

3. Background

- 3.1 The Localism Act 2011 introduced a set of measures to help shift power away from central government to local councils and communities.
- 3.2 Given the widespread national publicity of the Government's Localism agenda and Neighbourhood Planning, at your Cabinet meeting of 21st June 2012, Members approved the publication of Neighbourhood Planning Guidance for Solihull, which provides a Plain English guide to the new powers. A copy of the guidance and a set of Frequently Asked Questions are available on our Neighbourhood Planning [webpage](#).
- 3.3 This guidance explains that Neighbourhood Planning enables local communities and Parish/Town Councils to prepare Neighbourhood Development Plans (NDP), Neighbourhood Development Orders (NDO) and Community Right to Build Orders (CRBO).
- 3.4 Members will recall that a NDP is a community led plan which sets out policies to guide the future use and development of land within a defined Neighbourhood Area. The scope and content of plans will be defined by local communities, however, they must meet certain 'basic conditions'. In particular, plans must contribute to the achievement of sustainable development and be in general conformity with the strategic policies of the Development Plan for the area.
- 3.5 There is a specific process to follow in preparing a NDP. The key stages of which comprise: designating the Neighbourhood Area; arranging an independent examination of the plan; organising a community referendum; and bringing the plan into legal force, when it is supported by more than 50% of the people voting in the referendum. Once adopted, a NDP forms part of the statutory Development Plan for the local planning authority. At various stages in the process the local planning authority is required to make key decisions, the designation of a Neighbourhood Area is one such stage.

4. Cheswick Green Neighbourhood Area Application

Context

- 4.1 On 8th April 2014, Cheswick Green Parish Council submitted an application to Solihull Council to designate the Parish as a Neighbourhood Area. The application is the first formal stage in the process of the Parish Council preparing a NDP for Cheswick Green.
- 4.2 In accordance with The Neighbourhood Planning (General) Regulations 2012, the application was published for public consultation between 11th April and 30th May 2014. The application was advertised on both the Cheswick Green Parish Council and Solihull Council websites and posters were displayed locally. Awareness of the application was also raised through the Parish Council newsletter and Solihull Council Twitter accounts.
- 4.3 All recognised Residents' Associations and Parish Councils both within and adjoining the proposed Neighbourhood Area were notified of the application. Neighbouring local planning authorities and the planning agents representing Blythe Valley Business Park were also notified.
- 4.4 Two consultation responses have been received; both are fully supportive of the

application. One of the representations states that they consider Cheswick Green is an appropriate location to be designated as a Neighbourhood Area and such a designation will greatly benefit the Cheswick Green community.

- 4.5 The application proposes to designate the whole of Cheswick Green Parish as a Neighbourhood Area. A map of the area is attached at Appendix 1 and the [full application](#) is available on the Solihull Council website.
- 4.6 The proposed Neighbourhood Area is bound to the north by Dog Kennel Lane and the A34 Stratford Road; to the east by the M42; to the south by the Stratford-Upon-Avon canal and the Solihull Borough boundary and; to the west by the B4102 Salter Street/Tanworth Lane.
- 4.7 The proposed Neighbourhood Area covers the village of Cheswick Green, which has a range of local facilities and services, the hamlet of Ilshaw Heath and ribbon development along the road network. It also includes the regionally important economic asset of Blythe Valley Business Park, Shirley Golf Club and several farms. The Parish has a population of approximately 2,419 which is served by two primary schools, two churches, a doctor's surgery, pharmacy, post office and local shops.
- 4.8 Cheswick Green Parish Council is the 'relevant body' as defined in the Act to prepare a NDP for the proposed area. The Parish Council considers the area is appropriate for designation for the following reasons:
- (a) The Cheswick Green Neighbourhood Plan is being developed to help deliver the local community's ambitions for the plan period 2014-2028.
 - (b) The Plan will provide a vehicle to guide, promote and enable balanced and sustainable change and growth within the designated area.
 - (c) The designated area includes the whole of the civil parish of Cheswick Green.

Assessment of the Application

- 4.9 In determining an application for a Neighbourhood Area, Section 61G(5) of the Town and Country Planning Act 1990 (inserted by the Localism Act 2011), requires the local planning authority to consider whether the proposed area is 'appropriate' for designation. Section 61G(4) of the Act further states that a local planning authority must have regard to:
- (a) The desirability of designating the whole of the area of a Parish Council as a Neighbourhood Area, and
 - (b) The desirability of maintaining the existing boundaries of areas already designated as Neighbourhood Areas.
- 4.10 Recent Government guidance has clarified that in determining Neighbourhood Area applications, the assumption is that the local planning authority will approve the Neighbourhood Area as submitted, and in Parished areas, that the whole of the Parish will be designated, unless there are clear planning reasons to modify the boundary. A recent High Court [judgment](#) also clarified that in deciding whether an area is appropriate or not, the local planning authority should have regard to the specific factual and planning policy circumstances at the time of the decision.
- 4.11 The adopted Development Plan for the Borough is the Solihull Local Plan (December

2013).

- 4.12 Members will be aware that the Local Plan was recently subject to a High Court review challenging the Council's allocation of two sites in the Tidbury Green area to the Green Belt. Mr Justice Hickinbottom handed down his judgment on 30th April 2014, broadly accepting the case of the claimants. The Judgment and subsequent formal order confirms that only those parts of the Local Plan, subject to challenge, should be treated as no longer adopted. The affected parts relate to housing numbers for the plan period and the two sites at Tidbury Green. In all other respects, the Local Plan remains unaffected and remains the adopted Development Plan for the Borough.
- 4.13 With regard to Cheswick Green Parish, the Local Plan allocates the following sites for development:
- (a) Mixed Use Site 10; Blythe Valley Park (Phases 1& 2 of the Plan)
 - (b) Housing Site 21; Land at Mount Dairy Farm, Tanworth Lane (Phase 3 of the Plan; for release on 1st April 2023)
- 4.14 A NDP for Cheswick Green would need to be in general conformity with the strategic policies of the Local Plan including the above site allocations. However, it is appropriate that the Parish Council, as the 'relevant body' for the area, is able to shape the future development of their area through a NDP.
- 4.15 A NDP could, for example, add detail or introduce complementary policies to those in the Local Plan to guide future development. It could also bring forward additional development to that allocated in the Local Plan. The Parish Council intends to cover the following policy areas: Infrastructure, Housing, Environment, Safer Communities, and Economy. In general, these are considered to be suitable topics for a NDP.
- 4.16 Given that the proposed boundary is clearly defined by main roads and includes the whole of Cheswick Green Parish, the Neighbourhood Area is considered to be appropriate for designation.
- 4.17 With regard to existing designated Neighbourhood Areas, the proposed Neighbourhood Area would not affect the only other designated Neighbourhood Area within the Borough; Hampton-in-Arden.
- 4.18 The legislation also requires local planning authorities to consider whether the area should be designated as a business area. As the proposed Neighbourhood Area is not wholly or predominantly business in nature, it is not considered appropriate to be designated as a business area.

Next Steps

- 4.19 The next stage in the process would be for Cheswick Green Parish Council to develop its NDP and submit to Solihull Council to check that it has complied with the legislation and is in general conformity with the strategic policies of the Development Plan and national policy guidance.

5. Scrutiny

- 5.1 To date, there have been no scrutiny issues with regard to the designation of a Neighbourhood Area for Cheswick Green.

6. Implications

6.1 Delivery of the Council's Priorities

The issues and actions identified in this report contribute to the delivery of the following Council Priorities:

Managed Growth

Key Programmes: Local Development Framework implementation

Build Stronger Communities

Key Programmes: Providing the right kind of housing to meet local needs, prevent homelessness and support growth

6.2 **Policy/Strategy Implications** - NDPs must to be in 'general conformity' with the strategic policies of the Development Plan. Once a NDP is adopted, it forms part of the statutory Development Plan. This means that decisions on planning applications will have to be made in accordance with the adopted NDP as well as the Development Plan for the Borough, unless material considerations indicate otherwise.

6.3 **Meeting the duty to involve** - The Neighbourhood Area application has been subject to public consultation as outlined in Paras 4.2-4.4 of this report.

6.4 **Financial Implications** - Solihull MBC has a legal obligation to assist Parish/Town Councils and Neighbourhood Forums with the process of preparing Neighbourhood Plans, if requests come forward. The Council is also required to organise and pay for the independent examination of a plan and the referendum.

6.5 However, the Government has recently made funding available to enable Local Authorities to fulfil their duty to support Neighbourhood Planning. Local Authorities are able to submit claims for up to a maximum of £30,000 per Neighbourhood Development Plan at 3 stages in the process; £5,000 following designation of the Neighbourhood Area, £5,000 following publication of the plan prior to examination, and £20,000 following successful completion of the examination. Further details of the funding scheme are available [here](#). Officers will submit a claim for funding following designation of the Neighbourhood Area for Cheswick Green.

6.6 The Government has also recently announced a support programme for local communities; Supporting Communities in Neighbourhood Planning 2013-15. The scheme enables communities to apply for small grants of up to £7,000 and/or direct support to help progress their NDPs. Further information on the scheme is available [here](#).

6.7 **Legal implications** - None identified at this stage.

6.8 **Risk Implications** - None identified at this stage.

6.9 **Statutory Equality Duty** - A Fair Treatment Assessment of a Neighbourhood Area application is not required.

6.10 **Carbon Management/Environmental** - None identified at this stage.

6.11 **Partner Organisations** - Recognised Residents' Associations and Parish Councils both within and adjoining the proposed Neighbourhood Area and neighbouring local

planning authorities were notified of the application.

6.12 **Safeguarding/Corporate Parenting Implications** - None identified.

6.13 **Customer Impact** - None identified at this stage.

6.14 **Other implications** - None identified.

7. List of Appendices Referred to

7.1 Appendix 1 – Map of the proposed Cheswick Green Neighbourhood Area.

8. Background Papers Used to Compile this Report

8.1 None

9. List of Other Relevant Documents

9.1 None

Appendix 1 – Proposed Neighbourhood Area for Cheswick Green

