

## CHESHIRE EAST COUNCIL

<b>Report of:</b>	Director of Planning and Sustainable Development
<b>Subject/Title:</b>	Brereton Neighbourhood Plan – Decision to proceed to referendum
<b>Portfolio Holder:</b>	Councillor Ainsley Arnold: Housing and Planning
<b>Date of Meeting:</b>	5 January 2016

### 1.0 Report Summary

- 1.1 The Brereton Neighbourhood Development Plan (BNDP) was submitted to the Council in July 2015 and, following a statutory publicity period, proceeded to Independent Examination. The Examiners report has now been received and recommends that, subject to some minor modifications, the Plan should proceed to referendum.
- 1.2 The Council must now consider the recommendations of the Examiner and decide how to proceed.

### 2.0 Recommendations

- 2.1 That the Council accepts the Examiner's recommendations to make modifications to the Brereton Neighbourhood Plan as set out in the Examiner's report (at Appendix 1) and confirms that the Brereton Neighbourhood Plan will now proceed to referendum in the Brereton Neighbourhood Plan area.

### 3.0 Reasons for Recommendations

- 3.1 The Council is committed to supporting neighbourhood planning in Cheshire East. It has a legal duty to provide advice and assistance on neighbourhood plans, to hold an independent examination on neighbourhood plans submitted to the Council and to make arrangements for a referendum following a favourable Examiner's Report.
- 3.2 Subject to the modifications set out in the Examiner's Report, the Brereton Neighbourhood Plan is considered to meet the statutory "Basic Conditions" along with other legal and procedural requirements set out in regulations. As such it can now proceed to referendum.

### 4.0 Wards Affected

- 4.1 Brereton Rural

### 5.0 Local Ward Members

- 5.1 Councillor John Wray

## **5.0 Policy Implications**

- 6.1 Neighbourhood planning allows communities to establish land-use planning policy to shape new development. This is achieved through the formation of a vision and the development of objectives and policies to achieve this vision. If a neighbourhood plan is supported through a referendum and is 'made' it then forms part of the statutory development plan and becomes, with the adopted Local Plan, the starting point for determining relevant planning applications in that area.
- 6.2 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.

## **7.0 Implications for Rural Communities**

- 7.1 Brereton is a rural parish and the Brereton neighbourhood plan addresses a number of rural issues including Business and Economic Activity and Protecting the Rural Environment. The policies in the plan have been developed by the community, with opportunities for the rural community to participate in the plan making process.

## **8.0 Financial Implications**

- 8.1 The referendum is estimated to cost £4000. This will be paid for through government grant (£30,000) and the service's revenue budget.

## **9.0 Legal Implications**

- 9.1 The Neighbourhood Plan is considered to meet the basic conditions and all relevant legal and procedural requirements and this is supported in the Examiner's Report.

## **10.0 Risk Management**

- 10.1 The decision to 'make' the Neighbourhood Plan 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.

## **11.0 Background and Options**

- 11.1 The preparation of the Neighbourhood Plan began in January 2013.

- 11.2 The location and extent of the Brereton neighbourhood area is shown on the map in Appendix 2.
- 11.3 The final Neighbourhood Plan and its supporting documents were submitted to Cheshire East Council on 23<sup>rd</sup> July 2015.
- 11.4 The supporting documents included:
- Plan of the neighbourhood area
  - Consultation Statement
  - Basic Conditions Statement
  - Supporting Documents Library Listing with links to background evidence, SEA screening opinion, consultation activity, relevant legislation and regulations
- 11.5 Cheshire East undertook the required publicity between 10<sup>th</sup> August 2015 and 21<sup>st</sup> September 2015. Relevant consultees, residents and other interested parties were provided with information about the submitted Plan and were given the opportunity to submit comments to the Examiner.
- 11.6 The Borough Council appointed John Mattocks as the independent Examiner of the Plan. On reviewing the content of the Plan and the representations received as part of the publication process, Mr. Mattocks decided to hold a public hearing. The hearing was held at Sandbach Town Hall on 11<sup>th</sup> November 2015
- 11.7 A copy of the Examiner's Report is provided at Appendix 1. A copy of the Neighbourhood Plan (as submitted to the Council prior to examination) is included at Appendix 3.
- 11.8 The Examiner's Report contains Mr. Mattocks findings on legal and procedural matters and his assessment of the Plan against the Basic Conditions. It recommends that a number of modifications be made to the Plan. These are contained within the body of the Report.
- 11.9 Overall it is concluded that the Brereton Neighbourhood Plan does comply with the Basic Conditions and other statutory requirements and that, subject to recommended modifications, it can proceed to a referendum.
- 11.10 The Examiner specifically noted the thorough engagement that the Parish Council carried out with local residents and comments that the "parish council and the project group are to be congratulated on the effectiveness of the public engagement process."

## **12.0 Next steps**

- 12.1 The Councils agreement to the Neighbourhood Plan proceeding to a referendum would be followed by the publication of a decision statement to that effect along with the reasons for that decision. This would appear on the Council's website and a copy of it would be sent to the Brereton and those who have asked to be notified of the decision. The Plan would also be modified and published in its final form on the Council's website with a schedule of the modifications made.

- 12.2 An information statement about the referendum and other specified documents required by the regulations must also be published. This signals the start of the referendum process. The referendum date has to be at least 28 clear working days after the information statement and other documents are published. Assuming the Council endorses the recommendation in this report, and then all necessary procedures which follow can be undertaken promptly, it is anticipated that a referendum could take place on or around 10 March 2016.
- 12.3 The referendum would follow a similar format to an election. All those registered to vote within the neighbourhood area would be eligible to participate. The regulations require that the ballot paper contains only the following question: "Do you want Cheshire East Borough Council to use the Neighbourhood Plan for Brereton to help it decide planning applications in the neighbourhood area?". There would be two voting options, 'yes' or 'no'.
- 12.4 If more than 50% of those voting in the referendum voted 'yes', then Cheshire East Council would be required to 'make' the plan as soon as reasonably practical. The Brereton Neighbourhood Plan would then form part of the statutory development plan for the area. If there is a majority 'no' vote or a tied vote, then the neighbourhood plan would not come into legal force.

### **13.0 Appendices:**

1. Examiners Report
2. Neighbourhood Area
3. Neighbourhood Plan

### **14.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

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