

# CHESHIRE EAST COUNCIL

## Cabinet Member for Housing and Jobs

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

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### 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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