the policy should explicitly state the criteria to be applied. The criteria, if made explicit, need to be carefully considered to avoid possible implications (for example in regard to equality legislation) .

Recommendation:

Explicitly state the criteria that will apply to the granting of permission for self build ie – employed locally, resident in the parish for a certain amount of time, family resident in the parish etc.

Policy HOU12

Potential conflict with other legislation relating to the provision of Affordable Housing

Comment:

The allocation of affordable housing is a statutory responsibility of the Local Planning Authority under the Housing Act 1996 (amended by the Localism Act 2011). Housing authorities are required by s.166A(1) to have an allocation scheme for determining priorities, and for defining the procedures to be followed in allocating housing accommodation; and they must allocate in accordance with that scheme (s.166A(14)). All aspects of the allocation process must be covered in the scheme, including the people by whom decisions are taken. In the Secretary of State's view, qualification criteria form part of an allocation scheme.

All housing authorities must have an allocation scheme, regardless of whether they own housing stock and whether they contract out the delivery of any of their allocation functions (see further chapter 6). When framing or modifying their scheme, authorities must have regard to their current tenancy and homelessness strategies (s.166A(12)).

Policy H3 establishes criteria that seek to allocate affordable housing in Brereton. This must comply with the CEC Affordable housing allocations policy.

Recommendation:

Ensure that the policy is fully compliant with the Cheshire East Affordable Housing Allocations Policy and refer directly to this policy.

Policy HOU10

Comment:

See comments relating to HOU12

Recommendation:

See comments relating to HOU12

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CHESHIRE EAST COUNCIL

Cabinet Member for Housing and Jobs

Date of Meeting:	5 th May 2015
Report of:	Caroline Simpson Director of Economic Growth and Prosperity
Subject/Title:	Bunbury Parish Council Neighbourhood Plan Regulation 14 Consultation
Portfolio Holder:	Councillor Don Stockton

1.0 Report Summary

- 1.1 Bunbury Parish Council (BPC) have produced a draft neighbourhood plan and are seeking representation on its content.
- 1.2 Draft neighbourhood plans must be subject to public consultation prior to submission to the Local Planning Authority (known as the Regulation 14 consultation). At this stage, the plan consulted upon must be the preferred option of the community producing the plan.
- 1.3 Consultation allows representations to be made and, where appropriate, for BPC to make amendments to its proposed plan, prior to submission to Cheshire East Council for consideration.
- 1.4 This report provides a consultation response to the draft BPC Neighbourhood Plan, and is appended to this report at Appendix 1.

2.0 Recommendation

- 2.1 That Bunbury Parish Council consider the response to their proposals as outlined in Appendix 1.

3.0 Reasons for Recommendations

- 3.1 The reasons for each recommendation are outlined in the consultation response attached at Appendix 1. Neighbourhood plans must be produced to support sustainable development and meet the basic conditions as outlined at para. 8(2) of Schedule 4B of the Town and Country Planning Act 1990. They must be produced in conformity with the National Planning Policy Framework and the strategic policies of the adopted local plan. In Cheshire East the relevant adopted local plan consists of the saved policies held within the Congleton Borough Local Plan 2011.

4.0 Wards Affected

- 4.1 Bunbury

5.0 Local Ward Members

- 5.1 Councillor Michael Jones

6.0 Policy Implications

- 6.1 The Bunbury Neighbourhood Plan (BNP) will, once adopted by CEC, form part of the statutory development plan for CEC and be applied within the Bunbury Neighbourhood Area.
- 6.2 To ensure CEC meets its responsibilities as the Local Planning Authority and to ensure co-ordination between the emerging Local Plan Strategy for CEC and locally produced neighbourhood plans, it is important for the Council to consider the implications of emerging neighbourhood plans and for the Council to make recommendations that would assist the delivery of positive and sustainable development in Cheshire East.
- 6.3 Bunbury is identified as a Local Service Centre in the evidence base that supports the emerging Local Plan Strategy for CEC and as a settlement with a number of services and facilities performs an important role in it's locality. The settlement should accommodate a proportion of the quantum of 2500 homes and 5ha of employment land to be distributed across the Local Service Centres. As part of the examination of the Local Plan Strategy (currently suspended at time of writing) these figures are currently under review and may change with implications for policies adopted as part of the neighbourhood plan.

7.0 Implications for Rural Communities

- 7.1 A neighbourhood plan enables rural communities in Bunbury 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. The formal stages of consultation built into the neighbourhood plan process ensures such engagement is possible and the stages leading up to the production of a draft plan should also actively seek to enable all local residents and businesses in policy formation.

8.0 Financial Implications

- 8.1 The emerging neighbourhood plan for Bunbury will incur direct costs to the Council to support an independent examination of the plan and, should the examination be successful, a local referendum. Such costs will be met through existing budgets and through grant funding from central government (£30,000 per neighbourhood plan is payable to the authority from central government to support this agenda).
- 8.2 As the proposed Bunbury neighbourhood plan will form part of the Development Plan for Cheshire East Council, should the document be legally challenged, CEC will be responsible for meeting such costs.

- 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 local councils have an adopted neighbourhood plan, this figure rises to 25% of CIL charges.

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- 9.1 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.
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- 10.2 The Council continues to prepare its Local Plan Strategy and whilst the LPS is not yet adopted, the examination of the plan is due to convene in Summer 2015; it is recommended that neighbourhood plans take this document, and its evidence base, into consideration when proposing planning policy.
- 10.3 As any future neighbourhood plan will form part of the Development Plan for Cheshire East, if legally challenged it is the responsibility of Cheshire East Council to respond to such a challenge and meet any associated costs.
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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 Bunbury Parish Council have prepared a draft neighbourhood plan with specific policy content that will potentially affect planning decisions within the Bunbury Neighbourhood Area.

- 11.3 From the day of publication, decision takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the Framework (NPPF para. 216).
- 11.4 The emerging Cheshire East Local Plan Strategy (LPS) is such an emerging plan and not yet formally adopted. The LPS was submitted to examination in September 2014 and whilst the Inspector recognised that the first test of local plan making had been passed (the Duty to Co-operate), the examination was suspended to allow the production of further supporting evidence to justify some positions reached within the LPS.
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Appendix 1: Consultation Response to the draft Bunbury Neighbourhood Plan.

The emerging Bunbury Neighbourhood Plan (BNP) contains a series of policies that seek to deliver sustainable development and include positive approaches to planning across a range of issues from landscape and environment to housing, biodiversity and the local economy. There are areas that would benefit from further policy development and from the preparation of further evidence to support the position already preferred by the parish council.

The points raised below refer to key recommendations that Cheshire East Council feels are necessary to address to deliver a neighbourhood plan that is supported by evidence, complies with national planning policy and does not conflict with the strategic aims of the emerging Local Plan Strategy for Cheshire East. The recommendations outlined below are intended to assist the Parish Council toward submission of a neighbourhood plan that meets the Basic Conditions as outlined in the Neighbourhood Planning (General) Regulations 2012).

Key issues:

- Evidence to support housing requirement
- Definition of settlement boundaries
- Landscape evidence to support references to 'vistas/views/setting'
- Further evidence to support sites of 15 developments or less

Vision

No conflict with existing or emerging strategic Development Plan Policies for CEC.

Comment:

Supportive overall – recommend some consideration given to removing text that does relate directly to stating the vision of the plan:

Recommendation:

The following amended text is suggested:

'We want Bunbury to thrive as a vibrant and distinctive village and to evolve and grow in a sustainable way. We want our village to continue to provide an outstanding quality of life for current and future residents

The Neighbourhood Plan will aim to sustain and promote local businesses and a range of community activities and facilities. The neighbourhood plan will support, enhance and build upon a strong sense of community, quality of life and flourishing natural environment that currently exists in Bunbury.

The neighbourhood plan will maintain and, where appropriate, improve the range of community facilities that currently exist. Local businesses are also important and the neighbourhood plan will support these as well as attract new enterprises, provided they are in keeping with the area.

The community recognise the need for small scale housing development in the village over the period of the Plan and will support such development where it is carefully controlled, where the design of any housing is in keeping with the character of the settlement, and where the environmental sustainability of the plan area is enhanced'

The last two paragraphs of the proposed Vision begin to deal with the detail of policy delivery and may sit more comfortably within the justification and evidence section related to Housing Policy

Housing Policy Justification and Evidence:

No conflict with existing or emerging strategic Development Plan Policies for CEC.

Comment:

Bunbury Parish Council (BPC) seeks to introduce a policy that addresses the total quantum of housing required within the neighbourhood area. It is therefore recommended that proportionate evidence is submitted with the plan to support this policy position. As the emerging Local Plan Strategy for Cheshire East Council is currently under examination and not yet adopted the figures referred to that relate to the quantum of development appropriate to Local Service Centres may be subject to change through the process of examination. Should these figures change, there will be an impact on housing requirements across Local Service Centres, including at Bunbury.

Recommendation:

Continue to develop the evidence base to justify the policy positions

Policy H1

Comment:

No conflict with existing or emerging strategic Development Plan Policies for CEC.

Should BPC seek to rely on the existing settlement boundary for Bunbury as identified in the Crewe and Nantwich Local Plan (2011) (C&NLP) they should be aware that 1) this is likely to be subject to alteration via the local plan process and that 2) where a local planning authority cannot demonstrate a five supply of land for housing, those policies related to the restriction of housing supply (including settlement boundaries) cannot be afforded full weight for decision making purposes.

Therefore, the policy as proposed will be subject to change outside the remit of the neighbourhood plan. If the intention of the policy is to retain control over such changes at the neighbourhood plan level, further work is recommended.

Recommendation:

Should BPC seek to rely on a defined settlement boundary for the purposes of neighbourhood plan policies, BPC should introduce an additional policy specifically relating to Settlement Boundaries and identifying the extent of the settlement boundary for the village. This would remove any doubt over the relationship between BNP and the C&NLP (and any future alterations that may be made via the Local Plan process).

If such a policy is introduced, supporting evidence to justify the decisions reached on the extent and limits of such boundaries should be provided to support the policy position.

Comment:

The inclusion of reference to delivery of a minimum of 80 new homes within Bunbury is supported and allows flexibility should a review of the CEC Local Plan Strategy result in higher requirements for housing across the Local Service Centres.

Recommendation:

The provision of further detailed evidence to support the requirement of 80 new homes in Bunbury is advised and may be associated with work undertaken as part of the Local Plan process or independently by sourcing a housing needs study.

Policy H2

Comment:

No conflict with existing or emerging strategic Development Plan Policies for CEC.

The policy is positive in support of new development subject to proposals meeting certain criteria.

Restrictions on size of developments to 15 dwellings or less inevitably will have implications for the delivery of contributions to local infrastructure and services.

Recommendation:

Submit further evidence to justify the conclusion that limiting sites to 15 dwellings is appropriate for Bunbury.

Consideration could be given to the introduction of an exception to para. A) of the policy, for example where a clearly identifiable community benefit, identified via the neighbourhood plan, can only be delivered by a site that can accommodate more than 15 homes.

Policy H3

Potential conflict with other legislation relating to the provision of Affordable Housing

Comment:

The allocation of affordable housing is a statutory responsibility of the Local Planning Authority under the Housing Act 1996 (amended by the Localism Act 2011). Housing authorities are required by s.166A(1) to have an allocation scheme for determining priorities, and for defining the procedures to be followed in allocating housing accommodation; and they must allocate in accordance with that scheme (s.166A(14)). All aspects of the allocation process must be covered in the scheme, including the people by whom decisions are taken. In the Secretary of State's view, qualification criteria form part of an allocation scheme.

All housing authorities must have an allocation scheme, regardless of whether they own housing stock and whether they contract out the delivery of any of their allocation functions. When framing or modifying their scheme, authorities must have regard to their current tenancy and homelessness strategies (s.166A(12)).

Policy H3 establishes criteria that seek to allocate affordable housing in Bunbury. This must comply with the CEC Affordable housing allocations policy.

Recommendation:

Alteration to the policy text to insert as per the below:

Development that meets an objectively assessed Local Housing Need identified in the latest parish housing needs survey or, if out of date, the most appropriate objectively assessed review of housing need in the future, **will be subject to the affordable housing allocations policy as determined by Cheshire East Council.**

Policy H6

No conflict with existing or emerging strategic Development Plan Policies for CEC.

Comment:

The requirement for Bunbury to accommodate 80 homes is not finalised or evidenced via the Local Plan and may be subject to change.

Recommendation:

Should BPC seek to assert the need to deliver 80 homes in advance of evidence completed via the Local Plan process, further evidence to support this assertion should be provided to support the policy position (as per comments on Policy H1).

Policy LC2

No conflict with existing or emerging strategic Development Plan Policies for CEC.

Comment:

No evidence available to support the policy position.

Recommendation:

Provision of evidence to justify the policy position reached.

Policy ENV2

No conflict with existing or emerging strategic Development Plan Policies for CEC.

Comment:

The policy refers to 'exceptional circumstances', it is unclear what is meant by the term. Reference is also made to 'character', 'open views' and 'rural setting'. To justify the policy such issues would benefit from further evidence, particularly on landscape value.

Recommendation:

Define the meaning of exceptional circumstances for the purposes of applying the policy.

Policy BIO1

No conflict with existing or emerging strategic Development Plan Policies for CEC.

Comment:

Reference is made to 'core sites' but it is unclear where such sites are located.

Recommendation:

Depict the location of 'core sites' on an associated map.

Policy T2

No conflict with existing or emerging strategic Development Plan Policies for CEC.

Comment:

The policy refers to submission of a 'connectivity statement'. There is no requirement for such a statement to be submitted as part of any planning application.

Recommendation:

A change to the policy wording to state that a 'connectivity statement' should be made within the Design and Access Statement submitted with any development proposal.

Policy T4 – Parking

No conflict with existing or emerging strategic Development Plan Policies for CEC.

Comment:

The second paragraph of the policy refers to implementation and build and cannot be assessed up front as part of a development proposal. A planning condition may be attached to a consent that would seek to achieve the same outcome.

Recommendation:

Alter policy to state that development applications will be expected to fully address the implication of off-road parking and have regard to factors 'including design, local character, car use/ownership levels and available public transport provision'.

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CHESHIRE EAST COUNCIL

Cabinet Member for Housing and Jobs

Date of Meeting: 5th May 2015
Report of: Interim Planning Executive
Subject/Title: Disley Neighbourhood Area Application
Portfolio Holder: Councillor Don Stockton

1.0 Report Summary

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

2.0 Recommendation

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

3.0 Reasons for Recommendation

- 3.1 No circumstances exist where the exclusion of land from the proposed neighbourhood area were considered necessary; it is considered that the Disley 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
 - Disley 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 Disley 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
 - Disley is a Local Service Centre for the purposes of the emerging CEC Local Plan Strategy and will be expected to accommodate an as yet unallocated quantum of development over the plan period. The neighbourhood plan may assist with this process.
 - A six week consultation was held on the proposed Disley Neighbourhood Area. 6 responses were received, 5 of which were in support of the

application and one which was a comment only. No objections were received.

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

4.0 Wards Affected

4.1 Disley Ward

5.0 Local Ward Members

5.1 Councillor Harold Davenport

6.0 Policy Implications

6.1 The designation of Disley Parish as a neighbourhood area will allow Disley 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 Disley Neighbourhood Plan will be used for decision making purposes within the parish of Disley 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 Disley (a parish with a population of some 4,400 with a significantly rural character) 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 Disley 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 Disley 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 Disley 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 As a Local Service Centre, it is anticipated Disley will need to provide an appropriate quantum of housing and employment to meet the settlements own needs and a small proportion of the wider needs of the Borough. The neighbourhood plan can assist with this process.

- 10.4 Neighbourhood plans have no formal powers to remove land from the Green Belt for designation of alternative uses and therefore it is anticipated that the allocation of any future housing sites, subject to exiting Green Belt allocations, will be taken forward via the Local Plan process in co-operation with the community led policies established via the neighbourhood plan.

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 Disley Parish Council has applied to designate the full extent of Disley Parish as the Disley 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 Disley and its surrounding locality. It is considered that, for the reasons set out at 3.0, this has been achieved.
- 11.6 Disley is a Parish with a population of some 4,400 residents located at the edge of the boundary for Cheshire East and in close proximity to the boundary with Stockport Borough Council. The settlement is also located on the fringe of the Peak District National Park and set within the Green Belt. There are heritage and archaeological interests located within the Parish alongside natural conservation, and landscape interests.
- 11.7 There are no strategic interests located in the Parish as identified by the emerging Local Plan Strategy. 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. 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. The Local Plan Strategy currently seeks the locationally non-specific delivery of at least 2500 new homes in Local Service Centres. This figure 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.

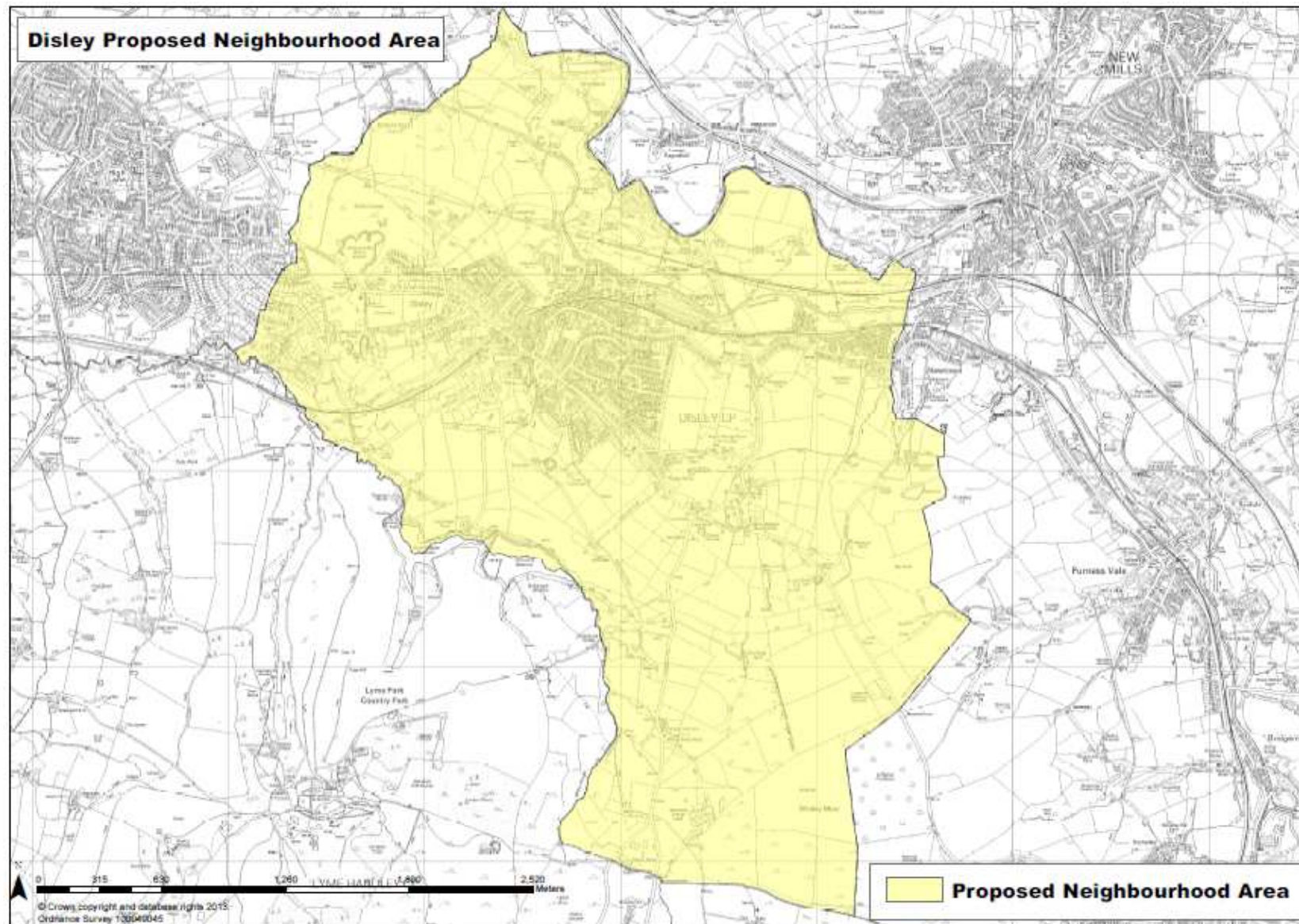
12.0 Access to Information

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

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Appendix 1: Proposed Disley Neighbourhood Area



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CHESHIRE EAST COUNCIL

Cabinet Member for Housing and Jobs

Date of Meeting: 5th May 2015
Report of: Interim Planning Executive
Subject/Title: Goostrey Neighbourhood Area Application
Portfolio Holder: Councillor Don Stockton

1.0 Report Summary

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

2.0 Recommendation

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

3.0 Reasons for Recommendation

- 3.1 No circumstances exist where the exclusion of land from the proposed neighbourhood area were considered necessary; it is considered that the Goostrey 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
- Goostrey 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 Goostrey 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
- Whilst Goostrey is a Local Service Centre for the purposes of the emerging CEC Local Plan Strategy, there are no issues of a strategic nature within the neighbourhood area

- The proposed neighbourhood area does not subdivide any proposed major development sites.
- A six week consultation was held on the proposed Goostrey Neighbourhood Area. 5 Comments were received, 4 of which support the application, 1 one which was a comment only. No objections were received.
- Given the above points, the proposed area is considered appropriate and desirable for the purposes of preparing a neighbourhood plan.

4.0 Wards Affected

4.1 Dane Valley Ward

5.0 Local Ward Members

5.1 Councillor Les Gilbert; Councillor Andrew Kolker

6.0 Policy Implications

6.1 The designation of Goostrey Parish as a neighbourhood area will allow Goostrey 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 Goostrey Neighbourhood Plan will be used for decision making purposes within the parish of Goostrey 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 Goostrey (a parish with a population of some 3,900 and with a significantly rural character) 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 Goostrey 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 Goostrey 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 Goostrey 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 As a Local Service Centre, it is anticipated Goostrey will need to provide an appropriate quantum of housing and employment to meet the settlements own needs and a small

proportion of the wider needs of the Borough. The neighbourhood plan can assist with this process.

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 Goostrey Parish Council has applied to designate the full extent of Goostrey Parish as the Goostrey 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 Goostrey and its surrounding locality. It is considered that, for the reasons set out at 3.0, this has been achieved.
- 11.6 Goostrey is a Parish with a population of some 3,900 residents with the main settlement located north of Holmes Chapel. The Parish shares a boundary with Cheshire West and Chester Borough Council and there are heritage and archaeological interests located within the Parish alongside natural conservation, and landscape interests; the Jodrell Bank Radio Telescope is located within the Parish.
- 11.7 There are no strategic interests located in the Parish as identified by the emerging Local Plan Strategy. 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. 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. The Local Plan Strategy currently seeks the locationally non-specific delivery of at least 2500 new homes in Local Service Centres. This figure may be revised pending the results of on-going work with the Local Plan Strategy and stakeholders will be kept inform of developments here, and the implications for their neighbourhood plans.

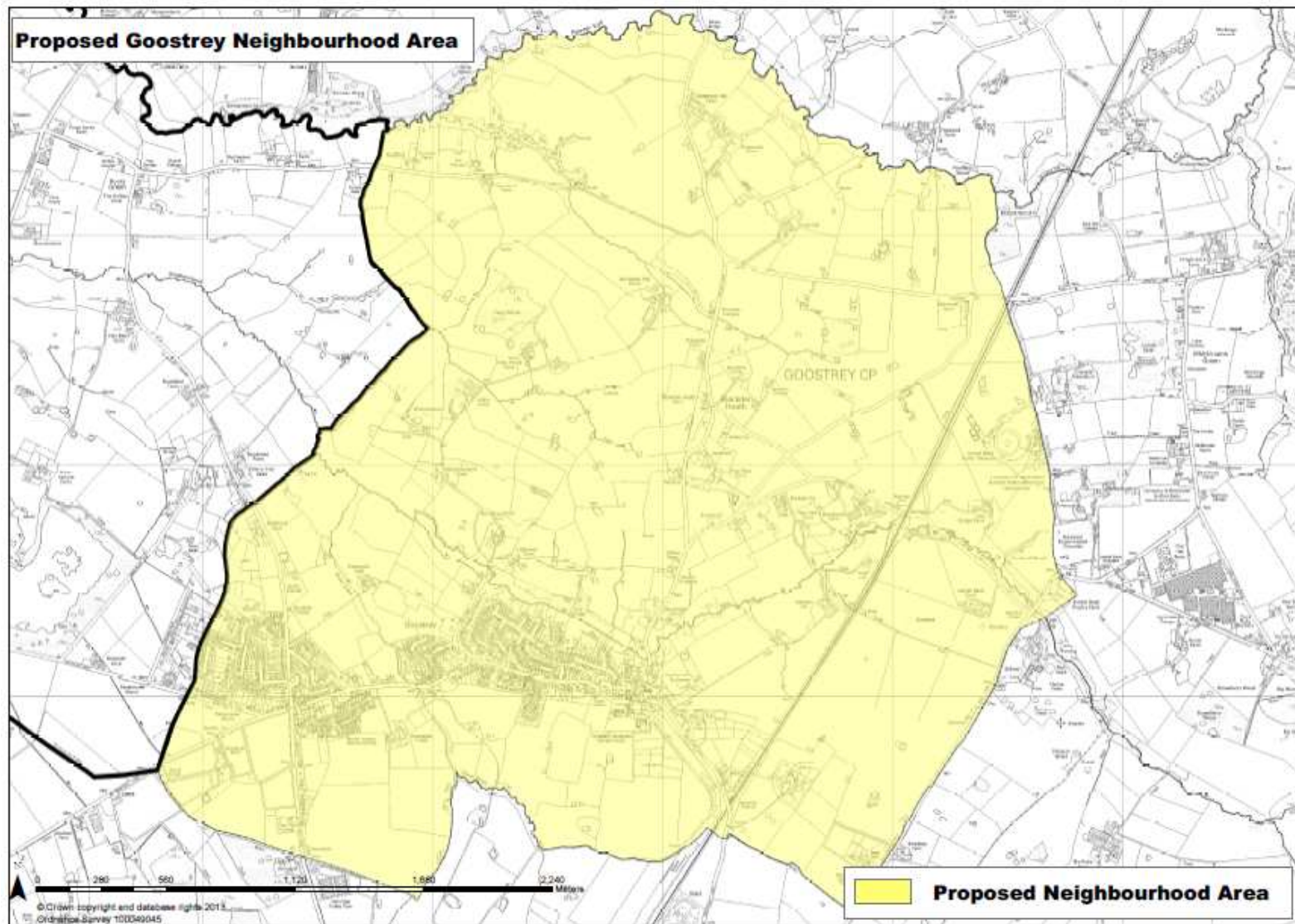
12.0 Access to Information

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

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Appendix 1: Proposed Goostrey Neighbourhood Area



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CHESHIRE EAST COUNCIL

Cabinet Member for Housing and Jobs

Date of Meeting:	5 th May 2015
Report of:	Director of Economic Growth and Prosperity
Subject/Title:	Weston and Basford Neighbourhood Area Application
Portfolio Holder:	Councillor Don Stockton

1.0 Report Summary

- 1.1 The report requests designation of the Weston and Basford Neighbourhood Area. An application to designate this neighbourhood area was submitted by Weston and Basford 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 Weston and Basford.

2.0 Recommendation

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

3.0 Reasons for Recommendation

- 3.1 No circumstances exist where the exclusion of land from the proposed neighbourhood area were considered necessary; it is considered that the Weston and Basford 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
 - Weston and Basford 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 Weston and Basford 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
 - There are strategic interests identified in the emerging Local Plan Strategy that are located within Weston and Basford Parish. These interests will be the subject of ongoing discussion between the Council and Weston and

Basford Parish Council. These are: the eastern section of CS1 Basford West, Site CS2 Basford West and the majority of the Site CS37, South Cheshire Growth Village

- A six week consultation was held on the proposed Weston and Basford Neighbourhood Area. 8 comments were received. Of these, 5 were in support of the application, 3 were submitted as comment only.
- Given the above points, the proposed area is considered appropriate and desirable for the purposes of preparing a neighbourhood plan.

4.0 Wards Affected

4.1 Haslington Ward

5.0 Local Ward Members

5.1 Councillor John Hammond; Councillor David Marren

6.0 Policy Implications

6.1 The designation of Weston and Basford Parish as a neighbourhood area will allow Weston and Basford 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 Weston and Basford Neighbourhood Plan will be used for decision making purposes within the parish of Weston and Basford 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 Weston and Basford (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 Weston and Basford 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 Weston and Basford 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 Weston and Basford 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 It is important that strategic sites identified via the Local Plan process are brought forward to deliver the long term goals to realise the potential of Crewe and the strategic ambitions of Cheshire East as a whole. Neighbourhood plans are designed to sit within a framework established by the strategic policies of the Local Plan. Whilst the Local Plan Strategy for Cheshire East is yet to be adopted, it does represent the preferred strategy for Crewe and the wider Borough, and is supported by Cheshire East Council. Once formally adopted, neighbourhood plans that come forward within Cheshire East will be required to conform to the strategic policies identified in the Local Plan Strategy.

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 Weston and Basford Parish Council has applied to designate the full extent of Weston and Basford Parish as the Weston and Basford 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 Weston and Basford and its surrounding locality. It is considered that, for the reasons set out at 3.0, this has been achieved.
- 11.6 Weston and Basford is a Parish with a population of some 1295 residents located south of Crewe. The parish is defined by it's rural character and outside the dispersed settlements of Weston, Basford and the residential estates associated with Wychwood Park and Gorsty Hill, the parish is largely rural in character; land within the parish is largely designated as Open Countryside in the Crewe and Nantwich Local Plan 2011. There are heritage and archaeological interests located within the Parish alongside natural conservation.
- 11.7 There are significant strategic interests located in the Parish as identified by the emerging Local Plan Strategy. Sites at both Basford East and Basford West are respectively the subject of recent planning permission and the long term allocation of residential and employment development. 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. There is 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.

- 11.8 For the purposes of the emerging local plan, Weston and Basford are identified as 'rural areas and villages'. The Local Plan Strategy currently seeks the locationally non-specific delivery of at least 2000 new homes in rural areas and villages (all settlements not identified as either a Principal Town, Key Service Centre or Local Service Centre). This figure may be revised pending the results of on-going work with the Local Plan Strategy and stakeholders will be kept inform of developments here, and the implications for their neighbourhood plans.

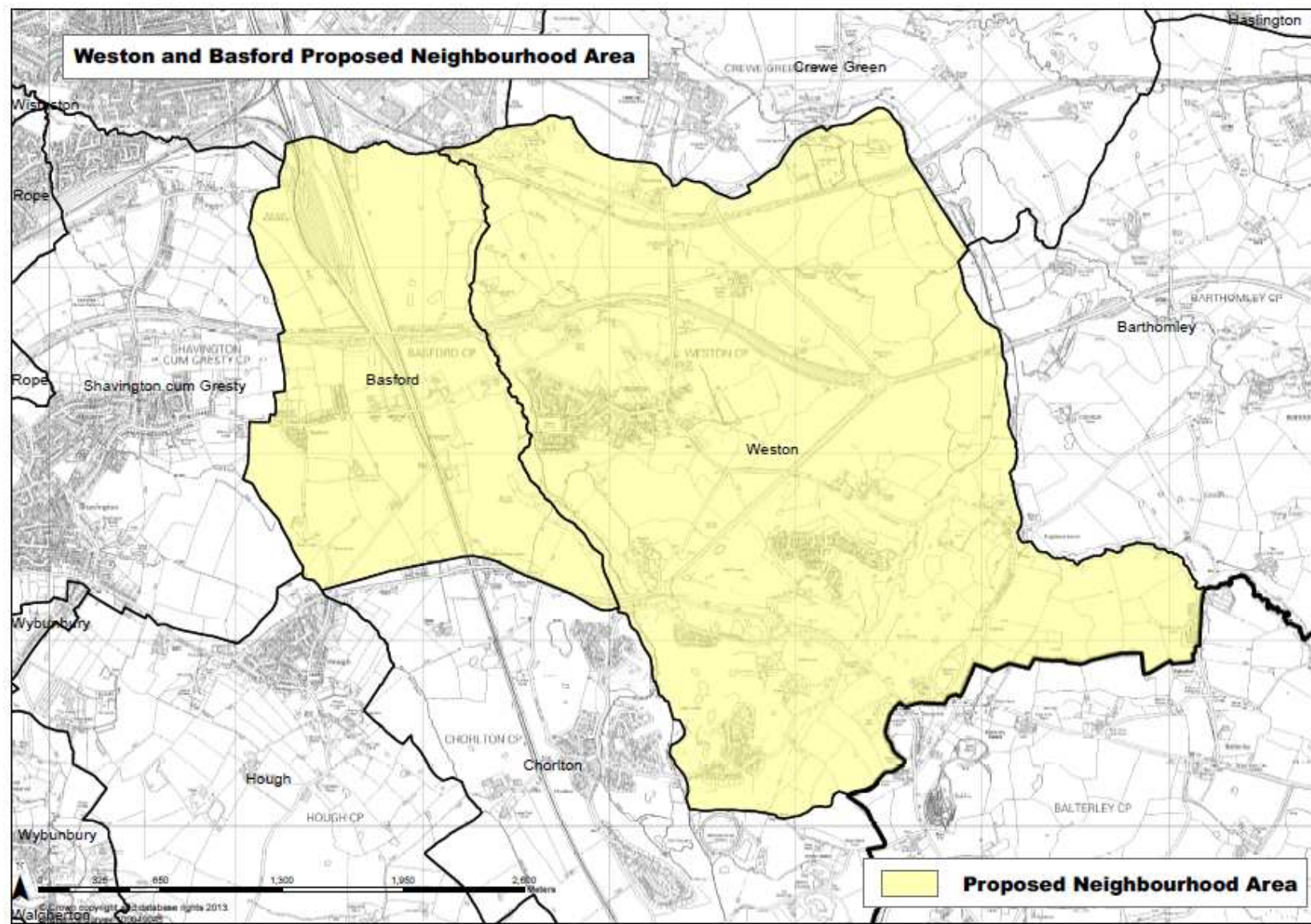
12.0 Access to Information

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

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Appendix 1: Proposed Weston and Basford Neighbourhood Area



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CHESHIRE EAST COUNCIL

Cabinet Member for Housing and Jobs

Date of Meeting: 5th May 2015
Report of: Interim Planning Executive
Subject/Title: Wistaston Neighbourhood Area Application
Portfolio Holder: Councillor Don Stockton

1.0 Report Summary

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

2.0 Recommendation

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

3.0 Reasons for Recommendation

- 3.1 No circumstances exist where the exclusion of land from the proposed neighbourhood area were considered necessary; it is considered that the Wistaston 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
 - Wistaston 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 Wistaston 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
 - Whilst Wistaston forms part of the larger settlement of Crewe, there are no issues of a strategic nature identified in the emerging CEC Local Plan Strategy that are located within the neighbourhood area

- Although Wistaston adjoins and is functionally part of the larger settlement of Crewe, the existence of a parish boundary and parish council enable the allocation of a neighbourhood area based on the boundaries of this local council. Should a need arise to review the boundaries of the proposed neighbourhood area, to enlarge or amend it, existing regulation allow this to be achieved.
- The proposed neighbourhood area does not subdivide any proposed major development sites.
- A six week consultation was held on the proposed Wistaston Neighbourhood Area. 30 Responses were received, 23 of which supported the proposal and 7 of which were comments only. No objections were received.
- Given the above points, the proposed area is considered appropriate and desirable for the purposes of preparing a neighbourhood plan.

4.0 Wards Affected

4.1 Wistaston Ward

5.0 Local Ward Members

5.1 Councillor Margaret Simon; Councillor Jaqueline Weatherill

6.0 Policy Implications

6.1 The designation of Wistaston Parish as a neighbourhood area will allow Wistaston 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 Wistaston Neighbourhood Plan will be used for decision making purposes within the parish of Wistaston 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 Wistaston (a parish with a population of some 8, 222 and in proximity large areas of rural land) 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 Wistaston 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 Wistaston 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 Wistaston 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 Wistaston Parish Council has applied to designate the full extent of Wistaston Parish as the Wistaston 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 Wistaston and its surrounding locality. It is considered that, for the reasons set out at 3.0, this has been achieved.
- 11.6 Wistaston is a Parish with a population of some 8,222 residents located at the south western edge of the main built area of Crewe. Much of the parish consists of Open Countryside located within the designated Green Gap between Crewe and Nantwich; the main built area functionally relates to Crewe and forms part of the town. There are heritage and archaeological interests located within the Parish alongside natural conservation, and landscape interests.
- 11.7 The emerging Local Plan Strategy seeks to propose a 'Green Belt Broad Area of Search' (Policy PG3) to enable the designation of new Green Belt in this location. 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. 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. The Local Plan Strategy currently seeks the locationally non-specific delivery of at least 2500 new homes in Local Service Centres. This figure may be revised pending the results of on-going work with the Local Plan Strategy and stakeholders will be kept inform of developments here, and the implications for their neighbourhood plans.

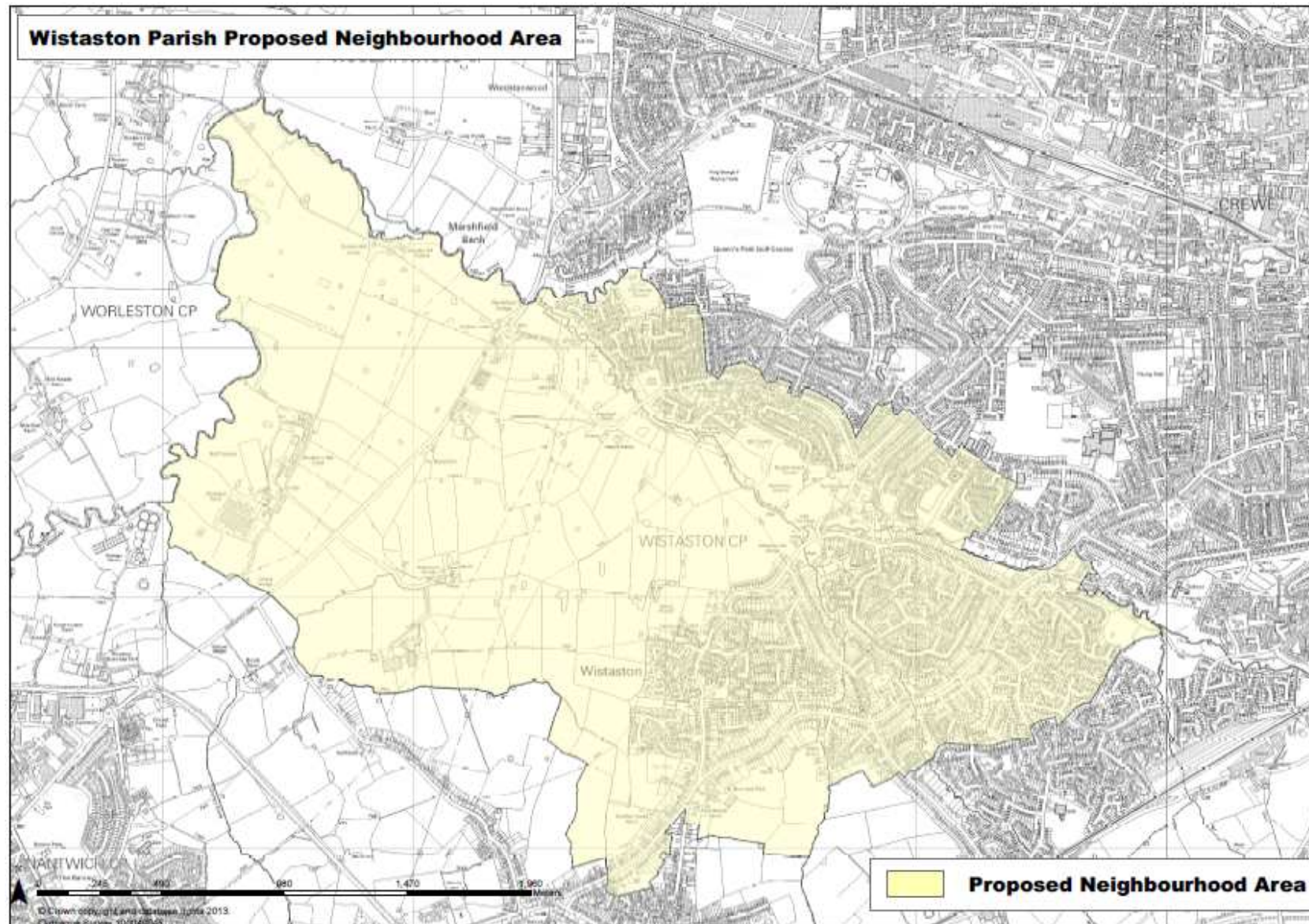
12.0 Access to Information

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

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Appendix 1: Proposed Wistaston Neighbourhood Area



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