

# CHESHIRE EAST COUNCIL

## REPORT TO: Portfolio Holder for Strategic Communities

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Date of Meeting:	8 July 2013
Report of:	Strategic Planning & Housing Manager
Subject/Title:	Brereton Parish Neighbourhood Area Application
Portfolio Holder:	Councillor David Brown

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### **1.0 Report Summary**

- 1.1 On 19<sup>th</sup> June 2013 the Strategic Planning Board recommended the Portfolio Holder for Strategic Communities approve the Brereton Neighbourhood Area Application.
- 1.2 This application is submitted by Brereton Parish Council to designate the entirety of Brereton Parish as a neighbourhood area for the purposes of preparing a neighbourhood plan. A neighbourhood area is the geographic boundary within which a future neighbourhood plan will take effect.
- 1.3 A neighbourhood plan allows communities to allocate land and write policies relating to the development of land; it must conform to the Local Plan of the host local authority, will be subject to an independent examination and be put to a local referendum; once formally adopted a neighbourhood plan holds equal weight to a local plan for decision making purposes.
- 1.4 On considering an application to designate a neighbourhood area, a local authority must give regard to the desirability of designating the whole of the area applied for.
- 1.5 The Neighbourhood Planning Regulations 2012 allow a local council to apply for the entirety of their parish to be designated as a neighbourhood area.

### **2.0 Decision Requested**

- 2.1 That the Portfolio Holder for Strategic Communities gives consideration to the recommendation made by the Strategic Planning Board on 19<sup>th</sup> June 2013, consideration to this report, and approves the designation of Brereton Parish Neighbourhood Area.

### **3.0 Reasons for Recommendations**

- 3.1 Under the Town and Country Planning Act 1990, as amended by the Localism Act 2011, every local planning authority must consider valid applications to designate neighbourhood areas for the purposes of neighbourhood planning.
- 3.2 The local planning authority is required to assess whether a valid neighbourhood area application has been submitted and, under section 61G of the Localism Act 2011, whether it is desirable to designate the whole of the parish council area as

a neighbourhood area and whether it is desirable to maintain existing boundaries of areas already designated as neighbourhood areas.

- 3.3 An application is valid where it meets the criteria for an application as established in Part 2, 5. – (1) of The Neighbourhood Planning (General) Regulations 2012.
- 3.4 To be considered valid, a neighbourhood area application is required to provide:
- A map which identifies the area to which the application relates;
  - A statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and
  - A statement that the organisation or body making the application is a relevant body for the purposes of section 61G of the Town and Country Planning Act 1990, as amended by the Localism Act 2011.
- 3.5 The application submitted by Brereton Parish (please see appendix 2 for further details) satisfies the criteria established above.
- 3.6 The emerging Cheshire East Core Strategy does not identify any areas within Brereton Parish as a strategic priority and there is no valid planning reason to exclude any part of the area from the designation applied for; existing legislation allows the Council to reconsider this position should a strategic need arise to do so.
- 3.7 There are currently no other existing neighbourhood area boundaries to take into consideration as part of this decision.

#### **4.0 Wards Affected**

- 4.1 Brereton Rural Ward

#### **5.0 Local Ward Members**

- 5.1 Cllr John Wray

#### **6.0 Policy Implications**

- 6.1 The designation of Brereton Parish as a Neighbourhood area will enable Brereton Parish Council to prepare a Neighbourhood plan for this area. Any Neighbourhood plan must be prepared in accordance with the strategic priorities and policies identified in the emerging Cheshire East Local Plan and be positively prepared to address the social, economic and environmental needs of the area.

#### **7.0 Financial Implications**

- 7.1 The designation of a neighbourhood area for Brereton will not incur direct costs to the Council in itself, however this application, and future applications, will require input and time from officers both in the Spatial Planning team and from other services.
- 7.2 At a later stage 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. Funding is available from the Department for Communities and Local Government to contribute toward these costs.

- 7.3 The available funding is intended to reflect costs incurred by the Council in dealing with neighbourhood plans. The more applications the Council receives to undertake neighbourhood planning, the greater the implications of these costs to the Council.
- 7.4 There are also implications for future revenue collection from the Community Infrastructure Levy (CIL), a charge levied on new development after the adoption of a CIL charging schedule by the local planning authority.
- 7.5 The CIL Regulations 2013 require local authorities to pass on 15% of CIL collected within the boundary of a local council (i.e. Town or Parish Council), to the local council. The 15% will apply across the whole of the area administered by the local council whether or not they have an adopted neighbourhood plan.
- 7.6 Within neighbourhood areas with an adopted neighbourhood plan, CIL payments from the local planning authority to the local council are required to rise to 25% where development takes place within the designated Neighbourhood area.
- 7.7 Some authorities have excluded sites of strategic importance from proposed neighbourhood areas.
- 7.8 The body preparing a Neighbourhood plan can, where they wish to do so, enter into an agreement with the local planning authority to return all, or part of any funds received via the CIL.
- 7.9 In areas without a neighbourhood plan, CIL payments to local councils are capped at £100 per dwelling. There is no cap in areas with a Neighbourhood plan.

## **8.0 Legal Implications**

- 8.1 Chapter 3 of the Localism Act 2011 (sections 116 to 121), in force since 15 November 2011, introduced the concept of Neighbourhood planning. It made substantial amendments to the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004. It provided that any qualifying body (including a Parish Council) is entitled to initiate a process for the purpose of requiring a local planning authority in England to make a Neighbourhood Development Order. Such an order would grant planning permission in relation to a particular neighbourhood area as specified in the order, for development as specified in it, or for development of any class specified in the order.
- 8.2 A “neighbourhood area” can be an area within the local planning authority’s area; power to designate as such is only exercisable where a relevant body (including a Parish Council) has applied to the local planning authority, and the LPA is determining the application; the legislation includes some restriction on this power in Section 61G (5). Schedule 4B of the Town and Country Planning Act 1990 (as inserted by the Localism Act) sets out a detailed process for the making

of neighbourhood development orders, including a process for submitting any draft for independent examination, and, on the making of an order, a referendum.

- 8.3 The Secretary of State has made the Neighbourhood planning (General) Regulations 2012 under powers conferred by the 1990 and 2004 Acts, and these Regulations, which came into force on 6 April 2012, make further detailed provision on this subject.

## **9.0 Risk Management**

- 9.1 The Council has a statutory duty to consider neighbourhood area applications and decide whether to designate neighbourhood areas. Failure to do so will put the Council at risk of failing to meet its statutory requirements.
- 9.2 Increased applications to designate neighbourhood areas will divert more resources from the Spatial Planning Team to deal with them. The Council has currently received two neighbourhood area applications, from Brereton Parish and the Parish of High Legh, and is aware of a growing interest in the process across the Borough.
- 9.3 There are also cost implications for other services required to support the process within the Council, particularly the Electoral Team in supporting any referendum.

## **10.0 Background and Options**

- 10.1 The Localism Act 2011 introduced neighbourhood planning as a new right for communities to exercise and a new duty for local authorities to discharge. It enables communities to prepare their own Development Plan Documents relevant to a specific geographic area.
- 10.2 The preparation of neighbourhood plans is supported by the National Planning Policy Framework (NPPF); they are required to be prepared in accordance with the NPPF, the strategic policies of the Local Plan, all relevant legislation and national policy to promote local growth and development.
- 10.4 Local planning authorities have a duty to support and assist the preparation of neighbourhood plans which may include providing guidance on the process, sharing information and best practice.
- 10.5 In order to assist with undertaking neighbourhood planning, the Department for Communities and Local Government has made funding available both to local authorities and to communities.
- 10.6 Communities are able to apply for a grant of up to £7,000 and for planning assistance from Locality and Planning Aid England.
- 10.7 Local authorities are able to apply for up to £30,000 per neighbourhood plan. Payments for this are made in three stages and are not ring fenced:
- £5,000 is payable after the designation of a neighbourhood area

- £5,000 is payable after the plan is found sound and successfully completes its examination
- £20,000 is payable after the referendum stage is complete and the plan is supported by 51% or more of respondents to the referendum

10.8 To date, three neighbourhood plans (Upper Eden, Exeter St. James and Thame) have been adopted across the country; more are due to follow. The Brereton Parish Council Neighbourhood Area Application is the first received by Cheshire East Council.

10.9 The Council publicised the application for a period of six weeks from 26th February 2013 to 9th April 2013 during which representations on the proposals were invited. Nine responses were received, eight of which support the application. One response was submitted as comment only; no objections were received. A full report of representations received is included in Appendix 3.

10.10 The local planning authority is required to assess whether a valid neighbourhood area application has been submitted and whether it is desirable to designate the whole of the parish council area as a neighbourhood area.

10.11 Where the Council decides to refuse an application to designate a neighbourhood area, they must provide reasons to the applicant for refusing the application. These reasons may include the submission of an invalid application, or the submission of an application which conflicts with the strategic aims of the local plan. In this instance the application made by Brereton Parish Council is considered valid and the application does not conflict with any strategic aims of the existing, or emerging Development Plan for Cheshire East.

## **11.0 Access to Information**

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

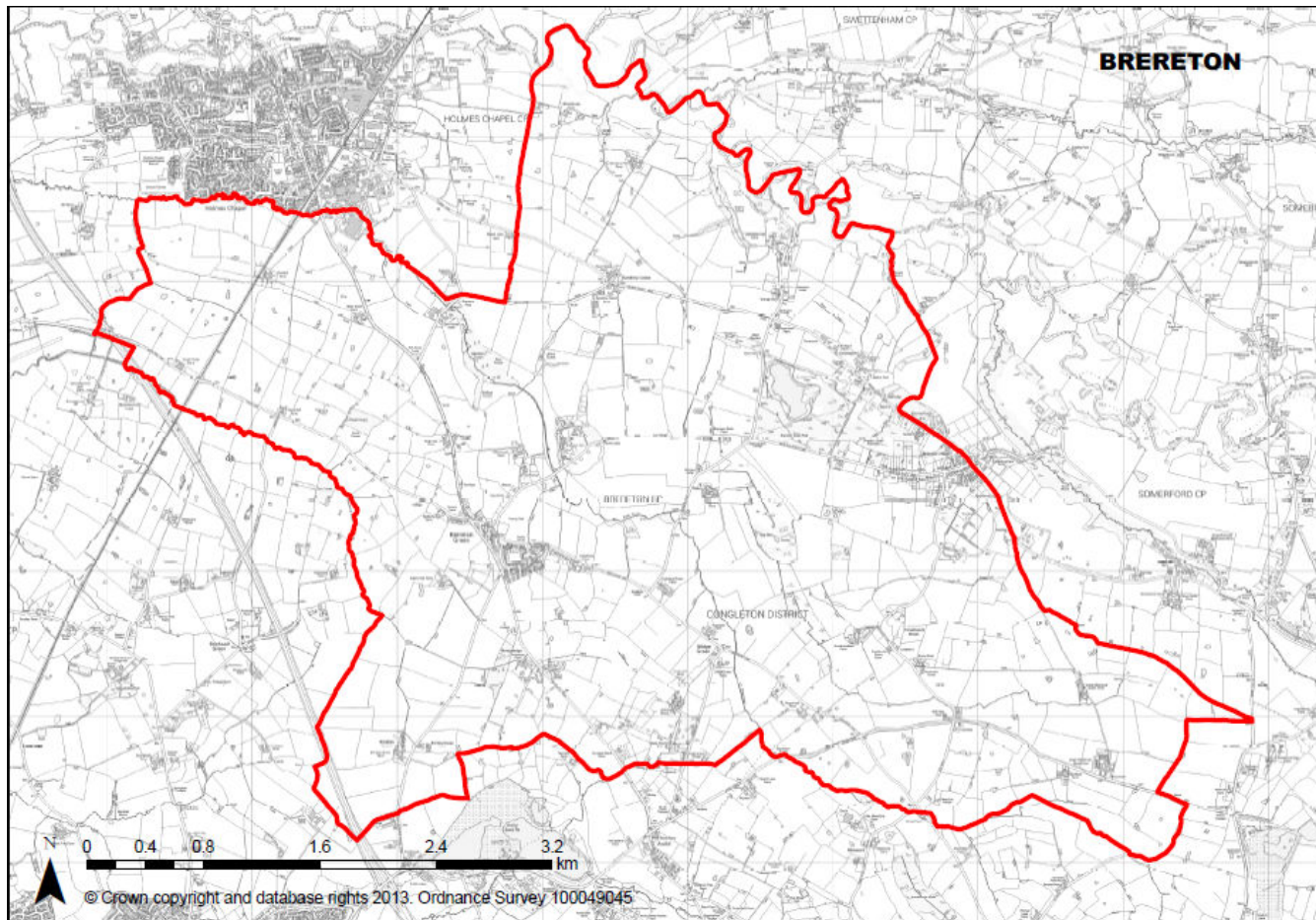
Name:	Thomas Evans
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## **Appendices:**

Appendix 1:	Brereton Parish Boundary
Appendix 2	Statements submitted in support of Brereton Parish Neighbourhood area application
Appendix 3:	Results of Consultation
Appendix 4:	Neighbourhood planning: A Guide

## 1. Appendices

### Appendix 1: Brereton Parish Boundary



### 12.2 Appendix 2: Statement Submitted in support of Brereton Neighbourhood area Application

Brereton Parish Council submitted a statement in support of their application to designate Brereton Parish as a Neighbourhood area. It reads:

*'Brereton is a civil parish within the Brereton Rural Ward of Cheshire East, and includes the isolated settlements of Brereton Green, Brereton Heath, Bagmere, Brindley Green, Brownedge, Hazelshawe, Illidge Green, Medhurst Green, Sandlow Green and Smethwick. The application to proceed with the development of a Neighbourhood plan for a Neighbourhood area comprising the area of our parish in its entirety is appropriate for the following reasons:*

*People in Brereton value the rural, agricultural economy and environment that they have now and want to keep it that way. They do not want to become a crowded dormitory area for the nearby towns and cities.*

*Our people wish to have more influence over the use of land in their area rather than letting others make these decisions without this local input. In particular, our people have a desire to ensure development is sustainable, which is a challenge given the distances between the many settlements and communities.*

*The Neighbourhood area will sit comfortably with the electorate and the existing sense of community that currently exists.'*

## **Appendix 2: Results of Consultation**

The Localism Act 2011 introduced amendments to the Town and Country Planning Act 1990 to devolve planning powers to a local level and allow communities to produce Neighbourhood plans with equal weight to Local Plans.

The first stage in preparing a Neighbourhood plan requires a local council, or neighbourhood forum, to apply to the Local Planning Authority to designate a Neighbourhood area. This is the geographic area within which a future Neighbourhood plan can take effect.

Brereton Parish Council submitted an application to designate the Parish of Brereton as a Neighbourhood area in January 2013. A consultation on this application was held between 26<sup>th</sup> February 2013 and 9<sup>th</sup> April 2013.

The application was published within Brereton Parish and via Cheshire East Council's website. In total, nine representations were made to the application. Eight comments were received in support of the application, one representation was received as comment only. No objections were received to the application.

The full range of representations is detailed below:

<b>Type - Please indicate whether you support, object or wish to make a comment.</b>	<b>Comment - Please provide details:</b>
Support	In accordance with the Localism bill this will give Brereton Parish Council control of implementing the local plan and resisting inappropriate development. I concur with the boundary proposed.
Support	I wish them well in this endeavour which is very appropriate in safe guarding the area and giving greater strength to local decisions and the Localism Act.
Support	I support Brereton Parish in applying for designation to produce a neighbourhood plan for their area. I think this is a key step under Localism for the people of the parish to become even more involved in shaping their own future.
Support	A worthwhile project.
Support	I fully support this application which is an important step in ensuring that the residents have a strong voice in shaping the future of Brereton Parish
Support	I consider this an opportunity for local residents to have a very positive say in the future development and maintenance of Brereton. Hopefully CEC will take more notice of local views than in the past and consult with us BEFORE making decisions in future. This will say

Type - Please indicate whether you support, object or wish to make a comment.	Comment - Please provide details:
	considerable expense in backtracking and help CEC alleged transparency
Support	
Support	<p>Sirs</p> <p>I strongly support this application by Brereton PC to designate a Neighbourhood area and thereafter to create a Neighbourhood plan. This action will enable Brereton to create a plan that is sensitive to the aspirations and need of the local community, whilst still being in general conformance with Cheshire East's emerging Local Plan. In doing so, Brereton will have relieved Cheshire East of the burden of preparing detailed plans for the designated area, which would inevitably miss many of the residents' preferences.</p> <p>Cheshire East's legal obligation to support Brereton, imposed by the Localism Act, will be more than offset by government grants (which should be shared with Brereton Parish).</p> <p>I call on Cheshire East not only to approve the Neighbourhood area Designation, but to be generous rather than parsimonious in their support for Brereton PC.</p> <p>Yours faithfully</p>
Comment	<p>Dear</p> <p>Spatial Planning Team</p> <p>Proposal:</p> <p>Cheshire East Council ~ Brereton Parish Council's Application to Designate a Neighbourhood area</p> <p>Thank you for your consultation and seeking our views in this process.</p> <p>We support growth and sustainable development within the North West and would like to build a strong partnership with you and neighbourhood forums to aid sustainable development and growth. Our aim is to proactively share our information; assist in the development of sound planning strategies, to identify future development needs and to secure the necessary long-term infrastructure investment.</p> <p>At this stage we have no specific comments to make on the Brereton Parish Council's application to designate a Neighbourhood area, but wish to be included in further consultations and where necessary, the development of the Brereton Parish Council's Neighbourhood area Plan.</p> <p>We would like to highlight that areas of the Neighbourhood area may be served by private wastewater treatment and water supply facilities; which you will need to take into consideration when drafting</p>



<b>Type - Please indicate whether you support, object or wish to make a comment.</b>	<b>Comment - Please provide details:</b>
	<p>your development plans and supporting policies.  Our historical consultation responses to Cheshire East Council's Local Development Framework consultations; planning applications and pre developer enquiries are still valid and should be taken into consideration when developing your Neighbourhood area Plan and supporting policies.  If you wish to discuss this in further detail please do not hesitate in contacting me or Jenny Hope.  Yours sincerely</p> <p>Local Development Framework Assessor</p>