

## OFFICER DECISION RECORD (ODR2)

This form records an officer decision and is published in accordance with the Openness of Local Government Bodies Regulations 2014

<b>Date of Decision</b>	<b>01/10/24.</b>
<b>Decision Taker (including Job Title)</b>	<b>Head of Planning in consultation with the Chair of the Environment and Communities Committee.</b>  <b>David Malcolm (Head of Planning)</b>  <b>Mick Warren</b> <b>Independent Councillor (Macclesfield East Ward) (Chair of the Environment and Communities Committee).</b>
<b>Specific Delegation</b>	The Environment and Communities Committee determined on 7 <sup>th</sup> of July 2021 <sup>1</sup> 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:  <ol style="list-style-type: none"><li>1. Decisions to designate a neighbourhood area</li><li>2. Decisions to designate a neighbourhood forum</li></ol>

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<https://moderngov.cheshireeast.gov.uk/ecminutes/ieListDocuments.aspx?CId=962&MId=8678&Ver=4>


	<ol style="list-style-type: none"> <li>3. Decisions to consider whether plan proposals meet the requirements of Schedule 4B, paragraph 6(2) of the Town and Country Planning Act 1990.</li> <li>4. Decisions on Examiners Recommendations (including in regard to modification proposals)</li> <li>5. Decisions on plan proposals (including in regard to modification plan proposals)</li> <li>6. Decisions on proposals to correct errors or make minor non-material amendments to made neighbourhood plans.</li> </ol>
<p><b>Brief Description of Decision</b></p>	<p>To make the Over Alderley Neighbourhood Plan, confirming its status as part of the Development Plan for Cheshire East.</p>
<p><b>Reasons for the Decision and alternatives considered</b></p>	<p>Over Alderley Parish Council have prepared a neighbourhood plan, which has been subject to consultation, independent examination, and referendum.</p> <p>On the 19<sup>th</sup> of September 2024 the Over Alderley Neighbourhood Plan was subject to a local referendum which returned a vote in favour of using the Over Alderley Neighbourhood Plan to decide planning applications within the Over Alderley neighbourhood area.</p> <p>The neighbourhood plan became part of the Development Plan for Cheshire East at declaration of a referendum result supporting the plan. This decision to make the neighbourhood plan confirms that status.</p> <p>The only circumstances under which the Council may decline to make the neighbourhood plan are where an error in the legal process of preparing the</p>

	neighbourhood plan has come to light. This is not the case for the Over Alderley Neighbourhood Plan.
<b>Member consultation and interests declared</b>	Mick Warren Independent Councillor (Macclesfield East Ward) (Chair of the Environment and Communities Committee).
<b>Significant Decision</b>	<b>NO.</b>
<b>Legal Implications</b>	<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<sup>th</sup> 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> <p>The Over Alderley Neighbourhood Plan has been subject to examination, which confirms all the relevant legal and procedural tests have been</p>

	<p>complied with. Local referendum returned a vote in favour of using the Over Alderley Neighbourhood Plan to decide planning applications within the Over Alderley neighbourhood area. This decision is to make the Over Alderley Neighbourhood Plan, which will now form part of the Development Plan for Cheshire East.</p>
<b>Financial Implications</b>	<p>The decision to confirm that the Over Alderley 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.</p>
<b>Confidential/Exempt Information</b>	<p>N/A.</p>
<b>Background Papers</b>	<ol style="list-style-type: none"> <li>1. Over Alderley Neighbourhood Plan.</li> <li>2. Examiner's report.</li> <li>3. Over Alderley Neighbourhood Plan neighbourhood area decision notice.</li> </ol> <p>Copies of the relevant documents may be viewed on the Council's website<sup>2</sup>, or by request at Council headquarters: Westfields, Middlewich Road, Sandbach CW11 1HZ.</p>

Signed: 

**David Malcolm, Head of Planning.**

Signed: 

**Councillor Mick Warren, Chair of Environment and Communities Committee.**

**Dated: 01/10/24.**

<sup>2</sup> <https://www.cheshireeast.gov.uk/planning/neighbourhood-plans/neighbourhood-planning.aspx>