

Cheshire West and Chester Council

Making of Upton-by-Chester & District Neighbourhood Plan

Decision Statement published pursuant to Schedule 38A (9) of the Planning Compulsory Purchase Act (as amended by the Localism Act) and Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

Upton-by-Chester & District Neighbourhood Plan

- 1.1 Work on the Upton-by-Chester & District Neighbourhood Plan began in 2014, led by a Steering Group on behalf of the Parish Council. Preparation of the Neighbourhood Plan has involved extensive community consultation throughout, with support provided by Cheshire West and Chester Council.
- 1.2 The Upton-by-Chester and District Neighbourhood Area follows the parish boundary and was approved and designated on 16 January 2015.
- 1.3 The Plan includes policies relating to seven topic areas and a detailed vision for Upton. It includes objectives relating to: sustainable development; high design quality; renewable energy generation; protection and enhancement of the physical and cultural heritage; protection and enhancement of greenspace and public open spaces; housing developments and conversions appropriate to the needs of the local community; sustainable transport and reduction in carbon footprint; access to community services and facilities; and strengthened and supported local economic activity.
- 1.4 The draft Neighbourhood Plan and its supporting documents were formally submitted to Cheshire West and Chester Council in November 2021. Following a six-week period of publicity, an examiner was appointed with the agreement of the qualifying body (Upton-by-Chester & District Parish Council). The plan was then subject to examination and the independent examiner's report was published on 14 April 2022. The report concluded that, subject to a number of modifications, the plan met the required 'basic conditions' and could proceed to referendum.
- 1.5 On 23 May 2022, the Council's Cabinet Member agreed to accept the examiner's recommendations and confirmed that the plan should proceed to referendum.
- 1.6 At the referendum held on 28 July 2022, voters were asked to say 'yes' or 'no' to the prescribed question:

“Do you want Cheshire West and Chester Borough Council to use the Neighbourhood Plan for Upton-by-Chester & District to help it decide planning applications in the neighbourhood area?”

1.7 87.5% of those who voted said 'yes' to the plan. The outcome was as follows:

Response	Votes
Yes	761
No	102
Turnout	12.6%

Making of the Plan

- 2.1 Preparation of the Upton-by-Chester & District Neighbourhood Plan has now progressed through the prescribed stages set out in the regulations with a positive outcome at both independent examination and referendum. The plan now forms part of the statutory development plan for the area. The Parish Council and Neighbourhood Plan Steering Group are to be congratulated on a significant achievement in reaching this stage, which would not have been possible without their hard work and dedication.
- 2.2 The final stage of the preparation process is for the Council to 'make' the Plan. At the meeting of the Council's Cabinet on 11 October 2017 it was agreed that the decision to make a neighbourhood plan be discharged to the Senior Manager – Planning and Strategic Transport. The full report and minutes can be read at <http://cmttpublic.cheshirewestandchester.gov.uk/ieListDocuments.aspx?Clid=983&Mid=5184&Ver=4>

Decision

- 3.1 That the Upton-by-Chester & District Neighbourhood Plan be formally made.
- 3.2 The reason for this decision is that the Upton-by-Chester & District Neighbourhood Plan has progressed through the prescribed stages set out in the regulations with a positive outcome at both independent examination and referendum. The Council is now required to make the plan and no reasons exist as to why this should not happen. The making of the Upton-by-Chester & District Neighbourhood Plan would not breach or would otherwise be incompatible with any retained EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).
- 3.3 The Head of Planning hereby exercises their delegated authority to make the plan.
- 3.4 A copy of this note will be sent to Upton-by-Chester & District Parish Council and anyone who asked to be notified of the decision. The note will also be sent to the Cabinet Member for Housing, Planning and Climate Emergency and the local ward councillors.

- 3.5 In accordance with Regulation 19 of the 2012 Regulations, the Council has published the following on its website at:
www.cheshirewestandchester.gov.uk/neighbourhoodplanning
- This statement which sets out the decision to make the plan and reasons for it;
 - Details of where the decision document can be inspected.
- 3.6 The final version of the plan and associated documents have also been published on the website.
- 3.7 The decision statement and Neighbourhood Plan documents can be viewed online and hard copies can also be viewed at:
- Upton Library, Wealstone Lane, Upton, Chester, CH2 1HB
For opening hours please refer to:
<https://www.cheshirewestandchester.gov.uk/residents/libraries/find-a-library/upton-library.aspx> or telephone 01244 973700.
 - Upton Pavilion, Wealstone Lane, Upton, Chester, CH2 1HB
Open 9am-5pm daily (and open until around 8pm during August and until around 7pm in September).
- 3.8 Further information is also available by contacting;
neighbourhoodplanning@cheshirewestandchester.gov.uk

A handwritten signature in black ink, appearing to read 'R. Charnley', with a horizontal line underneath.

Rob Charnley - Head of Planning

2 September 2022