

Appendix 1: Consultation Response to the draft Brereton Neighbourhood Plan.

The emerging Brereton Neighbourhood Plan (BNP) contains a series of policies that seek to deliver sustainable development and include positive approaches to planning across a range of issues from landscape and environment to housing, biodiversity and the local economy. There are areas that would benefit from further policy development and from the preparation of further evidence to support the position already preferred by the parish council.

The points raised below refer to key recommendations that Cheshire East Council feels are necessary to address to deliver a neighbourhood plan that is supported by evidence, complies with national planning policy and does not conflict with the strategic aims of the emerging Local Plan Strategy for Cheshire East. The recommendations outlined below are intended to assist the Parish Council toward submission of a neighbourhood plan that meets the Basic Conditions as outlined in the Neighbourhood Planning (General) Regulations 2012).

Key Issues:

- Definition of settlement boundaries
- Alterations to Affordable Housing criteria
- Clarification on the exceptions to self build schemes

Vision

No conflict with existing or emerging CEC Development Plan.

Objectives

No conflict with existing or emerging CEC Development Plan.

Policy HOU03

No conflict with existing or emerging CEC Development Plan.

Comment:

Should BPC seek to rely on the existing settlement boundary for settlements within Brereton Brereton as identified in the Congleton Local Plan (2006) (CLP) they should be aware that 1) these boundaries are likely to be subject to alteration via the local plan process and that 2) where a local planning authority cannot demonstrate a five supply of land for housing, those policies related to the restriction of housing supply (including settlement boundaries) cannot be afforded full weight for decision making purposes.

Therefore, the policy as proposed will be subject to change outside the remit of the neighbourhood plan. If the intention of the policy is to retain control over such changes at the neighbourhood plan level, further work is recommended to define the settlement boundaries referred to, at the neighbourhood plan level.

Recommendation:

Should BPC seek to rely on a defined settlement boundary for the purposes of neighbourhood plan policies, BPC should introduce an additional policy specifically relating to Settlement Boundaries and identifying the extent of the settlement boundary for the settlements within Brereton. This would remove any doubt over the relationship between BNP and the CLP (and any alterations that may be made to boundaries held within the CLP).

If such a policy is introduced, supporting evidence to justify the decisions reached on the extent and limits of such boundaries should be provided to support the policy position.

Policy HOU05

No conflict with existing or emerging CEC Development Plan.

Comment:

Reference is made here to 'confirmation of local connections within Brereton' as a factor in considering self build applications. If the intention of the policy is to limit self build on this basis the policy should explicitly state the criteria to be applied. The criteria, if made explicit, need to be carefully considered to avoid possible implications (for example in regard to equality legislation) .

Recommendation:

Explicitly state the criteria that will apply to the granting of permission for self build ie – employed locally, resident in the parish for a certain amount of time, family resident in the parish etc.

Policy HOU12

Potential conflict with other legislation relating to the provision of Affordable Housing

Comment:

The allocation of affordable housing is a statutory responsibility of the Local Planning Authority under the Housing Act 1996 (amended by the Localism Act 2011). Housing authorities are required by s.166A(1) to have an allocation scheme for determining priorities, and for defining the procedures to be followed in allocating housing accommodation; and they must allocate in accordance with that scheme (s.166A(14)). All aspects of the allocation process must be covered in the scheme, including the people by whom decisions are taken. In the Secretary of State's view, qualification criteria form part of an allocation scheme.

All housing authorities must have an allocation scheme, regardless of whether they own housing stock and whether they contract out the delivery of any of their allocation functions (see further chapter 6). When framing or modifying their scheme, authorities must have regard to their current tenancy and homelessness strategies (s.166A(12)).

Policy H3 establishes criteria that seek to allocate affordable housing in Brereton. This must comply with the CEC Affordable housing allocations policy.

Recommendation:

Ensure that the policy is fully compliant with the Cheshire East Affordable Housing Allocations Policy and refer directly to this policy.

Policy HOU10

Comment:

See comments relating to HOU12

Recommendation:

See comments relating to HOU12