

Newcastle-under-Lyme Borough Council

Executive Director Decision Report

Date: 21st January 2020

Report Title: Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Development Plan (CHCMAWNDP): Decision to Make the Neighbourhood Plan after Referendum.

Portfolio Holder: Councillor Paul Northcott, Portfolio Holder for Planning and Growth.

Decision maker: Executive Director, Commercial Development & Economic Growth, in consultation with the Portfolio Holder.

Ward(s): Maer and Whitmore.

Ward Councillors: Councillor Graham Hutton.

Decision status: To note the results of the referendum and agree to 'Make' the CHCMAWNDP.

This report relates to the preparation of the CHCMAWNDP (the 'Neighbourhood Plan') which was subject to referendum on 12 December 2019 where it received a majority 'Yes' vote. The Borough Council now has to formally 'Make' the Neighbourhood Plan in accordance with Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended).

The CHCMAWNDP now forms part of the Development Plan and its policies will be given the weight to be accorded to part of the Development Plan when assessing planning applications that affect land covered by the Neighbourhood Plan (the Neighbourhood Area).

Reasons for Decision:

The Examiner's Report recommended modifications to the Neighbourhood Plan; considered it met the basic conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended), and was compatible with EU obligations and the Convention of Rights and complies with relevant provisions made by or under Sections 38A and 38B of the Planning and Compulsory Act 2004 (as amended).

The referendum held on 12 December 2019 met the requirements of the Localism Act 2011. It was held in the referendum area, consisting of the three parishes of Chapel and Hill Chorlton, Maer and Aston, and Whitmore. It posed the question '*Do you want Newcastle-under-Lyme Borough Council to use the Neighbourhood Plan for Chapel and Hill Chorlton, Maer and Aston and Whitmore to help it decide planning applications in the neighbourhood area?*'

The count took place on 16 December 2019 and greater than 50% of those who voted were in favour of the Neighbourhood Plan being used to help decide planning applications in the neighbourhood area. The results of the referendum were as follows:

Response	Votes	Percent of Total
YES	1246	82
NO	204	13
Turnout	1519	71.58

64 ballot papers were returned as “unmarked or void for uncertainty” and 5 ballot papers were returned as “voting for more than one answer”

Newcastle-under-Lyme Borough Council has assessed that the Neighbourhood Plan, including its preparation, does not breach, and would not otherwise be incompatible with, any EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998). In accordance with Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended) the Council must now ‘Make’ the Neighbourhood Plan.

Background

1. The CHCMAW Neighbourhood Area is situated in the southern part of the Borough and comprises the three parish areas of Chapel and Hill Chorlton, Maer and Aston, and Whitmore. The preparation of the Neighbourhood Plan began in 2015 and the neighbourhood area was designated on 16 September 2015 as an area for the purpose of preparing a neighbourhood plan in accordance with section 61G of the Town and Country Planning Act 1990 (as amended).
2. Between September 2015 and July 2018 the Neighbourhood Plan has been subject to further consultation and engagement with the local community. Consultation is a legal requirement of the neighbourhood planning process and has taken place throughout the preparation of the Neighbourhood Plan with multiple opportunities for the community and interested parties to participate in its development.
3. The final draft Neighbourhood Plan and its supporting documents were submitted to Newcastle-under-Lyme Borough Council in January 2019.
4. Newcastle-under-Lyme Borough Council undertook the required publicity between 23 April 2019 and 4 June 2019. Relevant consultees, residents and other interested parties were provided with information about the submitted Neighbourhood Plan and were given the opportunity to submit comments to the Examiner.
5. The Borough Council, with the agreement of the three parish councils, appointed Christopher Collison BA (Hons) MBA MRTPI MIED MCMi IHBC as the independent examiner of the Neighbourhood Plan to consider whether it complied with various legislative requirements and met the set of ‘Basic Conditions’.
6. The Examiner’s report was received on 16 August 2019. It contained his findings on legal and procedural matters and his assessment of the Neighbourhood Plan against the ‘Basic Conditions’ and Convention Rights. Overall it concluded that the Neighbourhood Plan did comply with the ‘Basic Conditions’ and other statutory requirements and that, subject to his recommended modifications, it could proceed to a referendum. Following discussions with the lead body for the three parish councils the Council published its decision on the Examiner’s Report on 4 November 2019.

7. A referendum was held on 12 December 2019 and 82% of those who voted were in favour of the Neighbourhood Plan being used by Newcastle-under-Lyme Borough Council to help it decide planning applications in the neighbourhood area. Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Council 'make' the Neighbourhood Plan if more than half those voting have voted in favour of it. The Council are not subject to this duty if making the Neighbourhood Plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998).



Simon McEneny,

Executive Director – Commercial Development & Economic Growth

In consultation with



Councillor Paul Northcott,

Portfolio Holder for Planning and Growth