

CHESHIRE EAST COUNCIL

Report of:	Director of Planning and Sustainable Development
Subject/Title:	Wybunbury Combined Neighbourhood Area Application
Portfolio Holder:	Councillor Ainsley Arnold: Housing and Planning

1.0 Report Summary

- 1.1 The report requests designation of the Wybunbury Combined Neighbourhood Area. An application to designate this neighbourhood area was submitted by Wybunbury Parish Council in October 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 boundary for Wybunbury Ward which includes the following parish councils and their administrative areas: Wybunbury Parish Council, Doddington & District Parish Council, Hough & Chorlton Parish Council and Hatherton & Walgherton Parish Council. Wybunbury Ward includes the southern part of Weston Parish. Weston and Basford Parish Councils are preparing their own neighbourhood plan and are not included in the areas that form the proposed Wybunbury Combined Neighbourhood Plan.

2.0 Recommendations

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

3.0 Reasons for Recommendations

- 3.1 National Planning Practice Guidance suggests that Local Authorities should seek to designate the neighbourhood area applied for by the local council concerned and give regard to the desirability of doing so, including the desirability of designating the area as a business area.
- 3.2 In this instance no circumstances exist where the exclusion of land from the proposed neighbourhood area were considered necessary; it is considered that the Wybunbury Combined 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
 - The area is not wholly or predominantly business in nature.
 - Wybunbury Combined 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 parishes within the Ward of Wybunbury and includes the full extent of land administered by the constitutive parishes.
 - 61F(2) of the Localism Act 2011 allows for Parish councils to act in relation to a neighbourhood area that covers the administrative boundaries of other parish councils, where the other parish councils concern have given their consent. The consent of the constitutive parish councils of the proposed neighbourhood area has been given and specified in the application.

- Wybunbury village is a Local Service Centre for the purposes of the emerging CEC Local Plan Strategy and will be expected to accommodate an appropriate quantum of development over the plan period. The neighbourhood plan may assist with this process.
- No other applications have been made for Neighbourhood Areas covering all or part of the area
- A six week consultation was held on the proposed Wybunbury Combined Neighbourhood Area from 16th October to 27th November 2015.
- Three comments were received specifically on the Neighbourhood Area designation none of which objected to the designation of the proposed area.

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

4 Wards Affected

4.1 Wybunbury Ward

5.0 Local Ward Members

5.1 Councillor Janet Clowes

6.0 Policy Implications

6.1 The designation of Wybunbury Combined Parish as a neighbourhood area will allow the parish councils within Wybunbury Ward 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 Wybunbury Combined Neighbourhood Plan will be used for decision making purposes within the parish of Wybunbury Combined 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 Wybunbury Combined (a ward with some 5,254 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 Wybunbury Combined 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 Wybunbury Combined 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 Wybunbury Combined 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 Wrenbury will need to provide an appropriate quantum of housing and employment. 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 Wybunbury Parish Council has applied to designate the full extent of Wybunbury Ward (excluding Weston) as the Wybunbury Combined 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 the proposed area and its surrounding locality. It is considered that, for the reasons set out at 3.0, this has been achieved. Whilst the proposed neighbourhood area is geographically large and includes a number of separate organisations, there are no planning reasons to suggest this is not appropriate for neighbourhood planning purposes. There are significant advantages in this approach allowing the cost efficiencies in regard to evidence preparation, examination and referendums associated with the plan making process.
- 11.6 There are no strategic interests located in the Parish as identified by the emerging Local Plan Strategy. The Local Plan Strategy was submitted to examination in May 2014. In October 2014 hearings were held on the key strategic aspects of the plan. Following these hearings the inspector suspended the examination to enable the Council to review it's evidence and position on a range of issues. The Council's approach to economic strategy, housing requirements, distribution of development and the approach to Green Belt in the Borough have been reviewed and hearings were resumed in October 2015. The inspector is currently reviewing the findings of these hearings and is expected to issue initial views in December 2015.
- 11.7 The views to be issued by the inspector may affect the preparation of neighbourhood plans (particularly on housing need and distribution of development). The Local Plan Strategy currently seeks the locationally non-specific delivery of at least 3500 new homes in Local Service Centres. 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 Wyburnury Combined Neighbourhood Area

