

Gladman Developments Ltd

**Representations on
Astbury + Moreton Neighbourhood Plan to 2030
Pre-Submission Version**

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1 EXECUTIVE SUMMARY

1.1 Context

1.1.1 These representations are made in response to the current consultation on the pre-submission version of the Astbury + Moreton Neighbourhood Plan (AMNP), under regulation 14 of the Neighbourhood Planning (General) Regulations 2012. Gladman Developments (Gladman) has land interests at Bent Lane, Congleton, and is actively working to promote the site for residential development.

1.2 National Planning Policy

1.2.1 Before a neighbourhood plan can proceed to referendum it must be tested through independent examination against the statutory basic conditions, which are set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended by section 38a of the Planning and Compulsory Purchase Act 2004).

1.2.2 Before the Astbury + Moreton Neighbourhood Plan can progress to referendum, the Examiner must conclude that:

(a) **having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;**

(d) **the making of the neighbourhood plan contributes to the achievement of sustainable development;**

(e) **the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area); and**

(f) **the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.**

1.2.3 Having reviewed the Astbury + Moreton Neighbourhood Plan, Gladman has sought to use its experience as a user of the planning system to make constructive representations, setting out a number of alterations and amendments that the Astbury and Moreton Neighbourhood Plan Group should actively seek to undertake to ensure that the policies can be fairly and consistently applied in future decision making.

1.2.4 As currently proposed, Gladman is concerned that some of the policies promoted in the AMNP may be found contrary to basic conditions and may prevent the ability of neighbouring areas such as Congleton from delivering further growth to assist the Council in meeting its strategic objectives. Gladman considers that there are important issues that need to be dealt with prior to the plan progressing under Regulation 16 consultation. This is

critical to ensuring the Plan's compliance with the Neighbourhood Plan Basic Conditions and its ability to proceed to Referendum.

1.3 Emerging Cheshire East Local Plan

- 1.3.1 The Congleton Borough Local Plan (2005) is the adopted development plan which covers the designated neighbourhood area. The plan has an end date of 2011, which has now passed and renders the document significantly out of date.
- 1.3.2 The former Congleton borough now forms part of the unitary authority of Cheshire East Council (CEC; the Council). CEC is preparing a new Local Plan; the Cheshire East Local Plan Strategy (CELPS), which was submitted to the Secretary of State for examination in May 2014. The examination hearing sessions commenced in September 2014. In October 2014, the hearings were formally adjourned. During a break in the hearing sessions, the Inspector wrote to CEC to advise that he was going to issue his interim views on legal compliance and the soundness of the plan.
- 1.3.3 The Inspector's 'Interim Views', published in November 2014 (see Appendix 1), highlighted fundamental concerns with the plan's evidence base with regard to Green Belt release and the full objectively assessed need (OAN) figure. Consequently, the examination was suspended for six months to allow the Council to carry out further evidence base work.
- 1.3.4 In May 2015, CEC published its initial findings of the additional evidence base work carried out. The evidence on OAN increases the proposed housing requirement for the borough from 1,350 dwellings per annum to 1,800, indicating that further land will need to be identified through the plan process to accommodate additional required growth.
- 1.3.5 Resumed examination hearing sessions took place in October 2015 and, following the Council's responses to issues raised by the Inspector, 'Further Interim Views' (Appendix 2) on the additional evidence base were published in December 2015. The Council is currently considering the implications of the Inspector's latest concerns and deciding its preferred course of action and future timetable to progress its Local Plan.
- 1.3.6 It is not yet known how the Council intends to take its additional evidence forward, in terms of the identification of additional land to meet this need, into the emerging CELPS. Gladman is concerned that it is not the correct time to progress the AMNP as the strategic priorities for the borough are yet to be determined. The Neighbourhood Plan Group should ensure that it works collaboratively with CEC and ensure that it submits the Plan under Regulation 15 once the strategic priorities are confirmed in an adopted and Framework compliant Local Plan.

- 1.3.7 The neighbourhood plan seeks to make policy judgements on matters that are yet to be determined through the CELPS. Furthermore, the AMNP, as proposed, is inflexible and based upon a restrictive approach to growth in the neighbourhood area. This is contrary to the whole ethos of the National Planning Policy Framework (the Framework) and the presumption in favour of sustainable development. To ensure the Plan's ability to meet the basic conditions, amendments to the policies contained in section 2.2 of these representations are required.
- 1.3.8 CEC has also confirmed in the SEA Screening Report *'to ensure consistency between plans and to 'future proof' the A&MNDP it is advised that the SNNP seeks to achieve general conformity with the strategic policies of the emerging CELPS.'* Whilst it remains unclear why CEC refer to as the 'SNNP' this quote reinforces the need for the AMNP to be in conformity with the emerging CELPS.
- 1.3.9 Paragraphs 16 and 184 of the Framework and PPG paragraph 070 require that the Astbury + Moreton Neighbourhood Plan is in conformity with the strategic policies of the development plan for the local authority area. Gladman maintains that the correct construction of those paragraphs within the Framework and PPG is that those Local Plan policies referred to therein must be extant and up to date, following the successful examination of a Framework-era Local Plan.
- 1.3.10 If the AMNP is progressed to examination based on a restrictive approach to growth this will likely undermine the ability of the CELPS from meeting its full OAN for housing if the level of housing Congleton will need to accommodate is to increase and the AMNP's ability to contribute to the delivery of sustainable development. If the AMNP progresses to Examination based on the current strategy it may be found inconsistent with basic conditions (a), (d) and (e).

1.4 Conclusions

- 1.4.1 The AMNP at present does not seek to promote a sufficiently flexible strategy that will deliver against OAN. Gladman is concerned that the approach taken by the neighbourhood plan may prevent the ability of Congleton, a neighbouring Key Service Centre, from assisting CEC in meeting its full OAN should its housing requirement increase. This would not accord with the national policy imperative which seeks to 'boost significantly the supply of housing' and may jeopardise the Plan's compliance with basic conditions (a) and (d). Gladman considers that further work on the Neighbourhood Plan is required to ensure that it is able to conform to national planning policy and guidance. Furthermore, it is important that the AMNP is promoted in line with the emerging CELPS and should only be brought forward once the plan has been formally adopted by CEC.

- 1.4.2 At present, the Astbury + Moreton Neighbourhood Plan is not sufficiently growth orientated nor is it able to respond rapidly to changes in the marketplace. Gladman reiterates that the proposals through the Astbury + Moreton Neighbourhood Plan effectively act to restrict all growth by defining a tightly drawn infill boundary around Astbury. Gladman contends that an approach such as the one presented directly contradicts the whole ethos of the Framework. For these reasons, the Astbury + Moreton Neighbourhood Plan needs to allow for a significant degree of flexibility to ensure that it is able to contribute to the achievement of sustainable development in order to conform with basic conditions (a), (d), (e) and (f).
- 1.4.3 Gladman would like to remain involved throughout the preparation of the Astbury + Moreton Neighbourhood Plan and therefore requests to be added to the consultation database. Gladman would also like to offer its assistance in addressing the gaps in the technical evidence base and invites the Astbury and Moreton Neighbourhood Plan Group to get in touch regarding this.

2 INTRODUCTION

2.1 Context

2.1.1 These representations are made in response to the current consultation on the pre-submission version of the Astbury + Moreton Neighbourhood Plan, under regulation 14 of the Neighbourhood Planning (General) Regulations 2012. Gladman Developments (Gladman) has land interests within the neighbourhood area, at lane off Bent Lane, and is actively promoting the site for residential development.

2.2 Summary of the Astbury + Moreton Neighbourhood Plan

2.2.1 The Astbury + Moreton Neighbourhood Plan has been produced by the Astbury and Moreton Neighbourhood Plan Group (AMNPG), on behalf of Newbold Astbury cum Moreton Parish Council (NAMPC). It covers the period to 2030, in line with the plan period of the emerging CELPS, although its start date is unclear.

2.2.2 The aims of the AMNP are:

1. To deliver small scale housing growth, phased over the neighbourhood plan period, to meet the needs of local people with respect to size and price;
2. To encourage limited small scale sensitive development which protects and enhances the existing historic character, built form and landscape setting of the plan area;
3. To sustain and improve local services and community facilities to meet the changing needs of Astbury and Moreton over the period of the plan;
4. To strengthen and support economic activity in Astbury and Moreton that looks to employ and support local people;
5. To secure continuing improvements to local infrastructure and digital connectivity for the area;
6. To prioritise local distinctiveness in every element of change and growth;
7. To protect and enhance the quality and character of both the natural and built environment of the area;
8. To involve local people in the process of plan making, monitoring and delivery of the Neighbourhood Plan.

2.2.3 The neighbourhood area was designated on 10th March 2014 and covers the administrative parish of Newbold Astbury cum Moreton, except for a small exclusion zone in the north-west corner, which is reserved for a roundabout at the end of the proposed Congleton Link Road (a strategic policy of the emerging Local Plan). Gladman considers that the development of the Congleton Link Road provides a missed opportunity to which Astbury

and Moreton Parish can benefit from. It is crucial that the Parish Council recognises the potential for the 'missing link road'. The need for the missing link is well established. Its provision would enable strategic traffic to select a variety of routes into and through Congleton as well as alleviating pressures on the traffic flows of Astbury through diverting car users. Aside from the need for the Link Road, the incorporation of the missing link identified in fig 1 will offer substantial public benefits, not least in terms of economic growth for Congleton, but will also represent a significant opportunity for Astbury to also benefit from these improvements. The benefit of the A34 Newcastle Road will result in significant long term benefits to the local area through the creation of new infrastructure provision and jobs growth.

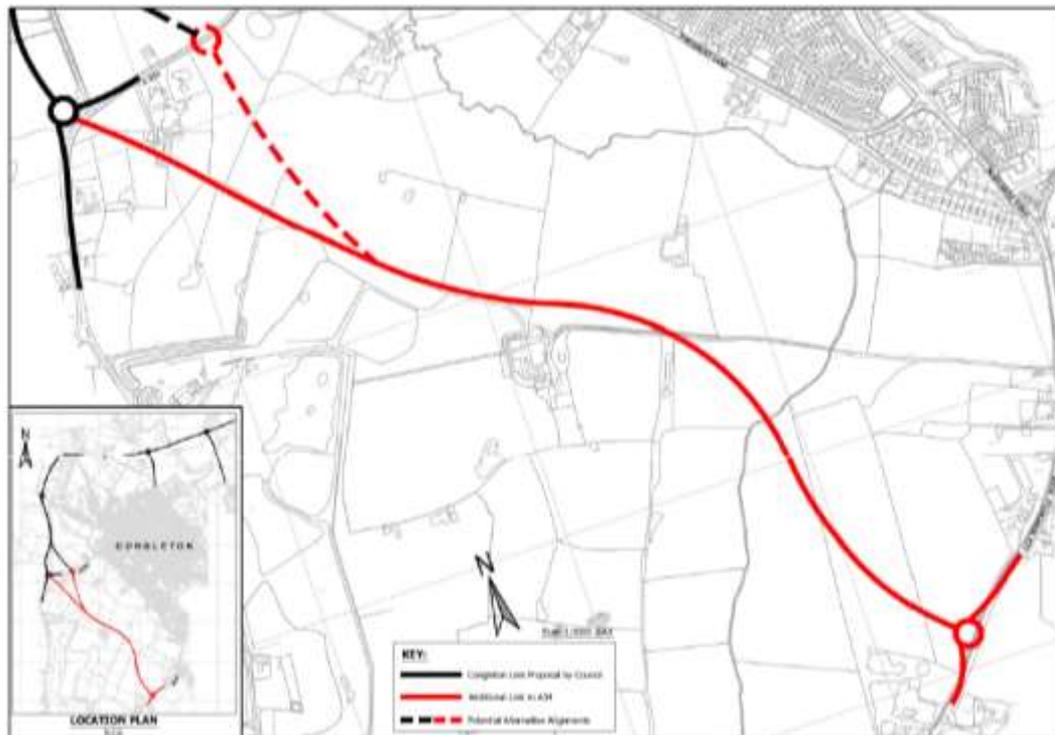


Fig 1

Source: Hourigan Connolly Hearing Statement to CELPS Matter 12 – Connectivity Policies CO1-CO4

2.2.4 As the Parish Council may be aware, there is high level of public support to the extension of the link road was previously highlighted in the Congleton Neighbourhood Plan consultation completed in June 2015, to which 91% of respondents indicated that the link road should be extended to Newcastle Road. Gladman considers that the Parish Council should also take a positive outlook to the missing link road in order to realise the significant benefits that could be secured through its delivery.

2.2.5 The AMNP refers to existing "settlements", although the only settlement within the neighbourhood plan area is the small village of Astbury. The neighbourhood area abuts the

western boundary of the settlement of Congleton, as defined within the Congleton Borough Local Plan. Congleton is defined in the emerging CELPS as a Key Service Centre that:

"...will see growth, with high quality homes and business premises provided to meet local needs, where smaller independent traders and tourism initiatives will continue to thrive and where all development will contribute to creating a strong sense of place" (p.66, CELPS Submission Version, March 2014).

- 2.2.6 Gladman submits that it is inappropriate for the Astbury + Moreton Neighbourhood Plan to attempt to restrict growth on land to the west of Congleton that falls within the neighbourhood area. Whilst this might not be the intention of the AMNP, the Plan should not seek to constrain strategic growth opportunities on the edge of higher order neighbouring towns such as Congleton. It is inevitable that, in order to deliver sustainable patterns of development, some housing and other growth will need to occur on land contiguous with the Main Towns, Key Service Centres and Local Service Centres, but outside of their respective parish boundaries. This is a strategic issue and the AMNP should at least recognise that it cannot prevent additional sustainable growth opportunities of Congleton. Gladman has land interests at land at Bent Farm, Congleton which falls within the AMNP area and therefore would be subject to the policies contained in the AMNP. Gladman maintains that this site is in Congleton not Astbury despite lying within Astbury Parish; therefore the delivery of this site would be delivering the housing needs of Congleton, one of the identified Key Service Centres in Cheshire East. In seeking to ensure that the AMNP is able to meet the basic conditions it is critical that the plan does not unduly restrict growth on the edge of Congleton, which at present is currently the case and therefore greater flexibility is required.
- 2.2.7 This principle has been accepted by CEC insofar as the Council is proposing strategic sites and has granted planning permission adjacent to the Congleton settlement boundary. In this context, it is inappropriate for the Astbury + Moreton Neighbourhood Plan to restrict the necessary further expansion of Congleton, as the pre-submission neighbourhood plan seeks to do. The consequence of this could undermine the spatial objectives of the emerging CELPS and the core principles of sustainable development.
- 2.2.8 The emerging policies do not set a housing target but the plan hints that up to 50 dwellings in total would be permitted (p.10) across the parish. New housing would be permitted exclusively as infill developments of up to 2 dwellings or on small, rural exception sites of up to 4 houses adjoining the settlement boundaries. This figure is not based on full, objectively assessed needs in accordance with the Framework and therefore cannot be found sound.

- 2.2.9 Within the adopted Congleton Borough Local Plan, Astbury is classed as a 'Settlement in the Open Countryside and the Green Belt' by virtue of its location within the Green Belt. Its limits are defined by an 'infill boundary line'.
- 2.2.10 Astbury is not explicitly mentioned within the emerging CELPS but falls within the 'Other Settlements and Rural Areas' tier. Within the Submission Version (March 2014) of the CELPS, this tier is expected to accommodate 2,000 dwellings. However, the Local Plan Inspector made clear in his 'Interim Views' that further work was required on objectively assessed needs (OAN). CEC published its further evidence in May 2015, which suggested an increased requirement for this tier, to 2,950 dwellings in total, representing an increase from the Submission Version of the CELPS of almost 50%. Although this figure is yet to be tested through the examination process, this represents a significant increase in the housing requirement for rural areas and settlements within them, including the Newbold Astbury cum Moreton Parish.
- 2.2.11 No evidence base work has been carried out to determine the level of growth that can be accommodated in each of the identified 'Other Settlements'. It is simply not yet known how much growth will need to be accommodated for in the parish area and therefore it is an inappropriate time to prepare a neighbourhood plan. Moreover, as highlighted by the Green Belt Assessment Update (July 2015), Congleton has room for expansion without incursions into the Green Belt, and some of this land falls within the neighbourhood area.
- 2.2.12 The AMNP policies pertaining to the rural environment, particularly P11 and P13, which effectively seek blanket protection of the countryside, are contrary to the Framework and the PPG. Blanket designation of open countryside adjacent to the settlements of Astbury and Congleton is contrary to national policy and would restrict the ability of both settlements, particularly Congleton, to deliver future sustainable growth. This policy would effectively seek to designate all land beyond the settlement boundary of Congleton as Green Belt 'by the back door' in an effort to designate all land beyond Green Belt by another name, in a manner prohibited by the PPG in respect of 'Local Green Space'¹ and fails to meet the stringent tests for applying Green Belt² as further considered in case law³. The use of such approach may run the risk of the Plan failing to meet the basic conditions if it is progressed in its current form. To address these issues the Plan needs to make clear that it will not restrict the ability of sustainable growth opportunities from coming forward to meet

¹ PPG reference ID 37-015-20140306.

² Exceptional Circumstances NPPF Paragraphs 82-85

³ Gallagher v Solihull MBC Judgment in the High Court [2014] EWHC 1283, upheld by the Court of Appeal [2014] EWCA Civ 1630

Congleton's housing needs; and further consideration of the difference between green belt and open countryside is required.

2.2.13 Gladman's specific concerns relate to the following policies:

P1: Scale of Housing Development

2.2.14 This policy states that new development will be supported in principle provided that it is small scale and incorporates the latest energy efficiency standards i.e. Building for Life 12 and Code for Sustainable Homes level 3.

2.2.15 Gladman contends that this policy does not seek to provide a flexible strategy consistent with the requirements of the Framework, which requires neighbourhood plans to ensure the delivery of sustainable development. Firstly, this policy would effectively restrict the ability of Congleton to meet the district's full OAN should Congleton's housing requirement increase.

2.2.16 Gladman also takes this opportunity to inform the Parish Council that the Code for Sustainable Homes has since been abolished under the Deregulation Act 2015 which obtained Royal Assent on 30th March 2015 and will now be incorporated into Building Regulations. The written statement to parliament (dated 27th March 2015) makes clear that qualifying bodies preparing neighbourhood plans should not set in their emerging Neighbourhood Plans, any additional local technical standards or requirements relating to the construction, internal layout or performance of new developments, including any policy requiring any level of the Code for Sustainable Homes to be achieved by new development. Furthermore, the written statement also makes clear that the optional new national technical standards should only be undertaken through an emerging Local Plan based on a clear up-to-date assessment of need. Neighbourhood Plans should not be used to apply the new national technical standards. If this policy is progressed to Examination it may be found inconsistent with basic conditions (a), (d) and (e) and the Plan will be unable to proceed to Referendum.

P2: Housing to meet Local Needs

2.2.17 This policy states that 'development that meets a local need identified in the latest parish housing needs survey or, if out of date, the most appropriate objectively assessed review of housing needs in the future will be subject to the affordable housing allocations policy as determined by Cheshire East'. No local housing needs evidence has been undertaken as part of this consultation. The absence of this evidence needs to be addressed and presented for the consultation to be valid and legally compliant.

- 2.2.18 In determining housing needs at the neighbourhood plan level, the requirement under basic condition (e) which requires conformity with the strategic policies of the plan is essential. This basic condition ensures neighbourhood plans are not able to disregard the local authority's housing target and therefore the AMNP is required to deliver against objectively assessed housing needs not a local housing needs survey which has yet to be undertaken.

P4: Design

- 2.2.19 This policy is too prescriptive and caps development to no more than 4 dwellings without any justification. In this regard, if Congleton's housing requirement increases following the outcome of the CELPS examination, this will limit locations, such as land off Bent Lane, from coming forward and assisting the Council in delivering its full OAN. Policy P4 is inflexible 4 requires greater flexibility so that it does not restrict the ability of the neighbourhood plan contribute to the delivery of sustainable development in neighbouring areas. In its current form P4 may be found inconsistent with basic conditions (a) and (d).

P11: Countryside and Open Views

- 2.2.20 This Policy states that all new development will be expected to respect and enhance the countryside and protect open views as a matter of priority in accordance with other neighbourhood plan and development plan policies or in exceptional circumstances.
- 2.2.21 The housing policies of the AMNP contain future growth to within the settlement of Astbury and rural exception sites. This, in combination with policies P11 (Countryside and Open Views), P13 (New development in the open countryside or Green Belt) and P26 (Landscape Quality), propose a blanket protection of the countryside, resulting in an approach that is too restrictive and will prevent sustainable development from coming forward. Furthermore, exceptional circumstances will only apply to those areas designated as green belt within the neighbourhood area, this test should not apply to open countryside. Gladman recommends that amendments are made to P11 to ensure that it does not prevent the delivery of strategic objectives, for example, meeting OAN.

P13: New development in the open countryside or Green Belt

- 2.2.22 This policy restricts the ability of future sustainable development proposals, such as land off Bent Lane, from coming forward. This provides an inflexible and ineffective strategy and is completely inconsistent with basic condition (e).

P20: Fibre to premises

2.2.23 Whilst supporting the principle of this policy which seeks to improve broadband infrastructure, developers are only required to mitigate the adverse impacts associated with development and are not required to provide additional infrastructure for unrelated items.

P26: Landscape quality

2.2.24 This policy states that all new development will be expected to enhance important local vistas and views. There is no supporting evidence that identifies what vistas and views the Parish considers to be important. This results in a consultation that has progressed without the crucial evidence required to be legally compliant and is therefore not a qualifying Regulation 14 consultation. The Parish Council will therefore need to update its evidence base and undertake a further Regulation 14 consultation to ensure the Plan's legal compliance.

P32: Contributions to Community Infrastructure

2.2.25 This policy states that all new development will be expected to address the impacts of development. Gladman reminds the Parish Council that developer contributions should only be required where they are necessary to address the unacceptable planning impacts of a development and so directly related to the impacts of a proposal that it should not be permitted without them. Contributions must be based on up-to-date, robust evidence of need. It appears no site specific viability has been undertaken on the plans cumulative obligations. Further, the level of development identified will likely be insufficient to deliver the plan's wider objectives and runs the real risk of delivering the sustainable development that is required.

2.3 Structure of Representations

2.3.1 This representation is structured as follows:

- National Policy
- Assessment against the National Planning Policy Framework
- Assessment against Planning Practice Guidance
 - Neighbourhood Planning
 - Viability
 - Open space, sports and recreation facilities, public rights of way and local green space
 - Strategic environmental assessment and sustainability appraisal
- Site submission – Land off Bent Lane, Congleton
- Conclusions

2.4 Neighbourhood Plan Preparation

- 2.4.1 Gladman would like to remain involved throughout the preparation of the Astbury + Moreton Neighbourhood Plan and therefore requests to be added to the consultation database. Gladman would also like to offer its assistance in addressing the gaps in the technical evidence base and invites the Astbury and Moreton Neighbourhood Plan Group to get in touch regarding this.

3 NATIONAL POLICY

3.1 National Planning Policy Framework, Planning Practice Guidance & the Basic Conditions

3.1.1 The National Planning Policy Framework sets out the Government’s planning policies for England and how these are expected to be applied in respect of plan-making and decision-taking: Framework paragraphs 1, 6 and 13. In doing so, it sets out the requirements for the preparation of neighbourhood plans and the role they must play in meeting the development needs of the local area. The requirements set out in the Framework have now been supplemented by the ‘Neighbourhood Planning’ section of Planning Practice Guidance (PPG)⁴ and allied sections on ‘Viability’⁵, ‘Housing Land Availability Assessment’⁶ and ‘Strategic Environmental Assessment’⁷. The provisions of the Framework and the PPG are mandatory material considerations for the purposes of basic condition 8(2)(a).

3.1.2 Before a neighbourhood plan can proceed to referendum it must be tested against a set of neighbourhood plan basic conditions, set out in paragraph 8 (2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). This is also underpinned in PPG at paragraph 065 of the ‘Neighbourhood Planning’ chapter, where the basic conditions are set out as follows:

- (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order (or neighbourhood plan);
- (d) the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development;
- (e) the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area); and
- (f) the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.

3.1.3 It is clear from the Framework and PPG that neighbourhood plans must have regard to national policies (basic condition (a): “appropriateness”), contribute towards sustainable

⁴ <http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/>

⁵ <http://planningguidance.planningportal.gov.uk/blog/guidance/viability-guidance/>

⁶ <http://planningguidance.planningportal.gov.uk/blog/guidance/housing-and-economic-land-availability-assessment/>

⁷ <http://planningguidance.planningportal.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/>

development (basic condition (d)) and have regard to up-to-date strategic policy requirements (basic condition (e)) set out in an adopted Local Plans. Neighbourhood plans must take a positive approach to facilitate new development, these should not be used as a constraint to restrict growth going forward in the plans strategy. In relation to this, Gladman refers to the requirements set out in paragraphs 16 and 184 of the Framework.

- 3.1.4 Gladman considers that the AMNP in its current form fails to comply with various key paragraphs of the Framework and the PPG. This may result in the Plan being found inconsistent with several basic conditions if progressed in its current form. Gladman recommends that the progression of the document is delayed in order to allow time to review the policies and ensure a more flexible and positive approach is taken.

4 ASSESSMENT AGAINST THE NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

4.1 Introduction

4.1.1 This section of the representation is structured around key paragraphs from the Framework and highlights how Astbury + Moreton Neighbourhood Plan, as proposed, does not comply with the Framework and consequently that it would not be appropriate to make the plan having regard to the Framework. Please note that our emphasis has been added to these quotes.

4.2 Paragraph 14

4.2.1 "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For plan-making this means that:

- Local planning authorities should positively seek opportunities to meet the development needs of their area;
- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - Specific policies in this Framework indicate development should be restricted..."

Response:

4.2.2 The pre-submission plan is inconsistent with paragraph 14 of the Framework and is therefore in conflict with basic conditions (a), (d) and (e). Its housing policies are too prescriptive and do not adequately allow for the delivery of housing when the opportunity arises, in accordance with paragraph 14 of the Framework The AMNP may prevent the Council in delivering objectively assessed needs and, further, the neighbourhood plan does not positively seek opportunities to deliver future sustainable growth. As currently proposed the plan does not allow for sufficient flexibility to adapt to adverse market trends and may prevent the ability of sustainable development coming forward.

4.3 Paragraph 16

4.3.1 “The application of the presumption will have implications for how communities engage in neighbourhood planning. Critically, it will mean that neighbourhoods should:

- Develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;
- Plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan; and
- Identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with the neighbourhood plan to proceed.”

Response:

4.3.2 The neighbourhood plan seeks to make policy judgements that have yet to be determined through the Local Plan. Furthermore, the Astbury + Moreton Neighbourhood Plan, as proposed, is inflexible and has been based upon a restrictive approach to growth. This is contrary to the whole ethos of the Framework and the presumption in favour of sustainable development.

4.3.3 Paragraphs 16 and 184 of the Framework, as well as the PPG (ID 41-070), require that the Astbury + Moreton Neighbourhood Plan is in conformity with the strategic policies in the development plan for the local authority area. Gladman maintains that the correct construction of those paragraphs within the Framework and PPG is that those local plan policies referred to therein must be extant and up to date, following successful examination of a Framework-era local plan. If the Astbury + Moreton Neighbourhood Plan is progressed to submission prior to the adoption of the CELPS, it may be found contrary to basic conditions 8(2) (a), (d) and (e).

4.4 Paragraph 17

4.4.1 “Within the overarching roles that the planning system ought to play, a set of core land use planning principles should underpin both plan-making and decision-taking. These 12 principles include that planning should:

- Be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up to date and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency; and
- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that

the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area and respond positively to wider opportunities for growth..."

Response:

4.4.2 Gladman submits that the plan should ensure that it delivers a positive vision that seeks to assist the Council in meeting its OAN and respond positively to the wider opportunities for growth. In this regard, Gladman considers that further consideration is given to the Congleton Link Road and its extension to Newcastle Road which can result in significant benefits to Astbury and Moreton Parish.

4.5 Paragraph 47

4.5.1 "To boost significantly the supply of housing, local planning authorities should:

- Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- Identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
- Identify a supply of specific developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;..."

Response:

4.5.2 The CELPS Submission Version (March 2014) contained an overall housing requirement of 27,000 dwellings for the plan period 2010-2030. However, during the examination suspension period, CEC published additional housing evidence and suggested that the housing requirement should in fact be in the region of 36,000 dwellings. It is important to note that this evidence is still subject to the Inspector's scrutiny and may still be subject to further change.

4.5.3 As the housing requirement is to increase, CEC will have to identify additional sites to accommodate this growth. Sites on the edge of identified sustainable settlements, such as Congleton, will be required to meet this need, and it is not the place of the Astbury + Moreton Neighbourhood Plan to restrict this growth. This is contrary to the national growth agenda and to the plan may be found inconsistent basic conditions (a) and (d).

4.6 Paragraph 49

4.6.1 "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites."

Response:

4.6.2 Housing applications should be considered in the context of the presumption in favour of sustainable development. The restrictive policies in the AMNP, such as policy P1 (Scale of Housing Development) and P4 (Design), provide no basis for allowing sustainable development to take place as currently proposed.

4.6.3 Furthermore, the recent Woodcock judgment demonstrates the implications of progressing a neighbourhood plan when the Council is unable to identify a five-year housing land supply or where there is no up-to-date Local Plan is in place, as is currently the case for CEC.

4.7 Paragraph 60

4.7.1 "Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness."

Response:

4.7.2 Policy P4 includes a requirement for all new housing proposals to reflect the "historic character" of Astbury and lists design criteria that should be met. This approach to the design of new development does not conform to paragraph 60 of the Framework, which allow policies to seek to promote "local distinctiveness" but not to prescribe specific styles or be unnecessarily prescriptive. It therefore needs to be amended or deleted from the emerging neighbourhood plan to ensure its compliance with basic conditions (a) and (d).

4.8 Paragraph 156

4.8.1 "Local planning authorities should set out the **strategic priorities** for the area in the Local Plan. This should include strategic policies to deliver:

- The homes and jobs needed in the area;...”

Response:

4.8.2 The AMNP should seek to meet the strategic priorities set for the area in CEC’s Local Plan, in accordance with basic condition 2(a). However, it is not yet known what the strategic priorities for CEC will be, as the plan is still under examination and the further work the Council has undertaken will lead to significant changes being made to the emerging Local Plan. Therefore, it is reiterated that this is not yet an appropriate time to prepare a neighbourhood plan. There is little point in producing a neighbourhood plan that purports to be for a period ending in 2030 when it will likely be superseded by the emerging CELPS, resulting in a waste of parish council’s time and resources.

4.8.3 The AMNP needs to be flexible as, following the publication of its additional evidence base work, CEC will need to significantly increase its proposed housing requirement and therefore additional housing growth will almost certainly be required in this tier of settlements as well as Key Service Centres such as Congleton.

4.8.4 Furthermore, although much of the designated neighbourhood area is Green Belt land, much of Cheshire East borough is constrained by Green Belt and a large proportion of the land within the west of the neighbourhood area, to the immediate west of Congleton, is not within the Green Belt. This land is available and is likely to be required to meet the housing need of Congleton.

4.8.5 Emerging policy P1 states that development within the Green Belt will be restricted to the categories of development permitted by the Cheshire East Local Plan or NPPF Green Belt policy as applicable. There is no need for the neighbourhood plan to repeat national policy.

4.9 Paragraph 157

4.9.1 “Crucially, Local Plans should:

- Plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework;...
- Allocate sites to promote development and flexible use of land, bringing forward new land where necessary, and provide detail on form, scale, access and quantum of development where appropriate;...”

Response:

4.9.2 The AMNP, in its current form, fails to plan positively for the development and infrastructure needs of Astbury and Moreton in line with the objectives, principles and policies of the Framework.

4.10 Paragraph 158

- 4.10.1 “Each local planning authority should ensure that the local plan is based on adequate, up to date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated and that they take full account of relevant market and economic signals.”

Response:

- 4.10.2 Policy P2 states ‘*Development that meets a local need identified in the latest parish housing needs survey or, if out of date, the most appropriate objectively assessed review of housing need in the future will be subject to the affordable housing allocations policy as determined by CEC.*’ The AMNP does not identify local needs in Astbury or provide any socio-economic evidence to support its housing policies. Gladman questions the approach taken when national policy and guidance makes expressly clear that neighbourhood plans should deliver against full objectively assessed needs for housing.

4.11 Paragraph 159

- 4.11.1 “Local planning authorities should have a clear understanding of housing needs in their area. They should:
- Prepare a Strategic Housing Market Assessment to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries...
 - Prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.”

Response:

- 4.11.2 The AMNP fails to have a clear understanding of the housing needs of the wider area. Gladman questions why the parish council would pursue a neighbourhood plan at this time, when there is so much uncertainty surrounding the future of the CELPS. It is not yet known what the final housing requirement of CEC will be and therefore the AMNP cannot effectively plan because the housing needs are not fully understood and may further increase following the inspector’s resumed examination into the CELPS.

4.12 Paragraph 173

- 4.12.1 “Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations

and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”

Response:

- 4.12.2 Gladman is concerned that the imposition of the emerging neighbourhood plan policies would have a demonstrable impact on the viability and vitality of Astbury and Moreton. The vision and objectives are not supported by an appropriate scale or range of planned development to ensure the vitality of the community is maintained. If the AMNP does not seek to amend its currently prescriptive requirements for new development then this may have significant effects on the local demographics of the area, leading to a decline in local services and facilities. In order for the AMNP to effectively counter this potential issue, meet its vitality objectives and ensure that a re-balance to the demographic market is achieved, it must allow for more growth and the Congleton Link Road Extension can be a facilitator in securing significant economic benefits.

4.13 Paragraph 184

- 4.13.1 “Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies. ”

Response:

- 4.13.2 The AMNPG is required to ensure that its neighbourhood plan is in general conformity with the strategic policies of the CELPS, which is not yet adopted and is currently undergoing examination. CEC’s additional evidence base work demonstrates that the strategic policies of the Local Plan will need to be amended to significantly increase the amount of housing required to be delivered during the plan period. At this time, the Council has suggested increasing its overall housing requirement from 27,000 new homes to 36,000 by 2030.

However, this figure has yet to be found sound and, as such it is an inappropriate time to prepare a neighbourhood plan.

4.14 Paragraph 204

4.14.1 "Planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

Response:

4.14.2 Policy P32 (Contributions to Community Infrastructure) states that financial contributions paid directly to the local community as a result of New Homes Bonus or CIL will be pooled to deliver priorities identified in the 'Neighbourhood Delivery Plan'. However, these priorities are yet to be defined.

4.14.3 Policy P20 (Fibre to Premises) requires that additional ducting is provided by new development, which contributes to a local network for the wider community. Gladman supports this in principle but reminds the Neighbourhood Plan Group that developers are only obliged to mitigate against impacts of their developments, not to provide additional benefits for unrelated items.

4.14.4 Gladman is concerned that the imposition of the emerging neighbourhood plan policies would have a demonstrable impact on the viability and vitality of Astbury and Moreton. Gladman considers that it is crucial to the AMNP's success that it recognises the opportunity of the extension to the A34 to Newcastle Road. The provision of which will allow the Parish Council to benefit from the significant infrastructure improvements and would alleviate traffic pressures of the Parish through the diversion of traffic from Congleton.

5 ASSESSMENT AGAINST PLANNING PRACTICE GUIDANCE

5.1 Introduction

5.1.1 This section of this submission is structured around the requirements set out in various sections of the Planning Practice Guidance and highlights how the Astbury + Moreton Neighbourhood Plan has not met these requirements or the basic conditions. Please note that our emphasis has been added to these PPG references.

5.2 Paragraph: 004 Reference ID 41-004-20140306

5.2.1 "A neighbourhood plan should *support the strategic development needs set out in the Local Plan and plan positively to support local development* as outlined in paragraph 16 of the National Planning Policy Framework..."

Response:

5.2.2 Gladman submits that the AMNP should seek to support the strategic development needs set out in the emerging Local Plan, if Congleton's housing requirement is to increase, the neighbourhood plan needs to ensure that it will not prevent sites such as land at Bent Farm from coming forward to meet this strategic objective.

5.3 Paragraph: 005 Reference ID 41-005-20140306

5.3.1 "Must a community ensure that its neighbourhood plan is deliverable?

If the policies and proposals are to be implemented as the community intended a neighbourhood plan needs to be deliverable. The National Planning Policy Framework requires that the sites and scale of development identified in a plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened."

Response:

5.3.1 Gladman notes that land within the neighbourhood area adjacent to Congleton boundary will likely be required to ensure the delivery of sustainable development to meet OAN. As such, development in this location will be subject to the AMNP policies which may inadvertently restrict the ability of these sites to come forward. Therefore, the plan needs to be amended to ensure that no policy burdens or financial obligations will jeopardise the ability of development to be delivered viably. This will ensure the Plan's ability to meet basic condition (d).

5.4 Paragraph: 009 Reference ID 41-009-2010306

5.4.1 "Can a neighbourhood plan come forward before an up-to-date Local Plan is in place?"

Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its Local Plan.

A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. A draft Neighbourhood Plan or Order is not tested against policies in an emerging Local Plan although the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.

Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and local planning authority should discuss and aim to agree the relationship between policies in:

- The emerging neighbourhood plan
- The emerging Local Plan
- The adopted development plan

With appropriate regard to national policy and guidance...

The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflict between policies in the neighbourhood plan and those on the emerging Local Plan..."

Response:

5.4.2 The additional evidence base work that CEC has undertaken during the suspension period of the examination of the Local Plan has led to the Council suggesting drastic amendments to its CELPS, including a significantly increased housing requirement. However, the examination has yet to resume and, as such, it is not yet known whether CEC's suggested plan revisions will be accepted by the inspector. Therefore, the emerging plan is not yet at a stage advanced enough for the AMNP to align itself with. It would be more appropriate to progress the AMNP once the CELPS has been adopted. The additional evidence base work that CEC has undertaken during the suspension period of the examination of the Local Plan has led to the Council suggesting drastic amendments to its CELPS, including a significantly increased housing requirement.

5.5 Paragraph: 040 Reference ID 41-040-20140306

5.5.1 "What evidence is needed to support a neighbourhood plan or order?"

While there are prescribed documents that must be submitted with a neighbourhood plan or Order there is no 'tick box' list of evidence required for neighbourhood planning. Proportionate, **robust** evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan or the proposals in the Order.

A local planning authority should share relevant evidence, including that gathered to support its own plan-making, with a qualifying body..."

Response:

5.5.2 The AMNP does not provide a robust and credible evidence base upon which to plan for the development needs of the settlement. It relies heavily on feedback to its initial public consultation through surveys and open meetings. Indeed, the plan states (p.9) that the housing aims have been "derived from surveys" – and these aims underpin the policies. This does not provide robust evidence to support the choices made and approaches taken by the AMNP.

5.5.3 Further, draft policy P2 (Housing to meet local needs) suggests that the "latest parish housing needs survey" will be used to identify "local need". It implies that only if the parish survey was out of date would CEC's OAN figure be used to identify such need. This is incorrect, as practice guidance makes clear that the AMNP will need to deliver against objectively assessed needs.

5.6 Paragraph: 042 Reference ID 41-042-20140306

5.6.1 "Can a neighbourhood plan allocate sites for development?"

A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria."

Response:

5.6.2 The AMNPG has not considered locations for housing growth and relies upon infilling of up to 2 dwellings and schemes of up to 4 dwellings on rural exception sites, which caps development. However, within the neighbourhood area lies land on the western edge of Congleton that has been recognised by Cheshire East Council as having potential for residential development. The AMNPG does not appear to have considered this area or, indeed, any sites for inclusion in the emerging neighbourhood plan. Further sites will be required to accommodate the needs of the Congleton and the AMNP should not seek to prevent the delivery of additional growth in this location.

5.7 Paragraph: 045 Reference ID 41-045-20140306

5.7.1 "Should a neighbourhood plan consider infrastructure?"

A qualifying body may wish to consider what infrastructure needs to be provided in their neighbourhood area alongside development such as homes, shops or offices. Infrastructure is needed to support development and ensure that a neighbourhood can grow in a sustainable way

The following may be important considerations for a qualifying body to consider when addressing infrastructure in a neighbourhood plan:

- What additional infrastructure may be needed to enable development in a neighbourhood plan to be delivered in a sustainable way
- How any additional infrastructure requirements might be delivered
- What impact the infrastructure requirements may have on the viability of a proposal in a draft neighbourhood plan and therefor its delivery
- What are the likely impacts of proposed site allocation options or policies on physical infrastructure and on the capacity of existing services which could help shape decisions on the best site choices

Qualifying bodies should engage infrastructure providers (for example, utility companies, transport infrastructure providers and local health commissioners) in this process, advised by the local planning authority.

Response:

5.7.2 Policy P32 (Contributions to Community Infrastructure) states that financial contributions paid directly to the local community as a result of New Homes Bonus or CIL will be pooled to deliver priorities identified in the 'Neighbourhood Delivery Plan'. However, these priorities are yet to be defined.

5.7.3 Policy P19 (Footpaths) states that improvements to the existing public footpath network will be supported. New footpath infrastructure would need to be funded by contributions from residential development, would be difficult to achieve considering the restrictive approach to new development set out in the emerging plan.

5.7.4 Policy P20 (Fibre to Premises) requires that additional ducting is provided by new development, which contributes to a local network for the wider community. Gladman supports this in principle but reminds the Neighbourhood Plan Group that developers are only obliged to mitigate against impacts of their developments, not to provide additional benefits for unrelated items.

5.8 Paragraph: 069 Reference ID 41-069-20140306

5.8.1 "What does having regard to national policy mean?"

A neighbourhood plan or Order must not constrain the delivery of important national policy objectives. The National Planning Policy Framework is the main document setting out the Government's planning policies for England and how these are expected to be applied."

Response:

5.8.2 The AMNP, as presented, may effectively act to preclude the delivery of potential sustainable growth opportunities from being delivered. The combined approach of a number of policies will limit the delivery of sustainable development, a neighbourhood plan basic condition. The Framework makes clear central Government's intention to significantly boost the supply of housing, and the AMNP should not prevent the delivery of this national objective.

5.9 Paragraph: 070 Reference ID 41-070-20140306

5.9.1 "Which national policies are relevant to a neighbourhood plan or Order?"

Paragraph 16 of the National Planning Policy Framework is clear that those producing neighbourhood plans or Orders should support the strategic development needs set out in Local Plans, including policies for housing and economic development. Qualifying bodies should plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan. More specifically paragraph 184 of the National Planning Policy Framework states that neighbourhood plans and Orders should not promote less development than set out in the Local Plan or undermine its strategic policies.

The content of a draft neighbourhood plan or Order will dictate which additional national policy is or is not a relevant consideration to take into account. The basic condition allows qualifying bodies, the independent examiner and local planning authority to reach a view in those cases where different parts of national policy need to be balanced.

A qualifying body is advised to set out in its basic conditions statement how they have had regard to national policy and considered whether a particular policy is or is not relevant. A qualifying body is encouraged to set out the particular national policies that it has considered, and how the policies in a draft neighbourhood plan or the development proposals in an Order take account of national policy and advice."

Response:

5.9.2 Policy P1 restricts all new housing development to within the settlement boundary of Astbury or on small rural exception sites adjacent to the boundary. Gladman considers that

this policy seeks to constrain housing growth of the wider area and is contrary to the express terms of the Framework, which lists a number of core planning principles, including that:

"Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth".

5.9.3 Policy P1 does not allow this to happen.

5.9.4 It would be useful if the Parish Council prepared a Basic Conditions statement as part of this consultation in order to test whether the policies identified are in accordance with the Framework and the basic conditions.

5.10 Paragraph: 074 Reference ID 41-074-20140306

5.10.1 "What is meant by 'general conformity'?"

When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority should consider the following:

- Whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with
- The degree, if any, of conflict between the draft neighbourhood plan policy development proposal and the strategic policy
- Whether the draft neighbourhood plan policy or development proposal provides and additional level of detail and/or distinct local approach to that set out in the strategic policy without undermining that policy
- The rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach."

Response:

5.10.2 The Council's additional Local Plan evidence base work has revealed that the overall housing requirement for the borough will need to increase by around 50% (at least). This is likely to warrant an increase in the overall quantity of dwellings required to be delivered all settlement tiers of the hierarchy i.e. Congleton. The AMNP will therefore need to be amended so that it allows for a positive strategy that does not undermine the ability of Congleton from assisting CEC meeting its housing needs.

Viability

5.11 Paragraph: 005 Reference ID 10-005-20140306

5.11.1 "How should viability be assessed in plan making?"

Local Plans and Neighbourhood Plans should be based on a clear and deliverable vision of the area. Viability assessment should be considered as a tool that can assist with the development of plans and policies. It should not compromise the quality of development but should ensure that the Local Plan vision and policies are realistic and provide high level assurance that plan policies are viable.

Development of plan policies should be iterative – with draft policies tested against evidence of the likely ability of the market to deliver the plan’s policies, and revised as part of a dynamic process.

Evidence should be proportionate to ensure that plans are underpinned by a broad understanding of viability. Greater detail may be necessary in areas of known marginal viability or where the evidence suggests that viability might be an issue – for example in relation to policies for strategic sites which require high infrastructure investment.”

Response:

5.11.2 Neighbourhood plans should be based upon clear and deliverable visions. However, Gladman is concerned that the AMNP is not based on a deliverable vision as it fails to allocate any land for either housing or economic development. Gladman is concerned that the lack of allocations will have a demonstrable impact on the viability and vitality of Astbury and Moreton. In order for the AMNP to effectively counter this potential issue, meet its vitality objectives and ensure that a re-balance to the demographic market is achieved, it must allow for more growth through the provision of residential development and recognise the significant benefits that can be achieved through the Congleton Link Road Extension.

Open Space, sports and recreation facilities, public rights of way and local green space

5.12 Paragraph: 015 Reference ID 37-015-20140306

5.12.1 "How big can a Local Green Space be?"

There are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgement will inevitably be needed. However, paragraph 77 of the National Planning Policy Framework is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land.

Consequently blanket designation of open countryside adjacent to settlements will not be appropriate. In particular designation should not be proposed as a 'back door' way to try to achieve what would amount to a new area of Green Belt by another name."

Response:

- 5.12.2 The housing policies of the AMNP restrict growth to within the settlement of Astbury and rural exception sites. This, in combination with policies P11 (Countryside and Open Views) and P13 (New development in the open countryside or Green Belt), which appear to propose a blanket protection of the countryside, means that the AMNP is too restrictive and will prevent sustainable development from coming forward.
- 5.12.3 Policy P11 suggests that any development in the countryside will only be acceptable in exceptional circumstances. As the entirety of the neighbourhood plan area, aside from that within the infill boundary line of Astbury, is classed as open countryside, the application of this policy would almost certainly prevent any residential development coming forward in the neighbourhood area outside the infill boundary. Policy P11 is, however, flawed because the 'exceptional circumstances' logic should only be applied to land within the Green Belt. At present, policy P11 acts as a policy for the blanket protection of the countryside and does not take into account the needs of neighbouring Congleton.
- 5.12.4 Similarly, policy P26 (Landscape Quality) should be deleted because it essentially seeks to 'protect' the open countryside from development.
- 5.12.5 Policy P13 also refers to 'Inappropriate development within the Green Belt'; this is a subject that will be dealt with by the Council and, as such, this text should be deleted from the emerging neighbourhood plan.
- 5.12.6 Policy P10 (Open Space within the Settlements) seeks to preserve existing open spaces. It is not clear whether this policy seeks to allocate land for the purposes of Local Green Space. The designation of land must be consistent with the requirements of paragraphs 76 and 77 of the Framework and the designation of Local Green Space will not be appropriate for most green areas or open space. The designation should only be used:
- Where the green area is in reasonably close proximity to the community it serves;
 - Where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness or its wildlife; and
 - Where the green area concerned is local in character and is not an extensive tract of land.

- 5.12.7 There is no robust evidence to demonstrate that the open space referred to by policy P10 meets these requirements.

STRATEGIC ENVIRONMENTAL ASSESSMENT AND SUSTAINABILITY APPRAISAL

- 5.13 Paragraph: 026 Reference ID 11-026-20140306

- 5.13.1 "Does a neighbourhood plan require a sustainability appraisal?"

There is no legal requirement for a neighbourhood plan to have a sustainability appraisal as set out in section 19 of the Planning and Compulsory Purchase Act 2004. However a qualifying body must demonstrate how its plan or order will contribute to achieving sustainable development. A sustainability appraisal may be a useful approach for doing this and the guidance on sustainability appraisal of Local Plans should be referred to."

Response:

- 5.13.2 Although neighbourhood plans do not require a Sustainability Appraisal (SA) of their proposals, preparing one can help to show how a neighbourhood plan will contribute to the achievement of sustainable development – a neighbourhood plan basic condition. Therefore, the guidance on SA for Local Plans should be referred to. The PPG makes clear at paragraph 007 (Reference ID: 11-007) that the SA should meet all of the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004.

- 5.14 Paragraph: 027 Reference ID 11-027-20150209

- 5.14.1 "Does a neighbourhood plan require a strategic environmental assessment?"

In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a strategic environmental assessment. Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects. This process is commonly referred to as a "screening" assessment and the requirements are set out in regulation 9 in the Environmental Assessment of Plans and Programmes Regulations 2004.

If likely significant environmental effects are identified, an environmental report must be prepared in accordance with paragraphs 2) and 3) of regulation 12 of those Regulations.

One of the basic conditions that will be tested by the independent examiner is whether the making of the neighbourhood plan is compatible with European Union obligations (including under the Strategic Environmental Assessment Directive).

Response:

- 5.14.2 Basic condition (f) requires a made neighbourhood plan to be compatible with the European Union obligations detailed above and the requirement to produce a strategic environmental assessment (SEA) is an important way for a neighbourhood plan to show compliance with it.
- 5.14.3 Cheshire East Council prepared a SEA screening opinion, which concluded that the AMNP does not have a significant environmental effect and is not required to be subject to SEA. Gladman considers that the adequacy of the SEA goes to the core compliance of basic condition (f), which requires strict adherence to the requirements of the Strategic Environmental Assessment Directive and implementing UK regulations.
- 5.14.4 Gladman does not consider the Screening Report to be a robust document, Gladman contends that the Screening Report fails to properly consider the significant effects in respect of (b) cumulative nature of effects, (c) the transboundary nature of the effects, (d) the risk of human health or the environment and (e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be effected). Given that those policies contained in the plan will have a significant effect on Congleton's ability to meet its housing needs.
- 5.14.5 The Astbury + Moreton Neighbourhood Plan seeks to constrain the delivery of all development growth and should be tested with SEA-level scrutiny; it should identify, describe and evaluate the likely significant effects on the environment of implementing the plan and all reasonable alternatives.

5.15 Paragraph: 037 Reference ID: 11-037-20150209

- 5.15.1 "How should plan-makers develop and refine options and assess effects?
Proposals in a draft neighbourhood plan, and the reasonable alternatives should be assessed to identify the likely significant effects of the available options (Stage c).
 Forecasting and evaluation of significant effects should help to develop and refine the proposals in the neighbourhood plan.

Reasonable alternatives should be identified and considered at an early stage in the plan making process as the assessment of these should inform the preferred approach.

This stage should also involve considering ways of mitigating any adverse effects, maximising beneficial effects and ways of monitoring likely significant effects."

Response:

- 5.15.2 Gladman contends that the AMNP should be for its effects on the environment-level scrutiny. The SEA should identify and assess all reasonable alternatives for the AMNP's

proposals and should assess whether the parish is capable of delivering a pro-growth scenario in line with the requirements of national planning policy.

5.16 Paragraph: 038 Reference ID: 11-03820150209

5.16.1 "How should the strategic environmental assessment assess alternatives and identify likely significant effects?"

The strategic environmental assessment needs to compare the alternatives including the preferred approach, and assess these against the baseline environmental characteristics of the area and the likely situation if the neighbourhood plan were not to be made. The strategic environmental assessment should predict and evaluate the effects of the preferred approach and reasonable alternatives and should clearly identify the significant positive and negative effects of each alternative.

The strategic environmental assessment should identify, describe and evaluate the likely significant effects on environmental factors using the evidence base. Criteria for determining the likely significance of effects on the environment are set out in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004.

The strategic environmental assessment should identify any likely significant adverse effects and measures envisaged to prevent, reduce, and, as fully as possible, offset them. Reasonable alternatives must be considered and assessed in the same level of detail as the preferred approach intended to be taken forward in the neighbourhood plan. Reasonable alternatives are the different realistic options considered while developing the policies in the draft plan. They must be sufficiently distinct to highlight the different environmental implications of each so that meaningful comparisons can be made. The alternatives must be realistic and deliverable.

The strategic environmental assessment should outline the reasons the alternatives were selected, the reasons rejected options were not taken forward and the reasons for selecting the preferred approach in light of the alternatives. It should provide conclusions on the overall environmental impact of the different alternatives including those selected as the preferred approach in the neighbourhood plan. Any assumptions used in assessing the significance of effects of the neighbourhood plan should be documented.

The development and appraisal of proposals in the neighbourhood plan should be an iterative process, with the proposals being revised to take account of the appraisal findings. This should inform the selection, refinement and publication of the preferred approach for consultation.

Response:

- 5.16.2 A Sustainability Appraisal has not been completed for the AMNP. Gladman considers it essential to undertake an assessment to ensure that the AMNP is capable of achieving the delivery of sustainable development, a neighbourhood plan basic condition.

6 SITE SUBMISSION

6.1 Land off Bent Lane, Congleton

6.1.1 The parish council is aware that Gladman has land interests at Bent Lane, Congleton, the entirety of which falls within the designated neighbourhood area. Gladman considers the site to be suitable, available and deliverable in terms of residential development. Appendix 3 provides a Masterplan & Vision Document for Congleton showing the location of the land at Bent Lane Farm to the west of Congleton.

6.1.2 The site lies adjacent to the western edge of Congleton, west of Padgbury Lane and land with extant permission for residential development. The land partly comprises the Submission Non-Preferred site NPS36 – Congleton West, which is one of two strategic sites previously discounted by the Council.

6.1.3 The proposal will provide new homes which will help sustain the vitality of local services and facilities in the parish and in Congleton for future years. Gladman believes that the site can bring real benefits to the community.

6.1.4 Technical work has been undertaken on the site and the following matters have been identified:

- The majority of the site located in Flood Zone 1, which does not place the site at risk of flooding. A very small portion is located within Flood Zones 2 and 3, which increases the risk of flooding. A Flood Risk Assessment would be submitted alongside a planning application.
- A Scheduled Ancient Monument is located with the site boundaries. The significance of this would be taken into account during the evolution of any proposed residential scheme to minimise potential conflict between the SAM's setting and any aspect of the proposal.
- The site is located within the Jodrell Bank Consultation Zone.

6.1.5 The emerging neighbourhood plan would preclude the development of this significant site because the housing policies restrict development to a maximum of 4 dwellings per scheme, up to an implied maximum of 50 dwellings in total across the parish area. This cap of 4 dwellings is not supported by any evidence and unacceptably caps development. Therefore, Gladman strongly objects to proposed policies P1, P4, P10, P11 and P13 of the Astbury + Moreton Neighbourhood Plan, which if applied would actively resist development in this location unnecessarily.

7 CONCLUSIONS

7.1 Assessment against the Basic Conditions

- 7.1.1 Gladman objects to the Astbury + Moreton Neighbourhood Plan in its current form, which may inadvertently active to constrain the ability of sustainable development opportunities in Congleton.
- 7.1.2 The AMNP contains a number of flaws which will need to be addressed prior to progressing the document further. In order to ensure its compliance with the basic conditions Gladman considers that there is a need for additional evidence base work to be undertaken to support a number of its aims and objectives. Furthermore, Gladman considers that it is crucial that the AMNP recognises that additional development in Congleton will likely be required and the Neighbourhood Plan policies contained in the plan will not prevent this growth from occurring.
- 7.1.3 In order to secure the viability and vitality of the Parish, Gladman reiterates the need for the Parish Council to consider the significant local improvements through the delivery of the Link Road extension and the potential benefits that Astbury and Moreton Parish can gain through its delivery.
- 7.1.4 Whilst Gladman commends the Parish Council on the work undertaken so far, Gladman considers that significant amendments are required to ensure the Plan's ability to meet the basic conditions at Examination, ensuring that the Plan is able to proceed to Referendum. Given the concerns raised throughout this representation, Gladman would like to offer its assistance in helping the Parish Council to address these issues and invite the Parish Council to contact Gladman regarding this.
- 7.1.5 Gladman would like to remain involved throughout the preparation of the Astbury + Moreton Neighbourhood Plan and therefore request to be added to the consultation database.

Appendix 1: Inspector's Interim Views

Appendix 2: Inspector's Further Interim Views

Appendix 3: Land off Bent Lane, Congleton – Visioning Statement

