

### Portfolio Holder

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**Report of:** Executive Director of Economic Growth and Prosperity  
**Subject/Title:** Odd Rode Neighbourhood Area Application  
**Portfolio Holder:** Housing and Planning

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### 1.0 Report Summary

- 1.1 The report requests designation of the Odd Rode Neighbourhood Area. An application to designate this neighbourhood area was submitted by Odd Rode Parish Council in November 2016. The extent of the neighbourhood area is proposed to reflect the extent of the Parish boundary for Odd Rode.

### 2.0 Recommendations

- 2.1 Approve and designate Odd Rode Parish as Odd Rode Neighbourhood Area, for the purposes of preparing Odd Rode 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.
- 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 Odd Rode 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
  - Odd Rode 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 Odd Rode 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
  - There are no issues of a strategic nature in the Parish which give rise to a need to alter the area applied for
  - A four week consultation was held on the proposed Odd Rode Neighbourhood Area. 1 comments was received which was a comment only.
- 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 Odd Rode Ward

## **5.0 Local Ward Members**

5.1 Councillor Rhoda Bailey; Councillor Liz Wardlaw

## **6.0 Policy Implications**

6.1 The designation of Odd Rode Parish as a neighbourhood area will allow Odd Rode 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 Odd Rode Neighbourhood Plan will be used for decision making purposes within the parish of Odd Rode 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 Odd Rode (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 Odd Rode 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 Odd Rode 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 Odd Rode 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 Cheshire East Council will continue to work closely with the relevant town and parish councils seeking to deliver neighbourhood plans across the Congleton area. A strategy to deliver a series of residential and employment land allocations has been developed with significant input from Congleton Town Council, across a number of years. This strategy, including the delivery of highways infrastructure of borough wide significance (the Congleton Link Road), is detailed in the emerging Cheshire East Local Plan. The Council and its officers will continue to closely engage with the stakeholders that have an interest in this strategy to seek its timely and successful delivery.

## **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 Odd Rode Parish Council has applied to designate the full extent of Odd Rode Parish as the Odd Rode 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 Odd Rode and its surrounding locality. It is considered that, for the reasons set out at 3.0, this has been achieved.
- 11.6 Odd Rode is a Parish with a population of some 5442 residents located north west of Kidsgrove and north east of Alsager. The parish is defined by its rural character and includes the settlements of Sholar Green, Rode Hath and parts of Church Lawton and Mow Cop. Land within the parish is largely designated as Open Countryside in the Congleton Borough Local Plan and also within the Green Belt. There are heritage and archaeological interests located within the Parish and some significant natural conservation interests.
- 11.7 The Cheshire East Local Plan Strategy (CELPS) has recently been examined and interim views received from the Inspector. Pending the confirmation of a successful examination and the undertaking of consultation on main modifications, the Council anticipate to adopt the Local Plan Strategy in Summer 2017. The CELPS identifies a need to deliver some 2950 homes across the Rural and Other Settlements, within which Odd Rode parish is located and will do so through a part two plan, the Site Allocations and Development Policies Document.
- 11.9 Housing and employment figures are not distributed by location for the Rural and Other Settlements and the neighbourhood plan offers an opportunity to meaningfully participate in this process, taking ownership of certain aspects where desired.

## **12.0 Access to Information**

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

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