

CHESHIRE WEST AND CHESTER

REPORT TO CABINET MEMBER

Report of: Lisa Harris, Director of Places Strategy

Cabinet Member: Councillor Brian Clarke, Cabinet Member, Economic Development and Infrastructure

Date: 18 October 2018

Title: Cuddington Parish Neighbourhood Plan – Examiner’s Report and Next Steps

1. What is the report about?

- 1.1. The Cuddington Parish Neighbourhood Plan was submitted to the Cheshire West and Chester Council (the Council) in April 2018 and, following a statutory six week publicity period, was the subject of an independent examination. The report of the Examiner has now been received and recommends that the Neighbourhood Plan, subject to modifications, should progress to referendum.
- 1.2. The Council now has to consider the recommendations of the Examiner and decide how to proceed.

2. Recommendation

- 2.1. That the Cabinet Member decides to accept the Examiner’s recommendations to make modifications to the Cuddington Parish Neighbourhood Plan and confirms that the Neighbourhood Plan will now proceed to referendum.

3. Reasons for the Recommendation

- 3.1. The Council has a duty to provide advice and assistance on neighbourhood plans submitted to the Council and to make arrangements for a referendum following a favourable Examiner’s Report.
- 3.2. The plan has been prepared in accordance with the procedural requirements set out in The Neighbourhood Planning (General) Regulations 2012 (the Regulations). Subject to the modifications proposed in the Examiner’s Report, the Neighbourhood Plan is considered to meet the necessary ‘Basic Conditions’. As such it should now proceed to referendum.

4. Report Details

- 4.1 Neighbourhood planning enables communities to establish a vision for their area and put in place planning policies to achieve it. If a neighbourhood plan is

supported through a referendum it becomes part of the statutory development plan and, together with the adopted Local Plan, is the starting point for determining planning applications in that area.

4.2 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 2011). 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.

Cuddington Parish Neighbourhood Plan

4.3 Work on the Cuddington Parish Neighbourhood Plan began in 2015, led by a Steering Group on behalf of the Parish Council. Preparation of the Neighbourhood Plan has involved extensive community consultation throughout. Support has been provided by the Council.

4.4 The Neighbourhood Area covers the whole of Cuddington Parish, which includes Sandiway, Delamere Park and the new houses at Eden Grange.

4.5 The draft Neighbourhood Plan and its supporting documents were formally submitted to the Council in April 2018. In accordance with the Regulations, the submitted documents were:

- The Cuddington Parish Neighbourhood Plan (which includes a map of the neighbourhood area);
- Guide to Supporting Evidence;
- Cuddington Parish Character Assessment
- Cuddington Housing Needs Survey Report
- Basic Conditions Statement;
- Consultation Statement;
- Strategic Environmental Assessment and Habitats Regulation Assessment Screening Determination
- Sustainability Appraisal

4.6 In accordance with the Regulations, the Council undertook the publicity stage on the Neighbourhood Plan from 16 April 2018 until 30 May 2018. Relevant consultees and other interested parties were provided with information about the Neighbourhood Plan and were given the opportunity to submit comments. A total of 14 responses were received, which were passed to the Examiner for his consideration.

- 4.7 The Council appointed Mr Bob Yuille as the independent Examiner of the Cuddington Parish Neighbourhood Plan. The appointment was undertaken with the full agreement of the Neighbourhood Plan Steering Group.
- 4.8 On reviewing the content of the Neighbourhood Plan and the representations received during the publicity stage, Mr Yuille decided to conduct the examination by written representations. This meant that there was no requirement for a hearing session.
- 4.9 The Examiner's report was received on 14 September 2018 and contains Mr Yuille's findings on legal and procedural matters and his assessment of the Neighbourhood Plan against the Basic Conditions. A copy of the Examiner's Report is provided at Appendix 1.
- 4.10 The Examiner's Report concludes that, subject to a number of modifications being made, the Cuddington Parish Neighbourhood Plan satisfies the Basic Conditions and should proceed to referendum. A schedule of the Examiner's modifications and the Council's response to them is provided in Appendix 2. Whilst there are quite a number of modifications, they are minor in nature and do not alter the nature of the plan.

Next steps

- 4.11 If the Cabinet Member agrees to accept the recommendation of this report, the Council is required to issue a Decision Statement setting out the reasons for making that decision. This will be published on the Council's website and copies will be sent to the Parish Council and those who have asked to be notified of the decision. The suggested modifications will be made to the Neighbourhood Plan and the final version published on the Council's website, along with details of the modifications made.
- 4.12 An Information Statement about the referendum and other specified documents required by the Regulations must also be published. This starts the process for the referendum. The referendum date has to be at least 28 clear working days after the information statement and documents in relation to Neighbourhood Plan are published.
- 4.13 It is anticipated that the referendum will be held on 24 January 2019.
- 4.14 The referendum will follow a similar format to an election. All those registered to vote within the neighbourhood area will be given the opportunity to be involved in the referendum. Local residents will receive a ballot paper with the following question, the wording of which is set out in the Regulations:

“Do you want Cheshire West and Chester Borough Council to use the Neighbourhood Plan for Cuddington Parish to help it decide planning applications in the neighbourhood area?”

- 4.15 Residents will be given the opportunity to vote 'yes' or 'no'. If more than 50% of those voting in the referendum vote 'yes', then the Cuddington Parish Neighbourhood Plan will become part of the statutory development plan for the area. Cheshire West and Chester Council will then be required to 'make' the plan as soon as reasonably practical. If there is a majority 'no' vote or a tied vote, then the neighbourhood plan would not come into force.

5. How does the decision contribute to the Council's Plan?

- 5.1. The decision will contribute to the Corporate Plan as the Neighbourhood Plan will form part of the Council's suite of planning policy documents that help to promote sustainable development in the Cuddington Parish area, with good quality development to meet the needs of the community which also respects the character of the area. The neighbourhood plan process provides an opportunity for communities to inform and influence decisions on planning applications.

6. How does the decision contribute to closer working with Partners?

- 6.1 The plan preparation process has necessitated closer working between planning officers and the local community over the past few years, with positive relationships being forged. The Steering Group has gained a better understanding of the planning system, its potential and limitations, and officers have a better understanding of the issues which are particularly important to local communities. It will be important to continue working together as the plan is used to inform planning decisions.

7. What will it cost?

- 7.1. The local authority has a statutory duty to support neighbourhood planning. This involves general support to assist with and advise on plan preparation, but also includes specific elements which the local authority must carry out. These are:

- formal designation of the neighbourhood area;
- undertaking screening to determine whether the plan requires strategic environmental assessment;
- undertaking 6 weeks 'publicity' once the plan has been formally submitted;
- appointing an examiner and paying for the examination costs
- organising and paying for a referendum;
- any legal costs associated with the examination or making of the plan.

- 7.2. In the case of the Cuddington Parish Neighbourhood Plan, the direct costs of supporting the Neighbourhood Plan preparation are:

- Publicity costs approx - £400
- Examination - £5,695.40
- Referendum – estimated £5,000
- Total – approx. £11,100

- 7.3. In addition to the above there is cost associated with officer time in attending meetings, commenting on draft documents and arranging the consultation, examination and referendum. This is met from existing staff resources.
- 7.4. Funding has been available from the Department for Local Government and Communities to assist local authorities with the costs associated with neighbourhood planning (a total of £20,000 per plan, which can be claimed once the Council has made the decision to proceed to referendum).
- 7.5 Grants of up to £9,000 can be claimed by the neighbourhood planning groups to help with their own plan preparation costs, via the Government's Locality website.

8. What are the legal aspects?

- 8.1. The Neighbourhood Plan is considered to meet the basic conditions set out in the Localism Act 2011 and this has been confirmed in the Examiner's Report. It is also considered to meet all relevant legal and procedural requirements.

9. What risks are there and how can they be reduced?

- 9.1. The decision to 'make' the Neighbourhood Plan is like all decisions of a public authority, subject to challenge by Judicial Review. The Council is content that the risk of this decision being challengeable has been minimised by the careful process the Neighbourhood Plan has followed to date and by the comprehensive and well-reasoned examination of it by the independent Examiner.

10. What is the impact of the decision on Health Inequalities and Equality and Diversity issues?

- 10.1. The policies within the Neighbourhood Plan seek to improve well-being for all residents by meeting the housing needs of the local community; supporting local facilities and maintaining and enhancing the quality of the local environment.

11. Are there any other options?

- 11.1. The other option is not to proceed to referendum. However, without the referendum, the plan would not form part of the statutory development plan in decision making.

For further information:

Cabinet Member: Cllr Brian Clarke

Officer: Emma Jones

Tel no: 01244 973659

Email: emma.jones2@cheshirewestandchester.gov.uk

Background Documents:

Documents are available for inspection at:

The Cuddington Parish Neighbourhood Plan and all its supporting documents are available to view online via:

https://consult.cheshirewestandchester.gov.uk/portal/cwc_ldf/np/cuddington_pub?tab=info&x=203&y=35