

**Report to CABINET**

# **The New Chadderton Partnership and Chadderton Neighbourhood Area: determination of area and forum applications**

**Portfolio Holder:**

Councillor Roberts, Cabinet Member for Housing

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**Ext.** 1670

**28<sup>th</sup> February 2022**

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## **Reason for Decision**

To approve the decision to 1.) designate Chadderton neighbourhood area (comprising Chadderton South, Chadderton North and Chadderton Central wards) and to 2.) designate The New Chadderton Partnership as a neighbourhood forum in accordance with the Town and Country Planning Act 1990 (the Act) and the Neighbourhood Planning (General) Regulations 2012 (the Regulations); and to 3.) publicise those designations. This will allow The New Chadderton Partnership forum to begin to prepare a neighbourhood plan for the neighbourhood area of Chadderton (and / or a neighbourhood development order).

## **Recommendations**

It is recommended to 1.) designate Chadderton (comprising Chadderton South, Chadderton North and Chadderton Central wards) as a neighbourhood area and to 2.) designate The New Chadderton Partnership as a neighbourhood forum and to 3.) publicise those designations.

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**The New Chadderton Partnership and Chadderton Neighbourhood Area: determination of area and forum applications****1 Background**

- 1.1 The Council received an application for the designation of “The New Chadderton Partnership” forum and an application to designate the Chadderton neighbourhood area (comprising Chadderton North, Chadderton Central and Chadderton South wards).
- 1.2 Having a neighbourhood area and forum designation will mean that The New Chadderton Partnership can begin to prepare a Neighbourhood Plan for the neighbourhood area of Chadderton or a Neighbourhood Development Order for a specific part of the neighbourhood area.
- 1.3 A Neighbourhood Plan should support the strategic development needs set out in the Local Plan and must address the development and use of land, but it can allow bespoke policies to be prepared that address specific planning issues within the neighbourhood area.
- 1.4 The Localism Act has also given communities the ability to grant planning permission through Neighbourhood Development Orders (NDOs). A NDO can grant planning permission for specific types of development in a specific neighbourhood area. An NDO can:
  - Apply to a specific site, sites, or wider geographical area;
  - Grant planning permission for a certain type or types of development; and
  - Grant planning permission outright or subject to conditions.
- 1.5 An NDO can be used to permit:
  - Building operations (e.g. structural alterations, construction, demolition or other works carried out by a builder);
  - Material changes of use of land and buildings; and/or
  - Engineering operations.
- 1.6 The Neighbourhood Forum would be required to publicly consult with all residents within the neighbourhood area on any proposed Neighbourhood Plan or NDO, and both would also be considered by Oldham Council before being examined by an independent Plan Examiner.
- 1.7 Should the neighbourhood forum be designated for the area, no other organisation or body can be designated for the area until that designation expires or is withdrawn.
- 1.8 The current area and forum applications followed on from those consulted upon between 17 July and 28 August 2020. The previous application was refused on a technical matter in that the membership of the proposed forum failed to have enough members that live, work, or are elected members within Chadderton as required by the Neighbourhood Planning (General) Regulations (2012). This issue has been addressed and the forum membership meets the necessary requirements of the 2012 Regulations (see paragraph 1.3 below). In addition, there are now new members on the forum, in particular from Chadderton North, who are also keen to help prepare the Neighbourhood Plan.
- 1.9 The neighbourhood area application meets all the requirements identified in regulation 5 of the Neighbourhood Planning (General) Regulations (2012). This states that a

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submission for an area application to the local planning authority (LPA) by a relevant body must include:

- a map which identifies the area to which the area application relates;
- a statement explaining why the area is considered appropriate to be designated as a neighbourhood area; and
- a statement that the organisation or body making the application is a relevant body.

- 1.10 Section 61G of the Town and Country Planning Act 1990 (inserted by the Localism Act 2011) includes within the definition of a relevant body “an organisation or body which is, or is capable of being, designated as a neighbourhood forum (on the assumption that, for this purpose, the specified area is designated as a neighbourhood area).” The New Chadderton Partnership forum application sets out how the forum is a “relevant body” (see below).
- 1.11 A map and statement explaining why the area is considered appropriate to be designated as a neighbourhood area was provided.
- 1.12 The area application states that the neighbourhood area applied for includes the centre, residential and employment areas as well as open land and smaller settlements of Chadderton Heights and Healds Green. Although this is a large area there is nothing in the legislation to prevent its selection and it is worth noting that neighbourhoods of a similar size have been approved elsewhere both locally and nationally. It is considered appropriate to include the whole of Chadderton since local residents have a strong affinity with the area which historically was an urban district in its own right. The application acknowledges that across the neighbourhood area there are many different communities, which will have different priorities that will need to be accommodated in the neighbourhood plan.
- 1.13 The forum application was considered to meet all the requirements as identified in regulation 8 of the Neighbourhood Planning Regulations. This states that where an organisation or body submits a neighbourhood forum application to the LPA it must include:
- a) the name of the proposed neighbourhood forum;
  - b) a copy of the written constitution of the proposed neighbourhood forum;
  - c) the name of the neighbourhood area to which the application relates and a map which identifies the area;
  - d) the contact details of at least one member of the proposed neighbourhood forum to be made public under regulations 9 and 10; and
  - e) a statement which explains how the proposed neighbourhood forum meets the conditions contained in section 61F(5) of the Act.
- 1.14 The constitution makes clear that membership is open to people that work, live or are elected members for the neighbourhood area.
- 1.15 The Council is satisfied that the forum members contain people who fall into each category of section 61F- (5)(b) – that there are members that live, work or are elected members whose areas fall within the wards of the neighbourhood area. There are 59 forum members living within the Chadderton neighbourhood area, 5 elected members for the area applied for and 32 members stating they work in the area applied for (whilst this may seem high 30 of these forum members are also residents in any case). There are also two members whom whilst they do not reside in the neighbourhood area they are company owners of businesses operating within it, in accordance with section 61F (7)(i).

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- 1.16 The Council has mapped out the addresses of the forum members to ensure there is representation from different places in the Chadderton neighbourhood area. This mapping exercise shows that there are members across all three Chadderton wards.
- 1.17 The forum members include people from different age brackets (29 members 60+ years; 21 members 40-60 years; 11 members 20-40 years and one member age unknown).
- 1.18 There is a mixture of professions and members who are retired and a mixture of ethnicity groups.
- 1.19 The majority of members are White British but there are four members from BME / Chinese ethnicity groups.
- 1.20 The Council is therefore satisfied that membership is drawn from different sections of the community in accordance with section 61F (7) (ii).
- 1.21 The Council is also satisfied that the forum's purpose in general terms reflects the character of the area in accordance with section 61F (7) (iii). The forum application includes details of how the forum intends to promote or improve the social, economic and environmental wellbeing of the area for example exploring community gardens, promoting sustainable growth with zero carbon emissions and supporting local businesses. These purposes align with the character of Chadderton.
- 1.22 Under regulations 6 and 9 the Council was required to publicise the area and forum applications on the Council's website and in other appropriate ways to bring the applications to the attention of people who live, work or carry on business in the Chadderton Neighbourhood Area. Representations were invited for six weeks.

## 2 **Current Position**

- 2.1 Consultation on the area and forum applications took place between 29th November 2021 and 10th January 2022.
- 2.2 The applications were made available on the Council's website, Objective (consultation Portal), Chadderton Library and Rochdale Road reception.
- 2.3 In addition, the Council also used social media, placed posters in community facilities in Chadderton, issued a press release and wrote to everyone on our Local Plan mailing list.
- 2.4 The Council also encouraged the forum to promote the consultation via their networks.
- 2.5 In total we received 15 responses, eight by statutory organisations / organisations and seven by individuals. The response rate is significantly lower than the previous consultation on Chadderton neighbourhood area proposed by the Chadderton Partnership in 2020. It is anticipated that the lower response rate is due to the progress that has been made on resolving many of the issues raised to the previous consultation.
- 2.6 The 'Summary of Comments and Oldham Council's response' (Appendix 1) summaries the key issues that were raised and Oldham Council's response. The key issues raised were:
- Linking the forum with health services and understanding local population health needs;
  - Ensuring the neighbourhood plan takes into account sports facilities of the right type and quality in the right places;
  - Ensuring the plan takes into account environmental risks and opportunities;

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- Ensuring the neighbourhood plan protects and enhances the historic environment including historic textile mills;
  - The presence of coal mining features and the presence of a Mineral Safeguarding Area within the plan area;
  - Utilities provided comments regarding their assets, sustainable drainage, landscaping and public realm improvements, development next to Wastewater Treatment Works and Pumping Stations and Water efficiency with suggested policy wording;
  - Comments around the openness of the Forum and membership;
  - How the Forum has consulted with residents of Chadderton;
  - The size of the neighbourhood area being large; and
  - Support for the applications.

2.7 Of the responses from individuals, five made objections and two made comments in support of the proposals.

2.8 Regulations 6A and 9A state that the area application and forum application must be determined within 13 weeks from the date on which the application was first publicised. Oldham Council must now determine whether to designate the neighbourhood area. The Planning Practice Guidance states:

“A local planning authority must designate a neighbourhood area if it receives a valid application and some or all of the area has not yet been designated... the local planning authority should take into account the relevant body’s statement explaining why the area applied for is considered appropriate to be designated as such... a local planning authority can refuse to designate the specific area applied for if it considers the area is not appropriate. Where it does so, the local planning authority must give reasons. The authority must use its powers of designation to ensure that some or all of the area applied for forms part of one or more designated neighbourhood areas”.

2.9 It is recommended, given that the Council was satisfied with the applications proceeding to consultation based on the Act and Regulations being met and no significant key issues being raised as part of the consultation on the applications to justify refusal that The New Chadderton Partnership is designated as a neighbourhood forum and Chadderton (comprising of Chadderton South, Chadderton North and Chadderton Central wards) is designated as a neighbourhood area.

2.10 After designating Chadderton Neighbourhood area and The New Chadderton Partnership forum the Council must publish details of the designations on our website and in such other manner to bring the designations to the attention of people in the neighbourhood area in line with regulations 7 and 10.

### 3 Options/Alternatives

3.1 The only alternative to the recommendations at the top of this report is to not designate Chadderton (comprising Chadderton South, Chadderton North and Chadderton Central wards) as a neighbourhood area and to not designate The New Chadderton Partnership as a neighbourhood forum and to publish the decision document and a refusal statement (setting out the reasons for not agreeing to designate the neighbourhood area and forum). The Council must set out clear reasons for the decision in line with the Act and Regulations. Not designating will mean that The New Chadderton Partnership forum will not be able to prepare a neighbourhood plan for the neighbourhood area of Chadderton (and / or neighbourhood development order). There is no basis for this alternative, as both

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the neighbourhood area and forum applications have been made in accordance with all relevant legislation and are reasonable.

#### **4 Preferred Option**

4.1 To 1.) designate Chadderton (comprising Chadderton South, Chadderton North and Chadderton Central wards) as a neighbourhood area and to 2.) designate The New Chadderton Partnership as a neighbourhood forum and to 3.) publicise those designations. This will mean that the Council is acting in accordance with the Act and the Regulations. This will allow The New Chadderton Partnership forum to begin to prepare a neighbourhood plan for the neighbourhood area of Chadderton (and / or neighbourhood development order). Not designating will mean that the Council will have to publish a refusal statement and decision document with reasons for the decision. However, it is considered that there are no clear reasons for non designation.

#### **5 Consultation**

5.1 Public consultation took place between 29<sup>th</sup> November 2021 and 10<sup>th</sup> January 2022. The 'Summary of Comments and Oldham Council's response' can be seen in Appendix 1.

#### **6 Financial Implications**

6.1 Whilst there is no requirement for the LPA to provide financial assistance, it is obliged by law to provide support for relevant activities. This includes assistance with the preparation and submission of the neighbourhood plan plus associated publications and consultations alongside independent examination and referendum.

6.2 The Council will be able to claim up to £30,000 of Neighbourhood Planning Grant which seeks to ensure Local Planning Authorities receive sufficient funding to meet the assistance costs referred to at paragraph 6.1. However, the revenue cost for the Council to provide support to The New Chadderton Partnership in preparing a Neighbourhood Plan is expected to be in excess of £40,000. This includes the costs of consultation and examination of the neighbourhood plan once it has been prepared and passed over to the Council but excludes the staffing resource required to support the process. Depending on the complexity of the proposed Plan and how long the Examination might take, these revenue costs could be considerably more.

6.3 Any costs incurred over and above the grant funding available will need to be met from within the existing Planning Service revenue budget.

(James Postle)

#### **7 Legal Services Comments**

7.1 Approval of the applications following the consultation process is the first stage in enabling the creation of a Neighbourhood Plan for Chadderton. Any Neighbourhood Plan which is eventually created will form part of the development plan and will sit alongside the local plan for the Borough. Decisions on planning applications in Chadderton will then be made using both the local plan and the neighbourhood plan, and any other material considerations. (A Evans)

#### **8. Co-operative Agenda**

8.1 The decision supports thriving communities by empowering communities to prepare a plan for their local area.

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- 9        **Human Resources Comments**
- 9.1      N/A
- 10       **Risk Assessments**
- 10.1     None received. Mark Stenson
- 11       **IT Implications**
- 11.1     N/A
- 12       **Property Implications**
- 12.1     Any specific property implications will only become apparent in the event that a Neighbourhood Plan for the Neighbourhood area of Chadderton is prepared, or a Neighbourhood Development Order for a specific part of the Neighbourhood Area is brought forward. Bryn Cooke
- 13       **Procurement Implications**
- 13.1     N/A
- 14       **Environmental and Health & Safety Implications**
- 14.1     Upon adoption, the Neighbourhood Plan will form part of Oldham’s Local Plan and will have implications for the environment (most likely beneficial).
- 15       **Equality, community cohesion and crime implications**
- 15.1     Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. Upon adoption the Neighbourhood Plan will form part of Oldham’s Local Plan and will have implications for the equality, community cohesion and crime (most likely beneficial), for example local policies on design.
- 16       **Implications for Children and Young People**
- 16.1     Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. Upon adoption the Neighbourhood Plan will form part of Oldham’s Local Plan and will have implications for children and young people (most likely beneficial), for example by considering access to open space for all.
- 17       **Equality Impact Assessment Completed?**
- 17.1     No.
- 18       **Key Decision**
- 18.1     Yes
- 19       **Key Decision Reference**
- 19.1     HSG-16-21
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20      **Background Papers**

- 20.1    A copy of the list of background papers to the report must be included in the report and at least one copy of each of the document included in that list must be available for inspection by the public at the office of the Council and on the local authority's website, i.e. included on the Cabinet Agenda / delegated item.

The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act :

File Ref : N/A

Name of File : Chadderton neighborhood area application and The New Chadderton Partnership forum application

Records held in Strategic Planning and Information, Economy

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21      **Appendices**

- 21.1    Appendix 1 – Summary of Responses and the Council's response  
Appendix 2 – Decision Notice