

Congleton Neighbourhood Development Plan Regulation 16 Consultation

Cheshire East Council Response

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Abbreviations

NPPF – National Planning Policy Framework (2021)
PPG – Planning Practice Guidance
LPS – Local Plan Strategy (2017)
SADPD – Site Allocations and Development Policies Document (2022)
CNDP – Congleton Neighbourhood Development Plan
NDP – Neighbourhood Development Plan
CE – Cheshire East
CEC – Cheshire East Council
CTC – Congleton Town Council
QB – Qualifying Body
LPA – Local Planning Authority
SEA – Strategic Environmental Assessment
HRA – Habitats Regulations Assessment

Summary Response

This statement sets out CEC's views regarding the CNDP.

In summary, it is CEC's view that the NDP, overall, meets the Basic Conditions and other legal requirements.

Engagement between the QB and CEC has meant that some issues raised at previous stages of consultation have been addressed, but not all. One particular theme raised by the LPA through the Regulation 14 consultation was the length of policies and that multiple neighbourhood plan policies duplicate policies already held in the local plan. Therefore, the LPA would like to take the opportunity to provide additional comments on the Regulation 16 version of the CNDP and include such comments below.

Whilst the comments presented here are relatively limited, should specific issues be raised during examination, the LPA would be happy to provide information and input to the examination process, as may be required.

Process and Legal Compliance

The NDP sets out policies in relation to the development and use of land for the defined neighbourhood area, which accords with the definition of neighbourhood plans in Section 38A of the Parish and Country Planning Act 1990.

CTC have prepared the Plan, and it is a qualifying body.

The Congleton neighbourhood area was redesignated by CEC to align with the revised parish boundary on 01/10/24. The NDP relates to the Congleton neighbourhood area and there are no other NDPs for that area. This area is coterminous with Congleton Parish Boundary.

The NDP does not include policies on 'excluded' development.

Meeting the Basic Conditions

Only a draft neighbourhood Plan or Order that meets each of the basic conditions can be put to a referendum and be made. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as

applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 (Neighbourhood Planning PPG). The basic conditions are:

Regard to national policies and advice contained in guidance issued by the Secretary of State

The NPPF states that neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. The NDP has been developed with and by the community since 2014 when the idea of producing an NDP was first introduced to the community by the steering group, and the original neighbourhood area was designated.

The NDP supports development that serves the needs of the community, seeks to protect valued natural environment, enhance the local economy in the area, and protect/ support community facilities. The NDP addresses social, environmental, and economic planning issues.

Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses (applies to orders only)

The neighbourhood area contains several listed buildings, and the CNDP does include heritage focused policies. However, there are no policies included that conflict with the existing local plan regarding this issue, also, this criterion is only specifically required of orders.

Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area (applies to orders only)

The neighbourhood area contains conservation areas. However, there are no policies included that conflict with the existing local plan regarding this issue, also, this criterion is only specifically required of orders.

Contributing to the achievement of sustainable development

The NDP establishes a clear vision for the area to 2030, which is articulated through a series of objectives addressing themes including retail, community, and landscape. The vision and objectives are then brought into effect by the policies of the NDP.

General conformity with the strategic policies contained in the Development Plan for the area

This Basic Condition requires an assessment to be made of the NDP against the adopted LPS and the SADPD.

The Local Plan for CE was prepared in two stages with the first part, the LPS, adopted on the 27th of July 2017. The LPS sets out a vision for the borough to 2030 supported by an overall development strategy including the planned quantum of economic and housing growth for the whole borough, its spatial distribution, and the allocation of strategic development sites. The two tiers of plan making have been advancing in parallel.

The part two plan, the SADPD, provides detailed planning policies and land allocations in line with the overall approach set out in the Local Plan Strategy. It was adopted on the 22nd of December 2022.

On the 1st of July 2022, at Environment and Communities Committee, agree to review the LPS. At the time of writing CEC is currently at the early stages of preparing to proceed with an update to the LPS.

The Town Council and CEC have worked collaboratively during the preparation of the plan. This has included jointly understanding the relationship between the NDP and the Local Plan within the wider context of national policy and guidance and in the context of strategic policies which take effect within Congleton parish, which have been brought forward via the LPS and the non-strategic policies set out in the SADPD.

The close working between the two councils was also aimed at minimising any conflict between the Neighbourhood Plan the adopted CELPS and the emerging SADPD.

Compatibility with EU obligations

The NDP has been screened for SEA by CEC. This confirmed that it was not necessary to undertake SEA.

The NDP has screened for a HRA by CEC. This confirmed that there are no habitats or circumstances that would trigger HRA.

CEC is satisfied that the NDP does not breach, and is compatible with, EU Obligations and Convention rights (within the meaning of the Human Rights Act 1998).

The CEC is satisfied the NDP meets this Basic Condition.

Prescribed conditions have been met

The NDP has been subject to an SEA screening assessment that concluded that a full SEA and HRA were not required. The NDP also does not propose development that would be required to be subject to Environmental Impact Assessment. Therefore, it is considered that the NDP has met the requirements of other prescribed conditions as set out in the Neighbourhood Planning (General) Regulations 2012 (as amended).

Consultation

CEC congratulates the TC on preparing a comprehensive NDP and for the way in which it has been prepared, closely involving the local community. It is notable that the TC has grappled with a wide range of locally important planning issues such as heritage, the value of the local landscape and supporting change within the town centre. This approach sets out a positive approach to development.

The NDP is the product of a very significant amount of hard work by volunteers and continuous engagement with the local community which has clearly shaped the content of the NDP. It is evident from the submitted Consultation Statement that residents, businesses, and other organisations have had significant opportunities to input into the development of the NDP.

A range of techniques have been used to reach different sectors of the community, for example using posters and newsletters, group meetings, and surveys.

NDP Content

NDP policies must apply to the development and use of land and be in general conformity with the strategic policies of the adopted local plan; they should be clear and unambiguous and be supported by robust, yet proportional evidence; they should demonstrate that proposals are deliverable, are shaped by effective

engagement; and they should not duplicate policies that are already being applied in the local area.

Overall, it is felt that most of the policies of the CNDP comply with the relevant tests.

As a general point, CEC feels that the document is well structured and logical. The NDP sets out the strategic context and local characteristics before moving into the detail of policy proposals accompanied by a summary of justification and evidence. This is a successful approach which is clear to read and understand.

The objectives of the NDP are set out thematically (with corresponding 'key themes'), following the vision with an easy read across to the relevant policies. The content of the policies addresses local issues, and it is considered that the plan is in general conformity with the strategic policies of the LPS and SADPD.

The Strategic Priorities of the LPS are:

1. Promoting economic prosperity by creating conditions for business growth
2. Creating sustainable communities, where all members are able to contribute and where all the infrastructure required to support the community is provided
3. Protecting and enhancing environmental quality
4. Reducing the need to travel, managing car use and promoting more sustainable modes of transport and improving the road network

It is felt that each of the thematic policy areas of the NDP aligns to at least one of the strategic objectives of the LPS.

General Comments

A number of 'aspirations' are set out in the plan and their numbering/lettering should be consistent. Also, 'aspirations' could be moved to a dedicated section so the flow of policy is not interrupted.

The neighbourhood area map should show the entire area; the image is currently cropped.

At page 8, a sub heading titled 'our vision' should be added to be consistent with 'our objectives'

At page 10, the 'our strategy' section is not presented explicitly as planning policy, but sets out how the policies within the Plan assist in achieving the strategy.

Therefore, it is suggested that stating all schemes 'will be required' to demonstrate compliance with the strategy criteria is too onerous. Instead, it is suggested that the wording 'development proposals that are compliant with the policies of the plan will help achieve the relevant criteria of the strategy' is proposed.

Also, the justification of the 'our strategy' states that it 'sits alongside the Cheshire East Local Plan Strategy'. This wording is not quite accurate in that the two plans are distinct and the strategy being referred to is local to Congleton. The policies of the Congleton NDP, once made, will form part of the overall Development Plan for Cheshire East alongside the CELPS, SADPD, and other adopted documents.

Policy Comments

We are encouraged that some of the points raised at the earlier Regulation 14 stage of consultation (Appendix 1) have been addressed. However, the LPA has some additional, specific policy comments to add at this stage, which are outlined below.

National Planning Practice Guidance provides advice on how neighbourhood planning policies should be presented:

A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.

Paragraph: 041 Reference ID: 41-041-20140306

Regarding most of the policies within the CNDP, it is the above point that CEC's **core recommendations** rest on: that to support the clarity of the policies, their length should be reduced wherever possible. The LPA is happy to engage further through the examination process to achieve this whilst ensuring the policy purpose is retained. The length of the policies within the CNDP arises in many instances due to the repetition of existing Local Plan policy. The importance of presenting clear and concise policy is integral to the use and application of policy within the Development Management procedure.

This is recognised by Congleton TC at '3 Approach to Duplication' within Appendix 13 of the Consultation Statement, which states that *'There was general agreement that some duplication could be addressed, and it was sensible to try and reduce the length of some of the policies which have become particularly long and slightly descriptive, partially as a result of the wide-ranging stakeholder input into the policies prior to consultation. This might also include combining some policies and reducing some of the policies back to bullet points.'*

As a point of consistency, the policies within the plan use various permissive phrases and terminology to show support, such as 'should be approved'. It is suggested that one term of phrase such as 'will be supported' be used throughout for consistency.

Policy 1 – Brownfield Land First

Whilst the policy approach is welcome and CEC wish to support the development of brownfield land, the policies of the existing Local Plan address much of the content and sentiment of this policy. Particularly those elements regarding the geospatial policy designations such as settlement boundaries, Green Belt, and open countryside. As these matters are covered at some length by the existing Development Plan, the policy could be removed from the Neighbourhood Plan.

There is conflict present between first and second paragraphs. The first paragraph outlines a very permissive approach to approving development on previously developed land in the settlement boundary (where compliant with other relevant policy), whereas paragraph two suggests support only for the provision of high-quality homes with adequate access and recreational facilities.

The wording of 'should be approved' is particularly permissive, even when followed by the inclusion of 'subject to compliance with other relevant policies' (which is not necessary to state as the appropriate policies will be applied where relevant regardless). It is suggested that 'should be approved' be replaced with 'will be supported'.

Although continuing discussion of previously developed land, the final paragraph would be better located within a policy addressing the theme of landscape character.

Also, the first sentence of the final paragraph should be removed from the policy text as it does not provide any further policy guidance from that which is already known.

As currently written, it is implied that all land outside of the settlement boundary of Congleton is open countryside *and* Green Belt, which is incorrect, as there are some areas outside of the settlement boundary that are solely open countryside and not Green Belt, please see the below extract from the Local Plan policies map, showing the extents of these boundaries:

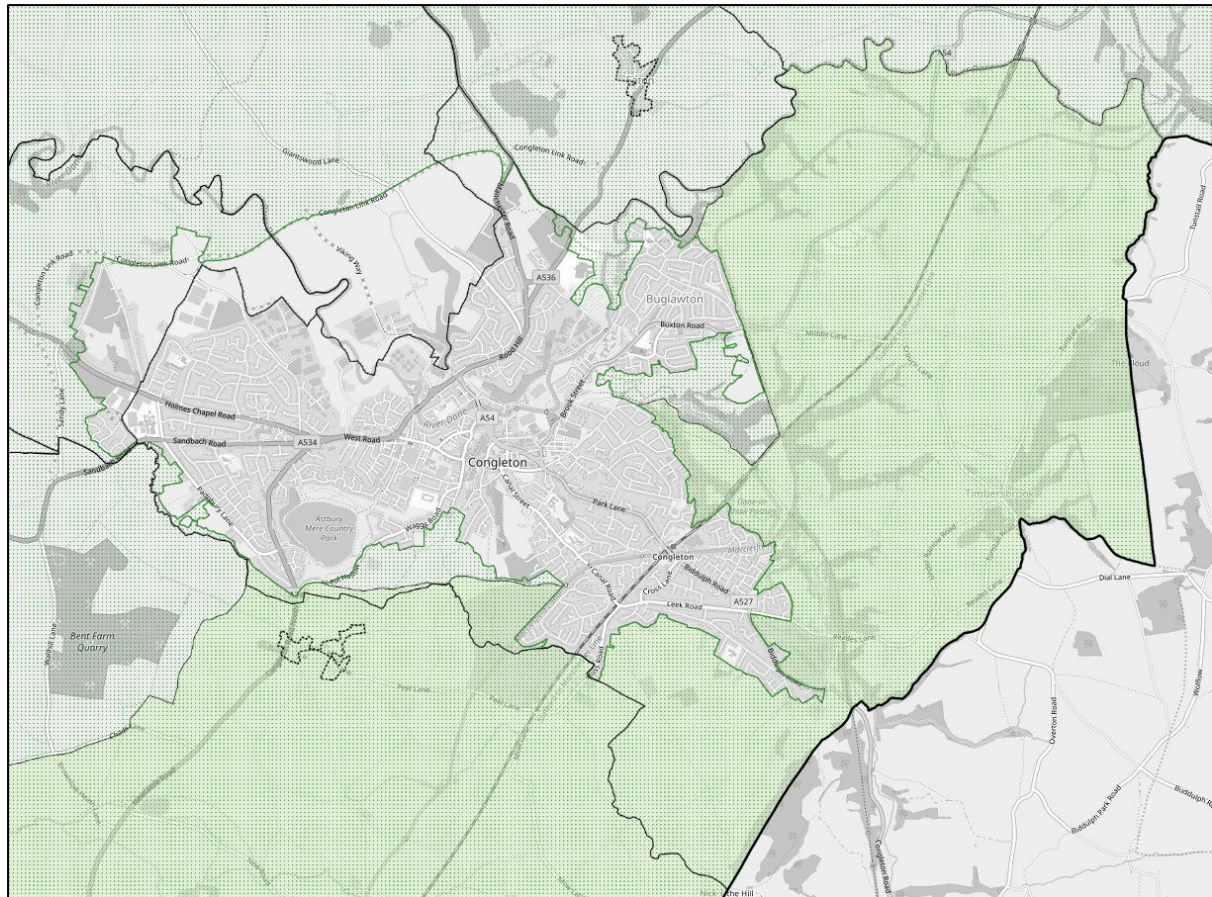


Figure 1: Local Plan policies map



Policy 2 - Householder Conversions and Extensions

The content of this policy is covered by the existing Local Plan policies, in particular, policies HOU 11 Extensions and alterations, HOU 12 Amenity, HOU 13 Residential standards, and RET 8 Residential accommodation in the town centre, of the SADPD (2022). Therefore, it is suggested that this policy be removed from the plan.

Whilst it will be at the discretion of the case officer at the point of a planning application whether personal circumstances are a material consideration in decision-making. However, if the policy is retained, it is considered that the final sentence helps direct decision making and is a useful inclusion.

As written, it appears the caption for the associated image should be included within the policy text, if this is the case, the text should be relocated.

Policy 3 - Protection of Traditional Mill Buildings

The introduction of lenience to development proposals on this matter within the first half of this policy is in conflict with the final sentence, which seeks greater protection for assets. To resolve this conflict, CEC suggest 'designated and non-designated heritage assets' be replaced with 'traditional mill buildings' as listed on the table at page 19 (A map may also be of use, CEC can assist on this matter). The table could be given a reference and referred to in the policy.

For clarity, it is recommended the wording 'large traditional brick and stone buildings' in the first sentence of the first paragraph be substituted with 'traditional mill buildings', aligning to the table.

In the second sentence of the second paragraph, the wording 'will be considered acceptable' is considered too permissive in this context, CEC suggest the wording 'given positive weight'.

Policy 4 – Ensuring a Vibrant Town Centre

As mentioned in the introductory policy comments section, this policy is particularly lengthy, and it is recommended this policy text be significantly condensed, to assist with the application of this policy within Development Management.

Overall, the policies of the existing Local Plan cover the matters raised in this policy, particularly the RET policies of the SADPD (2022). However, it is recognised that the content included in this policy reflects that of design code 'C Designing for town centre vitality' of the Congleton Design Guidelines and Codes document. Therefore, it is suggested that this policy be simplified to solely make explicit reference to this part of the document.

Policy 5 - Tourism and Leisure in Congleton

This matter is sufficiently covered by the policies of the existing Local Plan. Particularly, policy EG 4 of the CELPS (2017), and the RET policies of the SADPD (2022).

Policy 6 - Local Retail Locations

It is noted that a piece of evidence that informed the RET policies of the SADPD (2022) is included as evidence for this policy, however, how this piece of work informs the approach taken in this policy is not explicitly presented. For example, why these specific areas have been chosen.

The policy approach taken regarding hot food takeaways should be explained as to why this requirement is only sought to apply to this type of use.

It is recommended that a map be included within the Plan to show these identified areas. CEC can assist with mapping.

The term 'will also be permitted' is permissive wording and it is suggested that this be substituted for 'will be supported'.

The final paragraph of the policy is covered by existing Local Plan policy and could be removed.

Policy 7– Walking and Cycling Strategy

CEC wish to actively support all measure that promote more cycling and walking. Most of the content in this policy is covered by the existing Local Plan and therefore should be significantly reduced or could be removed however the policy could be used to secure improvements to our investment in cycling and walking infrastructure as detailed on the map on page31.

Policy 8 – Sustainable and Public Transport

This proposed policy presents several aspirations regarding sustainable and public transport in Congleton. The content within this policy is largely addressed by policies within the existing Development Plan and could therefore be removed from the Plan.

Policy 9 – Local Ecological Networks

The wording 'will be required in accordance with the Town Council's corporate trees policy.' Is not a necessary inclusion within the policy. The appropriate evidence identified informs the policy approach taken.

The second sentence of the first paragraph and the second paragraph could be removed from the policy as this is covered by the existing Local Plan.

In regards to the final sentence of the third paragraph, it should be recognised that these matters will mostly be dealt with through BNG provision and therefore the suggested approach is likely not appropriate in most circumstances.

The final paragraph is likely not an appropriate policy test for 'all planning applications', even in excluding householder applications. The statement could be clarified to allow flexibility with inclusion of the words 'where appropriate' or 'where relevant'. However, these matters are addressed by the existing local plan and therefore the statement could be removed entirely.

Policy 10 – Accessibility to Health and Wellbeing

Much of the content in this policy is covered by the existing Local Plan policies.

The final sentence of the second paragraph is not a land-use policy concern and should be removed.

Policy 11 – Education Development

Most of the matters raised in this policy are covered by the existing Local Plan and could therefore be removed from the Plan.

Policy 12 – The Future of Local Community Facilities

The existing policies of the Local Plan cover this matter.

The first part of the second paragraph seeks to apply to development proposals that 'affect in whole or in part' community facilities. It is considered this is a term that could encompass many applications that would then unnecessarily be subject to the following criteria of having to demonstrate the safeguarding of the long-term future of the community facility. Although policy REC 5 of the SADPD (2022) gives positive weight to proposals that contribute to the long term retention of a facility, it is not a requirement that this must be demonstrated and 'safeguarded', therefore some conflict is noted.

For consistency and clarity, the wording 'looked upon favourably' should be changed to 'will be supported'.

Policy 13 – Congleton's Unique Character

CEC welcome the inclusion of the accompanying Design Guide document, which provides locally specific design guidance for the plan area.

It is recommended that this policy be reduced to the first paragraph, which outlined that consideration should be given to the Design Guide.

Policy 14 – Designated and Non-Designated Heritage Assets

This policy is sufficiently covered by the existing policies of the Development Plan, and to avoid duplication should be removed from the Plan.

Policy 15 – Congleton's Landscape Character

The topic of landscape character is prominently addressed within the existing Development Plan.

Regarding paragraph three, national or local policy does not outline provision that matters regarding impacts on landscape character should be outweighed by public benefit. As this is inconsistent with the national approach, it should be removed from the Plan. Instead, this policy should seek to align with the provision set out by paragraph 135 c) of the NPPF.

Policy 16 – Housing for an ageing population

The policy is largely covered by other policies on the development plan and the core purpose, to retain bungalows, should be supported by relevant local data/ evidence.

Policy 17 – Design at the Settlement Edge

It is considered that the previous policy, 13, outlines consideration for the Design Guide document, and this policy could be simplified to follow this approach by solely directing attention to the specific parts of the guide referenced in this policy.

Also, it should be explicitly stated what is the geographically trigger for this policy, is it at the edge, inside or outside of the settlement boundary.

Policy 18 – Views, Vistas and Gateways

Like the comments made on policies 13 and 17 of the Plan, this policy should use the findings of codes 'F4' of the Design Guide document to help inform development proposals on this matter.

The NPPF makes no allowance for the protection of 'views'. It is a term that describes a field of vision across an undefined distance, potentially incorporating many objects, buildings and features of the landscape and given the unbounded nature of the term, it is deliberately ambiguous requiring qualification to be made meaningful. It is therefore difficult to articulate the value of an entire view without such qualification that would make the policy specific, and following from this difficulty, identifying where harm may arise to that view.

In this regard, the map presented is difficult to understand and is considered unhelpful. Views can be found at any point within the map and the lack of specificity makes the policy ambiguous.

However, the proposed policy can be based in recognition that the local landscape is of special significance and valued locally and therefore the policy should seek to protect the valued features and characteristics of the local landscape which are more specifically identifiable (the 'receptors'), rather than a more ambiguous and wide-ranging concept of a 'view'.

The policy does somewhat lean towards this approach, by mentioned landmark buildings in the final paragraph, however, it should be clarified. The produced evidence can assist in identifying and justifying the inclusion of proposed landscape features / receptors. The policy should consider how these features can be protected and enhanced, such as the integration of proposed development to create key views to these features.

Policy 19 – Biodiversity Net Gain and Improvement

The content regarding biodiversity in policy 9 may be better suited here.

It is considered that it would be more appropriate for the final paragraph to be removed from the policy text and relocated to the supporting information section.

Policy 20 –Tree Protection and Planting

The existing policies of the Local Plan cover this theme, in particular SE 5 of the LPS (2017) and ENV 6 of the SADPD (20220).

The last sentence is not relevant to the main theme of this policy and is covered by existing Local Plan policy and should be removed.

Policy 21 – Pop-up Uses in the Town Centre

The RET policies of the SADPD (2022) address this matter.

Regarding increasing footfall and time spent in each space. Further detail should be provided on how development proposals would evidence this policy test.

The points raised in the final paragraph are covered by the existing policies of the Development Plan and therefore could be removed from the Plan.

The rationale for being applicable to proposals for ‘less than 5 years’ should be clarified.

If the policy is retained, it should begin by outlining that this policy applies within the town centre, as appose to at the end of the first paragraph.

Policy 22 – Areas for Improvement across the Town

It is considered that the first part of this policy would be better suited within a community actions / aspirations section of the Plan. The latter part of the policy seeks to address matters that are previously raised within the Plan, and are covered by existing Local Plan policy, and could therefore be removed from the Plan.