

# Brereton Neighbourhood Plan

## Regulation 14 Representations

### Response Reference Report to Key Representations

#### **About this Document**

This report was commissioned by the Brereton Neighbourhood Plan Governance body to provide a technical analysis of selected Representations received during the Regulation 14 Consultation. The scope of the report was to:

- Provide an easy to understand summary of the Representation
- Provide a suggested response to the Representation
- Propose any resulting changes to Neighbourhood Plan in readiness for the Regulation 15 Submission to Cheshire East Council.

The report was produced by John Knight, an independent Chartered Town Planner, with review and input from the Brereton Neighbourhood Plan Governance body.

The report content will be used to complete the Register of Regulation 14 Representations, and the changes to the Plan for Regulation 15 Submission.

#### **Representations**

The full register of Regulation 14 Representations, together with all detailed representation content, is available in Supporting Documents reference SD/C50a and SD/C50b.

This report provides analysis and recommendations to selected Regulation 14 Representations received by Brereton Parish Council, which have been considered to require a full technical review and response.

The selected Representations are:

- Representation 101: Alison Heine, on behalf of the traveller community
- Representation 117: Cheshire East Council
- Representation 169: Historic England
- Representation 185: Natural England
- Representation 186: Gladman Developments Ltd.

This report provides a summary of the main concerns of the selected Representations, together with a proposed response by the Parish Council, as well as proposed changes to the Plan.

Parish Council responses to all other Representations are documented within the Register of Regulation 14 Representations SD/C50a.

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#### **Representation 101: Alison Heine on behalf of the traveller community**

##### **Summary of Representation**

Concern is expressed in this representation that no provision in the Plan has been considered or made for the traveller community. In response, the Parish Council would refer to the requirements set out in current national planning guidance for traveller sites and to the response of Cheshire East Council as the relevant local planning authority in satisfying their obligations and discharging their responsibilities towards the traveller community and adjacent settled communities. There is no requirement for any neighbourhood plan to consider meeting any need for traveller sites as national policy requires the planning for such uses to be at a strategic and borough wide level.

##### **Proposed BPC Response**

To include within the Plan a new section "Gypsies and travellers and travelling showpeople within the Cheshire East area" within the Housing Policy Justification and Evidence in Appendix A1 to explain and justify the absence of any policy for traveller sites.

##### **Proposed Plan Changes**

**New: A1, after Justification and Evidence HOU10**

##### **Note: Gypsies and Travellers and Travelling Showpeople within the Cheshire East area**

National planning policy for traveller sites is set out in the document "Planning Policy for Traveller Sites" published in March 2012 (SD/A13) at the same time as the NPPF. The aim of this national policy is to require all local planning authorities (in this case Cheshire East Council) to make their own assessments of the need for traveller sites which both facilitate the way of life of travellers and yet respects the interests of existing settled communities. The policy clearly sets out what actions authorities have to take in respect of traveller sites and these include:

- Making their own assessment of the need for sites
- Working with other local authorities to develop strategies to meet the need through the identification of sites

Cheshire East Council has responded in a number of ways to these requirements:

- A gypsy and traveller accommodation assessment was prepared and published in January 2014 on behalf of the four unitary boroughs lying within the former county area of Cheshire which set out the proposed provision over 5 year periods until 2018
- A strategic planning policy for accommodating gypsies and travelling show people has been included in the submitted version of the Cheshire East Local Plan Strategy which sets out how the Council will consider meeting their needs (policy SC7 of the submitted Plan refers)

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- Sites for gypsies and travellers are proposed to be allocated in the Site Allocations and Development Policies Development Plan Document which will be prepared and subject to consultation and examination following the approval of the Local Plan Strategy.

Existing development plan policy for gypsy caravan sites within Brereton is set out at policy H8 of the Congleton Borough Local Plan First review (2005). That policy is proposed to be deleted in the submitted version of the Cheshire East Local Plan and would be superseded by proposed new policy SC7.

National policy guidance has therefore placed full responsibility on Cheshire East Borough Council through these various planning tools to actively plan for traveller accommodation. Cheshire East Council has provided clear evidence that it takes these responsibilities very seriously and is progressing in consultation with adjoining local authorities how to meet the arising need across the whole Borough. The introduction of a neighbourhood plan policy would therefore be inappropriate and potentially prejudicial to that work. Furthermore, Cheshire East Council has been consulted throughout the preparation of the Plan and has not requested that the Plan seeks to address any traveller needs. Opportunities for the traveller community to contribute to the plan making process are available through the Local Plan Strategy examination and later on through the Site Allocations and Development Policies document. Planning for travellers at a neighbourhood level would be inappropriate as it is clear that such planning would be contrary to national and Borough planning policies which require a more strategic approach in respect of locating such development in proximity to appropriate facilities and services and in respect of the potential impact on the character and appearance of the countryside.

#### **Supporting Evidence References:**

Cheshire East Local Plan Strategy Policies

SC 7

SD/B07: H8

UK Documents

SD/A13

Cheshire East Documents

Neighbourhood Documents

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#### **Representation 117: Cheshire East Council**

##### **Summary of Representation**

Policy HOU02: Concern is around boundary definition of settlements and justification for that boundary.

Policy HOU05: It is suggested that the wording of this policy make reference to local need requirements set out in HOU12.

Policy HOU10: It is suggested that the wording of the policy make reference to Open Market housing in the heading for the avoidance of doubt, and also a reference to HOU12 for the local need definition. Some justification is suggested for a period of 9 months within which to allow for a local need to come forward and the property be sold.

Policy HOU12. It should be made clearer that the criteria for a local connection to comply with plan policies for self-build and open market housing do not relate to the Cheshire East Council's own policies for affordable housing and rural exceptions housing for local needs. Affordable housing policy at a strategic level is set out in existing and emerging Local Plan policies.

##### **Proposed BPC Response**

HOU02: Prepare a revised Policy with supporting reasons and explanation to define Settlement Boundaries.

HOU05: Add additional wording to the Policy.

HOU10: Amend the heading for HOU10 to read: Open Market Housing for local people. Add an additional point 3 to the policy, and add further justification.

HOU12: It should be made clearer that the criteria for a local connection to comply with plan policies for self-build and open market housing do not relate to the Cheshire East Council's own policies for affordable housing and rural exceptions housing for local needs. Affordable housing policy at a strategic level is set out in existing and emerging Local Plan policies.

##### **Proposed Plan Changes**

##### **Replace: Policy HOU02 Settlement Boundary**

1. Brereton Heath and Brereton Green are identified as settlements lying within the open countryside and are identified by a settlement boundary on the inset maps within Appendix C of the Plan (key map C20a and key map C20b).
2. Within the settlement boundary of the settlements so defined, new housing development may be permitted where it is appropriate to the character of the area and accords with other policies of the Plan and Cheshire East Local Plan.

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3. In all other areas of the Parish not defined as lying within these settlement boundaries, no development will be permitted other than in accordance with the policies in this Plan and the Cheshire East Local Plan.

#### **Additional: Justification and Evidence HOU02**

The Congleton Borough Local Plan sets out at policies PS5 and PS6 a settlement boundary for Brereton Green and Brereton Heath. Both policies are proposed to be retained as Saved policies in the submitted version of the Cheshire East Borough Local Plan (Appendix B Saved Policies refers) so still form an important part of the Development Plan. However, the 2005 Plan was itself a replacement of the original Congleton Borough Local Plan adopted in 1998. It has also been recognised that since those settlement boundaries were last defined (more than 10 years ago) some development has occurred which requires existing boundaries to be redefined to recognise the de-facto boundary of the settlement as now exists on the ground. The Congleton Borough Local Plan also provides settlement boundary definition maps for all settlements including the rural areas which includes both Brereton Green and Brereton Heath.

The submitted version of the Cheshire East Local Plan does not specifically identify a settlement boundary policy, although some policies do refer to settlement boundaries such as policy PG 5. Previous policies related to settlement boundaries/settlement zone lines (including those in the Congleton Borough Local Plan 2005) are proposed to be saved until superseded by the Site Allocations and Development Policies, and Waste Development Plan Documents.

It is the intention of this Plan to propose a slightly amended boundary to recognise those limited changes on the ground or in course of build. This will serve a dual purpose as follows:

- to update the settlement boundary through the Neighbourhood Plan so it could be utilised for planning decisions to be based on policies in the Plan
- to inform any Development Plan Documents which Cheshire East Council may subsequently produce following the adoption of the Local Plan Core Strategy in due course.

The preparation of the Neighbourhood Plan provided an opportunity to bring these objectives together. Accordingly, guidance was sought from Cheshire East Council as to the appropriate criteria to be used for defining settlement boundaries in the light of current national and emerging Cheshire East planning policies so as to ensure that the Neighbourhood Plan was compliant with these wider planning issues which is a basic condition any neighbourhood plan should satisfy.

The basic settlement boundary criteria used for defining the Brereton boundaries were as follows:

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- The boundaries should follow clearly defined features and physical boundaries that can be identified on the ground: walls, fences, hedgerows, roads, rail, bridleways, footpaths, groups of trees and watercourses
- The boundaries should enable the delivery of any identified quantum of land for housing and/or employment

Areas which were included within the settlement boundaries included as appropriate built and extant planning permissions for:

- residential/employment use for areas that are physically or functionally part of the settlement
- community facilities and buildings that are physically or functionally part of the settlement
- site allocations identified in the Development Plan that are physically or functionally part of the settlement

The relevant planning permissions are provided in the supporting document SD/C15 in Appendix C of the Plan.

Areas which were excluded from the settlement boundary included as appropriate:

- Curtilages of properties which have the capacity to extend the built form of the settlement. This includes large residential gardens
- Recreational or amenity space at the edge of settlements which primarily relate to the countryside (in form or nature)
- Isolated development which is physically or visually detached from the settlement (including farm buildings or agricultural buildings, renewable energy installations)
- Farm buildings adjacent to the settlement boundary where the predominant land and building use was still agricultural.

Other considerations were taken into account when deciding what to include/exclude which included the evidence base for the Neighbourhood Plan and local knowledge of the Parish Council, local residents involved in plan making and its advisers. Where appropriate, site inspections were made to confirm boundaries. These included:

- Landscape value – gateways, setting of settlement etc
- Land that affords views into/out of the settlement to the countryside and fulfils some kind of amenity purpose
- Land of unallocated recreation and amenity value
- Wildlife/natural conservation interests including the important international and national sites in Brereton
- Historic landscape and assets and their settings
- Ribbon development along existing roads outside the settlement boundaries
- Isolated or peripheral development - Development that has occurred which is physically separate to the existing boundary but is functionally part of the settlement
- Agricultural buildings at edge of settlement
- Adjacent land which might be designated as Previously Developed Land (PDL) within the terms of the definition given in the National Planning Policy Framework.
- Local knowledge and experience of the Brereton community in reviewing the boundaries for their two settlements.

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Note: The settlement boundary for Brereton Heath in this policy excludes an area that is beyond the Brereton Neighbourhood Plan Designated Area. The area in question is within the boundaries of Somerford Parish. This area is clearly marked on Key Map C20a. This area was included within the Infill Boundary of Brereton Heath as defined within the Settlement Boundary policy of the Congleton Borough Local Plan 2005. This area must remain part of the Infill Boundary of the Congleton Borough Council Local Plan of Brereton Heath for development planning purposes until as such times that Somerford Parish Council, or Cheshire East Council redefine its status.

#### **Supporting Evidence References**

Cheshire East Local Plan Strategy Policies

PG 1, PG 2, PG 5, PG 6, SC 4, SC 5, SC 6, SD 1, SD2

UK Documents

SD/A06, SD/A07, SD/A08, SD/A09

Cheshire East Documents

SD/B01, SD/B02, SD/B03, SD/B04, SD/B05, SD/B07, SD/B13

Neighbourhood Documents

SD/C10, SD/C15, SD/C16, SD/C17, SD/C18, SD/C20

#### **Amend: Policy HOU05**

Add to the beginning of Policy HOU5 the words:

The Plan will encourage more self-build dwellings constructed by local people on appropriate sites. The criteria for establishing a local need are set out in policy H12.

#### **Additional: Justification and Evidence HOU05**

No requirement to change justification statement

#### **Amend: Policy HOU10**

Add an additional point 3 to the Policy to read:

3. The criteria for a local connection are set out in Policy HOU12.

#### **Additional: Justification and Evidence HOU10**

A period of 9 months is considered a reasonable one in which to allow a local need to be identified and the necessary documentation and legal completion to be achieved. A shorter period may create difficulties for prospective local purchasers to make the arrangements required. A longer period would result in a newly habitable dwelling being unoccupied when there is a national requirement for more houses to come forward for families. This figure has

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been informed by the URS Housing Needs Study and local knowledge and experience of the local housing market in Brereton.

#### **Amend: Policy HOU12**

Commence criterion 1 with the following:

1. Local housing connections are defined for prospective self build and open market housing schemes in accordance with policies HOU5 and HOU10 above.

#### **Additional: Justification and Evidence HOU12**

Policy HOU12 only applies to self-build and certain open market schemes as set out in policies HOU5 and HOU 10 of this plan. These should not be confused with the current policies for affordable housing which are set out in national guidance and the relevant policies for affordable and low rent housing set out in the Congleton Borough Local Plan 2005 (Policies H13 and H14). Cheshire East Council's proposed policies for affordable housing are set out in the emerging Cheshire East Local Plan Strategy at policy SC5 and SC6. Once adopted in their current or amended form following public examination, it is the Borough Council's intention to provide more guidance on affordable housing in a Supplementary Planning Document.



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#### **Representation 169: Historic England**

##### **Summary of Representation**

The main comment is to seek more recognition in the Plan for the historic environment and to celebrate and protect it. In particular, attention is drawn to current guidance from Historic England concerning the need to consider the setting of heritage assets (including listed buildings) when assessing the impact of any proposed development which might affect that setting.

##### **Proposed BPC Response**

To include within the Plan a new policy concerning the setting of heritage assets within the Parish and justification for the new policy. To update the list of all listed buildings (SD/C24b), and add to it the listed park and garden within the Parish, as Supporting Documents to the Plan. There is no need to duplicate existing saved policies in the Congleton Borough Local Plan or the emerging Cheshire East policy which are comprehensive in their coverage of heritage matters.

##### **Proposed Plan Changes**

##### **New: Policy ENV10 Heritage Assets and their Setting**

Any development should conserve and enhance the heritage assets of the Parish and their setting. This includes the separation between heritage assets and the settlements and small clusters of existing development. Heritage assets are defined as the current list of nationally listed buildings and parks and gardens of historic interest and any further national or local listings to be added during the period of the Plan by Historic England or the Local Planning Authority.

The Historic England national list comprises a number of assets within Brereton emphasising the importance and value of its heritage:

- Grade 1 = 1
- Grade II\* = 3
- Grade II = 17

These are identified on Key Map C24a, and detailed in extracts from Historic England registers in SD/C24b in Supporting Documents.

If a proposed development has potential to affect the contribution of a heritage asset's setting to its significance or an appreciation of its significance, an assessment of its impact shall be made in accordance with the guidance on the setting of heritage assets from Historic England shall be made and in consultation with Cheshire East Council as the Local Planning Authority.

##### **New: Justification and Evidence ENV10**

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There are significant heritage assets within the Parish which are reflected in existing and emerging planning policies at a national and Borough level. The NPPF provides the context for heritage planning at Borough and Neighbourhood level. The NPPF makes it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. In the case of Brereton, many of the listed buildings have to be seen in their landscape and wider context.

In responding to consultation on the Plan, Historic England have recommended that the Plan might include a specific policy to protect and enhance important aspects of the setting of the listed buildings and park and gardens as local heritage assets. Any proposed development likely to affect the setting of the heritage assets should therefore be considered in terms of the historic landscape and a views analysis. To provide guidance to all parties, Historic England has recently published its latest practice advice to ensure some consistency in assessing the setting of listed building as a part of the formal consideration of development proposals. That document is “Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets” published in March 2015 (SD/A14). The inclusion of policy ENV10 therefore reflects:

- current and recent advice from Historic England in terms of compliance with the National Planning Policy Framework
- Historic England's response to consultation on the Plan
- detailed guidance to applicants for development which may have some effect on the setting of listed buildings and the park and garden within the Parish.

In terms of other policies for heritage, there are 12 policies (BH1, BH2, BH3, BH4, BH5, BH7, BH8, BH9, BH10, BH11, BH13, BH15) in the Congleton Borough Local Plan concerning the Built Environment and Heritage. The Cheshire East Local Plan Strategy seeks to retain all bar one of these and to replace that with a new policy of its own (SE 7). The proposed deleted policy concerns opportunities for local listing of buildings. The submitted Local Plan policy SE 7 is appropriate and does not need to be duplicated in the Neighbourhood Plan. There are no buildings in Brereton on the Cheshire East List of Local Listed Buildings. It is considered that the introduction of new policy ENV10 combined with the NPPF, saved policies of the Congleton Borough Local Plan, new policy SE 7 of the submitted Cheshire East Local Plan and other policies and evidence supporting this Plan are proportionate to the significance of heritage assets within Brereton.

#### **Supporting Evidence References:**

Cheshire East Local Plan Strategy Policies

SE 7

SD/B07: BH1, BH2, BH3, BH4, BH5, BH7, BH8, BH9, BH10, BH11, BH13, BH15

UK Documents

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Cheshire East Documents

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##### **Representation 185: Natural England**

##### **Summary of Representation**

Natural England welcome the policy in principle. However, they consider that the Neighbourhood Plan is unlikely to have significant effects on the natural environment of the Plan area providing that amendments are made to policy ENV04. They also confirm the international and national status of some sites within the Parish in terms of their significance for interests of nature conservation. Regarding policy ENV04, they are concerned that part 1 of policy ENV04 Nature Conservation of the Plan is limited to development within designated sites and does not extend protection to development adjacent to and within proximity to designated sites that may damage the features for which the site is designated. Should this policy be modified to include any development within the scope of the plan which poses a threat to designated sites, Natural England would be satisfied that, in so far as their strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.

Natural England broadly support the positive emphasis of this section of the Plan, particularly the support for conservation, management and enhancement of local biodiversity and geodiversity in policy ENV05. They suggest an additional criterion in ENV05 regarding the protection and enhancement of surface and ground water quality to comply with the Water Framework Directive (SD/A15) in ensuring that development does not cause deterioration in the status of inland waters.

Natural England also advise that the special features of the Midland Meres and Mosses Phase 1 Ramsar Sites are particularly sensitive to hydrological changes. They advise that there is potential for adverse impacts to arise from new housing as a result of policies HOU01 and HOU02 from:

- the further modification of the hydrological function of the catchments supporting the sites particularly loss and/or change in the character of water input (chemistry and flow) to the site
- the potential changes in the water supplying the habitats of the site, the further risk of pollution of the sensitive wetland, by activities during construction and from domestic activities post-construction
- the potential for hindrance of the conservation/restoration measures necessary, both within the site and its surrounding catchment, to achieve the sites' conservation objectives.

Natural England notes that the settlement boundary of Brereton Heath lies less than 700m from Bagmere SSSI (Midlands Meres and Mosses Phase 1 Ramsar) and the settlement is within the water catchment for the site. They would be concerned if development came forward in Brereton Heath without adequate hydrological surveys and any necessary avoidance or mitigation measures. Listed or proposed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Paragraph 118 of the NPPF applies the same protection measures as those in place for European sites.

Natural England note that the plan area includes areas of agricultural land grades 2 and 3a best and most versatile agricultural land. They welcome the aim of the Plan to protect the

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best and most versatile agricultural land as stated in paragraph 3 of the Justification and Evidence for Policy HOU01, and advise addressing the protection of soils through policies in the plan. For instance including the conservation and sustainable management of soils as a criterion under policy ENV05.

Natural England request the Plan include potential impacts on protected species. Natural England has produced standing advice to help understand the impact of particular developments on protected or Biodiversity Action Plan species should they be identified as an issue. This standing advice also sets out when, following receipt of survey information, further consultation with Natural England should take place.

#### **Proposed BPC Response**

Amend as per Natural England suggestions.

#### **Proposed Plan Changes**

Replace Criterion for ENV04.

Criterion 1 refers only to development within designated sites which would not address hydrological impacts that affect the site from outside the boundaries of the designated site. Remove the words "Within these areas" from the criterion.

Criterion 2 implies that development is only permitted where the assessment determines that there is no impact or where effective avoidance/mitigation measures proposed in the assessment are followed. Natural England suggest providing further details in criterion 2 regarding the topics that will need to be addressed by assessment.

Amend to require the assessment submitted in support of any planning application to also address the potential hydrological impacts of the proposal, both in terms of water quality and water supply to Bagmere SSSI (Midlands Meres and Mosses Phase 1 Ramsar).

Amend to presume against development which was not connected to mains sewer as foul water and effluent discharges as this would be particularly damaging to the site.

Introduce an additional criterion in ENV05 regarding the protection and enhancement of surface and ground water quality to comply with the Water Framework Directive (SD/A15) in ensuring that development does not cause deterioration in the status of inland waters.

Add new policy ENV11 Conservation and sustainable management of soils.

#### **Replace: Policy ENV04**

1. Some areas of the parish are recognised as being of high nature conservation value at European, National and Cheshire East wide level. Development which would damage the biodiversity or nature conservation features so defined will not be permitted. The key attributes of these are set out in the Landscape Character Assessment for Brereton (ref. SD/C16)
2. Development may be permitted provided a satisfactory Biodiversity Impact Assessment and a satisfactory assessment to address the potential hydrological impacts of the proposal, both in terms of water quality and water supply to Bagmere SSSI (Midlands Meres and Mosses Phase 1 Ramsar) are submitted with any planning application.

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3. For any type of development adjacent to or within proximity of the Bagmere SSSI, development will not normally be permitted if the site is not connected to a mains sewer as foul water and effluent discharges would particularly be damaging to this site.

#### **Amend: Justification and Evidence ENV04**

4. During Pre-Submission consultation comments on the Plan were received from Natural England. Natural England acknowledge and also confirm the international and national status of some sites within the Parish in terms of their significance for interests of nature conservation. Natural England strongly recommended that Policy ENV04 Nature Conservation of the Plan is not limited to development within designated sites and should extend protection to development adjacent to, and within proximity to, designated sites that may damage the features for which the site is designated. With this extension of protection Natural England would be satisfied that, in so far as their strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed Plan. Natural England would be consulted by Cheshire East Council as the Local Planning Authority on any development adjacent to or within proximity of the Bagmere SSSI. Their views would be taken into account in the consideration of any planning application for built development proposals.

#### **Amend: Policy ENV05**

##### **Add a new criterion;**

l) Protection and enhancement of surface and ground water quality to comply with the Water Framework Directive (SD/A15) in ensuring that development does not cause deterioration in the status of in and waters

j) The potential impacts on any protected species of any development proposal should be taken into account in developer formulation of proposals and advice sought from Natural England and Cheshire East Council.

#### **Amend: Justification and Evidence ENV05**

4. During Pre-Submission consultation comments on the Plan were received from Natural England. Natural England acknowledge and also confirm the international and national status of some sites within the Parish in terms of their significance for interests of nature conservation. Natural England broadly support the positive emphasis of this section of the Plan, particularly the support for conservation, management and enhancement of local biodiversity and geodiversity in policy ENV05. Additional criterion in ENV05 is included regarding the protection and enhancement of surface and ground water quality to comply with the Water Framework Directive (SD/A15) in ensuring that development adjacent to, and within proximity to, designated sites does not cause deterioration in the status of inland waters.

5. Natural England provide standing advice for developers and other interested parties concerning many types of protected species. Potential developers are encouraged to refer to this standing advice to make sure they stay within the law when considering any

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development proposal which may affect protected species. Further information and advice on these matters is available from Natural England the Cheshire East Council.

#### **New: Policy ENV11 Conservation and Sustainable Management of Soils.**

1. Proposals for land use change in the rural environment shall take account of the impact on land and soil resources and the wide range of vital functions (ecosystem services) they provide. The permanency of the impact on soils shall be an important consideration.

Planning decisions should take into account the need to:

- Safeguard the long term capability of best and most versatile agricultural land (Grades 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future
- Avoid development that would disturb or damage other soils of high environmental value (eg wetland and other specific soils contributing to ecological connectivity, carbon stores such as peatlands etc) and, where development is proposed
- Ensure soil resources are conserved and managed in a sustainable way.

#### **New: Justification and Evidence ENV11**

1. Brereton is a predominantly rural area in which farming and other uses of the land are a major determinant of land usage within the Parish. The conservation and sustainable management of soils is reflected in the NPPF particularly in paragraphs 109 and 112. When decisions are to be made concerning land use change, particular care over planned changes to the most potentially productive soil is needed. This is needed for the ecosystem services it supports including its role in agriculture and food production. This new policy has been introduced into the Plan to reflect both the national policy (as set out in the NPPF) and in response to the consultation response from Natural England who have recommended policies given the importance of understanding agricultural land quality within the plan area and to safeguard 'best and most versatile' agricultural land in line with paragraph 112 of the NPPF.

#### **Supporting Evidence References (Use ENV06 as basis):**

Cheshire East Local Plan Strategy Policies

UK Documents

SD/A06, SD/A15

Cheshire East Documents

Neighbourhood Documents

#### **Amend: Policy HOU01**

Introduce a new criterion to state as follows:

2. The settlement boundary of Brereton Heath lies less than 700m from Bagmere SSSI (Midlands Meres and Mosses Phase 1 Ramsar) and that settlement is within the water catchment for the site. Listed or proposed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Paragraph 118 of the NPPF applies the same protection measures as those in place for European sites. Any development proposals in Brereton Heath will require adequate

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hydrological surveys and any necessary avoidance or mitigation measures as these areas are particularly sensitive to hydrological changes.

#### **Amend: Justification and Evidence HOU01**

10. During Pre-Submission consultation comments on the Plan were received from Natural England. Natural England acknowledge and also confirm the international and national status of some sites within the Parish in terms of their significance for interests of nature conservation. Natural England advise that the special features of the Midland Meres and Mosses Phase 1 Ramsar Sites are particularly sensitive to hydrological changes. They advise that there is potential for adverse impacts to arise from new housing as a result of policies HOU01 and HOU02 from:

- the further modification of the hydrological function of the catchments supporting the sites particularly loss and/or change in the character of water input (chemistry and flow) to the site
- the potential changes in the water supplying the habitats of the site, the further risk of pollution of the sensitive wetland, by activities during construction and from domestic activities post-construction
- the potential for hindrance of the conservation/restoration measures necessary, both within the site and its surrounding catchment, to achieve the sites' conservation objectives.

11. Natural England notes that the settlement boundary of Brereton Heath lies less than 700m from Bagmere SSSI (Midlands Meres and Mosses Phase 1 Ramsar) and the settlement is within the water catchment for the site. They would be concerned if development came forward in Brereton Heath without adequate hydrological surveys and any necessary avoidance or mitigation measures. Listed or proposed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Paragraph 118 of the NPPF applies the same protection measures as those in place for European sites.

#### **Amend: Policy HOU02**

Introduce a separate criterion to state as follows:

4. The settlement boundary of Brereton Heath lies less than 700m from Bagmere SSSI (Midlands Meres and Mosses Phase 1 Ramsar) and that settlement is within the water catchment for the site. Listed or proposed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Paragraph 118 of the NPPF applies the same protection measures as those in place for European sites. Any development proposals in Brereton Heath will require adequate hydrological surveys and any necessary avoidance or mitigation measures as these areas are particularly sensitive to hydrological changes.

#### **Amend: Justification and Evidence HOU02**

15. During Pre-Submission consultation comments on the Plan were received from Natural England. Natural England acknowledge and also confirm the international and national status of some sites within the Parish in terms of their significance for interests of nature conservation. Natural England advise that the special features of the Midland Meres and Mosses Phase 1 Ramsar Sites are particularly sensitive to hydrological changes. They advise that there is potential for adverse impacts to arise from new housing as a result of policies HOU01 and HOU02 from:



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- the further modification of the hydrological function of the catchments supporting the sites particularly loss and/or change in the character of water input (chemistry and flow) to the site
- the potential changes in the water supplying the habitats of the site, the further risk of pollution of the sensitive wetland, by activities during construction and from domestic activities post-construction
- the potential for hindrance of the conservation/restoration measures necessary, both within the site and its surrounding catchment, to achieve the sites' conservation objectives.

16. Natural England notes that the settlement boundary of Brereton Heath lies less than 700m from Bagmere SSSI (Midlands Meres and Mosses Phase 1 Ramsar) and the settlement is within the water catchment for the site. They would be concerned if development came forward in Brereton Heath without adequate hydrological surveys and any necessary avoidance or mitigation measures. Listed or proposed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Paragraph 118 of the NPPF applies the same protection measures as those in place for European sites.

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##### **Representation 186: Gladman Developments Ltd.**

Gladman Developments Ltd. has submitted a detailed representation which can be summarised as follows:

1. The Plan is anti-growth and seeks to restrict all development outside of tightly drawn settlement boundaries
2. The Plan has been prepared without regard to objectively assessed need, which is contrary to the Government's national policy imperative to 'significantly boost the supply of housing'
3. The Plan proposes an approach which does not comply with either the National Planning Policy Framework or Planning Practice Guidance
4. The Plan will not contribute to sustainable development
5. The Plan will not be in conformity with strategic policies in the Development Plan as these have not yet been determined
6. The Plan will fail to comply with the basic conditions for a Neighbourhood Plan.

##### **Brereton Parish Council Responses**

##### **Response to Objection 1: The Plan is anti-growth and seeks to restrict all development outside of tightly drawn settlement boundaries**

Brereton lies within an area of Open Countryside shown on the current Development Plan (Congleton Borough Local Plan) and emerging Cheshire East Council Local Plan. The Neighbourhood Plan complies with existing policies set out in the Development Plan and emerging Local Plan as confirmed by the Cheshire East Council response to the regulation 14 consultation. The policies in both current and proposed development plans recognise that the Brereton Parish is a rural area. The representation fails to acknowledge that many policies in the current version of the Congleton Borough Local Plan (2005 edition including saved policies from 2008) are proposed to be retained in the May 2014 submitted version of the Cheshire East Local Plan Appendix B Saved Policies of the submitted version refers). These include many policies in the Plan Strategy and General Requirement sections of the Congleton Plan which concerns the area's location within an area of countryside. The Neighbourhood Plan reflects the settlement boundaries of the Congleton Plan also proposed to be saved (policies PS5 and PS6 of the Congleton Plan refer) to a large extent. Minor changes are proposed to these settlement boundaries to reflect more recent development occurring since the Plan was prepared and adopted in 2005. The submitted version of the Neighbourhood Plan will respond to comments from Cheshire East Council in respect of boundary definition of settlements and will justify the selection of the revised settlement boundaries.

The Gladman Developments claim that the Plan is anti-growth is rejected as the Plan seeks to provide for the ongoing needs of a developing rural area, the needs derived being from the evidence collected and assessed over a period of 3 years. The Plan reflects the Core Planning principles set out in paragraph 17 of the NPPF which sets out the principles of plan making and decision making. These include the requirement to take account of the different roles and character of different areas, in this case the open countryside with an attractive landscape. The principles also acknowledge the intrinsic character and beauty of the countryside and the need to support thriving communities within it. The Brereton Neighbourhood Plan seeks to achieve all these principles.

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**Response to Objection 2: The Plan has been prepared without regard to objectively assessed need, which is contrary to the Government's national policy imperative to 'significantly boost the supply of housing'.**

The Parish Council refute any suggestion that the Plan has failed to assess housing need and as such would be contrary to national policy. The Parish Council has commissioned a number of studies whilst preparing this plan and has engaged in a continuing dialogue with Cheshire East Council as the Local Planning Authority. In respect of housing, two reports have addressed housing need, one local study by the Housing service of Cheshire East Council and an objective assessed report following national planning guidance undertaken by planning consultants URS. Both reports (SD/C10, SD/C17) are referenced in Appendix B – Supporting Documents of the Brereton Neighbourhood Plan. Indeed, the URS study was revised following the Planning inspector's comments in November 2014 on the Cheshire East Council's assessment of housing need for examination of the Local Plan. This revision allowed for an upward change of 50% to the Local Plan Other Settlement housing allocation (upon which Brereton's housing need is based), should Cheshire East Council increase the allocation in its next submission of the Local Plan for examination. Both studies were undertaken in full consultation with Cheshire East Council as the Local Planning Authority. The Gladman submission fails to acknowledge any of this Plan's evidence material.

With regard to any alleged failure to comply with national policy, the significant boosting of the supply of housing is a requirement placed on local planning authorities by NPPG. This particular guidance does not require the same degree of "boosting" throughout the country; otherwise it would have also been made a requirement of every Neighbourhood Plan as well as every Local Plan. Rather the onus lies with local planning authorities to plan their housing need requirements spatially as well as the actual numbers of houses required. In line with the existing Development Plan, Cheshire East Council has determined that Brereton Parish continues to lie within the rural part of Cheshire East. As such, planning policies will continue to reflect that in terms of the total amount of new housing, how it is spatially distributed and the requirements of sustainable forms of development. Cheshire East Council has confirmed that it is satisfied with the methodologies deployed for the preparation of housing need for the Brereton Neighbourhood Plan.

**Response to Objection 3: The Plan proposes an approach which does not comply with either the National Planning Policy Framework or Planning Practice Guidance.**

The Brereton Neighbourhood Plan has been prepared to reflect the strategic policies of the existing Development Plan (Congleton Borough Plan 2005 including existing Saved policies from 2008 and proposed future Saved policies from the Cheshire East Local Plan) and the Cheshire East Local Plan Strategy Submission version. In accordance with national planning policy, the Plan's policy emphasis is on sustainable development.

The Cheshire East Local Plan has policies SD 2 Sustainable Development Principles which provides that all development will be expected (inter alia) to:

- ii. Contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of:
  - a. Height, scale, form and grouping;
  - b. Choice of materials;

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- c. External design features;
- d. Massing of development - the balance between built form and green/public spaces;
- e. Green Infrastructure; and
- f. Relationship to neighbouring properties, street scene and the wider neighbourhood;

All of these considerations are relevant in respect of their application to the Brereton Neighbourhood Plan.

Furthermore, the NPPF places an emphasis on requiring good design. Policy SE 1 Design of the submitted Cheshire East Local Plan reflects this national guidance and states that development proposals should make a positive contribution to their surroundings in terms (inter alia) of the following: sense of place and ensuring design solutions achieve a sense of place by protecting and enhancing the quality, distinctiveness and character of settlements.

This Plan confirms that Brereton is a unique and distinctive place in its own right which deserves to be treated as a rural thriving area, not a potential major housing estate without the infrastructure to support a major increase in housing and population. The Plan reflects the Core Planning principles set out in paragraph 17 of the NPPF which sets out the principles of plan making and decision making. These include the requirement to take account of the different roles and character of different areas, in this case the open countryside with an attractive landscape. The principles also acknowledge the intrinsic character and beauty of the countryside and the need to support thriving communities within it. The Brereton Neighbourhood Plan seeks to achieve all these principles.

#### **Response to Objection 4: The Plan will not contribute to sustainable development**

The response to objection 3 also covers some of the relevant matters in respect of sustainable development. The Brereton Neighbourhood Plan explains and justifies for each policy how it contributes to sustainable development and sets out the evidence source for each policy in the Plan Appendix A.

Furthermore, a key part of the evidence for policy SD 2 of the submitted version of the Cheshire East Local Plan is the Cheshire East Sustainability Appraisal. Table 9.1 (forming part of policy SD 2 of the submitted Local Plan) provides a guide to the appropriate distances for access to local services and facilities. As Brereton is located within a rural area, the achievement of both the principle of sustainable development and the compliance with at least some of the indicative criteria in Table 9.1 is constrained by the limited range of facilities within such a rural area. As such, the potential to provide a range of services and facilities for any large estate type of development (notwithstanding any other points or policy) is very limited. In terms of achieving sustainable development as required by national planning policy, small scale incremental growth to meet the wider needs of the rural area in the plan-led manner envisaged in this Plan is more appropriate in complying with national policy.

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#### **Response to Objection 5: The Plan will not be in conformity with strategic policies in the Development Plan as these have not yet been determined.**

Work on the Brereton Neighbourhood Plan commenced in January 2013, before the Cheshire East Local Plan was submitted to the Planning Inspectorate for examination in May 2014. During the examination, it became apparent that the Inspector would delay the progress of the next stages of the Local Plan as some aspects of the Plan required revisiting, including the overall housing figures. The revised document is not due to be finalised until summer 2015 and only then can the Examination of the Plan be resumed. If the Inspector finds the plan sound, and any modifications necessary are made, the Plan can then be adopted by Cheshire East Council. Work will then need to continue on the Local Plan Site Allocations and Development Policies Document, which will allocate remaining sites for future development and provide detailed policies to be used when considering planning applications for new development across the Borough.

The Brereton community provided feedback that it was important however, to continue to prepare a Neighbourhood Plan in spite of this delay. Indeed, the Planning Practice Guidance (issued in March 2014) provides the following guidance in respect of neighbourhood plans coming forward before an up-to-date Local Plan is in place:

Reference PPG Paragraph: 009 Reference ID: 41-009-20140306

" 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 the 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 the 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. "

Furthermore, during the examination into the Tattenhall Neighbourhood Plan the examiner considered that it was not unusual for there to be an emerging local plan and "there is nothing in the legislation to support the contention that such a situation should stop, or slow down, the progress of a neighbourhood plan". The examiner further noted that one of the significant benefits of neighbourhood plans is the relative speed at which they can come forward and a made neighbourhood plan can provide for certainty in areas where there may otherwise be an absence of up-to-date policy. The Strategic policies of the Cheshire West and Chester Local Plan were adopted by the Borough Council on 29 January 2015. At that date, two Neighbourhood Plans had already been made in accordance with the Localism legislation: Tattenhall Plan in June 2014 and Winsford in November 2014. There are other examples in England of other Neighbourhood Plans being made in advance of an up-to-date Local Plan Strategy being adopted by the relevant Local Planning Authority. The legislation requires neighbourhood plans to be in general conformity with the strategic policies in the development plans for the local area. Cheshire East Council is responsible for the strategic

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policies for development planning in the Brereton area and they have raised no concerns about this matter and are indeed supporting the neighbourhood Plan.

The Brereton Neighbourhood Plan has, therefore, been produced taking into account full consideration of the strategic direction and policies in the Cheshire East Local Plan Strategy Submission Version, and through discussions with Cheshire East Council, both officers and elected members. Cheshire East Council has been very supportive of the Neighbourhood Plan, and has been involved from the outset, and commented on the draft document. This has enabled the community to amend policies as necessary, draft a Neighbourhood Plan which we consider to be in general conformity, and minimises any potential conflict between policies.

Additionally the Cheshire East Local Plan Strategy Submission Version does endorse many of the saved policies of Congleton Borough Local Plan First review (adopted in 2005). Certain policies will be retained and used in the determination of planning applications until superseded by the Site Allocations and Development Policies and Waste Development Plan Documents. The saved policies currently remain as the adopted policies for the Brereton area, and as such, although dated, remain valid for the purpose of assessing the general conformity of the Neighbourhood Plan. The draft Neighbourhood Plan makes clear how the policies comply with *both* the emerging Local Plan and the current Development Plan.

#### **Response to Objection 6: The Plan will fail to comply with the basic conditions for a Neighbourhood Plan**

The basic conditions of a neighbourhood plan are that it:

- must have regard to national planning policy and guidance
- must be in general conformity with strategic policies in the Development Plan for the local area (in this case the Congleton Borough Local Plan 2005 and submitted Cheshire East Local Plan 2014)
- must contribute to the achievement of sustainable development
- must be compatible with EU obligations and human rights requirements.

In preparing this Neighbourhood Plan, the Parish Council and its advisers have had particular regard to the need to comply with these conditions. There were several practical reasons for this which will help explain and justify why the Parish Council is satisfied as to its approach to the basic conditions being a correct and appropriate one.

Brereton Parish Council was the first parish or town council in Cheshire East to seek designation as Neighbourhood Plan area in January 2013. As such the Parish Council sought the support and advice of a range of local and national organisations to assist and support its preparation as it reached each stage of the plan-making process. These included various departments of Cheshire East Council, the Cheshire Association of Local Councils, Department of Communities and Local Government, CPRE, Locality, Planning Aid England, Royal Town Planning Institute, Cheshire Community Action and a number of planning consultancies and advisors.

At each stage of the plan-making process, the need for continued compliance with the basic conditions was kept fully in mind as policy development related work progressed during the years 2013 to 2015.

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A further issue challenging the progress, form and content of the Neighbourhood Plan throughout was the developing status of the Cheshire East Local Plan since early 2013. Close contact with Cheshire East Council officers and local councillors was required throughout as well as knowledge and understanding of the developing national planning policy advice following the publication of the NPPF in March 2013. In particular, the publication of the submitted version of the Cheshire East Local Plan in May 2014 provided the final impetus to policy development work for the Neighbourhood Plan. It also provided some clarity as to which policies of the existing Development (the Saved policies of the Congleton Borough Local Plan) would be likely to continue to apply after the Cheshire East Local Plan strategy had been approved and adopted.

Throughout the plan-making, the Parish Council has commissioned technical reports on specialist subjects to support the evidence base of the plan and support its policy development work. Several significant independent research reports have been undertaken by external planning consultants and published on core aspects of the Plan such as housing needs and the character of the countryside. These reports have been well received by the local community, the local planning authority team and other parties. Confidence in commissioning such reports and experience of the quality of reports published led the Parish Council to commission an external consultancy report for the basic conditions statement. The report has already been commissioned re-engaging consultants already familiar with the Neighbourhood Plan through previous commissions.

For these reasons, the Parish Council is confident that a comprehensive Basic Conditions Report will be prepared and published which will satisfy Cheshire East Council and the external examiner for the Plan.

#### **Further Response**

The representation from Gladman Developments makes no reference to the extensive public engagement with the emerging Neighbourhood Plan which is summarised in Section 4 of the Plan. Undertaken by the Project Team on behalf of the Parish Council, the wide range of activities was undertaken by parish councillors and local volunteer members of the community commencing with a full household survey of all residents in August 2012 and the latest engagement being consultation on this draft version of the Plan in Spring 2015.

The purpose of encouraging continuous participation and engagement in preparing a locally based spatial plan is to ensure that relevant issues identified by the community are covered in the plan. The process of policy development has respected and responded to locally expressed needs identified throughout the last three years. This has given a clear focus and purpose to the process of plan-making. Participation and engagement has been an important component in achieving local understanding and acceptance of the aims, objectives and outcomes expected of the plan. In Brereton, such engagement was carried out at an appropriate time and in a meaningful way showing those involved that their input was valued and that it could influence the content of the plan.

Engagement activities sought to create opportunities to bring together the views of the community and other stakeholders with an interest in how Brereton can be protected, can change and can grow in an appropriate and acceptable way over the plan period. The intention was to develop a shared view about the range of issues affecting the area and Project Team and the Parish Council are satisfied that this has been achieved.

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Underlying the forms of engagement has been a commitment to listen and, equally importantly, to respond. For engagement to be effective the methods had to be fit for purpose. They had to be relevant; focussed; proportionate and clear in their aims. In every case communication about outcomes of the various activities was a key factor in securing continued community involvement.

The Parish Council is accordingly disappointed that the representation by Gladman Development not only fails to acknowledge the amount and type of successful engagement with the local community achieved through the preparation of the Neighbourhood Plan, but also the strong policy support for the policy components of the Plan from the local community.

#### **Conclusion**

No amendments to the Neighbourhood Plan are required in response to this representation.

End of Report