

# CHESHIRE EAST COUNCIL

## Cabinet Member for Housing and Planning

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<b>Date of Meeting</b>	12 April 2016
<b>Report of:</b>	Director of Planning and Sustainable Development
<b>Subject/Title:</b>	Audlem Neighbourhood Plan – Decision to make the Plan

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### 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 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 Audlem 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 Audlem 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 24<sup>th</sup> March and returned a positive vote in favour of using the neighbourhood plan to help determine planning applications in the neighbourhood area. Cheshire East Council must now 'make' the Neighbourhood Plan and thereby enable it to become part of the development plan for the area that it covers. This decision has been delegated to the Portfolio Holder for Planning and Housing.

#### **4.0 Wards Affected**

4.1 Audlem Ward

#### **5.0 Local Ward Members**

5.1 Councillor Rachel Bailey

#### **6.0 Policy Implications**

6.1 The Neighbourhood Plan for Audlem contains a series of policies that will be used when considering planning applications that are located within the defined Neighbourhood Area. Once 'made' the Audlem 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.

#### **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 population of Audlem is 1,991 and the referendum is estimated to cost £4,700. This will be paid for through government grant (Neighbourhood Planning Grant) 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. 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.

## **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 September 2014.
- 11.2 The proposed Neighbourhood Plan and its supporting documents were submitted to Cheshire East Council in July 2014.
- 11.3 Cheshire East Council 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.
- 11.4 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.
- 11.5 The Examiner's Report concluded that the Audlem Neighbourhood Plan, subject to recommended modifications, does comply with the Basic Conditions and other statutory requirements.

## **12.0 Next steps**

- 12.1 Once made, the Audlem Neighbourhood Plan will be used in the Authority's statutory role to make decisions on and determine planning applications.
- 12.2 The Audlem Neighbourhood Plan will be published on the Neighbourhood Planning pages of Cheshire East Councils Website and available for inspection at Council Headquarters in Westfields, Audlem. 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.

## **13.0 Access to Information**

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

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