

## TRAFFORD COUNCIL

**Report to:** Executive/Council  
**Date:** 27<sup>th</sup> and 29<sup>th</sup> November 2017  
**Report for:** Decision  
**Report of:** Executive Member for Housing and Strategic Planning

### Report Title

**Altrincham Town Centre Neighbourhood Business Plan – Regulations 19 and 20 – Decision on the plan proposal and publicising the Plan**

### Summary

**This report provides a summary of the outcome of the residential and business referendums, which were held on 19<sup>th</sup> October 2017, in relation to the Altrincham Town Centre Neighbourhood Business Plan (ATCNBP).**

**The report also sets out the steps which the Council must take in relation to the ATCNBP and the status that the ATCNBP will have following its adoption**

### Recommendation(s)

It is recommended that the Executive:

1. Bring into force (ie. "Make") the ATCNBP (See Appendix 2) and;
2. Submit the ATCNBP to Council for it to be adopted as part of the Development Plan for Trafford pursuant to the provisions of section 38 (A) (4) of the 2004 Act.

It is recommended that the Council:

1. Adopt the ATCNBP as part of the Development Plan for Trafford pursuant to the provisions of section 38 (A) (4) of the 2004 Act.
2. Approve that, in line with the Neighbourhood Planning Regulations, the decision statement (see Appendix 3) and the ATCNBP be published on the Council's website and brought to the attention of people who live, work or carry out business in the neighbourhood area.
3. Approve that, in line with the Neighbourhood Planning Regulations, the decision statement and details of how to view the ATCNBP be sent to the qualifying body (The Altrincham Town Centre Neighbourhood Business Forum) and any person who asked to be notified of the decision.

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

Name: Clare Taylor-Russell (Strategic Planning and Growth Manager)  
Extension: 4496

Background Papers: None

Relationship to Policy Framework/Corporate Priorities	Upon adoption, the Altrincham Town Centre Neighbourhood Business Plan (ATCNBP) forms part of the Trafford Development Plan. As such, it contributes to a number of Corporate Priorities, in particular: Economic Growth and Development; Safe Place to Live - Fighting Crime; Services Focused on the Most Vulnerable People.
Financial	The Council is eligible for financial assistance from the government at various stages of neighbourhood Plan preparation. The Council has already drawn down £10,000 of funding for the designation of the Area and the Forum. The Council will also be claiming a further £30,000 of government funding (i.e. "additional burdens" grant) which it is now eligible for.
Legal Implications:	<p>The ATCNBP and the Forum have been proposed in accordance with the requirements of the Neighbourhood Planning Regulations (2012). As part of the Trafford Development Plan, planning decisions must be taken in accordance with the ATCNBP unless material considerations indicate otherwise.</p> <p>As with any planning decision there is a risk of legal challenge to the plan and/or judicial review of the Council's decision to 'make' the plan. The risk is being managed by making sure that the 2012 Neighbourhood Planning Regulations are followed.</p>
Equality/Diversity Implications	The Core Strategy Equality Impact Assessment is considered to be relevant to the Neighbourhood Plan on the basis that the purpose of the ATCNBP is to deliver a number of the objectives and policies of the Core Strategy.
Sustainability Implications	A Strategic Environmental Assessment (SEA) has been carried out on the ATCNBP which found the main policies of the Neighbourhood Plan to be sustainable.
Resource Implications e.g. Staffing / ICT / Assets	<p>The ATCNBP allocates two Council owned sites:</p> <ul style="list-style-type: none"> <li>• Site of Altrincham Leisure Centre (once the new centre is developed as part of the Altair scheme), and adjoining land between Oakfield Road and the railway; for a combination of leisure uses, residential, offices and car parking;</li> <li>• The redevelopment of the Regent Road frontage and adjoining public car park to complete the commercial (Mixed use with Ground Floor Active Frontage) development of Regent Road and its corner with New Street and provide increased</li> </ul>

	<p>short stay car parking with improved pedestrian access via Kings Court to Railway Street and the new hospital.</p> <p>The ATCNBP has been prepared by the Neighbourhood Forum with ongoing support from Council Officers within the Strategic Planning and Growth Team. The referendum process has been carried out by Council officers within Democratic Services along with officers within Strategic Planning and Growth.</p> <p>The Plan and supporting documents are available to view via the Council's website.</p>
Risk Management Implications	The ATCNBP will be a key document that supports the Council's Core Strategy and Development Management function.
Health & Wellbeing Implications	None
Health and Safety Implications	None

## 1.0 Background

- 1.1 Under the Town and Country Planning Act 1990 (as amended), and the Localism Act 2011, the Council has a statutory duty to assist communities in the preparation of Neighbourhood Development Plans and to take Plans through a process of examination and referendum(s).
- 1.2 The Altrincham Town Centre Neighbourhood Business Forum was formally designated by the Council on the 28th July 2014, for a period of five years, as the qualifying body to prepare the Altrincham Town Centre Neighbourhood Business Plan (ATCNBP). The Council also designated the proposed ATCNBP area at the same time as the Forum. The designated Plan area is attached as Appendix 1.
- 1.3 Following three previous rounds of public consultation, which took place between the autumn of 2014 and the winter of 2015/16, and under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012; the Forum formally submitted the ATCNBP, along with the required supporting documentation to the Council on 30th June 2016

## 2.0 Publicising the Submitted ATCNBP

- 2.1 In accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 the Council carried out a formal six week consultation on the submitted Plan between 30th August and 11th October 2016. The ATCNBP and all of the supporting documents were made available on the Council's website and at all Trafford's libraries and Access Trafford points.
- 2.2 All of the consultees included within the consultation statement submitted with the ATCNBP were notified of the Regulation 16 consultation and a total of 15 responses were received by the Council during the consultation period.

### **3.0 Independent Examination**

- 3.1 Following the close of the consultation period the Council appointed an independent Examiner, in order to examine whether the ATCNBP meets the necessary basic conditions set out within the legislation and whether (or not) it should proceed to referendum. The Council submitted the ATCNBP to the Examiner along with the required supporting documents, including the Forum's consultation statement and all of the responses received to the Regulation 16 consultation.
- 3.2 The Examiner, having reviewed the representations made to the Regulation 16 consultation, concluded that it would not be necessary to hold a formal hearing into the ATCNBP and the final Examiner's report setting out the proposed modifications was received on 26<sup>th</sup> January 2017.
- 3.3 In summary, the Examiner concluded that, subject to the modifications set out in her report, the ATCNBP meets the Basic Conditions and should proceed to referendum.
- 3.4 On 26<sup>th</sup> June 2017 Executive made the decision to accept the Examiner's report and the Examiner's proposed modifications. The Executive agreed that the Plan, as modified, should proceed to referendum with one for businesses and one for residents. Additionally, the Executive agreed with the Examiner that the boundary for the purpose of holding the referendums should be that of the Neighbourhood Plan Area (as amended by the Examiner).
- 3.5 Full details of the Examiner's modifications and issues raised by the Forum, in relation to the referendum boundary, following the receipt of the Examiner's report can be found within the Executive report dated 26<sup>th</sup> June 2017

### **4.0 Referendum Results**

- 4.1 Following Executive approval in June 2017 and in accordance with the Neighbourhood Planning (Referendums) (Amendment) Regulations, the referendum date was set for 19<sup>th</sup> October 2017. Those voting in the referendums were asked the question: "Do you want Trafford Council to use the neighbourhood plan for Altrincham to help it decide planning applications in the neighbourhood area?"
- 4.2 At the business referendum 45 businesses voted Yes (95.7% of those voting) and 2 voted No (4.3% of those voting), 1 ballot paper was rejected. Turnout was 46.1% of those businesses registered and therefore eligible to vote.
- 4.3 In the residents referendum 148 residents voted Yes (84.6% of those voting) and 27 voted No (15.4% of those voting), 0 ballot papers were rejected. Turnout was 14.7%.

#### Status of the ATCNBP following the Referendum

- 4.4 As more than half of those voting in both the residential and business referendums voted 'yes' then the Plan must be 'made' (brought into force) by the Local Planning Authority meaning that the ATCNBP forms part of the Statutory Development Plan for Trafford. Planning decisions within the Neighbourhood Plan area will need to be made in accordance with the Local Plan unless material considerations indicate otherwise.

#### Status of the Neighbourhood Forum

- 4.5 The Designated Neighbourhood Forum is a statutory consultee and will be consulted as appropriate on planning applications. It is understood that the Forum is considering how it could be involved in, and support, implementation of the ATCNBP in the future. For example, the Forum has previously provided consultation responses in relation to a number of planning applications within the ATCNBP area and it is possible that it would continue to provide similar comments to the Council's Planning and Development Service.

#### Other Options

Once a neighbourhood plan has been supported by the majority of those voting in the referendum the Council is obliged to proceed to 'make' the plan under section 38 (A)(4) of the Planning and Compulsory Purchase Act, 2004.

The Council is not subject to this duty if the making of the plan would breach, or otherwise be incompatible with, any EU obligation or any of the convention rights. It is not considered that the ATCNBP breaches or would otherwise be incompatible with these conventions or obligations. Therefore to take any other option, than to 'make' the ATCNBP so that it will form part of the Development Plan for Trafford, would be contrary to Regulations.

#### Consultation

The ATCNBP has been the subject of a number of previous consultations but there are no further requirements for public consultation. However as soon as possible after deciding to make a neighbourhood development plan under section 38 A (4) of the 2004 Act the Local Planning Authority must publish on their website or in such other manner as they consider is likely to bring the decision to the attention of people who live, work or carry on business in the neighbourhood area a statement setting out the decision and the reasons for making that decision and publish on the website the final neighbourhood development plan along with details of where the plan can be inspected. This notice can be found at Appendix 3 of this report. In addition the LPA must notify any person who asked to be notified of the making of the neighbourhood development plan.

#### Reasons for Recommendation

Trafford's Executive is responsible for making the decision in respect of the referendum results. However, Trafford Council is the responsible decision making body for adopting Development Plan documents, therefore the Executive is being requested to recommend to the Council that it adopts the ATCNBP as part of the Trafford Development Plan.

The ATCNBP has been subject to two referendums and this resulted in a 'yes' vote from more than half of those voting in both the business and residential referendums. The Council is therefore obliged to 'make' the plan under section 38 (A) (4) of the Planning and Compulsory Purchase Act 2004. To make the decision not to 'make' and/or adopt the plan would be contrary to the Neighbourhood Planning (General) (Amendment) Regulations 2015. The Council could be subject to legal challenge in the form of a Judicial Review should it decide not to 'make' the Plan as over half of those voting in the referendum voted 'yes'.

**Key Decision:** Yes

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

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

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

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

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