

Cheshire East Council

Portfolio Holder Housing, Planning and Regeneration

Date of Meeting: 18.12.17

Report of: Director of Planning and Sustainable Development

Subject/Title: Decision to confirm that the Weston and Basford, Buerton, Willaston and Wistaston Neighbourhood Development Plans are made.

Portfolio Holder: Councillor Ainsley Arnold

1. Report Summary

1.1. The following neighbourhood plans have been subject to local referendums each securing a vote in favour of using the neighbourhood plan to determine planning applications in the relevant area:

1.□.1. Weston and Basford Neighbourhood Development Plan

1.□.2. Buerton Neighbourhood Development Plan

1.□.3. Willaston Neighbourhood Development Plan

1.□.4. Wistaston Neighbourhood Development Plan

1.2. Recent changes to legislation mean that neighbourhood plans subject to a positive outcome via a referendum automatically become part of the Development Plan unless the Council actively chooses not to make the plan.

2. Recommendation

2.1. That the Portfolio Holder confirms that the Weston and Basford, Buerton, Willaston and Wistaston neighbourhood plans are made and form part of the Development Plan for Cheshire East Council.

3. Other Options Considered

3.1. That the Council choose not to 'make' the Neighbourhood Plan and bring it into force as part of the Development Plan for Cheshire East.

- 3.2. Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires that where half or more of those voting in the Plan referendum vote in favour of the Plan, that the Council make the Neighbourhood Plan and adopt it as part of the Development Plan.
- 3.3. There are no reasons why the Council should not proceed to 'make' the Neighbourhood Plan in accordance with the outcome of the referendum.

4. Reasons for Recommendation

- 4.1. A neighbourhood plan must meet a number of legal and procedural requirements and meet the 'Basic Conditions' (as prescribed in Schedule 10, paragraph 8 of the Localism Act). These Basic Conditions require neighbourhood plans to:
 - Have appropriate regard to national policy.
 - Contribute to the achievement of sustainable development.
 - Be in general conformity with the strategic policies in the development plan for the local area
 - Be compatible with EU obligations
 - Be compatible with human rights requirements
 - Not be likely to have a significant effect on a European site or a European offshore marine site.
- 4.2. An independent examination of each neighbourhood plan was undertaken and, subject to modifications that have since been implemented, the plans were considered to meet the basic conditions.
- 4.3. Referendums have now been held on each neighbourhood plan concerned. The question put to the local community was: 'Do you want Cheshire East Council to use the Neighbourhood Plan for (parish name) to help it decide planning applications in the neighbourhood area?' The referendums were held through November and December 2017 returning a positive vote in each case.

5. Background/Chronology

- 5.1. Each neighbourhood plan has been prepared in consultation with its local community and subject to various rounds of consultation prior to submission to the Council in the spring/summer of 2017.
- 5.2. The following documents were submitted in each case:
 - Plan of the neighbourhood area
 - Consultation Statement
 - Basic Conditions Statement
 - Screening Opinion the need to undertake Strategic Environmental Assessment
 - Sustainability Statement

- 5.3. Once submitted each plan has been subject to a period of publicity and consultation followed by an independent examination.
- 5.4. On reviewing the content of each Plan and the representations received as part of the publication process, the examiners each found the plans to conform, subject to modifications, to the basic conditions tests.
- 5.5. Following these successful examinations, the Council decided to proceed to referendum on each neighbourhood plan. These referendums have now been held, with successful outcomes for each plan.

6. Wards Affected and Local Ward Members

- 6.1. Haslington Ward; Councillor John Hammond; Councillor David Marren
- 6.2. Wybunbury Ward; Councillor Janet Clowes.
- 6.3. Audlem Ward; Councillor Rachel Bailey
- 6.4. Willaston and Rope Ward; Councillor Sarah Pochin
- 6.5. Wistaston; Councillor Margaret Simon; Councillor Jacqueline Weatherill

7. Implications of Recommendation

7.1. Policy Implications

- 7.1.1. The Neighbourhood Plans concerned contain a series of policies that will be used when considering planning applications that are located within the defined Neighbourhood Area. Upon the declaration of a successful referendum, the plans form part of the statutory development plan and become, alongside the adopted Local Plan, the starting point for determining relevant planning applications in the specified area.

7.2. Legal Implications

- 7.2.1. The Neighbourhood Plans are considered to meet the basic conditions and all relevant legal and procedural requirements and this is supported in the Examiner's Reports. A positive majority at the referendum means that the plan is made and forms of the Development Plan in accordance with which planning decisions should be made unless material considerations indicate otherwise. Proposals that are contrary to a made neighbourhood plan should not normally be approved and although in the absence of a 5 year housing land supply, housing policies in the Development Plan may be considered out of date and adversely affect the weight that can be ascribed to them, the weight given to such policies is a matter for the decision maker.

7.3. Financial Implications

7.3.1. The decision to confirm that the Council agrees the neighbourhood plan is made is, like all decisions of a public authority, open to challenge by Judicial Review. The costs of defending any judicial review will be bourn by the Council.

7.4. Equality Implications

7.4.1. The Neighbourhood Plans concerned have been prepared by the community and provided an opportunity for all aspects of the relevant communities to participate in the Plan making process.

7.5. Rural Community Implications

7.5.1. The neighbourhood plans concerned are mainly rural communities or include significant areas of land which could be considered to be rural. Each plan addresses a number of rural issues including the environment, open countryside and biodiversity. The policies in the plans have been developed by the community, with opportunities for the rural community to participate in the plan making process.

7.6. Human Resources Implications

7.6.1. None

7.7. Public Health Implications

7.7.1. No public health issues directly arise through the implementation of these recommendations. Neighbourhood plans are an opportunity to promote public health in the statutory planning framework.

7.8. Implications for Children and Young People

7.8.1. The neighbourhood plans concerned include policies which seek to protect facilities and assets that contribute to the well being of children and young people. Neighbourhood plans are an opportunity to promote the safety, interests and well being of children in the statutory planning framework.

7.9. Other Implications (Please Specify)

7.9.1. None

8. Risk Management

8.1. The decision to confirm that the Weston and Basford, Buerton, Willaston and Wistaston Neighbourhood Plans are made is, like all decisions of a public authority, open to challenge by Judicial Review. The risk of any legal challenge to the Plan being successful has been minimised by the thorough and robust way in which it has been prepared and tested.

9. Access to Information/Bibliography

- 9.1. The background papers relating to this report can be inspected by contacting the report writer
- 9.2. Decisions and documents related to the neighbourhood plans concerned can be found here:
- 9.3. http://www.cheshireeast.gov.uk/planning/neighbourhood_plans/neighbourhood-planning.aspx

10. Contact Information

Contact details for this report are as follows:

Name:	Tom Evans
Designation:	Neighbourhood Planning Manager
Tel. No.:	01625 383709
Email:	Tom.Evans@cheshireeast.gov.uk