

CHESHIRE EAST COUNCIL

Report of:	Director of Planning and Sustainable Development
Subject/Title:	Brereton Neighbourhood Plan – Decision to make the Plan
Portfolio Holder:	Councillor Ainsley Arnold: Housing and Planning
Date of Meeting:	04.04.2016

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 recommended that, pending a series of modifications to the plan, the plan would meet the prescribed requirements and should proceed to referendum. A successful referendum has now been held on the neighbourhood plan.
- 1.2 The Council must now ‘make’ the neighbourhood plan and bring it into force as part of the Development Plan for Cheshire East.

2.0 Recommendations

- 2.1 That the Council confirm the Brereton Neighbourhood Plan is made and forms part of the Development Plan for Cheshire East.

3.0 Reasons for Recommendations

- 3.1 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.
- 3.2 An independent examination of the neighbourhood plan was undertaken and, subject to modifications that have since been implemented, the plan is considered to meet the basic conditions.
- 3.3 A referendum has now been held on the neighbourhood plan. The question put to the local community was: ‘Do you want Cheshire East Council to use the Neighbourhood Plan for Brereton to help it decide planning applications in the neighbourhood area?’

3.4 Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires that where half or more of those voting in the Plan referendum vote in favour of the Plan, that the Council make the Neighbourhood Plan and adopt it as part of the Development Plan.

3.5 The referendum was held on 10th March and returned a positive vote in favour of using the neighbourhood plan to help determine planning applications in the neighbourhood area. The Council must now 'make' the Neighbourhood Plan and thereby enable it to become part of the development plan for the area that it covers.

4.0 Wards Affected

4.1 Brereton Rural

5.0 Local Ward Members

5.1 Councillor John Wray

5.0 Policy Implications

5.1 The Neighbourhood Plan for Brereton contains a series of policies that will be used when considering planning applications that are located within the defined Neighbourhood Area. Once 'made' the Brereton Neighbourhood Plan forms part of the statutory development plan and becomes, alongside the adopted Local Plan, the starting point for determining relevant planning applications in that area.

6.0 Implications for Rural Communities

6.1 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.

7.0 Financial Implications

7.1 The population of Brereton Parish is 1190 and the cost of the referendum is estimated to be £4000. This is paid for through government grant (Neighbourhood Planning Grant) and the service's revenue budget.

8.0 Legal Implications

8.1 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. A positive majority at the referendum means that the Council is now obliged to "make" the plan. Following this, the Neighbourhood Plan 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.

9.0 Risk Management

- 9.1 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.

10.0 Background and Options

- 10.1 The preparation of the Neighbourhood Plan began in January 2013.
- 10.2 The proposed Neighbourhood Plan and its supporting documents were submitted to Cheshire East Council in July 2014.
- 10.3 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.
- 10.4 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 11th November 2015
- 10.5 A series of modifications were proposed to ensure the Plan met regulatory tests contained in the Basic Conditions. Modifications were made to the Plan and a decision to proceed to referendum was made on 4th January 2016. Following this a statutory period to publicise the referendum was held, starting on 28th January 2016 with the referendum being held on 10th March 2016.

11.0 Next steps

- 11.1 Once made, the Brereton Neighbourhood Plan will be used in the Authority's statutory role to make decisions on and determine planning applications.
- 11.2 The Brereton Neighbourhood Plan will be published on the Neighbourhood Planning pages of Cheshire east Councils Website and available for inspection at Council Headquarters in Westfields, Sandbach. A notice detailing where and when the document can be inspected will be issued to all parties that have registered an interest in the outcome of the process.

12.0 Access to Information

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

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