

Cheshire East Council

Portfolio Holder for Housing and Planning

Date of Meeting: 29 November 2016

Report of: Director of Planning and Sustainable Development

Subject/Title: Marton Neighbourhood Plan - Decision to make the Plan.

Portfolio Holder: Councillor Ainsley Arnold: Housing and Planning

1. Report Summary

- 1.1 The Marton Neighbourhood Development Plan (MNDP) was submitted to the Council in February 2016 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. Recommendation

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

3. Other Options Considered

- 3.1 That the Council do not formally 'make' the Neighbourhood Plan and bring it into force as part of the Development Plan for Cheshire East.
- 3.2 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.
- 3.3 There are no reasons why the Council should not proceed to 'make' the Neighbourhood Plan in accordance with the outcome of the referendum.

4. Reasons for Recommendation

- 4.1 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.

- 4.2 An independent examination of the neighbourhood plan was undertaken and, subject to modifications that have since been implemented, the plan was considered to meet the basic conditions.
- 4.3 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 Marton to help it decide planning applications in the neighbourhood area?'
- 4.4 The referendum was held on 27th October 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.

5. Background/Chronology

- 5.1 The preparation of the Neighbourhood Plan began in late 2014 with the submission of the Neighbourhood Area Designation which was approved in February 2015.
- 5.2 The final Neighbourhood Plan and its supporting documents were submitted to Cheshire East Council in February 2016.
- 5.3 The supporting documents included:
- Plan of the neighbourhood area
 - Consultation Statement
 - Basic Conditions Statement
 - Evidence Base Summary
 - Screening Opinion the need to undertake Strategic Environmental Assessment
 - Housing Needs Survey
 - Transport Statement
 - Key Documents

- 5.4 Cheshire East undertook the required publicity between 26.02.16 – 11.04.16. 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.
- 5.5 The Borough Council appointed Jill Kingaby BSc (Econ) MSc MRTPI as the independent Examiner of the Plan. The Examiner is a chartered town planner and former government Planning Inspector, with more than 15 years experience inspecting and examining development plans. On reviewing the content of the Plan and the representations received as part of the publication process, she decided not to hold a public hearing.
- 5.6 Following the successful examination, the Council decided (Portfolio Holder decision 16th August) to proceed to referendum. The referendum was held on 27th October 2016.

6. Wards Affected and Local Ward Members

- 6.1 Gawsworth Ward, Councillor Lesley Smetham

7. Implications of Recommendation

- 7.1 The Neighbourhood Plan for Marton contains a series of policies that will be used when considering planning applications that are located within the defined Neighbourhood Area. Once ‘made’ the Marton 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.

7.2 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. 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. Proposals that are contrary to a made neighbourhood plan should not normally be approved and although in the absence of a 5 year housing land supply, 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.

7.3 Financial Implications

The Neighbourhood Plan once ‘made’ will form part of the Development Plan for the area. The decision to ‘make’ the Neighbourhood Plan is, like all decisions of a public authority, open to challenge by Judicial Review. The costs of defending any judicial review will be borne by the Council.

7.4 Equality Implications

The Marton Neighbourhood Plan has been prepared by the community and provided an opportunity for all aspects of the community to participate in the Plan making process.

7.5 Rural Community Implications

Marton is a rural parish and the Marton Neighbourhood Plan addresses a number of rural issues including Business and Employment. The policies in the plan have been developed by the community, with opportunities for the rural community to participate in the plan making process.

7.6 Human Resources Implications

None

7.7 Public Health Implications

No public health issues directly arise through the implementation of these recommendations. Neighbourhood plans are an opportunity to promote public health in the statutory planning framework.

7.6 Implications for Children and Young People

The Marton Neighbourhood Plan will cover the period up to 2030 and therefore will have implications for children and young people in the Parish. Neighbourhood plans are an opportunity to promote the safety, interests and well being of children in the statutory planning framework. As part of the Plan making process, engagement was undertaken with the local primary school to seek views that would impact on children and young people

7.7 Other Implications (Please Specify)

None

8. Risk Management

- 8.1 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.

9. Access to Information/Bibliography

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

- 9.2 Portfolio Holder Decision 16th August:
[http://moderngov.cheshireeast.gov.uk/ecminutes/documents/s49398/2.%20Po
st%20Examination%20report%20to%20PH%20-%20Marton.pdf](http://moderngov.cheshireeast.gov.uk/ecminutes/documents/s49398/2.%20Po%20st%20Examination%20report%20to%20PH%20-%20Marton.pdf)

10. Contact Information

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