

OFFICER DECISION RECORD (ODR2)

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Date of Decision	20/02/24
Decision Taker (including Job Title)	David Malcolm, Head of Planning
Specific Delegation	<p>The Environment and Communities Committee determined on 7th of July 2021 that decisions relating to the neighbourhood plan process as detailed below be delegated to the Head of Planning in consultation with the Chair of the Environment and Communities Committee:</p> <ol style="list-style-type: none"> 1. Decisions to designate a neighbourhood area 2. Decisions to designate a neighbourhood forum 3. Decisions to consider whether plan proposals meet the requirements of Schedule 4B, paragraph 6(2) of the Town and Country Planning Act 1990. 4. Decisions on Examiners Recommendations (including in regard to modification proposals) 5. Decisions on plan proposals (including in regard to modification plan proposals) <p>Decisions on proposals to correct errors or make minor non-material amendments to made neighbourhood plans.</p>
Brief Description of Decision	To revoke the Weston & Basford Neighbourhood Plan that was made on 18 th December 2017 and make the Weston & Basford Modification Neighbourhood Plan, confirming its status as part of the Development Plan for Cheshire East.
Reasons for the Decision and alternatives considered	The original Weston & Basford Neighbourhood Plan was made in 2017 and prepared by Weston & Basford Parish Council. Work on the Weston & Basford Modification Neighbourhood Plan formally began in March 2023, following implementation of the Cheshire East Community Governance Review which took effect from 1st of April 2023. The Community Governance Review replaced

	<p>Weston and Basford Parish Council with the new Weston & Crewe Green Parish Council. Consequently, Weston & Crewe Green Parish Council have prepared a modification to the Weston and Basford Neighbourhood Plan, which has been subject to consultation, and independent examination.</p> <p>The appointed neighbourhood plan examiner concluded that the Weston & Basford Modification Neighbourhood Plan, subject to some recommended amendments, has met the requirements of the 'Basic Conditions' and other relevant legislation, and does not require a referendum.</p> <p>Consequently, the existing Weston & Basford Neighbourhood Plan, made on 18th December 2017 may now be revoked and the Weston & Basford Modification Plan, may now be made.</p>
Member consultation and interests declared	<p>Mick Warren Independent Councillor (Macclesfield East Ward). Chair: Environment & Communities Committee.</p> <p>Satisfied.</p>
Significant Decision	NO
Legal Implications	<p>The Secretary of State has made the Neighbourhood Planning (General) Regulations 2012 under powers conferred by the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004, and these Regulations ("the Regulations") came into force on 6 April 2012.</p> <p>Section 38(3A) of the Planning and Compulsory Purchase Act 2004 sets out that a neighbourhood plan forms part of the development plan if it is approved at referendum but not yet made by the Local Planning Authority (LPA). The neighbourhood plan will remain part of the development plan until the LPA decide not to make the plan.</p> <p>Proposals that are contrary to a made neighbourhood plan should not normally be approved and although where a local planning authority cannot meet its housing requirement, 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.</p>

	The Weston & Basford modification neighbourhood plan has been subject to examination, which confirms all the relevant legal and procedural tests have been complied with. The examiner determined another referendum was not required. This decision is to revoke the original plan (2017) and make the modification plan (2024), which will now form part of the Development Plan for Cheshire East.
Financial Implications	The decision to confirm that the neighbourhood plan is made is, like all decisions of a public authority, is open to challenge by Judicial Review. The costs of defending any judicial review will be borne by the Council.
Confidential/Exempt Information	N/A
Background Papers	The Weston & Basford Neighbourhood Development Plan (Modification) and Examiner's report

Signed: David Malcolm, Head of Planning



Signed: Cllr Mick Warren, Chair of Environment & Communities Committee



Dated: 20th of February 2024

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