

Portfolio Holder Housing and Jobs

Date of Meeting: 23 February 2015
Report of: Head of Strategic and Economic Planning
Subject/Title: Hankelow Neighbourhood Area Application
Portfolio Holder: Councillor Don Stockton

1.0 Report Summary

- 1.1 The report requests designation of the Hankelow Neighbourhood Area. An application to designate this neighbourhood area was submitted by Hankelow Parish Council in December 2014. 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 Hankelow.

2.0 Recommendations

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

3.0 Reasons for Recommendations

- 3.1 No circumstances exist where the exclusion of land from the proposed neighbourhood area were considered necessary; it is considered that the Hankelow 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
 - Hankelow 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 Hankelow and does not include land in any adjoining Parish
 - No other applications have been made for Neighbourhood Areas covering all or part of the area
 - Issues concerning strategic interests in the Parish have been discussed and a position of understanding has been reached between Hankelow Parish Council and Cheshire East Borough Council
 - A consultation was held on the proposed Hankelow Neighbourhood Area. 5 comments were received, 3 of which were in support of the Neighbourhood Area, 2 of which were a comment only. No objections were received to the proposal.
 - 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 Audlem Ward

5.0 Local Ward Members

- 5.1 Councillor Rachel Bailey

6.0 Policy Implications

- 6.1 The designation of Hankelow Parish as a neighbourhood area will allow Hankelow 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 Hankelow Neighbourhood Plan will be used for decision making purposes within the parish of Hankelow 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 Hankelow (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 Hankelow 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 Hankelow 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 Neighbourhood area applications must be made in accordance with Regulation 5 of the Neighbourhood Planning (General) Regulations 2012. Any qualifying body (including a parish council) is entitled to initiate the process. Applications must be publicised in compliance with Regulation 6 of those regulations. Section 61G of the Town and Country Planning Act 1990 sets out the requirements for determining applications for an

area to be designated a neighbourhood area. Section 61G(5)(c) of the 1990 Act provides that a 'neighbourhood area' must be an area which the local planning authority considers "appropriate". In determining an application, the local planning authority must also have regard to the desirability of designating the whole of the area of a parish council as the neighbourhood area.

- 9.2 Neighbourhood Development Plans and Orders, which may follow the making of a Neighbourhood Area, are prepared in accordance with the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) and the Neighbourhood Planning (General) Regulations 2012.
- 9.3 A "neighbourhood area" can be an area within the Local Planning authority's area; power to designate as such is only exercisable where a relevant body (including a Parish Council) has applied to the Local Planning authority, and the LPA is determining the application; the legislation includes some restriction on this power in Section 61G (5): In determining an application the authority must have regard to the desirability of designating the whole of the area of a parish council as a neighbourhood area. Schedule 4B of the Town and Country Planning Act 1990 (as inserted by the Localism Act) sets out a detailed process for the making of neighbourhood development orders, including a process for submitting any draft for independent examination, and, on the making of an order, a referendum.
- 9.4 The Secretary of State has made the Neighbourhood Planning (General) Regulations 2012 under powers conferred by the 1990 and 2004 Acts, and these Regulations, which came into force on 6 April 2012, make further detailed provision on this subject.

10.0 Risk Management

- 10.1 Neighbourhood plans will, once formally adopted ('made') by the Council, form part of the Development Plan for Cheshire East. The content of the Hankelow 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 Hankelow Parish Council has applied to designate the full extent of Hankelow Parish as the Hankelow 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 Hankelow and its surrounding locality. It is considered that, for the reasons set out at 3.0, this has been achieved.
- 11.6 Hankelow is a rural Parish with a population of some 272 residents located north of Audlem. The parish is subject to saved planning policies held in the Crewe and Nantwich Local Plan 2011; much of the parish is subject to Open Countryside policies with the village of Hankelow itself defined by a Settlement Zone for planning purposes.
- 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 the 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. 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 and stakeholders will be kept informed of developments here, particularly where there are 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 Hankelow Neighbourhood Area

