

Neighbourhood *Planning*



Guidance note on Neighbourhood Area applications

What is a Neighbourhood Area?

A Neighbourhood Area is the geographic area that a Neighbourhood Plan, Neighbourhood Development Order or Community Right to Build Order will cover.

What is the application process for a Neighbourhood Area?

Application by the Parish or Town Council or relevant body

An application is made by the relevant body (a Parish or Town Council in parished areas or a Neighbourhood Forum in unparished areas) and submitted to the Local Planning Authority.

Applications for Neighbourhood Areas for Community Right to Build Orders can also be made by community organisations, as long as the organisation meets certain conditions.



Validation and consultation by the Local Planning Authority

Where a valid application has been made, the Local Planning Authority advertises the application for six weeks and invites comments from people who live, work or carry on business in the area, and other organisations.

In cases where the proposed neighbourhood area is the same as a parish boundary, consultation is not required.



Decision

The Local Planning Authority can either: designate an area; refuse to designate an area (and provide reasons for this), or modify designations already made (with the Parishes' consent).

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The decision and map of designated areas will be published on the Neighbourhood Planning page of the Cheshire West and Chester Council website.

What does a Neighbourhood Area application have to contain?

A Neighbourhood Area application is made under Regulation 5 of the Neighbourhood Planning (General) Regulations 2012 must contain the following information:

- a) A map showing the proposed neighbourhood area;
- b) A statement explaining why this is an appropriate area to be used for neighbourhood planning; and
- c) Confirmation that the organisation or body making the application is a 'relevant body' as defined in legislation. (A relevant body is either a town or parish council, or a neighbourhood forum in unparished areas).

The following sections identify what we would expect to see within a Neighbourhood Area application to avoid delays in determining applications. The information provided in the application will be published on the Cheshire West and Chester Council website.

The application should clearly state

- The contact details of the applicant. For a Parish or Town Council this should be the clerk to the Council as well as the lead on Neighbourhood Planning and for a Neighbourhood Forum this could be the secretary or chairperson. In circumstances where more than one parish is involved then additional contact details for the clerk and key contacts should also be supplied.
- Information about the designation of the Neighbourhood Forum, if relevant.
- The name by which you would like the Neighbourhood Area to be known.
- Whether the intention is to prepare a Neighbourhood Development Plan, Neighbourhood Development Order and / or Community Right to Build Order.

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- The extent of the Neighbourhood Area (see sections 1 and 2 below) (whole parish area, part of area; joint neighbouring parish; un-parished area and extent).
- If the Neighbourhood Area covers more than one Parish, the lead parish should be clearly identified. Agreement must be sought from the other Parish Councils involved and confirmation of this consent should be provided. Details of the Parish Council meeting/s where these arrangements were agreed should be provided where possible.
- Statement explaining why the area is considered appropriate to be designated a Neighbourhood Area.
- Signature of applicant and date application made.

The application should be made using the '[Application to designate a Neighbourhood Area](#)' form, which is available in the toolkit section of the Cheshire West and Chester Neighbourhood Planning webpage.

Applications for neighbourhood areas for Community Right to Build Orders require additional information to be submitted, particularly in relation to the community organisation and its members and constitution. The community organisation must meet the requirements set out in section 61G and Schedule 4C of the Town and Country Planning Act 1990 (as amended) and in regulation 5(C) and regulation 13 of the Neighbourhood Planning (General) Regulations 2012.

Applications for neighbourhood areas for Community Right to Build Orders should be made using the '[Application to designate a Neighbourhood Area for a Community Right to Build Order](#)' form, which is also available in the toolkit section of the webpage.

Copies of the application forms can also be obtained by contacting neighbourhoodplanning@cheshirewestandchester.gov.uk or 01244 973887.

The form can be completed electronically or by hand, but does need to include signatures. The form can be emailed to neighbourhoodplanning@

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cheshirewestandchester.gov.uk or posted to Planning Policy team, Cheshire West and Chester Council, 4 Civic Way, Ellesmere Port, CH65 0BE.

1. Map

This should be on an Ordnance Survey base and to an appropriate scale so that to anyone who reads the application it is clear where the boundary lies and what area of land lies within and outside the application boundary. The boundary of relevant Parish Councils should also be shown on the map, so it is easy to identify whether the Neighbourhood Area follows the Parish Council boundary.

2. Explanation of why the area is appropriate

Unless it follows a parish boundary, the application will be advertised by the Council and we will be inviting those people who live, work or carry on businesses in the area to make comments on the application. The consultation (if required) will be for a period of six weeks from the first advert.

The Localism Act indicates that the Neighbourhood Area:

- a) in the case of an application by a parish council, must be one that consists of or includes the whole or any part of the area of the council, and
- b) in the case of an application by another organisation or body, must not include any part of a parished area (this does not apply to applications for neighbourhood areas for Community Right to Build).

The Local Authority will consider whether the area being applied for is appropriate and in doing so will look to see if it is coherent and consistent.

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The Neighbourhood Plans Roadmap Guide prepared by Locality suggests that careful thought needs to be given to the question of ‘what is the local neighbourhood?’ It also states that a useful technique can be to identify a ‘definite’ core area and then to identify possible additional areas. The boundary could be based on an administrative boundary or could be one that is clearly defined by physical characteristics, such as roads, railways, or by the boundaries of a housing estate.

The boundary for a Community Right to Build Order should be the area that is to be improved by the Community Right to Build Order.

Questions to consider

In drafting this statement the relevant body may wish to consider the following questions which will help in responding to the questions of coherence, consistency, desirability and appropriateness:

- Why do you believe that this area is the appropriate Neighbourhood Area? You should focus on planning based reasons as to why the area is the most appropriate, and address (where appropriate) why, in planning terms the proposed area should be considered separately from any other area or areas.
- Are you looking for designation of your entire Parish; part of your Parish or a joint Neighbourhood Area with adjacent Parish? In un-parished areas, what boundary will you be working to; will it be the ward boundary, conservation area boundary etc?
- Is the boundary consistent with the current parish or town council boundary or ward? If not, why not? What are the main changes?
- Have there been any or are there any changes likely to be made to the current boundary of the Parish, Town Council or ward? How long has the current boundary stood? Are there any proposed changes to boundaries as part of a community governance review? If so, when is this likely to be introduced and how could it impact on the boundary of the area?

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- Has a parish plan or village design statement been prepared for the area? If so, area the boundaries consistent?
- Do you consider the area to be predominantly residential or business in nature or does it contain a mix of uses? Please note that if the area is wholly or predominantly business in nature the local planning authority may designate it a Business Area. Neighbourhood Plans in business areas follow the same process, but two referenda would be held, as businesses, as well as any residents, will have a right to vote.
- Has there been any formal resolution to undertake a Neighbourhood Plan for this area?
- Have any other Neighbourhood Area applications been made on the land or adjacent land? How does your application area relate to the other areas/applications? Please note that designated Neighbourhood Areas must not overlap.
- You may also wish to consider what issues may be covered in the Neighbourhood Plan as this may influence the proposed boundary (the issues will of course be confirmed through your public participation exercises).

Applications in non-parished areas

In non-parished areas, it is necessary to establish a Neighbourhood Forum for the purposes of neighbourhood planning.

Proposed Neighbourhood Forums will need to be designated by the local planning authority before commencing work. Normal practice would be to apply for the Neighbourhood Area first, then the Neighbourhood Forum. There is no legal reason why you cannot apply for both at the same time, but if the Neighbourhood Area is revised through the approval process it may be necessary to review the membership of the Neighbourhood Forum and resubmit it for designation.

Requirements for Neighbourhood Forums are set out in Section 61F (5-7) of Schedule 9 of the Localism Act 2011. A Neighbourhood Forum should be established for the express purpose of promoting or improving the social, economic and environmental well being of the area. Its membership should be open to individuals who live or work

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in the area and relevant elected members. It should include a minimum of 21 members and should have a written constitution.

A proposed Neighbourhood Forum can only submit a Neighbourhood Area application if the area does not include the whole or any part of a Parish Council area.

Applications for neighbourhood areas for Community Right to Build Orders

If there is an existing neighbourhood area for a Neighbourhood Plan covering the area, this must be used. If there is no existing neighbourhood area, the Parish Council or community group preparing the Community Right to Build Order can decide the boundary of the neighbourhood area.

The area can be large or small, for example it could contain a village, town centre, housing estate, employment area or a combination of these. Alternatively, it could be based on an administrative boundary such as a local ward. It must not overlap with any other neighbourhood area.

There can only be one neighbourhood area covering any site or area. As such, if it is likely that a neighbourhood plan will be prepared by the parish council (or neighbourhood forum in a non-parished area) in the future, the boundary of the neighbourhood area should be discussed with this group. Neighbourhood areas for Neighbourhood Plans usually cover a much wider area (usually the whole parish or ward).

Submitting comments on a Neighbourhood Area application

When an application has been made it will be advertised and details placed on the Councils web site. A period of six weeks will be available to make comments (except where a proposed Neighbourhood Area is the same as the Parish boundary, in which case this consultation is not required).

All comments should:

- be made within the six week period;
- be made in writing;
- provide a valid address and contact details including post code;

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- clearly identify which neighbourhood area the comment relates to;
- State whether they are supporting, objecting or commenting on the application.

It would also be helpful to us to know if you would wish to be consulted at future stages of preparation of the Neighbourhood Plan.

All comments received will be publically available.

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Designating a Neighbourhood Area

The Local Planning Authority will assess whether the proposed neighbourhood area is appropriate to be designated. The assessment will take account of the desirability of designating the whole of the area of a Parish Council and of maintaining the existing boundaries of areas already designated as Neighbourhood Areas. Any comments received on the proposed Neighbourhood Area will be taken into account.

The Local Planning Authority may refuse the application if the area is not considered to be appropriate. In determining an application the authority may modify designations already made, but if this relates to any area of a Parish Council, the modification may be made only with the Parish Council's consent.

The Local Planning Authority will publish the decision on the Neighbourhood Planning web page and will inform the Parish Council or Neighbourhood Forum. Details of the newly designated Neighbourhood Area, the name of the relevant body who applied for the designation and a map identifying the area will be published on the website. If the application is refused, the decision and the reasons for it will be published on the website.

If you would like any further information about Neighbourhood Areas or Neighbourhood Planning in general, please go to the Cheshire West and Chester Council Neighbourhood Planning web page at:

www.cheshirewestandchester.gov.uk/neighbourhoodplanning

or contact neighbourhoodplanning@cheshirewestandchester.gov.uk or 01244 973887.