

## TRAFFORD COUNCIL

**Report to:** Executive  
**Date:** 28 July 2014  
**Report for:** Decision  
**Report of:** Executive Member for Economic Growth and Planning

### Report Title

**Altrincham Town Centre Business Neighbourhood Plan – Decision on the proposed Plan Boundary and Forum submission.**

### Summary

This report details the application made by the shadow Altrincham Town Centre Business Neighbourhood Plan Forum 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.

### Recommendation(s)

That the Executive approves the application to designate:

1. The Altrincham Town Centre Business Neighbourhood Plan Area (as detailed in Appendix 1) as a Neighbourhood Area, in line with the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 and;
2. The Altrincham Town Centre Business Neighbourhood Plan Forum as a Neighbourhood Forum (as detailed in the business neighbourhood plan constitution attached at Appendix 2 of this report) 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: Rob Haslam (Head of Planning Services)  
Extension: 4788

### **Background Papers:**

None

<p>Relationship to Policy Framework/Corporate Priorities</p>	<p>Upon adoption, the Altrincham Business Neighbourhood Plan would form part of the Trafford Development Plan. As such, it would contribute to a number of Corporate Priorities, in particular: Economic Growth and Development; Safe Place to Live - Fighting Crime; Services Focussed on the Most Vulnerable People.</p>
<p>Financial Implications</p>	<p>As set out in section 9, the role of the Council in the preparation of the Altrincham Business Neighbourhood Plan will be funded, in part, from funding secured from CLG, particularly in relation to officer support, consultation, the independent examination and the referenda.</p> <p>Following approval of the Area and Forum, the Council can apply for the initial £10,000 of CLG support. The preparation of the first draft will be carried out by the local community with support from Council officers as “critical friends”, which would be delivered within the existing Strategic Planning budget, within the EGP Directorate’s overall budget.</p>
<p>Legal Implications:</p>	<p>The Plan 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 expired (5 years), or has been withdrawn.</p> <p>Furthermore, legal advice was received in relation to the need for the Council to be satisfied as to both the content and production timetable of the Plan, given the importance of Altrincham in delivering the borough’s overall strategy. There is not considered to be sufficient evidence to suggest that this is not the case. As such, there are not considered to be any legitimate reasons for not designating the Forum or the Area.</p> <p>Clearly should the Forum decide at some point in the future to either NOT proceed with the Plan, or</p>

	to change its scope, the Council will need to take on the responsibility of preparing the necessary land use planning policies for Altrincham within its land allocations plan.
Equality/Diversity Implications	The Core Strategy Equality Impact Assessment is considered to be compatible to the work to be carried out for the Neighbourhood Plan on the basis that the purpose of the Neighbourhood Plan is to deliver a number of the objectives and policies of the Core Strategy.
Sustainability Implications	The main strategic objective of the Neighbourhood Plan would be the same as the objectives of the Trafford Core Strategy which was found to be sustainable.
Staffing/E-Government/Asset Management Implications	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 and Development Management function. If the Plan is not progressed in a timely manner to coincide with the production of the Land Allocations Plan, there is a risk that it may undermine the delivery of the Trafford Core Strategy with implications for the delivery of the Council's borough wide Land Allocations Plan.
Health and Safety Implications	None.

## 1.0 Background

- 1.1 At its meeting on 18 December 2013, the Altrincham Town Centre Business Neighbourhood Shadow Forum, "the Forum" agreed to progress with an application to the Council for the formal designation of both the Business Neighbourhood Area and the Business Neighbourhood Forum
- 1.2 The application was received by the local planning authority on 07 January 2014. The documents relating to the application were placed on the Council's website and were made available at the Altrincham Forward Office and Altrincham Library. A statutory notice was placed in the MEN, together with a note for the Messenger Group and a general press release advertising the formal public consultation period.
- 1.3 The 6 week consultation period has now closed, and the comments received have been collated and summarised in Appendix 3 of this report. The next step is for the Council Executive to make a formal decision in relation to the designation of the Forum and the Plan Area.

## 2.0 The Proposed Business Neighbourhood Plan Forum

A total of 69 applications were received to join the Forum, these include businesses, residents and elected members. A list of all those who applied to be on the Forum can be found in Appendix 2 of the Written Constitution of the proposed Neighbourhood Forum (Appendix 2 of this report). Tony Collier (Managing Partner at Milner Boardman and Altrincham Forward board member) was elected as Forum Chair through a democratic voting process.

2.1 A smaller, more manageable Working Group of 12 members (chaired by Mike Shields, retired) has been tasked by the Forum with driving forward the preparation of the proposed Business Neighbourhood Plan.

2.2 To date four Shadow Forum meetings have been held together with a number of working group meetings, the outcomes of which are discussed later in this report.

### **3.0 The Proposed Business Neighbourhood Plan Area**

3.1 The proposed area for the Plan, illustrated in Appendix 1, is predominantly business in nature and as such the Forum identified that the neighbourhood plan should be a "Business Neighbourhood Plan". This approach would allow both residents and business rate payers the opportunity to vote in the referendum at the end of the plan preparation process.

3.2 The proposed boundary embraces the existing town centre and its immediate environs reflecting the extent of the office and commercial areas and also incorporates some of Altrincham's key opportunity sites. The boundary was arrived at by the Forum, following the consideration of a number of alternative options.

### **4.0 Responses to the Public Consultation in relation to the application**

4.1 Seven responses have been received to the consultation; in summary the main issues raised were:

- Restrictions and lack of flexibility relating to Forum membership;
- The level of consultation relating to advertising the intention to prepare a Business Neighbourhood Plan;
- The level of consultation relating to the application to designate the Plan area and the forum;
- The need to extend the boundary to both the South and North of the town centre.

4.2 Further details can be found in Appendix 3, together with a proposed response to the issues raised.

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

5.1 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 it is considered an appropriate neighbourhood area
3. A Statement that the organisation making the application is a relevant body.

5.2 In determining the application, the Council must consider:

1. How desirable 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 neighbourhood areas must not overlap.
3. Whether the area is wholly or predominantly business in nature for designation as a business neighbourhood area.

5.3 Although the area excludes large areas of residential properties on the edge of the Town Centre, it is considered that the plan boundary is appropriate for the purpose of preparing a business neighbourhood plan for Altrincham. It should be noted, however, that the Forum is proposing to request that the independent examiner recommends that the

Council should open up the referendum to a wider population than just those living and working within the plan area. Such an approach, if recommended by the independent examiner, would address a number of the concerns raised in the consultation responses.

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

6.1 In line with the regulations, the Council must be satisfied that the application received meets specific criteria including:

- The name of the proposed neighbourhood forum
- Its written constitution
- The name of the neighbourhood area to which the application relates
- A map which identifies the area
- Contact details of at least one member that can be made public

6.2 In deciding on designation, the Council must be satisfied that the forum, organisation or body has taken reasonable steps to secure a membership inclusive of residents, businesses and elected members and that its purpose seeks to promote and improve the social, economic and environmental well-being of Altrincham town centre.

6.3 Additionally, the Council must designate only one organisation or body as a neighbourhood forum for a neighbourhood area.

6.4 It is considered that the Forum has met these requirements, subject to the minor change to the constitution set out in Appendix 3.

## **7.0 The Scope of the Proposed Business Neighbourhood Plan for Altrincham Town Centre**

7.1 Originally it was anticipated that policies relating to Altrincham town centre would be included within the Council's emerging Local Plan: Land Allocations' Plan, similar to those covering Sale, Stretford and Urmston Town Centres. Subsequently, and at the point that it became apparent that there was a real desire to prepare to a Neighbourhood Plan for Altrincham Town Centre, this approach was reviewed and the emerging draft Land Allocations' Plan does not contain site specific allocations relating to the Altrincham Town Centre. Instead, it contains a statement defining the proposed content of the anticipated Altrincham Business Neighbourhood Plan. As such it is anticipated that the plan will provide policy guidance in relation to the following matters:

- The primary shopping area;
- Primary and secondary shopping frontages;
- Town centre boundary;
- Town centre "quarters";
- Key development sites such as the Altair Site and the "former" hospital site;
- The provision of new residential development with the centre;
- Public realm enhancements;
- Design guidance;
- Transportation links.

7.2 Although the Forum has yet to formally consult on the proposed content of the plan, early indications from the working group suggest that the Forum will be looking to produce a comprehensive plan covering all matters outlined above.

7.3 It will be important for the Council monitor this situation over the coming months, because, following legal advice, the Council needs to be satisfied that all key policy areas are

covered in either the neighbourhood plan or the emerging Trafford Local Plan: Land Allocations Plan. The need for this stems from the fact that Altrincham is the borough's Principal Town Centre and that the Core Strategy anticipates that it will play a vital role in the delivery of the Council's overall spatial strategy up to 2026. Should the neighbourhood plan emerge in a form which lacks key policy areas, a decision will need to be made as to whether these should be included within the next draft of the Trafford Local Plan: Land Allocations, currently anticipated for publication in the autumn.

## **8.0 The Skills and Resources Available to the Proposed Business Neighbourhood Forum to Produce the Plan**

- 8.1 Over the past few months the working group has been identifying the skills, tasks and resources required to produce a business neighbourhood plan. In so doing, it has approached all forum members to establish what support they can offer in the delivery of the plan and it has begun exploring a number of funding opportunities.
- 8.2 An element of this work has included an assessment of need for new empirical evidence to support the plan through to its independent examination together with establishing the cost of effective public consultation.
- 8.3 The Business Neighbourhood Plan Working Group has reviewed the outcomes of this work. In terms of the need for new empirical evidence, the group concluded that a great deal of evidence already exists to support the plan however it has still not ruled out the need for new evidence to be produced. In terms of skills within the Forum, the Working Group has concluded that a number of Forum members have appropriate skills and experience for the production of a neighbourhood plan. However, it did identify two key gaps; firstly, the services of a part time external project manager are considered essential, which the Working Group estimates would cost approximately £35k and; secondly the Working Group considers that a similar amount of money will be required to secure necessary professional assistance to draft the plan.
- 8.4 In addition to these skills, the Working Group considers that an additional £35k will be required to deliver an effective consultation programme. Therefore, in total, the Working Group considers that the total cost of the Plan will be £100K. more than provided by CLG funding sources.
- 8.5 To date the Forum has sourced up to approximately £35k towards this total figure. This is derived from:
- A Locality grant of up to £7k
  - Locality Direct (officer) Support up to £9.5k.
  - Other funding streams of approximately £5k
  - Anticipated pledges from key businesses and developers in the Plan Area of up to £10K.
- 8.6 Additional funding is available to the Council, however, it should be noted that this is designed to meet the costs incurred by the Council as a result of the "additional burden" placed on it by the introduction of localism and through its duty to support communities in the preparation of neighbourhood plans.
- 8.7 At its meeting on 04 June 2014, the Forum voted to proceed with the production of the Plan, despite the level of funding secured for the project to date. In the event that the Forum is unable to secure the funds that it considers necessary to produce the Neighbourhood Plan views were expressed at the meeting that the scope and content of the plan may need to be adjusted accordingly. In view of this, officers of the Council will

monitor the contents of the plan and its timetable for production, given the importance of the town centre in delivering the Core Strategy's Vision. Dependent upon the outcome of this monitoring, it may be necessary to include certain additional policies within future iterations of the Trafford Local Plan: Land Allocations.

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

- 9.1 Whilst the Neighbourhood Forum will be responsible for leading the preparation of the Neighbourhood Plan, the Local Planning Authority is obliged by law to help prepare and administer the process, if requested to do so.
- 9.2 The Council is required to assist in the designation of the area, the formalisation of the Board, the preparation of the document, consulting upon the submitted plan, its Examination process and its adoption, unless this can be procured from elsewhere. It will be vital for the Council to play an active role in the process in order to ensure that the Plan meets the basic conditions set out in national planning guidance. Staff from legal and democratic services will also be required to compile the list of eligible domestic and non-domestic rate payers for the referendums and to administer the process.
- 9.3 In respect of this application, Trafford Council will be eligible to claim up to £45,000 of government support in the following instalments:
- £5,000 following the designation of a 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 forum and the proposed boundaries of the area;
  - £5,000 upon publication of the Neighbourhood Plan, prior to examination;
  - £20,000 will be paid on successful completion of the neighbourhood planning examination, in part to pay for the examination and in part towards the costs of undertaking a referendum.
  - £10,000 towards the costs of running the second referendum required because business neighbourhood plans require two referendums.
- 9.4 It is acknowledged that this funding will go some way towards the costs likely to be incurred by the Council, however, they are unlikely to cover all the costs; it is likely that the Examination alone could cost upwards of £15K (based on the costs of administering other Examinations in Trafford) .
- 9.5 Additionally, because it is unclear how many residents and business properties would be involved and whether its timing would coincide with an existing election ballot, it is difficult to quantify the total cost of the referenda precisely. However, based on current election costs and assuming a postal ballot arrangement, it is likely that each ballot form would cost between £1.50 and £2.00 to produce and administer. It should be noted that the estimated costs of undertaking the Examination and referendums do not make an allowance for the costs associated with officer time in undertaking these tasks.
- 9.6 Therefore, although some districts have made a proportion of these monies available to local communities, there is no obligation on the Council to do so. Instead, central government anticipates that the majority of the funding for the production of these types of plans will come from within the community and from funding sources, such as those within Locality. Notwithstanding this, should the Business Neighbourhood Area and Forum be designated, officers of the Council will prepare a Service Level Agreement (SLA) to be agreed with the Forum to formalise the level of support that the Forum can expect from the Council.

## **10.0 Next Steps**

10.1 Following consideration of the application for the designation of the area and the Altrincham Town Centre Business Neighbourhood Plan Forum, the Council must publicise its decision on its website and by way of a press release.

10.2 Should the Business Neighbourhood Area and Forum be designated, an application will be made to CLG for the initial payments, to cover the costs of designation (£10,000). Similarly, the Forum will apply to draw down £7,000 grant funding together with Locality Direct Support offered to qualifying groups. At this point in time an SLA will be agreed with the Business Neighbourhood Forum. The Forum will then begin to prepare the consultation draft Plan for Altrincham, with the Council providing support in accordance with the SLA. Currently, the Forum anticipates that the first consultation material will be available in autumn 2014, to coincide with the next iteration of the Land Allocations Plan.

### **Other Options**

Two options exist in relation to the application to designate the Forum and the Area, i.e. the Council could either reject or approve the application. In respect of the first option, it is considered that the application has been prepared in accordance with the regulations; uncertainties over delivery of the Plan are not considered sufficient grounds to reject the application.

### **Consultation**

The details of the consultation to date on this matter are set out in the main body of the report. Further public consultation will take place as the plan progresses through to examination.

### **Reasons for Recommendation**

Guidance is such that LPAs should consider the two following matters in making their decision:

- Is the plan boundary appropriate (we might recommend changes if there is serious representation)
- 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 these matters have been adequately addressed in the application. It should be noted that guidance does not consider an assessment of a Forum's skills to be necessary in determining this type of application.

Whilst there is no specific timeframe within which to determine these types of applications, the Council is expected to do so as soon as is practicable. Therefore it is considered that the decision can be made to allow both the Council and the Forum to draw down funding and that from CLG.

**Key Decision:** Yes

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

**Finance Officer Clearance** PC

**Legal Officer Clearance** JLF



**CORPORATE DIRECTOR'S SIGNATURE**

*Adrian Sured*

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