

OFFICER DECISION RECORD (ODR2)

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

Date of Decision	17.01.25.
Decision Taker (including Job Title)	Head of Planning in consultation with the Chair of the Environment and Communities Committee. David Malcolm (Head of Planning) Mick Warren Independent Councillor (Macclesfield East Ward) (Chair of the Environment and Communities Committee).
Specific Delegation	<p>The Environment and Communities Committee determined on 7th of July 2021¹ 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 area2. Decisions to designate a neighbourhood forum

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

	<p>3. Decisions to consider whether plan proposals meet the requirements of Schedule 4B, paragraph 6(2) of the Town and Country Planning Act 1990.</p> <p>4. Decisions on Examiners Recommendations (including in regard to modification proposals)</p> <p>5. Decisions on plan proposals (including in regard to modification plan proposals)</p> <p>6. Decisions on proposals to correct errors or make minor non-material amendments to made neighbourhood plans.</p>
Brief Description of Decision	To revoke the Astbury and Moreton Neighbourhood Plan that was made on 17/08/17 and make the Astbury and Moreton Neighbourhood Plan (modification), confirming its status as part of the Development Plan for Cheshire East.
Reasons for the Decision and alternatives considered	<p>The original Astbury and Moreton Neighbourhood Plan was made in 2017 and prepared by Astbury and Moreton Parish Council. Work on the Astbury and Moreton Neighbourhood Plan (modification) formally began in 2024.</p> <p>Consequently, Astbury and Moreton Parish Council have prepared a modification to the Astbury and Moreton Neighbourhood Plan, which has been subject to consultation, and independent examination.</p> <p>The appointed examiner concluded that the Astbury and Moreton Neighbourhood Plan (modification), 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>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 neighbourhood plan has come to light. This is not the case for the Astbury and Moreton Neighbourhood Plan.</p> <p>Consequently, the existing Astbury and Moreton Neighbourhood Plan, made on 17/08/17 may now be revoked and the Astbury and Moreton Neighbourhood Plan (modification), may now be made.</p>
Member consultation and interests declared	<p>Mick Warren</p> <p>Independent Councillor (Macclesfield East Ward) (Chair of the Environment and 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 6th 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</p>

	<p>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 Astbury and Moreton Neighbourhood Plan (modification) 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 that was made in 2017 and make the (modification) plan 2025, which will now form part of the Development Plan for Cheshire East.</p>
Financial Implications	<p>The decision to confirm that the Astbury and Moreton Neighbourhood Plan (Modification) 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>
Confidential/Exempt Information	N/A
Background Papers	<ol style="list-style-type: none"> 1. Astbury and Moreton Neighbourhood Plan (modification). 2. Examiner's report. 3. Astbury and Moreton Neighbourhood Plan (modification) neighbourhood area decision notice. <p>Copies of the relevant documents may be viewed on the Councils website², or by request at Council:</p>

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

	Delamere House (Floor 2), Delamere Street, Crewe, Cheshire, CW1 2JZ.
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Signed: 

David Malcolm, Head of Planning.

Signed: 

Councillor Mick Warren, Chair of Environment and Communities Committee.

Dated: 17.01.25.