

CHESHIRE EAST COUNCIL

CABINET MEMBER FOR HOUSING AND PLANNING

Report of:	Director of Planning and Sustainable Development
Subject/Title:	Audlem Neighbourhood Plan
Portfolio Holder:	Councillor Ainsley Arnold: Housing and Planning
Date of PH Meeting:	5 February 2015

1.0 Report Summary

- 1.1 The Audlem Neighbourhood Development Plan (ANDP) 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 modifications, the Plan should proceed to referendum.
- 1.2 The Portfolio Holder for Housing and Planning must now consider the recommendations of the Examiner and decide how to proceed.

2.0 Recommendations

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

5.0 Local Ward Members

- 5.1 Councillor Rachel Bailey

6.0 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 Audlem is a rural Parish and the Audlem neighbourhood plan addresses a number of rural issues including Business, Tourism and Employment and Community Wellbeing. 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 £4700. This will be paid for through government grant (£30,000) and the service's revenue budget.

9.0 Legal Implications

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. Should there be a positive majority at referendum the Council would be obliged to "make" the plan following which it would form part of the Development Plan in accordance with which planning decisions should be made unless material considerations indicate otherwise. The absence of a 5 year housing land supply will render housing policies in the development plan out of date and adversely affect the weight that can be ascribed to them.

10.0 Risk Management

- 10.1 The decision to proceed to referendum and subsequently 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 September 2014.
- 11.2 The location and extent of the Audlem 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 27th July 2015.
- 11.4 The supporting documents included:
- Plan of the neighbourhood area
 - Consultation Statement
 - Basic Conditions Statement (including a link to the Screening Opinion on the need to undertake Strategic Environmental Assessment)
 - Evidence Base Summary
- 11.5 Cheshire East undertook the required publicity between 10th August 2015 and 21st 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 Mr. Timothy Jones 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. Jones decided not to hold a public hearing.
- 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. Jones 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. In addition there is a list of minor modifications for the purpose of correcting errors or for clarification which are set out in the Report.
- 11.9 Overall it is concluded that the Audlem 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 key modifications are outlined in Appendix A of the examiners Report and are restricted mainly to minor modifications to bring the plan into conformity with the Basic Conditions and other legislation. Some example modifications are:
- Modifications of wording to housing policies primarily for clarity H1 to amend wording

- Modification to Policy D9 on landscaping to ensure it is not excessively demanding
- Modification of policy D12 to remove reference to road widths
- Modification of policy CW3 on local infrastructure to remove the proposed extension to statutory requirements

11.11 The Examiner comments that the Plan is “well written, logical, clear, appropriately concise and intelligible”.

12.0 Next steps

12.1 The Portfolio Holders 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 Audlem Parish Council 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 mid/late March.

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 Audlem 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 Audlem 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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