

## **TRAFFORD COUNCIL**

**Report to:** Executive  
**Date:** 16 March 2020  
**Report for:** Decision  
**Report of:** Executive Member for Housing and Regeneration

### **Report Title**

**Flixton Neighbourhood Plan – Decision on the submitted Neighbourhood Area and Neighbourhood Forum application**

### **Summary**

This report details the application made by the Flixton Neighbourhood Plan group to the Council to formally designate both a Neighbourhood Plan boundary and Forum for the purposes of Plan making, and provides a summary of the consultation responses received in respect of this application.

### **Recommendations**

That the Executive approves the application to designate:

1. The Flixton Neighbourhood Plan Area as a Neighbourhood Area, in line with the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 and;
2. The Flixton Neighbourhood Plan Forum as a Neighbourhood Forum in line with the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012.

### **Contact person for access to background papers and further information:**

Name: Helen Pickering  
Extension: 2034

Appendix 1 – Flixton Neighbourhood Plan Area  
Appendix 2 – Neighbourhood Forum constitution and written submission  
Appendix 3 – Summary of consultation comments

Background Papers: None

<p>Relationship to Policy Framework/Corporate Priorities</p>	<p>Upon adoption, the Flixton Neighbourhood Plan will form part of the Development Plan for Trafford. As such it will contribute to a number of Corporate Priorities, in particular: Building Quality, Affordable and Social Housing, Successful and Thriving places, Pride in our Area, Green and Connected.</p>
<p>Relationship to GM Policy or Strategy Framework</p>	<p>The emerging Greater Manchester Spatial Framework (GMSF) will set the strategic planning policy framework for the Borough. The emerging Trafford Local Plan will be produced in conformity with the GMSF.</p> <p>The Flixton Neighbourhood Plan will need to be in conformity with both the GMSF and the emerging Trafford Local Plan.</p>
<p>Financial</p>	<p>As set out in section 8 of the report, the role of the Council in the preparation of the Flixton Neighbourhood Plan will be funded, in part, from funding secured from MHCLG, particularly in relation to officer support, consultation, the independent examination and the referendum.</p> <p>Following approval of the Area and Forum, the Council can apply for the initial £10,000 of MHCLG funding. The preparation of the first draft will be carried out by the Forum with support from Council officers as “critical friends”, which would be delivered within the existing Strategic Planning budget, within the Directorate’s overall budget.</p> <p>The Council will be able to claim a further £20,000 once a date has been set for the referendum following the successful examination of the Neighbourhood Plan.</p>
<p>Legal Implications:</p>	<p>The Neighbourhood Plan area and the Forum have been proposed in accordance with the requirements of the Neighbourhood Planning Regulations (2012). Once the Plan is adopted, planning decisions must be taken in accordance with the Trafford Local Plan (of which the Neighbourhood Plan will form part), unless material considerations indicate otherwise. Until adoption, the draft Neighbourhood Plan would be a material consideration in planning decisions with its materiality increasing as it progresses through the preparation stages.</p> <p>It should be noted that should the Council determine to establish the Forum no other application can be made for a Forum covering the same area until such time that the original has</p>

	expired (5 years), or has been withdrawn.
Equality/Diversity Implications	The designation of the plan area and the Forum itself does not raise any equality and diversity implications. As the preparation of the Neighbourhood Plan progresses any implications arising from the proposed policies will be considered as they arise.
Sustainability Implications	The designation of the plan area and the Forum itself does not raise any sustainability implications. As the preparation of the Neighbourhood Plan progresses any implications arising from the proposed policies will be considered as they arise. This will include a formal screening for the requirement for a Strategic Environmental Assessment (SEA).
Resource Implications e.g. Staffing / ICT / Assets	None / None / Some allocations may be proposed on land or property owned by the Council
Risk Management Implications	The Neighbourhood Plan would be a key document that supports the Council's Core Strategy, emerging Local Plan and Development Management function.
Health & Wellbeing Implications	None
Health and Safety Implications	None

## 1.0 Background

- 1.1 The Council received an application on 21<sup>st</sup> October 2019 from a group known as the Flixton Neighbourhood Planning Group for the formal designation of both a Neighbourhood Area and a Neighbourhood Forum. The purpose of this application is to enable preparation of a Neighbourhood Plan for Flixton. The Council has a statutory duty to support the preparation of such plans which includes public consultation, Independent Examination and a local Referendum.
- 1.2 The statutory six-week consultation period on the application started on Friday 20<sup>th</sup> December 2019 and closed on Friday 31<sup>st</sup> January 2020. All documents relating to the application were placed on the Council's website and were made available to view at Trafford Town Hall and Sale Waterside offices along with Urmston and Woodsend Libraries. On the 19<sup>th</sup> December 2019 a statutory notice was placed in the Messenger along with a press release advertising the formal consultation period.
- 1.3 Following the close of the consultation it is the Council's responsibility to determine whether the proposed Neighbourhood Plan Area and Forum meet the requirements of the Neighbourhood Planning Regulations and whether they are appropriate for the planning of the area. The Regulations state that a decision on the Plan Area and the Forum should be made within 13 weeks from the application first being publicised. If these time limits are not met the Local Planning Authority (LPA) must designate all of the area applied for.

## 2.0 The Proposed Neighbourhood Plan Area

- 2.1 The proposed Plan area is illustrated at Appendix 1. The proposed Neighbourhood Plan Area is bounded on two sides by the River Mersey and the Manchester Ship Canal. The boundary extends northwards from the confluence of the two waterways to

the point where the Bent Brook meets the Manchester Ship Canal. The boundary line then follows the course of the Bent Brook and then extends eastwards along Davyhulme Road to the junction with Bowers Avenue. The boundary then extends southwards along Bowers Avenue, Princess Road, Stamford Road, crosses the railway line and then joins Old Ees Brook to the point where it reaches the Mersey.

- 2.2 The proposed boundary as described above includes both Davyhulme golf course and the former William Wroe golf course along with Trafford General Hospital.
- 2.3 Appendix 2 includes a narrative to explain the rationale for the proposed Plan Area and the inclusion of particular sites. The proposed Plan Area has been devised by the Flixton Neighbourhood Plan Group taking into account the views of local residents including consultation at public meetings, the use of social media, walking around the local area, advice from Planning Aid and consultation with the Council's planning officers. The proposed Plan Area covers parts of Davyhulme West, Flixton and Urmston wards.

### **3.0 The Proposed Neighbourhood Plan Forum**

- 3.1 The submitted constitution for the proposed Flixton Neighbourhood Forum is included at Appendix 2. A total of 37 individuals who either work, live or are elected members representing wards within the proposed Neighbourhood Plan area are eligible to become full members of the proposed Flixton Neighbourhood Forum. All of the individuals concerned have completed membership forms confirming their willingness to become Forum members and their entitlement to do this. There are a further eight individuals who do not meet the criteria for full membership of the Forum who have become Affiliate Members.
- 3.2 Following the formal designation of the Forum it is intended that the constitution will be formally approved by the Flixton Neighbourhood Forum.
- 3.3 The Forum will also undertake ongoing work in order to increase its membership and to attract additional people with appropriate skills to take part in the preparation of the proposed Plan.

### **4.0 Responses to the Public Consultation**

- 4.1 In total 33 responses have been received to the public consultation (see Appendix 3) and the main issues raised were:
  - General support for the designation of the Forum and proposed Plan Area;
  - Suggested boundary modification to include Willow Farm and the land up to the Mersey;
  - Query in relation to the inclusion of part of Davyhulme in the proposed area;
  - Query in relation to how the Forum will operate;
  - Concern that the group is being set up in order to restrict development.
- 4.2 The proposed Neighbourhood Plan Area includes Trafford General Hospital within its boundary. The proposed Forum recognise in their written submission that the future of Trafford General Hospital lies outside of the scope of the Neighbourhood Plan, however as it is such a site of significant importance to the area, the group wish to include the site within the Plan Area. It should be noted that Manchester University NHS Foundation Trust were consulted in relation to the proposed Plan Area and

Forum during the six-week consultation period and have responded that they have no comments to make at this stage.

- 4.3 It is considered that none of the responses received have raised any significant issues which would warrant refusal of the proposed Area and Forum.

## **5.0 The Appropriateness of the Neighbourhood Plan Area**

- 5.1 The proposed Forum has submitted all of the required information in accordance with the Regulations (see Appendices 1 and 2). The Regulations state that the LPA may designate the area if it is satisfied that the organisation or body has submitted the following information:

1. A map identifying the area;
2. A statement explaining why the area is appropriate to be designated as a neighbourhood area;
3. A statement explaining that the body making the area application is capable of being a qualifying body.

- 5.2 In determining the application, the Council must consider:

1. How desirable it is to it is to designate the whole of the area as a Neighbourhood area;
2. Whether the designation would impact on Neighbourhood areas already designated because designated areas must not overlap;
3. Whether the area is wholly or predominantly business in nature for designation as a Business Neighbourhood Area.

- 5.3 Taking into account the written justification, it is considered that the proposed Plan Area forms an appropriate area for the purpose of preparing a Neighbourhood Plan for Flixton. In addition, there are no other designated areas that would overlap with any existing designated areas and the designation of a business Neighbourhood area is not relevant.

## **6.0 The Appropriateness of the Neighbourhood Forum**

- 6.1 The proposed Forum has submitted all of the required information in accordance with the Regulations (Appendix 2) which include:

1. The name of the proposed Neighbourhood Forum;
2. A copy of the written constitution of the proposed Neighbourhood Forum;
3. The name of the Neighbourhood Area to which the application relates and a map which identifies the Area;
4. The contact details of at least one member of the proposed Neighbourhood Forum to be made public under regulations 9 and 10.
5. A statement which explains how the proposed Neighbourhood Forum meets the conditions contained in section 61F (5) of the 1990 Act.

- 6.2 In deciding on its designation, the Council must be satisfied that the Forum has:

- A purpose that seeks to promote and improve the social, economic and environmental well-being of the Area.
- A membership inclusive of residents, businesses and elected members and it has taken reasonable steps to secure at least one from each of these groups;

- It has a minimum of 21 members drawn from different places in the Area and different sections of the community;
- It has a written constitution.

6.3 Additionally, the Council must designate only one organisation or body as a Neighbourhood Forum for a Neighbourhood Area.

6.4 Taking into account the proposed Forum's constitution along with its written statement it is considered that the proposed Forum has met the legal requirements and is therefore considered to be an appropriate body for the preparation of a Neighbourhood Plan for Flixton.

## **7.0 The scope of the proposed Neighbourhood Plan for Flixton**

7.1 Although the content of the Neighbourhood Plan has yet to be consulted on the group have included a proposed vision and a set of objectives within their submission. As such it is anticipated that the Plan will provide policy guidance on the following matters:

- Accommodating new residential development;
- Protection of green spaces;
- Sustainable transport and infrastructure;
- Supporting retail to meet local needs;
- Provision of community facilities;
- Conserving and promoting local heritage.

7.2 As the Council has a statutory duty to support local communities in the preparation of Neighbourhood Plans, it will be important for officers to work with the Forum in order to ensure that policies contained within the Neighbourhood Plan are consistent with that of the Strategic Policies contained within the Core Strategy, the emerging Trafford Local Plan and the GMSF.

## **8.0 Financial Implications of Designating Plan Area and the Forum**

8.1 Whilst the Neighbourhood Forum will be responsible for leading the preparation of the Neighbourhood Plan, the LPA is required by law to assist local communities in the preparation of Neighbourhood Plans.

8.2 The Council is required to assist in the designation of the Area, providing advice on the preparation of the Plan, consulting upon the submitted Plan, supporting/appearing at its Examination process and adoption of the final Plan. It will be vital for the Council to play an active role in the preparation of the Plan in order to ensure that the Plan meets the basic conditions set out in national planning guidance. This will be provided by the Strategic Planning and Growth Team with support from Legal and Democratic Services in order to administer the referendum process.

8.3 The Council will be eligible to claim up to £30,000 of government support to take forward the Flixton Neighbourhood Plan in the following instalments:

- £5,000 following the designation of the Neighbourhood Area, recognising the officer time supporting and advising the community to this point;

- £5,000 following the designation of the Neighbourhood Forum, reflecting the additional work that the LPA needs to do to consider the proposed Forum and the boundaries for the Area;
- £20,000 can be claimed once a date has been set for the referendum following a successful examination, this is in part towards the cost of undertaking the referendum.

8.4 Based upon the Council's experience in relation to the examination and referendum of a Neighbourhood Plan it is anticipated that the funding available should be sufficient to meet the cost of the examination and referendum process. The only adopted Neighbourhood Plan in Trafford required two referendums to be held, one for businesses and one for residents. Therefore the associated referendum costs for the Flixton Neighbourhood Plan are likely to be less as only one referendum for residents will be required.

## 9.0 Next Steps

- 9.1 Following consideration of the application for the designation of the Area and the Flixton Neighbourhood Forum, the Council must publicise its decision on its website and by way of press release.
- 9.2 Should the Neighbourhood Area and Forum be designated, an application will be made to MHCLG for the initial payments to cover the costs of designation (£10,000). The Forum will then start to prepare the consultation draft Plan for Flixton, with the Council providing support in accordance with its Statement of Community Involvement 2020. At the present time there is no timetable for the production of the Plan. A timetable is expected to be produced following the designation of the Neighbourhood Plan Area and Forum, however some key milestones in the preparation of the Plan are set out below:

- **Pre-Submission consultation** (Six week consultation period carried out by the Forum prior to submitting the Plan to the Council)
- **Preparation of submission Plan to the Council** (Responsibility of the Forum with support from the Council)
- **Formal Submission of the Plan to the Council** (Six week formal consultation period carried out by the Council before it is submitted for Examination)
- **Independent Examination** (Responsibility of the Council to appoint the Examiner and oversee the Examination process)
- **Referendum** (Responsibility of the Council)
- **Formal Adoption of the Plan** (Responsibility of the Council)

### Other Options

The other option is for the Executive to reject the application and identify reasons for making that decision to inform preparation of a statement of reasons. However taking into account that the proposed Neighbourhood Area and the proposed Neighbourhood Forum meet the requirements of the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 this is not considered to be a realistic option.

### Consultation

Details of the consultation carried out to date are set out in section 1 of the report. Further public consultation will take place as the Plan progresses through to Examination.

**Reasons for Recommendation**

Neighbourhood planning guidance states that LPAs should consider the following matters in making their decision:

- Is the Plan Area applied for considered appropriate;
- Is the Forum appropriately constituted and contains a core of 21 people that are representative of the proposed Plan Area.

It is considered that both of these matters have been adequately addressed in the application and that the proposed Neighbourhood Area and Neighbourhood Forum meet the requirements of the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012. Therefore both the Flixton Neighbourhood Area and Flixton Neighbourhood Forum should be designated.

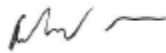
**Key Decision:** Yes

**If Key Decision, has 28-day notice been given?** Yes

**Finance Officer Clearance** *(type in initials)...*PC.....

**Legal Officer Clearance** *(type in initials)...*TR.....

**[CORPORATE] DIRECTOR'S SIGNATURE** *(electronic)*



To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.