

Portfolio Holder Decision Report

Report Title: Alsager Neighbourhood Development Plan: Decision to Proceed to Referendum

Portfolio Holder: Councillor Toni Fox, Portfolio Holder for Planning

Senior Officer: Frank Jordan, Executive Director of Place

1. Report Summary

- 1.1. The Alsager Neighbourhood Development Plan (ANDP) was submitted to the Council in June 2019 and, following a statutory publicity period, proceeded to independent examination. The examiners report has now been received and recommends that, subject to modifications, the Plan should proceed to referendum. The Plan contributes to delivery of sustainable development in Alsager, setting out detailed local planning policy on matters important to the community and through its alignment with the Local Plan Strategy the ANDP also supports the Councils own strategic aims to promote economic prosperity, create sustainable communities, protect and enhance environmental quality and promote sustainable travel.

2. Recommendation

- 2.1. That the Portfolio Holder:
 - 2.1.1. Accepts the examiner's recommendations to make modifications to the Alsager Neighbourhood Plan as set out in the examiner's report (at Appendix 1); and
 - 2.1.2. Confirms that a referendum will now be held on the ANDP, within the Alsager Neighbourhood Plan area.
- 2.2. Local authorities are normally required to hold a referendum within 8 weeks of deciding to progress a neighbourhood plan to referendum. The exception to this is where an alternative date can be agreed between both parties. In

this instance, due to the scheduling of a general election in December and the updating of the electoral role in January, it has been agreed to exceed the usual time limits in this instance, holding a referendum as soon as possible in 2020, on the 27th February.

3. Reasons for Recommendation/s

- 3.1. The Council is committed to supporting neighbourhood planning in Cheshire East. It has a legal duty to provide advice and assistance on neighbourhood plans, to hold an independent examination on neighbourhood plans submitted to the Council, and to make arrangements for a referendum following a favourable examiner's report.
- 3.2. Subject to the modifications set out in the examiner's report, the ANDP is considered to meet the statutory tests, the Basic Conditions and procedural requirements set out in paragraph 8 of Schedule 10 to the Localism Act 2011 and as such it can now proceed to referendum.
- 3.3. Holding a referendum on the ANDP will enable the local community to vote on whether the plan should be used to determine planning applications in the neighbourhood area and bring the plan into statutory effect. The Neighbourhood Plan, as modified, will contribute to the strategic aims set out in the Cheshire East Local Plan Strategy and upon the outcome of a successful referendum result will form part of the Development Plan for Cheshire East. Following the referendum the Council is required to 'make' the neighbourhood plan, confirming its status within the development plan for the area.
- 3.4. It should be noted that local planning authorities are normally required to hold a referendum within 8 weeks of deciding to progress a neighbourhood plan to referendum. The exception to this is where an alternative date can be agreed between both parties. In this instance, due to the scheduling of a general election in December and the updating of the electoral role in January, it has been agreed to exceed the usual time limits in this instance, holding a referendum as soon as possible in 2020, likely in the early part of February.

4. Other Options Considered

- 4.1. Not to proceed to referendum. The examiner has found that subject to modification, the plan meets the relevant legal, procedural and planning tests and therefore there is no reason a referendum should not be held.

5. Background

- 5.1. The preparation of the ANDP began in 2017 with the Neighbourhood Area Designation approved in May 2017.
- 5.2. The final Neighbourhood Plan and its supporting documents were submitted to Cheshire East Council on 11th June 2019.
- 5.3. The supporting documents included:
 - 5.3.1. The draft Alsager Neighbourhood Development Plan
 - 5.3.2. A map of the neighbourhood area
 - 5.3.3. A Consultation Statement
 - 5.3.4. A Basic Conditions Statement
 - 5.3.5. A copy of the Screening Opinion on the need to undertake Strategic Environmental Assessment
- 5.4. Cheshire East Council undertook the required publicity between 14.06.19 – 24.07.19. Relevant consultees, residents and other interested parties were provided with information about the submitted plan and were given the opportunity to submit comments to the examiner.
- 5.5. The Borough Council appointed Andrew Mead BSc (Hons) MRTPI MIQ, as the independent examiner of the plan. The Examiner is a chartered town planner and former government Planning Inspector, with wide experience of examining development plans and undertaking large and small scale casework. On reviewing the content of the plan and the representations received as part of the publication process, she decided not to hold a public hearing.
- 5.6. A copy of the Examiner's Report is provided at Appendix 1. A copy of the Neighbourhood Plan can be accessed via the Council's [web pages](#) or requested from the Report's author.
- 5.7. The examiner's report contains the Examiner's findings on legal and procedural matters and his assessment of the plan against the Basic Conditions. It recommends that a number of modifications be made to the plan. These are contained within the body of the report and summarised in a table at the end.
- 5.8. The examiner has recommended multiple modifications to the plan but overall it is concluded that the ANDP does comply with the Basic Conditions and other statutory requirements and that, subject to recommended modifications, it can proceed to a referendum.

5.9. The Examiner comments that:

5.10. *"In conducting the examination, I enjoyed absorbing the information about Alsager from the Plan and supporting evidence and also visiting the town. The Plan has captured the town's character and I understand the references to a village atmosphere. The thorough Consultation Statement and the equally thorough Statement of Basic Conditions were extremely helpful. The Town Council, the supporting Steering Group and the volunteers are to be commended for their efforts in producing such a comprehensive document which, incorporating the modifications I have recommended, will make a positive contribution to the Development Plan for Alsager and will assist in creating sustainable development."*

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1. The Neighbourhood Plan is considered to meet the basic conditions and all relevant legal and procedural requirements and this is supported in the Examiner's Report. Proceeding to referendum will enable the ANDP to be 'made', and legally form part of the Development Plan for Cheshire East.

6.1.2. The Neighbourhood Planning Act 2017 requires a local planning authority ("LPA") or other planning decision-maker to have regard to a "post examination draft NDP" when dealing with a planning application so far as the plan is material to the application.

6.1.3. The ANDP will become part of the development plan for that area after it is approved in the referendum. Following the referendum, if Cheshire East Council decides not to make the Neighbourhood Development Plan, it will cease to become part of the development plan.

6.1.4. Cheshire East Council has considered the Human Rights Act 1998 and has not found that the Plan breaches the Act. The Examiner did not disagree with that position.

6.2. Finance Implications

6.2.1. The referendum is estimated to cost circa £18,000. This will be paid for through government grant specific to neighbourhood planning, and the service's revenue budget.

6.3. Policy Implications

6.3.1. Once 'made' neighbourhood plans are afforded the full legal status and policy weight as other Development Plan policies. The policies of the

neighbourhood plan will therefore be used to determine decisions on planning applications within the defined neighbourhood area.

6.4. Equality Implications

6.4.1. The Neighbourhood Plan has been prepared in a manner which has been inclusive and open to all to participate in policy making and establish a shared vision for future development in Alsager. The policies proposed are not considered to disadvantage those with protected characteristics.

6.5. Human Resources Implications

6.5.1. The administration of the referendum procedure requires staff resource from the Elections Team to organise, promote and carry out the referendum. Following the declaration of the referendum result further activity is undertaken by the Neighbourhood Planning Team to manage publication of the plan, monitor and advise on its use.

6.6. Risk Management Implications

6.6.1. The decision to proceed to referendum and subsequently to 'make' the Alsager Neighbourhood Development Plan is, like all decisions of a public authority, open to challenge by Judicial Review. The risk of any legal challenge to the Plan being successful has been minimised by the thorough and robust way in which it has been prepared and tested.

6.7. Rural Communities Implications

6.7.1. Alsager falls into the category of 'Key Service Centre' for the purposes of the Cheshire East Local Plan Strategy. As a Key Service Centre Alsager provides services to a large rural community beyond its parished borders. The policies in the plan have been developed by the community, with opportunities for the local rural community to participate in the plan making process.

6.8. Implications for Children & Young People

6.8.1. Neighbourhood plans are an opportunity to promote the safety, interests and well being of children in the statutory planning framework and the Alsager Neighbourhood Plan introduces policies to protect access to recreation and amenity facilities which support the wellbeing of children.

6.9. Public Health Implications

6.9.1. Neighbourhood plans are an opportunity to promote public health in the statutory planning framework and the Alsager Neighbourhood Plan contains policies which support physical wellbeing.

6.10. Climate Change Implications

6.10.1. The ANDP includes a number of policies that seek to ensure the sustainable development of land and the retention of land in sustainable uses and supporting additional protection of the environment.

6.10.2. In combination with other elements of the Development Plan these measures will help the Council to reduce its carbon footprint and achieve environmental sustainability by reducing energy consumption and promoting healthy lifestyles.

7. Ward Members Affected

7.1. Alsager Ward: Councillor June Buckley

7.2. Alsager Ward: Councillor Rod Fletcher

7.3. Alsager Ward: Councillor Phil Williams

7.4. Haslington Ward: Councillor Steven Edgar

7.5. Ward members will be informed of the decision to proceed to referendum when this report is published for consideration.

8. Consultation & Engagement

8.1. Consultation is a legal requirement of the neighbourhood planning process and has taken place throughout the preparation of the ANDP with multiple opportunities for the community and interested parties to participate in the development of the plan.

9. Access to Information

9.1. The Examiner's Report is appended to this report and all relevant background documents can be found via the neighbourhood planning pages of the Council's website:

9.2. <https://www.cheshireeast.gov.uk/planning/neighbourhood-plans/neighbourhood-planning.aspx>

9.3. The background papers relating to this report can also be inspected by contacting the report writer.

10. Contact Information

10.1. Any questions relating to this report should be directed to the following officer:

Name: Tom Evans
Job Title: Neighbourhood Planning Manager
Email: Tom.Evans@Cheshireeast.gov.uk

11. Appendix 1: Examiners Report



Report on Alsager Neighbourhood Plan 2018 - 2030

An Examination undertaken for Cheshire East Council with the support of the Alsager Town Council on the Regulation 15 submission version of the Plan.

Independent Examiner: Andrew Mead BSc (Hons) MRTPI MIQ

Date of Report: 7 November 2019

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Main Findings - Executive Summary

From my examination of the Alsager Neighbourhood Plan (the Plan/ANP) and its supporting documentation, including the representations made, I have concluded that, subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the Alsager Town Council;
- The Plan has been prepared for an area properly designated – the whole of the Alsager Council area and part of Barthomley Parish, shown on page 4 of the submitted Plan;
- The Plan specifies the period in which it is to take effect: 2018 - 2030; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Alsager Neighbourhood Plan 2018-2030

- 1.1 Alsager, with a parish population of 11,775¹, is a busy commercial town with a village atmosphere near the southern edge of Cheshire about 11 km east of Crewe and 16 km north west of Stoke on Trent. Set in pleasant countryside, the town is about 5 km from Junction 16 of the M6 motorway and also has good rail connections with Crewe, Manchester and London.
- 1.2 The Neighbourhood Plan process started in February 2016 with a public meeting in Alsager to launch consultation on the Plan. An ANP Steering Group was formally constituted in January 2017 and in May 2017 the ANP Area was designated by Cheshire East Council (CEC). Questionnaires were distributed and drop in sessions and public exhibitions were held throughout the preparation period. The ANP now represents over three years' work by those involved.
- 1.3 Alsager is a Key Service Centre in the Cheshire East Local Plan Strategy (CELPS), the vision for which is that they will see growth, with high quality homes and business premises provided, where smaller independent traders and tourism initiatives will continue to thrive and where all development will contribute to creating a strong sense of place.

¹ 2011 Census.

- 1.4 The ANP vision for Alsager, which has evolved through the Plan process, is described on page 7 of the Plan. It is a vision which covers many aspects of the town's life. It will be a vibrant town in 2030 with a thriving town centre and will have extended its strong community spirit and civic pride to all new development. It will provide for the needs of the whole community and capitalise on its many advantages, including proximity to Junction 16 of the M6 motorway and the conurbations of north Staffordshire. A range of housing will be provided to meet local needs. The town will have high quality open spaces and improved access to surrounding open countryside.
- 1.5 The Plan is structured around six topics for each of which there are objectives, policies and justification: economy and employment; the town centre; housing; natural and built environment; community and wellbeing and traffic, transport and services.

The Independent Examiner

- 1.6 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Alsager Neighbourhood Plan by CEC, with the agreement of the Alsager Town Council (ATC).
- 1.7 I am a chartered town planner and former government Planning Inspector with previous experience of examining neighbourhood plans. I am an independent examiner and do not have an interest in any of the land that may be affected by the draft Plan.

The Scope of the Examination

- 1.8 As the independent examiner, I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.9 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the Plan meets the Basic Conditions;
 - Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:

- it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
- it sets out policies in relation to the development and use of land;
- it specifies the period during which it has effect;
- it does not include provisions and policies for 'excluded development';
- it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
- whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

1.10 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

1.11 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the PNP must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with and not breach European Union (EU) obligations; and
- meet prescribed conditions and comply with prescribed matters.

1.12 Regulation 32 and Schedule 2 to the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 ('the 2017 Regulations').²

2. Approach to the Examination

² This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

Planning Policy Context

- 2.1 The Development Plan for this part of CEC, not including documents relating to excluded minerals and waste development, is the CELPS adopted in July 2017 and the saved policies of the Congleton Borough Local Plan First Review adopted in 2005 and the Crewe and Nantwich Borough Replacement Local Plan, also adopted in 2005. The Proposals Maps from the Local Plans in East Cheshire are saved for the purposes of determining planning applications.
- 2.2 The emerging Site Allocations and Development Policies Document (SADPD) will include detailed development management policies and an adopted Policies Map, which will replace the saved policies from the Local Plan. The submission draft of the SADPD was published for consultation from 19 August 2019 until 30 September 2019.
- 2.3 I shall make reference to the emerging policies of the SADPD in this report, having regard to the Planning Practice Guidance (PPG), which states that it is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies. The PPG advises that the reasoning and evidence informing emerging local plans can be relevant to neighbourhood plans. Where a neighbourhood plan is brought forward before an up-to-date local plan is in place, the local planning authority and qualifying body should discuss and aim to agree the relationship between their emerging policies and the adopted development plan.³ In this context, I shall have regard to the emerging SADPD in addition to assessing whether the ANP is in general conformity with the CELPS.
- 2.4 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The PPG offers guidance on how this policy should be implemented. A revised NPPF was published on 19 February this year and all references in this report are to the February 2019 NPPF and its accompanying PPG.⁴

Submitted Documents

- 2.5 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the Alsager Neighbourhood Plan 2018 – 2030;
 - the map on page 4 of the Plan, which identifies the area to which the proposed ANP relates;
 - the Consultation Statement: May 2019;
 - the Statement of Basic Conditions: April 2019;
 - all the representations that have been made in accordance with the Regulation 16 consultation;
 - the Strategic Environmental Assessment (SEA) Screening Report prepared by CEC, January 2019; and
 - the requests for additional clarification sought in my letters of 19 August, 6 and 30 September 2019 and the responses of 5 and 19 September and 16 October 2019

³ PPG Reference ID: 41-009-20190509.

⁴ See paragraph 214 of the NPPF. The Plan was submitted under Regulation 15 to CEC after 24 January 2019.

provided by the Town and Cheshire East Councils, which are available on the Town Council website.⁵

Site Visit

- 2.6 I made an unaccompanied site visit to the Neighbourhood Plan Area on 27 September 2019 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

- 2.7 This examination has been dealt with by written representations. Although a request for a hearing session on policies affecting Radway Green North was received, I considered a session on this and other policies to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum. As noted in paragraph 2.5 above, ATC and CEC helpfully answered in writing the questions which I put to them in my letters of 19 August, 6 and 30 September.

Modifications

- 2.8 Where necessary, I have recommended modifications to the Plan (**PMS**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The ANP has been prepared and submitted for examination by ATC, which is a qualifying body. The Plan extends over the whole of Alsager Parish which constitutes the area which was designated by CEC on 10 May 2017, together with an extension into adjoining Barthomley Parish in January 2019.
- 3.2 It is the only Neighbourhood Plan for Alsager Parish and does not relate to land outside the designated Neighbourhood Plan Area.

Plan Period

- 3.3 The period of the Plan, prominently displayed on the front cover of the document, is between 2018 and 2030. The end date of the period aligns with that of the CELPS, the period for which is 2010–2030.

Neighbourhood Plan Preparation and Consultation

- 3.4 The Consultation Statement of the ANP provides an extremely comprehensive summary of the preparation process of the Plan. The Plan process was started in February 2016 with a

⁵ View at: <https://www.cheshireeast.gov.uk/planning/neighbourhood-plans/neighbourhood-plans-a-f/alsager-neighbourhood-plan.aspx>

public meeting to launch the Neighbourhood Plan consultation and subsequent drop in events during March 2016. Over 5000 households were consulted and 310 responses were received. On the basis of the comments received, it was decided in August 2016 to proceed with the Neighbourhood Plan, with a Steering Group formally constituted in January 2017.

- 3.5 Working groups were set up into five topics: the town centre; business and employment; open spaces; housing and infrastructure. A topic titled as community and well-being was added later. A leaflet about the Neighbourhood Plan was distributed during the summer of 2017 and surveys of residents took place at several local events. In addition, in summer 2017, survey and interviews took place, including local businesses and youth groups, to ascertain thoughts about the town centre. Contact was made with local estate agents and a housing association to ascertain the state of the housing market. A full household survey was conducted online and in print in late 2017, which resulted in 1069 responses. Regular updates on progress on the preparation of the Plan was placed on Facebook, the Alsager Chronicle and Alsager in Focus.
- 3.6 Consultation on the ANP under Regulation 14 of the 2012 Regulations took place for six weeks between 16 January and 26 February 2019. There were many responses from residents and non-residents. The ANP was then submitted to CEC on 11 June and was subject to consultation under Regulation 16 between 14 June and 26 July 2019. 19 representations were received. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the ANP, that has had regard to advice in the PPG on plan preparation and is procedurally compliant in accordance with the legal requirements.

Development and Use of Land

- 3.7 Subject to the recommended modifications in **PM13**, **PM22** and **PM23**, the Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.8 The Plan does not include provisions and policies for 'excluded development'.

Human Rights

- 3.9 The Statement of Basic Conditions comments that the ANP has regard to the fundamental rights and freedoms guaranteed under the European Convention of Human Rights and complies with the Human Rights Act 1998. CEC states in its Regulation 16 consultation response that it is satisfied that the ANP does not breach, and is compatible with, EU Obligations and Convention rights (within the meaning of the Human Rights Act 1998). I have considered the matter independently and I have found no reason to disagree with that position.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The ANP was screened for SEA by CEC, the report of which was submitted with the Plan in accordance with the legal requirement under Regulation 15(e)(i) of the 2012 Regulations. The Council found that it was unnecessary to undertake SEA. Neither Historic England (HE), Natural England (NE) nor the Environment Agency (EA), when consulted, disagreed with that assessment. Having read the SEA Screening Opinion, and considered the matter independently, I agree with that conclusion.
- 4.2 The ANP was further screened by CEC for Habitats Regulations Assessment (HRA). The screening report concluded that the ANP would be unlikely to have an adverse effect under the terms of the 2017 Regulations and therefore HRA was not required. NE had no further comments in its Regulation 16 consultation response.⁶ Based on my independent consideration on the information provided, I support the above conclusions.

Main Issues

- 4.3 Following the consideration of whether the Plan complies with various procedural and legal requirements, it is now necessary to deal with whether it complies with the Basic Conditions; particularly the regard it pays to national policy and guidance, the contribution it makes to the achievement of sustainable development and whether it is in general conformity with strategic development plan policies. I test the Plan against the Basic Conditions by considering specific issues of compliance with all the Plan's policies.
- 4.4 As part of that assessment, I consider whether the policies are sufficiently clear and unambiguous, having regard to advice in the PPG. The policies of the ANP should be drafted with sufficient clarity that a decision maker can apply them consistently and with confidence when determining planning applications. They should be concise, precise and supported by appropriate evidence.⁷
- 4.5 Accordingly, having regard to the ANP, the consultation responses, written evidence⁸ and the site visit, I consider that the main issues for this examination are whether the ANP policies (i) have regard to national policy and guidance, (ii) are in general conformity with the adopted strategic planning policies and (iii) would contribute to the achievement of sustainable development? I shall assess these issues on the basis of grouping the topics which have been identified in the ANP into: (a) economy and employment; (b) the town centre; (c) housing; (d) natural and built environment; (e) community and wellbeing; and (f) traffic, transport and services.

Overview

- 4.6 The Plan is a thorough and well written document. Nevertheless, I have two general comments which influence some of the conclusions and recommendations on the policies below. The first reservation is the use of the word "target" in the context of housing supply. The housing numbers are not a target. Therefore, elements of policies which include that concept do not conform with the CELPS which sets out a minimum requirement of 36,000

⁶ Response dated 19 June 2019.

⁷ PPG Reference ID: 41-041-20140306.

⁸ The other evidence includes my letters to the Alsager Town and Cheshire East Councils seeking clarification and the replies referred to in paragraph 2.5 above.

new homes and the accommodation of a minimum of 380 hectares of employment land by 2030 (paragraph 9.4).⁹ The CELPS is reinforced by the SADPD which states that, as with LPS Policy PG 7, the figures set out (in this policy) are intended as a guide and are neither a ceiling nor a target.¹⁰

- 4.7 The second reservation is that a theme runs through many policies in various sections of the Plan concerned with seeking contributions for infrastructure and services through S106 obligations. This is summarised in the justification on page 48:

“Too little S106 funding has been required from developers for strategic housing sites already approved and the CIL level proposed in the Cheshire East consultation is 0% for Alsager. We need to take every opportunity to secure funding for infrastructure and services, and ensure that developments approved enhance rather than degrade our town”.¹¹

- 4.8 The manifestation of this stance is that many policies are effectively seeking to claw back a position so that future development would pay for deficiencies created in the past by planning decisions which were, at that time, judged to be acceptable.
- 4.9 However, national guidance is that planning obligations (i.e. contributions through S106 agreements) assist in mitigating the impact of unacceptable development to make it acceptable in planning terms.¹² Furthermore, planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are (i) necessary to make the development acceptable in planning terms; (ii) directly related to the development; and (iii) fairly and reasonably related in scale and kind to the development. These tests are set out as statutory tests and as policy tests in the NPPF.¹³ These tests apply whether or not there is a charging schedule levy for the area.
- 4.10 The policies of the Plan, which include seeking financial contributions from development where the tests above would not be met, would not have regard to national guidance and I shall recommend modifications to them.

The Strategic Context

- 4.11 The CELPS establishes the overall development strategy for Cheshire East which is to deliver a minimum of 36,000 homes and 380 ha of employment land over the Local Plan period to 2030, distributed across a settlement hierarchy which focuses on the Principal Towns and Key Service Centres. The remainder of the development is distributed to the Local Service Centres and to Other Settlements and Rural Areas. Alsager is one of nine Key Service Centres which, overall, are expected to accommodate about 68 ha of employment land and 2,950 new homes over the Local Plan period. CELPS Policy PG 7 shows that Alsager is expected to accommodate in the order of 2000 new homes.
- 4.12 In order to assist in delivering the number of new homes and employment opportunities required in the Local Plan period, strategic allocations for housing and employment were

⁹ CELPS: paragraph 9.4.

¹⁰ SADPD: paragraph 2.4.

¹¹ The Cheshire East Community Infrastructure Levy Charging Schedule has now come into force (as of 1 March 2019).

¹² PPG: Reference ID: 23b-002-20190901.

¹³ NPPF: paragraph 56.

made in the Local Plan. Six of these are around the periphery of Alsager. Three housing allocations, defined as LPS 20 White Moss Quarry, LPS 21 Twyford and Cardway and LPS 22 Former Manchester Metropolitan University Campus would, between them, accommodate 1,300 new homes.¹⁴ Together with housing completions and commitments from the beginning of the Local Plan period in 2010 and a 2.5% added flexibility factor¹⁵, it is estimated that housing requirements to 2030 have been met.¹⁶ The emerging SADPD does not allocate additional land for housing in Alsager.

- 4.13 Three strategic allocations for employment land at LPS 23 Radway Green Brownfield (RGB), LPS 24 Radway Green Extension (RGE) and LPS 25 Radway Green North (RGN) would provide a total of 47 ha. However, LPS 23 is a redevelopment and so would not be included within the net figure which, as a result, would be 37ha. Nevertheless, LPS 23 is available for employment use with outline planning permission granted for B1c, B2, B8 and ancillary office use in January 2019.¹⁷ Therefore, no further land is allocated for employment purposes in the emerging SADPD.

Topic (a) Economy and Employment (Policies EE1, EE2, EE3, EE4, EE5, EE6 and EE7)

- 4.14 Policy EE1 considers the CELPS strategic employment allocations at RGB, RGE and RGN. Policy EE1 1 describes a series of considerations applicable to the three sites in order to gain support from the Plan. Policy EE1 2 provides support for new businesses in RGE and RGB and Policy EE1 3 applies considerations exclusively to RGN. However, each allocation in the CELPS has its own Site Specific Principles of Development which list criteria to be met when planning applications are made.
- 4.15 In my opinion, the requirements of Policy EE1 are either unjustified, such as aiming for a single point of access to the Radway employment area, the coordination or linkage of all the sites and access to the railway line for freight movement, or are duplicated in the CELPS Principles of Development and Policy SE 1 (Design) and this Neighbourhood Plan (e.g. Policy EE2). Therefore, Policy EE1 1 risks confusion due to the application of different development management policies and criteria to the same scheme. The overall accessibility demands could threaten the viability and deliverability of the strategic allocations. This could be particularly so with the proposed restrictions on employment units in RGN, as outlined in Policy EE1 3. Policy EE1 2 supports proposals in RGB and RGE which would accord with the conditions set out in the CELPS, but this unjustifiably excludes a reference to RGN.
- 4.16 Accordingly, due to elements of Policy EE1 not having regard to national guidance and not generally conforming with strategic policies, I shall recommend modifying it by deleting EE1 1 and EE1 3, expanding EE1 2 to include RGN and removing the reference to green belt mitigation which is already dealt with in the Principles of Development of LPS 24.¹⁸ **(PM1)**

¹⁴ CELPS Table A.1 Housing Distribution: Principal Towns.

¹⁵ The flexibility factor is to take into account changing site circumstances or market conditions over the period of the Local Plan.

¹⁶ SADPD: Alsager Settlement Report PUB 22 June 2019 Figure Alsager 1.

¹⁷ SADPD: Alsager Settlement Report PUB 22 June 2019 paragraph 4.8.

¹⁸ NPPF: paragraph 29.

- 4.17 Policy EE2 aims to support new businesses and lists twelve requirements under bullet points (*bp*), unnumbered in the Plan, but which I have referenced by numbers in this report. With certain exceptions, the policy generally conforms with CELP Policies SD 1, SD 2, EG 1, EG 5 and SE 2 and has regard to national guidance.¹⁹ However, the requirement (*bp2*) that, other than in the re-use of existing buildings, proposals for new businesses should be within the settlement boundary would not generally conform with CELPS Policy EG 1 part 2. In addition, the requirement (*bp 8*) that proposals for major development must not increase vehicular movements through Alsager town centre would be both impractical and unreasonable so far as smaller vehicles, such as those belonging to employees, and services are concerned. If the aim is to guide HGVs away from the town centre, measures are available under existing powers with the highway authority. Similarly, the requirement (*bp9*) to be close to an existing highway is unreasonable and lacks clarity. A proposal may involve the creation of a new section of highway and an existing highway may not be of an adequate standard, or in an acceptable location.
- 4.18 Furthermore, the requirement (*bp10*) that proposals for storage and distribution facilities should move freight by rail lacks clarity, is unreasonable and, as written, may hinder the viability and hence the deliverability of businesses in the strategic allocations. The requirement (*bp12*) to take advantage of existing public transport routes lacks the necessary clarity and is unduly restrictive. For example, some more significant proposals may provide opportunities to increase public transport facilities. In any event, this issue would be covered by the need for a Travel Plan under Policy TTS1. Accordingly, I shall recommend modifying Policy EE2 by the deletion of *bp2*, *bp8*, and *bp12*, the reduction and rephrasing of *bp10* and the deletion of the first phrase of *bp9*. **(PM2)**
- 4.19 Policy EE3 aims to avoid the loss of existing employment sites. Policy EE4 supports the re-use of existing buildings. Policy EE5 supports home working. Policy EE6 considers the scale, design and amenity of new employment development. Policy EE7 encourages new employment activity in the town centre. Each of the policies is in general conformity with the strategic policies of the CELPS and has regard to national guidance.²⁰
- 4.20 Accordingly, on the evidence before me, with the recommended modifications PM1 and PM2, I consider that the economy and employment policies of the ANP are in general conformity with the strategic policies of the CELPS, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Topic (b) The Town Centre (Policies TC1, TC2, TC3, TC4 and TC5)

- 4.21 The town centre of Alsager comprises two main areas, the eastern part which includes civic buildings and a convenience store and the western part in which there is a concentration of pubs, restaurants and takeaways. The two areas are linked by Crewe Road along which are a mixture of uses, residential and retail, together with Milton Park and Northolme Gardens.

¹⁹ NPPF: paragraph 81.

²⁰ NPPF: Section 6: Building a strong, competitive economy.

- 4.22 Policy TC1 considers the regeneration of the public realm within the town centre through improvements to highways and streetscape and landscaping. Policy TC2 seeks to prioritise public car parking in the town centre. Policy TC3 deals with retail, service, business and residential development in the town centre. Policy TC4 supports proposals which would help to develop and sustain the evening economy. Policy TC5 provides for the definition of the boundary of the town centre as shown on Map TC1 and states that proposals for retail, service, business and leisure uses outside the town centre will not normally be supported.
- 4.23 The policies each have regard to national guidance for ensuring the vitality of town centres.²¹ The policies also generally conform with CELPS Policy EG 5 and, in the case of Policy TC2, CELPS Policy CO 1. Nevertheless, I have three reservations. The first is either a typographical error or ambiguous first phrase in the second bullet point of Policy TC3 as referred to by CEC in its Regulation 16 representation. I shall recommend modifying the policy as suggested. **(PM3)**
- 4.24 The other two points are more substantial. The second point is that Policies TC1, TC2 and TC3 each require that appropriate contributions are made through S106 or Community Infrastructure Levy (CIL) payments. A S106 payment must be related directly to mitigation necessary due to the impact of the particular development for which a planning application is made. It cannot be applied in a general capacity to fund wider infrastructure that the development does not rely on. In addition, CIL is not currently levied in Alsager town centre. Therefore, I shall recommend deleting that requirement from all three policies. **(PM4) (PM5) (PM6)**
- 4.25 The final point concerns the town centre boundary as shown on Map TC1 of the Plan and which is the boundary defined in the Alsager Supplementary Planning Document (SPD) 2010. The Alsager Settlement Report [PUB 22], part of the evidence base for the Publication Draft of the SADPD, has proposed adjusting the boundary by the deletion of three areas of the town centre leaving the main eastern part and the western part linked by Crewe Road. The resulting new town centre boundary is mirrored in the Submission Draft of the SADPD. Having read the justification for the new boundary in PUB 22 and walked around the town centre on my inspection, I agree with its conclusions that the eastern and western extremities of the centre do not function as part of the main retail core of the town and the central part which is excluded is predominantly residential. Therefore, I agree that the town centre boundary in the Neighbourhood Plan should be modified to that shown in the SADPD. **(PM7)**

Topic (c) Housing (Policies H1, H2, H3, H4, H5, H6 and H7)

- 4.26 Policy H1 considers the type and mix of new housing. The first point in Policy H1 is that additional housing over and above that identified in the CELPS will only be justified if there is clear justification for a higher target number agreed for Alsager as a Key Service Centre through the development plan process. However, the housing numbers are not a target. Therefore, this element of the policy does not generally conform with the CELPS which sets

²¹ NPPF: Section 7: paragraphs 85 - 90.

out a minimum requirement of 36,000 new homes and the accommodation of a minimum of 380 hectares of employment land by 2030 (paragraph 9.4).²² The CELPS is reinforced by the SADPD which states that, as with LPS Policy PG 7, the figures set out (in this policy) are intended as a guide and are neither a ceiling nor a target.²³ Accordingly, I shall recommend deleting the first item in Policy H1. **(PM8)** Policy H2 deals with climate change and new housing, generally conforms with CELPS Policy SE 1.3 and has regard to national guidance.²⁴

- 4.27 Policy H3 considers infrastructure and sustainable housing development. The first paragraph of the policy requires planning applications for residential development to satisfy sustainability criteria and the impact the development would have on the whole community. The sustainability criteria are not specified and the assessment of the effect of development on the whole community is such a vague and unrealistic requirement that effective development management would be prejudiced. I shall recommend modifying the policy by introducing the sustainability objectives from the NPPF and by removing the need to consider the whole community. (See **PM9** below)
- 4.28 Policy H3 also requires a contribution to mitigate any adverse impact on the town infrastructure by developments of 10 or more houses, either by a financial contribution via a S106 Agreement or by physical works to be agreed with the Town Council. As stated above, a S106 payment must be related directly to mitigation necessary due to the impact of the specific development for which a planning application is made. It cannot be applied in a general capacity to fund wider infrastructure that the development does not rely on. A contribution can only be sought where it fairly and reasonably relates in scale and kind to the development. Therefore, in order that the policy has regard to national guidance, I shall recommend modifying it and incorporate the alteration in PM9. I note that the Delivery Plan at Appendix 9 of the Plan is dynamic, may be amended over time and that the list within it is not prioritised. Therefore, I consider the reference to the Delivery Plan in Policy H3 is appropriate.
- 4.29 Furthermore Policy H5, which seeks early consultation with CEC and developers, comprises three criteria to be satisfied in order to gain support when planning applications for new housing and employment development are made. The first and third criteria concern financial contributions about which I have stated my conclusions in relation to Policies TC1, H3 and H4 (below). The second criterion of Policy H5 requires the inclusion in the Design and Access (D & A) Statement of an evaluation of the impact of proposals for more than 10 houses on infrastructure. The D & A Statement would not be the appropriate document for such an evaluation, although the principle of the evaluation would have regard to national guidance. It seems to me that impact on infrastructure could arise from both residential and employment development and that, rather than two separate policies, Policy H5 could be integrated with Policy H3.
- 4.30 In combining Policies H3 and H5, I recommend describing the policy as “Policy H3 Infrastructure and sustainable development” and phrasing the policy as shown in **PM9**. Early consultation by developers and CEC is a matter for each of those parties and the Town Council would, in any event, be a statutory consultee within the development management

²² CELPS: paragraph 9.4.

²³ SADPD: paragraph 2.4.

²⁴ NPPF: paragraph 153.

procedures. Therefore, as indicated in the justification, the Town Council would have the opportunity to discuss the priorities for the town with developers and seek agreement where possible.

- 4.31 Policy H4, which is titled “Size, scale and density of new housing development” repeats the error of referring to housing supply for the period 2010 to 2030 as a target and implicitly a ceiling, whereas it is a minimum requirement. The policy also refers to the need to provide for the town’s infrastructure, cross referring to Policy H3, which I have considered above and have recommended to be modified. The restriction of the maximum density of new development to that of adjoining existing and proposed developments in the immediate area may preclude positive benefits which may arise from an increase in density in an urban area, contrary to national sustainability objectives. Therefore, I shall recommend modifying the policy by deleting the first section of the policy and amending the second section. **(PM10)**
- 4.32 Policy H6 considers affordable housing. In its current form, the Policy does not conform generally with CELPS Policy SC 5 which includes 0.4ha as an alternative threshold to 15 or more houses. Policy SC 5 also states that affordable homes should be dispersed throughout the site, unless there are specific circumstances or benefits that would warrant a different approach. This contrasts with Policy H6 of the Plan, which states that affordable houses should be provided at the same time and integrated into any larger housing scheme of which it is part. In addition, the provision for low cost market homes and key workers relate to Rural Exception Housing for Local Needs rather than Affordable Homes. Finally, Policy H6 refers to Appendix 1 in the Plan for the definition of Affordable Housing which, as reference to the Glossary of the NPPF will indicate, is far more complex. Therefore, to make Policy H6 generally conform with CELPS Policy SC 5 and have regard to national guidance, I shall recommend modifying it as shown in **PM11**.
- 4.33 Policy H7 deals with Housing Design. The final bullet point requires that all new development proposals should provide conveniently located dog waste bins. These are normally accessible to the public and so should certainly not be applicable to just one house, as would be expected under the policy. Therefore, I shall recommend qualifying the policy to refer to a significant number of new houses. Furthermore, the policy states that “Planning permission will not be granted ...”. CEC is the planning authority, not the Town Council and the Plan should correctly refer to planning permission not being supported. **(PM12)** Subject to those modifications, the policy would generally conform with CELPS Policy SE 1. In addition, I consider that Policy H7 has regard to previous guidance in the PPG and, having taken into account the latest version of the PPG and the new National Design Guide, I have no reason to change my conclusion.
- 4.34 Two representations were made under Regulation 16 seeking the allocation of additional land for residential development. One submission concerned land at Fanny’s Croft.²⁵ The other related to land at Heath End Farm.²⁶ Both proposals have their merits. However, the former is in the Green Belt. I realise that where a need for changes to Green Belt boundaries have been established through strategic policies, detailed amendments to those boundaries

²⁵ Regulation 16 representation by Pegasus on behalf of SMA Developments.

²⁶ Regulation 16 representation by Indigo on behalf of Seddon Homes Ltd.

may be made through non-strategic policies, including neighbourhood plans.²⁷ However, in this case, there is no strategic evidence of the need to change the boundary of the Green Belt at Alsager. Moreover, because this site and the site at Heath End Farm are in open countryside outside the existing settlement boundary and the boundary which is proposed in the SADPD, the allocation of the land for residential development would not generally conform with the strategic Policy PG 6 of the CELPS. Therefore, I shall not recommend allocating either site for housing in the Plan.

- 4.35 Accordingly, on the evidence before me, with the recommended modifications PM8, PM9, PM10, PM11 and PM12, I consider that the housing policies of the ANP are in general conformity with the strategic policies of the CELPS, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Topic (d) Natural and Built Environment (Policies NBE1, NBE2, NBE3, NBE4, NBE5 and NBE6)

- 4.36 Policy NBE1 is a comprehensive policy which considers open space and recreation. The policy includes two basic elements, the protection of existing open spaces and the provision of new open space. Appendix 2 lists existing open space according to whether it is Local Green Space (LGS) or Incidental Open Space (IOS). However, the aim to protect them is the same and similar criteria of proximity and demonstration of special value have been applied to assist in their selection. Therefore, I shall assimilate the IOS into the list of LGS, before concluding on whether they meet the criteria in NPPF paragraph 100.
- 4.37 Appendix 2 also includes statements more akin to policy for LGS which are absent from Policy NBE1. Accordingly, I shall recommend redrafting Policy NBE1 to include appropriate LGS policy, having regard to national guidance. The policy includes a statement about seeking the provision of new open space and recreational opportunities through S106 Agreements, CIL contributions and other sources. As stated earlier in the report, a S106 payment must be related directly to mitigation necessary due to the impact of the specific development for which a planning application is made. Furthermore, CIL is not currently levied in Alsager. Therefore, I shall recommend removing that sentence from the policy.
- 4.38 In assessing the evaluation of the open spaces in Appendix 2 and the areas of each of them, I consider that Fanny's Croft (19.7 ha) and Borrow Pit Meadows (15 ha) are tracts of land which are too extensive to comply with the criteria for designation as LGS. In addition, Fanny's Croft lies within the Green Belt and the extra protection is unnecessary. However, although there is normally no need to designate linear corridors as LGS simply to protect rights of way, which are already protected under other legislation, I recognise that, in the specific cases in the Plan, there are associated green spaces alongside.²⁸ Therefore, I agree the NPPF criteria is met for designation of Merelake Way, The Donkey Path, The Grig, the open space north of Valley Road and the footpath from Alsager Station to Twyfords as LGS. I consider that the remaining open spaces listed in Appendix 2 as LGS and IOS also fulfil the criteria for LGS and should be designated as such.

²⁷ NPPF: paragraph 136.

²⁸ PPG: reference ID: 37-018-20140306.

- 4.39 Policy NBE1 continues with five bullet points listing elements which should be incorporated when existing open space is enhanced and new open space is proposed. I consider that, rather than policy, they constitute community actions which should be included in the Delivery Plan at Appendix 9. My recommended modifications are shown in **PM13**.
- 4.40 Policy NBE2 expects new building development to contribute to and enhance the local landscape and seeks to protect local views and skylines. The policy also refers to protecting Public Open Space such as Wood Park and Cranberry Moss. However, these Open Spaces and others would be protected by Policy NBE1. Public Rights of Way are already safeguarded under legislation other than the Town and Country Planning Acts. The Green Belt is protected through strategic policies in the CELPS, as is the open countryside. The statement in Policy NBE2 that any development beyond the settlement boundary in open countryside and in the Green Belt will be permitted only in exceptional circumstances does not have regard to national guidance.
- 4.41 The policy lists important local landscapes, three of which are described in the subsequent justification. However, two of these, Cranberry Moss and Wood Park are locations of open space within the town, rather than a landscape feature. They already have protection from inappropriate development because of their LGS designation. The same point applies to Cedar Avenue Playing Fields. Furthermore, although I recognise that the Fanny's Croft area is open countryside, in my assessment it does not have a landscape significance other than its openness on the edge of the built-up area.
- 4.42 More broadly, the expectation that new building development should contribute to and enhance the local landscape is unreasonable considering it has no statutory or development plan designation to signify higher than normal quality. Nevertheless, the intrinsic character and beauty of the countryside does warrant protection in the policy. The protection of significant local views and rural skylines is far too general a statement to be a means of effective development management and lacks any substantive justification. Therefore, I shall recommend significant modifications to Policy NBE2, whilst still retaining the essential elements of safeguarding the local countryside. **(PM14)**
- 4.43 One of the elements of Policy NBE3 is to maintain and enhance existing woodlands, wildlife sites, drainage ditches and brooks. As currently drafted, the policy is too general, indiscriminating and not justified by evidence. There is no indication of how these measures will be implemented, other than in P-EN3 in the Draft Delivery Plan (Appendix 9), and that only refers to assessing trees, hedges and woodland. However, the report from the Cheshire Wildlife Trust (CWT), quoted in the Justification, provides a basis for improving Policy NBE3 so that it would have regard to national guidance as well as generally conforming with strategic local policies.²⁹
- 4.44 The CWT report recommended that the wildlife corridor shown on Map 10 of the report should be identified in the Plan and protected from development. The map is included in Appendix 3 of the Plan. Nevertheless, I consider that the map is still too imprecise to function as an effective mechanism of development management where maintenance or outright protection is sought. The suggested buffer zone may well be desirable, but not

²⁹ Protecting and Enhancing Alsager's Natural Environment: Cheshire Wildlife Trust January 2018.

necessarily in all circumstances. The CWT report qualifies Map 10 as indicative, a qualification which is repeated in Appendix 3 of the Plan and the report accepts that further refinement will be necessary.

- 4.45 Accordingly, the imprecision leads me to conclude that prior assessment should be the first step, rather than generally maintaining all the features mentioned in the policy. This would then lead to the second step of protecting or maintaining those features which are deemed of significant value.
- 4.46 Policy NBE3 also states that, where possible, new buffer zones and wildlife corridors will be created on every new development, whether for residential or employment use. But there are other forms of development which may be considered relevant, such as retail or community uses, where opportunities for wildlife enhancement may occur. I shall recommend rewriting the policy as set out in **PM15**. I consider that the issue of culverting streams and other drainage work would fall within the phrasing of the policy should it be part of a development proposal, or be included as an item in the Draft Delivery Plan should it be carried out by a statutory undertaker such as the local highway authority or the Environment Agency. I note that the Map in Appendix 3 includes land outside the area of the Plan. I realise that wildlife corridors do not normally respect administrative boundaries, but Policy NBE3 cannot apply outside the Plan area. Therefore, to avoid confusion, the map should be altered so that even though the corridors may remain the same, the land outside the Plan area should be distinguishable. In addition, the map should be amended to show the boundary of the Plan area as extended in January 2019.
- 4.47 Policy NBE4 states that where development may cause the loss of, or damage to, woodland, trees, hedgerows and wide verges, the need for the development should be demonstrated. A requirement to prove need in those general circumstances does not have regard to national guidance. Furthermore, should a hedge be replaced, the same species may not be appropriate and, in addition, its height could be subject to safety issues if it adjoined a highway. Therefore, I shall recommend rephrasing the first two parts of the policy so that the whole policy, including the third part, then has regard to national guidance and generally conforms with CELPS Policy SE 5.³⁰ **(PM16)**
- 4.48 Policy NBE5 requires new housing development to produce a green infrastructure plan to improve local green spaces and corridors. The policy would generally conform with CELPS Policy SE 6 and have regard to national guidance.³¹ My only reservation is that the requirement would fall on all new housing proposals which, in the case of a single house or flat, would be unreasonable. Therefore, I shall recommend modifying the policy to apply to significant proposals for housing development. **(PM17)** Policy NBE6 considers development affecting heritage assets and their setting. The policy would have regard to national guidance and generally conform with CELPS Policy SE 7.³² However, reference is made to certain development proposals being refused planning permission. Given that CEC is the local planning authority, the policy in the Plan should use the phrase “...not be supported”. **(PM18)**

³⁰ NPPF: paragraph 175 (d) & PPG: Reference ID: 8-029-20190721.

³¹ NPPF: paragraphs 174 & 175.

³² NPPF: paragraph 195.

- 4.49 Therefore, on the evidence before me, with the recommended modifications PM13, PM14, PM15, PM16, PM17 and PM18, I consider that the policies for the natural and built environment in the ANP are in general conformity with the strategic policies of the CELPS, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Topic (e) Community and Wellbeing (Policies CW1, CW2 and CW3)

- 4.50 Policy CW1 aims generally to retain or enhance community facilities. Policy CW2 seeks the provision of additional health and leisure facilities. Both policies generally conform with CELPS Policies SC 1, SC 2 and SC 3, subject to the qualification of “appropriate” new development in Policy CW2.³³ **(PM19)** The policies would then also have regard to national guidance.³⁴ Policy CW3 aims to secure safe and accessible routes for cycling and walking. The policy has regard to national guidance.³⁵ The policy also generally conforms with CELPS Policy CO 1.
- 4.51 Accordingly, on the evidence before me, with the recommended modification PM19, I consider that the community and wellbeing policies in the ANP are in general conformity with the strategic policies of the CELPS, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Topic (f) Traffic, Transport and Services (Policies TTS1, TTS2, TTS3, TTS4, TTS5, TTS6, TTS7, TTS8, TTS9, TTS10, TTS11, TTS12, TTS13 and TTS14)

- 4.52 The first policy I shall consider in this section is Policy TTS9 which considers infrastructure. In many ways, it is a leading policy, not only for traffic, transport and services, but for other topics where improvements are sought because it links the adequate provision of infrastructure to the need for it which would arise as a consequence of the proposed development. The policy generally conforms with CELPS Policy IN 2 and also has regard to national guidance.³⁶
- 4.53 Policy TTS1 promotes sustainable transport and, after the policy statement, includes seven bullet pointed items. With two exceptions, the policy generally conforms with strategic policies in the CELPS and has regard to national guidance.³⁷ The two exceptions are in the final two bullet points. The requirement to provide a detailed travel plan for development consisting of 10 houses or more contrasts with Policy CO 4 in the CELPS, which seeks travel plans for major development proposals. In addition, the requirement to deliver priority improvements to the wider transport system in the Plan area by a S106 contribution conflicts with NPPF paragraph 56. Therefore, I shall recommend modifying Policy TTS1 by seeking a travel plan for major developments and delete the S106 requirement which, in any event, is covered by Policy TTS9. **(PM20)**
- 4.54 Policy TTS2 considers congestion and highway safety but does not have regard to national guidance, in that the test of unacceptability is that the impact would be severe rather than

³³ See CELPS Policy SC 2

³⁴ NPPF: paragraphs 92 & 96.

³⁵ NPPF: paragraph 98.

³⁶ NPPF: paragraphs 54 – 56.

³⁷ NPPF: paragraphs 103 & 104.

not worsen.³⁸ In addition, prioritising development implies a choice between alternatives which does not exist in development management. Accordingly, I shall recommend modifying the policy so that it has regard to national guidance and generally conforms with CELPS Policy CO 1. **(PM21)**

- 4.55 Policy TTS3 deals with car parking and generally conforms with CELPS Policy CO 1 and has regard to national guidance.³⁹ However, the points raised in the second, third and final paragraphs of the policy are not land used based policies and I shall recommend they are transferred to the Delivery Plan. **(PM22)** Policy TTS4 considers accessibility in the context of the disabled and those with restricted mobility. The policy has regard to national guidance and generally conforms with CELPS Policy CO 1.⁴⁰
- 4.56 Policies TTS5, TTS6 and TTS7 seek a Plan or town wide coverage of improvement measures and financial contributions for the provision of improved conditions for public transport users, cyclists, and pedestrians. Although such improvements may be welcome, they would be unreasonable and would not have regard to national policy to seek contributions for measures which were not related to the development under consideration. Furthermore, I consider all the items identified in the policies are more appropriately included in the Delivery Plan. Policies TTS6 and TTS7 make a general point about making adequate provision for cyclists and pedestrians. However, these statements are too general to be effective in development management. Nevertheless, if aimed at requirements arising as a direct consequence of the development, the policies would already be within the ambit of Policy TTS9. Therefore, I shall recommend deleting all three policies and transfer the measures suggested in each policy to the Delivery Plan. **(PM23)**
- 4.57 Policy TTS8 seeks improvements to public rights of way (footpaths, bridleways, cycleways). I shall recommend modifying the application of the requirements of the policy from “all proposals for residential and employment development” to “all proposals for major development” because it would be unreasonable to include small development proposals, such as one or two houses or any form of development which could create an additional job. Moreover, significant retail or leisure development could have an equal demand for rights of way linkages. The requirement for improvements over the area of the Plan is unreasonable for the reasons stated above. Similarly, seeking a financial contribution where a requirement can be demonstrated is too ambiguous and rather than recommending an elaborate modification, I would place reliance on Policy TT9 which states that adequate provision for any infrastructure should be made which, in my opinion, would include public rights of way. The recommended modification to Policy TTS8 is shown in **PM24**.
- 4.58 The support for high speed broadband in Policy TTS10 generally conforms with CELPS Policy CO 3 and has regard to national guidance.⁴¹ Policy TTS11 is aimed at improving air quality. The policy generally conforms with CELPS Policy SE 12 and national guidance, subject to introducing the qualification of significance to the scale of impact. **(PM25)** Most

³⁸ NPPF: paragraph 106.

³⁹ NPPF: paragraph 106.

⁴⁰ NPPF: paragraph 110 b).

⁴¹ NPPF: paragraph 112.

development would have some impact on air quality, perhaps in scarcely measurable amounts, but to require an Air Quality Assessment in those circumstances would be unreasonable.⁴²

- 4.59 Policy TTS12 considers sustainable drainage and the policy generally conforms with CELPS Policy SE 13 and national guidance, subject to the requirement of the policy being appropriate in the particular case. I shall recommend modifying the policy to include the phrase.⁴³ I shall also recommend deleting the references to the detailed requirements for the submission of percolation tests and capacity checks to the Town Council, which I consider would fall within the expertise of the Environment Agency to evaluate where necessary. In any event, the Town Council would be able to access such data as part of the normal development management process in which it has a statutory role as a consultee of the local planning authority. I shall also recommend deleting the final paragraph seeking financial contributions from developers because this requirement is addressed in Policy TT9 with greater accuracy. **(PM26)**
- 4.60 Policy TTS13 deals with surface water. The policy generally conforms with CELPS Policy SE 13 and national guidance.⁴⁴ However, I consider that the detail of how to discharge surface water is excessive for a development plan policy, particularly as the first paragraph indicates that there should be liaison between the Lead Local Authority, the public sewerage undertaker and the Environment Agency, where appropriate. Such discussions may lead to a different sequence of priorities than described in the policy, whereas still ensuring that the important surface drainage matters are dealt with. Therefore, I shall recommend deleting the sections of the policy after the first paragraph, except for the item in the final bullet point which requires the consideration of a coordinated approach on large sites. **(PM27)** Policy TTS14 considers the need for additional burial grounds and is in general conformity with the CELPS Policy SC 1 and national guidance.⁴⁵
- 4.61 Accordingly, on the evidence before me, with the recommended modifications PM20, PM21, PM22, PM23, PM24, PM25, PM26 and PM27, I consider that the policies for traffic, transport and services in the ANP are in general conformity with the strategic policies of the CELPS, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

5. Conclusions

Summary

- 5.1 The Alsager Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard to all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.

⁴² PPG: Reference ID: 32-003-20140306.

⁴³ PPG: Reference ID:7-079-20150415 & NPPF: paragraph 165.

⁴⁴ NPPF: paragraph 165.

⁴⁵ NPPF: paragraph 92.

- 5.2 I have made recommendations to delete or modify a number of policies to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Alsager Neighbourhood Plan, as modified, has no policy which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the boundary of the Plan.
- 5.4 I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Comments

- 5.5 In conducting the examination, I enjoyed absorbing the information about Alsager from the Plan and supporting evidence and also visiting the town. The Plan has captured the town's character and I understand the references to a village atmosphere. The thorough Consultation Statement and the equally thorough Statement of Basic Conditions were extremely helpful. The Town Council, the supporting Steering Group and the volunteers are to be commended for their efforts in producing such a comprehensive document which, incorporating the modifications I have recommended, will make a positive contribution to the Development Plan for Alsager and will assist in creating sustainable development.

Andrew Mead

Examiner

Appendix: Modifications

Proposed modification number (PM)	Plan reference	Modification
PM1	Policy EE1	Delete EE1 1 and EE1 3; rephrase EE 2 to: “Proposals for new businesses on the Radway Green Extension, Radway Green Brownfield and Radway Green North strategic allocations will be supported provided there is compliance with the Cheshire East Local Plan Strategy.”
PM2	Policy EE2	<p>Delete:</p> <p>“It is not located outside the settlement boundary unless it complies with policy EE4 (see also policy NBE2).”</p> <p>Delete:</p> <p>“Proposals for major development must not increase vehicular movements through Alsager.”</p> <p>Delete:</p> <p>“... are located close to existing highways and...”.</p> <p>“Proposals for distribution and storage facilities which are likely to generate significant amounts of freight which could realistically be moved by rail will only be permitted on sites which have, or economically could be provided with access to a railway.”</p> <p>Replace with: “Proposals for distribution and storage facilities will be supported where freight movement can be facilitated by rail.”</p> <p>Delete:</p> <p>“Any new employment development takes advantage of existing public transport routes within the town.”</p>
PM3	Policy TC3	<p>Rephrase the first sentence of the second bullet point to:</p> <p>“Changes of use to main town centre uses that support redevelopment of existing buildings ...”.</p>
PM4	Policy TC1	Delete: “All developments should be required to make an appropriate contribution to public realm regeneration through S106 mechanisms or Community

		Infrastructure Levy (CIL) payments.”
PM5	Policy TC2	Delete: “Be required to make an appropriate contribution to Alsager town centre infrastructure through S106 mechanisms or Community Infrastructure Levy (CIL) payments.”
PM6	Policy TC3	Delete: “All town centre developments should be required to make an appropriate contribution to Alsager town centre infrastructure through S106 mechanisms or Community Infrastructure Levy (CIL) payments.”
PM7	Map TC1	Amend the boundary of the central area to that shown in the SADPD and retitle it “Town Centre Boundary” .
PM8	Policy H1	Delete: Policy H1.1.
PM9	Policy H3	<p>Amend title to:</p> <p>“Infrastructure and sustainable development”.</p> <p>Reword policy to:</p> <p>“All proposals for new residential and employment development must meet the economic, social and environmental objectives for achieving sustainable development.</p> <p>Any proposals for significant residential and employment development should include an evaluation assessing the likely impact of the development on the infrastructure of the town.</p> <p>Where S106 contributions are required to mitigate the impacts of development that would otherwise be acceptable in planning terms, contributions to suitable and relevant projects identified in the Delivery Plan will be sought.”</p> <p>Delete Policy H5.</p>
PM10	Policy H4	<p>Delete the first sentence including the four bullet point items.</p> <p>Amend the second section to:</p> <p>“New housing within the built-up area of Alsager will be supported within the following categories: ...”.</p>
PM11	Policy H6	H6 1: Add “... a net gain of 15 or more houses or on 0.4ha of land will be expected to ...”.

	Appendix 1	<p>H6.3: Delete.</p> <p>H6.4: Delete.</p> <p>Rather than include the definition of Affordable Housing as currently drafted, either quote the definition from the NPPF Glossary as a whole, or refer to it by an internet link.</p> <p>Reword the final sentence as “The allocation of rented affordable housing will be in line with Cheshire East Common Allocations Policy.”</p>
PM12	Policy H7	<p>Final bullet point: insert “... on all significant new housing developments, ...”.</p> <p>Rephrase the final sentence:</p> <p>“Planning permission will not be supported for development of poor design ...”.</p>
PM13	Policy NBE1	<p>Delete existing policy and substitute:</p> <p>“All existing open space, formal and informal recreational open spaces, including play areas will be protected from development. Proposals which include additional open space and other recreational opportunities to at least the appropriate standard will be supported.</p> <p>The following areas are designated as Local Green Space and shown on Map X:</p> <ol style="list-style-type: none"> 1. Cranberry Moss 2. Wood Park 3. The Mere 4. Milton Park 5. Cedar Avenue Playing Field 6. Land between Leicester Avenue and the brook 7. Talke Road allotments 8. Cedar Avenue allotments 9. Lawton Road allotments 10. Coronation Avenue allotments 11. Hassel Road Play Area 12. Green outside Medical Centre 13. Green outside Council Offices and Civic Centre 14. Open Space north of Valley Brook Merelake Way

		<p>15. The Donkey Path 16. The Grig 17. Footpath from Alsager Station to Twyfords</p> <p>Proposals for development which would be harmful to a Local Green Space will not be supported except in very special circumstances.</p> <p>Measures to improve and enhance all open space and the design of new open space should consider the features listed in the Delivery Plan (Appendix 9) as part of the design solution.</p> <p>Move the five bullet pointed items in the policy to the Delivery Plan.</p>
PM14	Policy NBE2	<p>Delete existing policy and substitute:</p> <p>“Proposals for development which respect the local landscape and the intrinsic character and beauty of the countryside will be supported. In the open countryside and the Green Belt, only development which is in accordance with the policies of the Cheshire East Local Plan will be supported.”</p>
PM15	Policy NBE3	<p>Delete existing policy and substitute:</p> <p>“An Alsager Wildlife Corridor is proposed as shown in Appendix 3 (Map 10) within which biodiversity will be safeguarded and enhanced. The significance of any harm which might be caused to biodiversity in the corridor from proposed development within it or nearby should be assessed as part of the proposal. If significant harm resulting from a development cannot be avoided, or adequately mitigated, or compensated for, planning permission should be refused. When planning applications are made for new development, opportunities to enhance biodiversity will be sought.”</p> <p>Amend the map at Appendix 3 by (i) distinguishing land within the wildlife corridors outside the Plan area, and (ii), showing the extended Plan area.</p>
PM16	Policy NBE4	<p>Delete the first two paragraphs and substitute:</p> <p>“Proposals which would result in the loss of, or damage to, woodland, trees</p>

		<p>and hedgerows which contribute significantly to the character and appearance of the area will not be supported.</p> <p>If, as a result of development, trees or hedgerows are lost, they should be replaced by native species and any new planting should be accompanied by a statement of care and maintenance.”</p>
PM17	Policy NBE5	<p>Alter the first phrase of the policy to:</p> <p>“All significant proposals for housing development should produce ...”.</p>
PM18	Policy NBE6	<p>Alter the third paragraph of the policy by the deletion of: “... be refused planning consent ...” and the substitution of “... not be supported ...”.</p>
PM19	Policy CW2	<p>Add within the first sentence: “All appropriate new development ...”.</p> <p>Add within the final sentence: “... under S106 to secure contributions from appropriate developments towards the ...”.</p>
PM20	Policy TTS1	<p>Rephrase final bullet pointed item to:</p> <p>“Major development proposals should provide a detailed travel plan.”</p> <p>Delete final bullet pointed item.</p>
PM21	Policy TTS2	<p>Delete existing policy and substitute:</p> <p>“The Plan will only support proposals which demonstrate that the scale of development will not have a severe impact on traffic conditions. Development where there is a contribution towards overcoming deficiencies in the transport network which would be caused by the proposal will be supported.”</p>
PM22	Policy TTS3	<p>Remove the final three paragraphs of the policy and transfer to the Delivery Plan.</p>
PM23	Policy TT5 Policy TT6 Policy TT7	<p>Remove the bullet pointed items of each of the policies and transfer to the Delivery Plan.</p> <p>Delete the remainder of each policy.</p>
PM24	Policy TTS8	<p>Delete the first paragraph of the policy and substitute:</p>

		<p>“All proposals for major development will be required to take account of the existing footpath, bridleway and cycleway network and provide links into it where appropriate.”</p> <p>Delete the second paragraph of the policy.</p> <p>Add the following phrase to the beginning of the third paragraph of the policy: “Proposals for development which will lead to improvements to”.</p> <p>Delete the final paragraph of the policy.</p>
PM25	Policy TTS11	<p>Include in 1. “Proposals that are likely to have a significantly harmful impact on local air quality...”.</p>
PM26	Policy TTS12	<p>Amend the second sentence of the first paragraph by the inclusion of: “They must demonstrate, where appropriate, that Sustainable Urban Drainage Systems ...”.</p> <p>Delete the second paragraph.</p> <p>Delete the final paragraph.</p>
PM27	Policy TTS13	<p>Retain the first paragraph.</p> <p>Delete the remaining parts of the policy except for the final bullet point: “On large sites, etc...”.</p>