

## CHESHIRE EAST COUNCIL:

### REPORT TO: STRATEGIC PLANNING BOARD

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Date of Meeting:	05.02.2014
Report of:	Strategic Planning & Housing Manager
Subject/Title:	Newbold Astbury and Moreton Neighbourhood Area Application
Portfolio Holder:	Councillor David Brown

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#### **1. Report Summary**

- 1.1 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.
- 1.2 The right and responsibility to produce a neighbourhood plan rests with local councils (town/parish councils) or neighbourhood forums; a local authority is required to support and facilitate the process.
- 1.3 The first stage in establishing a neighbourhood plan is the designation of a neighbourhood area (the geographic extent within which policies and land designations established under a neighbourhood plan, will apply).
- 1.4 Astbury and Moreton Parish Councils have expressed intent to undertake the preparation of a neighbourhood plan and have submitted a valid application to formally designate the parishes of Astbury and Moreton as a neighbourhood area.
- 1.5 Within this neighbourhood area lies an extent of land of strategic importance to the delivery of a key piece of infrastructure (the Congleton Link Road) identified in the emerging Cheshire East Local Plan, which is now in its final stages of production.
- 1.6 The delivery of this road will address significant highways constraints within the Congleton local network and unlock key strategic sites identified to deliver both housing and employment sites throughout the Plan period.
- 1.7 The power awarded to Local Authorities in designating neighbourhood areas is a broad one with decision makers required to give consideration to the desirability of designating the whole or part of the neighbourhood area applied for.
- 1.8 In this case consideration should be given to the designation of part, but not the entirety of the land identified in the neighbourhood area application. It is recommended that the Local Authority exclude from designation that part of the land identified in appendixes 3 and 4, which is considered necessary to safeguard delivery of the Congleton Link Road and associated strategic employment and residential sites.
- 1.9 This application has been considered previously and withdrawn to give further consideration to the extent of the area proposed for exclusion from designation.

#### **2.0 Decision Requested**

- 2.1 That the Board recommend to the Portfolio Holder for Strategic Communities that:
- 2.2 Land identified in appendixes 3 and 4 is formally designated as the Astbury and Moreton Neighbourhood Area for the purposes of preparing a neighbourhood plan.

- 2.3 Land identified in appendixes 3 and 4 is excluded from designation within the Astbury and Moreton neighbourhood plan.

### **3.0 Background**

- 3.1 This application has been considered previously and withdrawn to give further consideration to the extent of the area proposed to be excluded from designation with the Astbury and Moreton neighbourhood area.
- 3.2 Through consultation with highways colleagues, the land identified in appendixes 3 and 4 is considered appropriate to ensure sufficient room to work including the creation of future access, landscaping and buffering associated with the engineering works required to deliver the junction.
- 3.3 Previously, nine residences were proposed for exclusion from the neighbourhood area. Representatives from the Astbury and Moreton Neighbourhood Plan group expressed a desire to ensure all residences in the parish can meaningfully participate in the production of a neighbourhood plan. Amendments to the proposed neighbourhood area allow this.
- 3.4 Astbury and Moreton neighbourhood plan group have agreed to accept the changes proposed and accept the neighbourhood area as proposed in appendixes 3 and 4. Correspondence outlining this is attached in appendix 6.

### **4.0 Reasons for Recommendations**

- 4.1 The emerging Cheshire East Local Plan establishes the delivery of the Congleton Link Road and associated employment and residential sites as a strategic priority within a supportive policy framework. The land required to deliver the Congleton Link Road is of such high strategic importance that exclusion of land identified in appendixes 3 and 4 is considered necessary. Exclusion will ensure this land remains subject to the emerging policy framework of the Cheshire East Local Plan and outside the potential influence of future policies established under a neighbourhood plan (which, once adopted, holds equal weight to the Local Plan for decision making purposes).
- 4.2 Delivery of the Congleton Link Road is a key aspiration identified by the Local Community through previous stages of the Local Plan process and in the Congleton Town Strategy.
- 4.3 The full benefits of delivering strategic employment and residential sites identified in the Local Plan are intimately linked to the delivery of a Link Road which opens access to these sites whilst addressing traffic generation arising from their development.
- 4.4 The proposed access/egress to the link road adjoins the A534. Establishing this junction is fundamental to delivering the greater extent of the link road and adjoining it to the wider highways network, delivering the full benefits of the scheme.
- 4.5 Existing legislation does not place a limit on the number of neighbourhood areas a relevant body can submit to the authority for consideration; the Authority can also reconsider the extent of existing designations. Therefore it should be noted that there are mechanisms through which the excluded land may be designated as part of the Astbury and Moreton Neighbourhood Area in the future.

### **5.0 Wards Affected**

- 5.1 Odd Rode Ward

## **6.0 Local Ward Members**

- 6.1 Cllrs Rhoda Bailey and Cllr Andrew Barratt

## **7.0 Policy Implications**

- 7.1 The designation of Newbold Astbury and Moreton Parishes as a single neighbourhood area (as identified in appendixes 3 and 4) will enable Newbold Astbury Parish Council and Moreton cum Alcumlow Parish Council to prepare a joint neighbourhood plan for this area.
- 7.2 The exclusion of land considered to be strategically important to the Local Plan will ensure that no future policy or development conflict can arise between the aims of the Cheshire East Local Plan and any future neighbourhood plan for Astbury and Moreton, particularly in relation to the delivery of the proposed Congleton Link Road and associated

## **8.0 Financial Implications**

- 8.1 The designation of a neighbourhood area for Newbold Astbury and Moreton 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.
- 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. The more applications the Council receives to undertake neighbourhood planning, the greater the implications of these costs to the Council.
- 8.3 The Community Infrastructure Levy (CIL) is a charge levied on new development. Where an adopted CIL is in place, 15% of all CIL payments must be allocated to the local council which hosts development. Where such a local council has an adopted neighbourhood plan, this figure rises to 25% of CIL charges.

## **9.0 Legal Implications**

- 9.1 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 and 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.
- 9.2 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.
- 9.3 A “neighbourhood area” can be an area within the Local Planning authority’s area; power to designate as such is only exercisable where a relevant body (including a Parish Council) has applied to the Local Planning authority, and the LPA is determining the application; the legislation includes some restriction on this power in Section 61G (5). Schedule 4B of the Town and Country Planning Act 1990 (as inserted by the Localism Act) sets out a detailed process for the making of neighbourhood development orders,

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

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

## **10.0 Risk Management**

- 10.1 The Council has a statutory duty to consider neighbourhood area applications and decide whether to designate neighbourhood areas. Failure to discharge this duty will put the Council at risk of failing to meet its statutory requirements.
- 10.2 Increased applications to designate neighbourhood areas and prepare neighbourhood plans will divert resources from the Spatial Planning Team.
- 10.3 There are also time and cost implications for other services required to support the process, particularly for the Electoral Team in supporting any referendum.
- 10.4 Whilst the power to exclude part of a proposed neighbourhood area from designation is supported by existing legislation and case law (see Daws Hill Neighbourhood Forum vs Wycombe District Council 13.03.2013) this option does invite the possibility that Astbury and Moreton Parish Councils may decide to legally challenge this position.

## **11.0 Access to Information**

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

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Email:	Tom.Evans@cheshireeast.gov.uk

### **Appendices:**

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| Appendix 1: | Statements submitted by the parish councils in support of Newbold Astbury and Moreton Parish Neighbourhood Area application    |
| Appendix 2: | Results of Consultation  |
| Appendix 3: | Proposed Astbury and Moreton Neighbourhood Area, Area proposed for exclusion and Congleton Link Road Area of Search            |
| Appendix 4: | Proposed Astbury and Moreton Neighbourhood Area, Area proposed for exclusion and Congleton Link Road Area of Search (detailed) |
| Appendix 5: | Area previously proposed for exclusion 05.11.13  |
| Appendix 6: | Correspondence from Astrbuy and Moreton Neighbourhood Plan Group   |

**Appendix 1:                Statements submitted by the parish councils in support of Newbold Astbury and Moreton Parish Neighbourhood Area application**

*'Newbold Astbury Moreton is a wholly rural Parish, a substantial proportion of which is part of the South East Cheshire Green Belt and includes a Conservation Area and designated large areas of ASCV, HLV and an SSSI.*

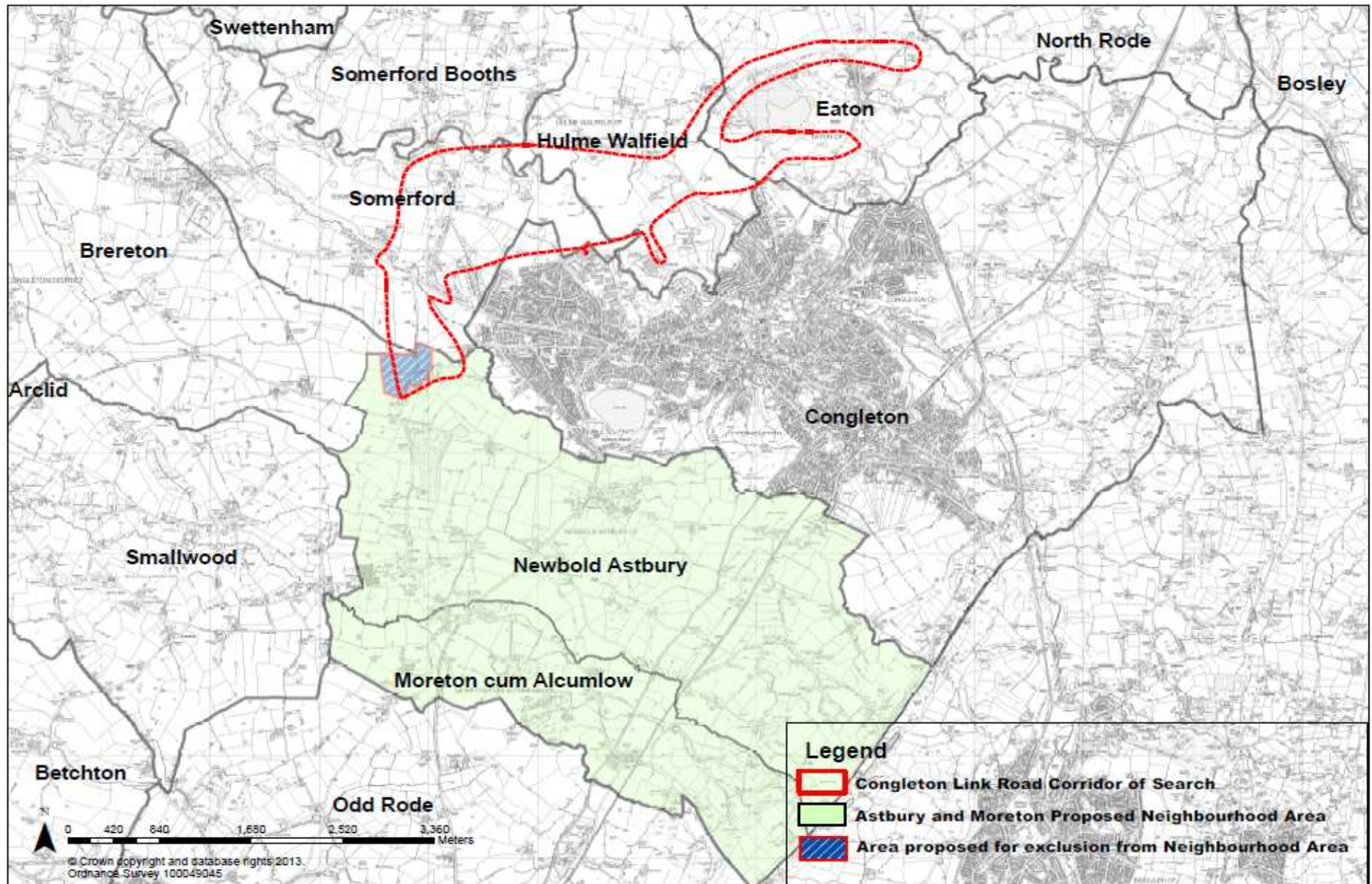
*Lying immediately south of the urban settlement of Congleton and under pressure from urban expansion, a Neighbourhood Plan is considered essential to ensure the needs of the Parish population and communities and the largely agriculturally based economic activity are properly met by analyzing and coordinating future land use and development in the most appropriate and sustainable way.*

*Postal canvas and a public meeting have confirmed that the Parish Community strongly supports the concept of a Neighbourhood Plan which is appropriate for the whole Parish as a unifying Objective.'*

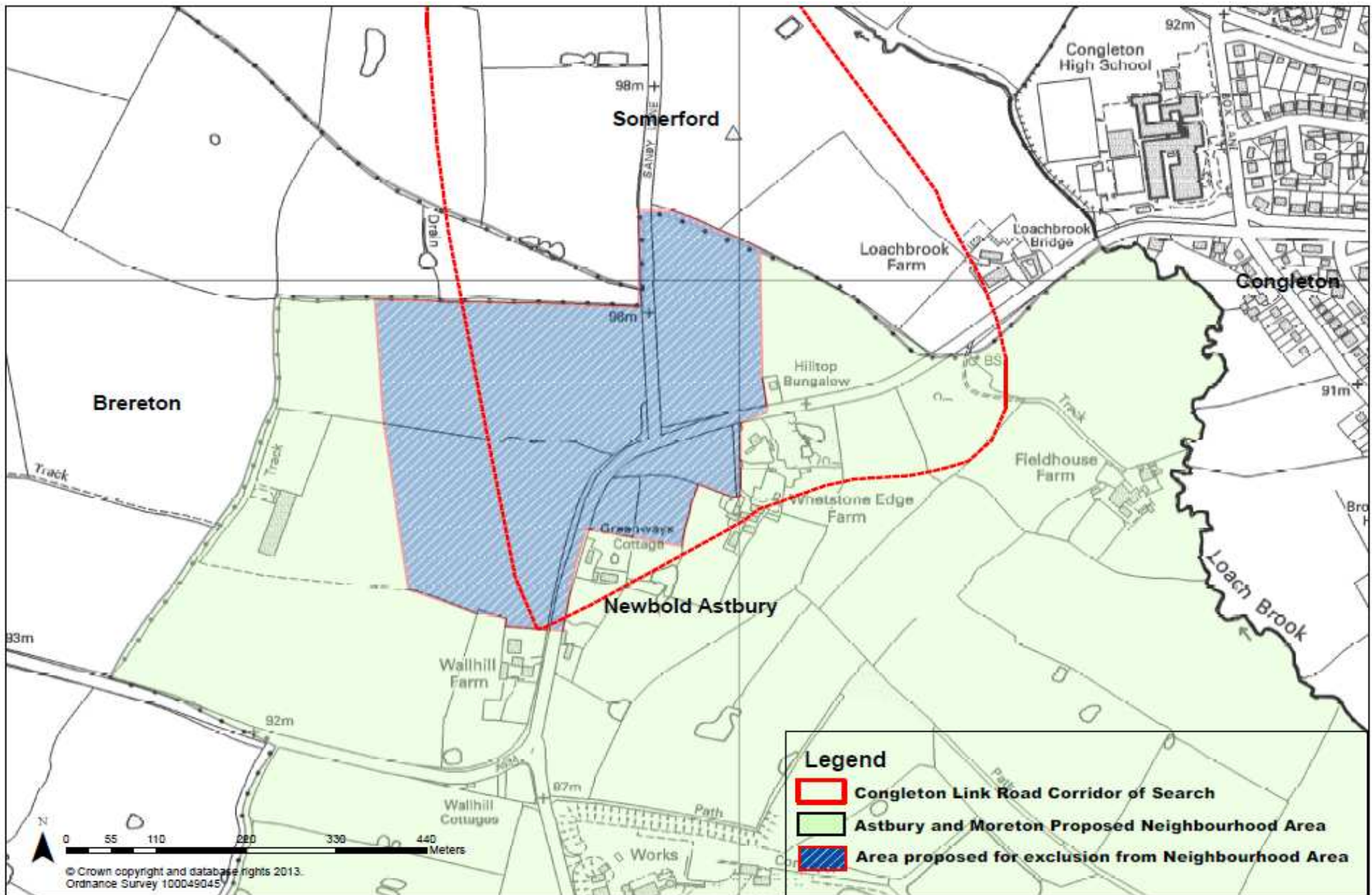
**Appendix 2:****Results of Consultation**

<b>Type - Please indicate whether you support, object or wish to make a comment.</b>	<b>Comment - Please provide details:</b>
Support	<p>The collective community of Alcumlow, Astbury, Moreton &amp; Newbold can only benefit from a stronger local voice such as that proposed by the Neighbourhood Plan / Forum. It is simply a win / win situation for Alcumlow, Astbury, Moreton &amp; Newbold, who for the very first time will be able to directly influence what happens in their parish. Local decisions by local people who have the community at heart, not remote mandarins who have their career and back yards at heart.</p>
Support	<p>I strongly support this application by Astbury-cum-Moreton PC to designate a Neighbourhood Area as the first step in creating a Neighbourhood Plan. This action will enable Astbury-cum-Moreton to create a plan that is sensitive to the aspirations and needs of the local community, whilst still being in general conformance with strategic requirements of Cheshire East's emerging Local Plan.</p> <p>In doing so, Astbury-cum-Moreton will relieve Cheshire East of some 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 Astbury-cum-Moreton, imposed by the Localism Act, will be offset by government grants.</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 Astbury-cum-Moreton PC.</p>
Support	<p>I support Astbury and Moreton Neighbourhood Area Application. Neighbourhood Planning is a key part of Localism and it is great to see parishes in Cheshire East setting out to produce Neighbourhood Plans for their area.</p>
Comment	<p>United Utilities: We support growth and sustainable development within the North West and would like to build a strong partnership with you and neighbourhood groups 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 Neighbourhood Area Application submitted by the Newbold Astbury Parish Council, but wish to be included in further consultations and where necessary, the development of the Newbold Astbury and Moreton cum Alcumlow Parish Neighbourhood Plan and any Neighbourhood Development Orders or Community Right to Build Orders</p>

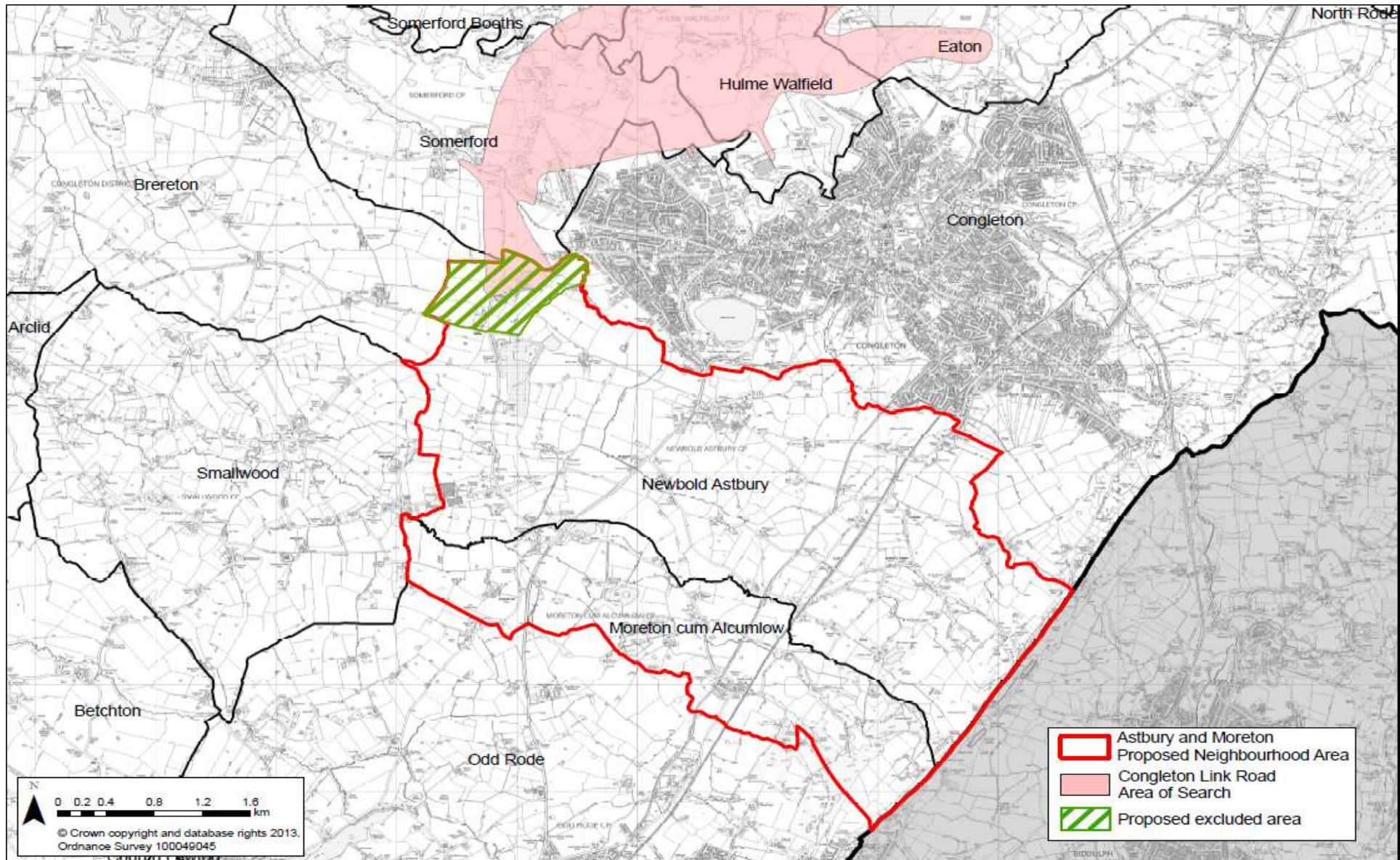
### Appendix 3: Proposed Astbury and Moreton Neighbourhood Area, Area proposed for exclusion and Congleton Link Road Area of Search



**Appendix 4: Proposed Astbury and Moreton Neighbourhood Area, Area proposed for exclusion and Congleton Link Road Area of Search (detailed)**



## Appendix 5: Area previously proposed for exclusion 05.11.13



## **Appendix 6: Correspondence from Astbury and Moreton Neighbourhood Plan Group (dated 27/09/2013)**

*Dear Tom*

*I refer to your e-mail of the 17th September which was discussed at last week's NP Group meeting. Comments as follows:-*

- 1. Whilst appreciating CEC's wish to keep options open for a possible link road/A534 junction - the area proposed by CEC for deletion from the NP area requested is far in excess of the land area that would actually be required for a roundabout or similar highway junction.*
- 2. The AMNP group acknowledge that the link road is a strategic element of the developing Local Plan and see no reason why the junction cannot be worked into the emerging NP and Local LDF - indeed the link road junction when its geometry and position are known is likely to significantly influence NP proposals for land use in its immediate vicinity.*
- 3. Deletion of the section of N, as proposed by Cheshire East, would effectively abandon residents in the excluded area - all of whom have rightfully an expectation as Ratepayers and Electors to benefit from the Parish initiative.*
- 4. The NP Group would draw your attention to the NPPF section 184 which urges LPA's to "set out clearly" their strategic policies and co-operate with NP Groups in achieving co-ordination of Local and NP Policies. The simple removal of a significant area of the Parish from the NP as proposed by CEC would appear to be a defensive position to keep currently indeterminate options open rather than a positive approach to liaison and mutual benefit.*

*For the above reasons the NP Group are reluctant to agree omission of part of the proposed designated area and feel that a more constructive approach should be forthcoming from CEC.*

*It would be appreciated if you could refer the content of this e-mail to the next Planning Meeting but in the meantime if you need to discuss in advance of the meeting please do not hesitate to contact me.*

*Thank you for your assistance.*

*Yours sincerely*

**Correspondence dated 28.01.2014**

*Good morning Tom*

*As confirmed by telephone this morning, we have agreed to accept your reduced exclusion zone so that we can get on with our Neighbourhood Plan without further delay.*

*However I should like to make two points:*

*1) the NPPF makes clear that no Neighbourhood Plan can interfere with strategic policies of the principal authority, including the proposed Link Road: it was never our intention to pursue such a futile endeavour in the NP, as we have made clear repeatedly both to you and to the Planning Board.*

*2) our remaining concerns are principally landscaping and environment at the southern end of the proposed Link Road, where it crosses the Astbury & Moreton Parish boundary. In confirming the Area Designation, we therefore ask the Planning Board to make clear that this area should be designed in concert with Astbury & Moreton to ensure a harmonious blend with detailed provisions in its Neighbourhood Plan as it emerges. It should be noted that Cheshire East will have every opportunity to comment upon and influence the Neighbourhood Plan, following NPPF procedural requirements. This approach should provide suitable safeguards on both sides.*

*Kind regards*

*Donald Muir  
A+M NP Team member*