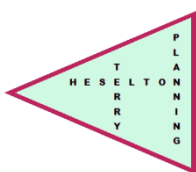


Sandbach Neighbourhood Plan (Examination Version)

Report of the Independent Examination

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Independent Examiner



Terry Heselton Planning

January 2016

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Summary

I have examined the Sandbach Neighbourhood Plan as submitted to Cheshire East Council by Sandbach Town Council. The examination has been undertaken by written representations.

I conclude that the Neighbourhood Plan meets all of the statutory requirements, including those set out in paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990. However a number of modifications are required to ensure that the Plan meets the four 'Basic Conditions', as defined in Paragraph 8(2) of the Schedule.

Subject to making the modifications set out in my report I recommend that the Sandbach Neighbourhood Plan proceed to referendum, and that the voting area corresponds with the Sandbach Neighbourhood Area as designated by Cheshire East Council on 21 October 2014.

1.0 Introduction

- 1.1 I have been appointed by Cheshire East Council, with the consent of Sandbach Town Council, to examine the Sandbach Neighbourhood Development Plan and report my findings as an Independent Examiner.
- 1.2 The Sandbach Neighbourhood Plan (referred to as ‘the Neighbourhood Plan’ or ‘the Plan’) has been produced by Sandbach Town Council under the provisions of the Localism Act 2011, which introduced the means for local communities to produce planning policies for their local areas. The Town Council is a qualifying body for leading the preparation of a neighbourhood plan¹.
- 1.3 The Neighbourhood Plan covers the built up area of Sandbach Town, and Elworth, Ettiley Heath, Wheelock and Sandbach Heath villages and surrounding countryside. The built up area is mostly contained by the M6 motorway to the east and the Trent and Mersey Canal the south and west.
- 1.4 Significant new residential development is already planned adjacent to the built up area. The Plan focuses primarily on managing future development, and shaping development in a way that is beneficial to existing communities while protecting and enhancing the local environment.
- 1.5 My report provides a recommendation as to whether or not the Neighbourhood Plan should proceed to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Neighbourhood Plan would be *made* by Cheshire East Council. The Plan would then be used to determine planning applications and guide planning decisions in the Sandbach Neighbourhood Area.

2.0 Scope and Purpose of the Independent Examination

- 2.1 The independent examination of neighbourhood plans is intended to ensure that neighbourhood plans meet four ‘Basic Conditions’², together with a number of legal requirements. Neighbourhood plan examinations are narrower in scope than Local Plan examinations and do not consider whether the plan is ‘sound’.
- 2.2 In order to meet the ‘Basic Conditions’, a neighbourhood plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State’,
 - contribute to the achievement of sustainable development,

¹ Section 38C of the Planning and Compulsory Purchase Act 2004 and Section 61F of the Town and Country Planning Act 1990.

² Set out in Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990

- be in general conformity with the strategic policies of the development plan for the area of the authority (or any part of that area), and
 - not breach, and be otherwise compatible with EU obligations
- 2.3 In addition to reviewing the examination version of the Neighbourhood Plan I have considered a number of background documents which are listed in Appendix 1, together with thirty three submitted representations, as part of the examination.
- 2.4 The general rule is that examination of the issues is undertaken through consideration of written representations, unless the examiner considers that a public hearing is necessary to ensure adequate examination of an issue (or issues) or to ensure that a person has a fair chance to put a case.
- 2.5 In reviewing the Neighbourhood Plan and the accompanying background documents and submitted representations, I have not identified any issues on which I require clarification. I am also of the opinion that all parties have had full opportunity to register their views and put their case forward. I have therefore undertaken the examination through consideration of written representations, supported by an unaccompanied site visit of Sandbach and the surrounding area.
- 2.6 In undertaking the examination I am also required to check whether:
- the neighbourhood plan policies relate to the development and use of land for the designated neighbourhood area ³;
 - the neighbourhood plan meets the requirement to specify the period for which it is to have effect, not to include provision relating to 'excluded development', and not to relate to more than one neighbourhood area ⁴,
 - the neighbourhood plan has been prepared for an area that has been properly designated ⁵ and has been developed and submitted for examination by a qualifying body ⁶, and
 - adequate arrangements for notice and publicity have been made in connection with the preparation of the neighbourhood plan ⁷.
- 2.7 As Independent Examiner, I must make one of the following recommendations:
- that the Neighbourhood Plan is submitted to referendum, on the basis that it meets the 'Basic Conditions' and other legal requirements; or
 - that modifications (as recommended in the report) are made to the draft Neighbourhood Plan and that the draft Neighbourhood Plan

³ Section 38A (2) Planning and Compulsory Purchase Act 2004 as amended

⁴ Section 38B (1) Planning and Compulsory Purchase Act 2004 as amended

⁵ Section 61G Town and Country Planning Act 1990 as amended

⁶ Section 38C Planning and Compulsory Purchase Act 2004 and Section 61F of the Town and Country Planning Act 1990.

⁷ Section 38A (8) Planning and Compulsory Purchase Act 2004 as applied by the Neighbourhood Planning (General) Regulations 2012

as modified is submitted to Referendum; or

- that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the 'Basic Conditions' and other relevant legal requirements⁸.

2.8 Modifications may only be recommended to ensure that the Neighbourhood Plan meets the 'Basic Conditions', that it is compatible with Convention Rights, or for the purpose of correcting errors⁹.

2.9 If recommending that the Neighbourhood Plan should proceed to referendum, I am required to then consider whether or not the Referendum Area should extend beyond the Sandbach Neighbourhood Area, and if so what the extended area should be¹⁰.

2.10 I make my recommendations in this respect in the final section of this report.

3.0 Representations

3.1 Responses were received during the Regulation 16 Publicity period from 33 organisations and individuals. These comprise 11 local residents/visitors, 2 local businesses, 2 Local Authorities (including Cheshire East Council), 10 developers/house builders/landowners, 7 utility and other organisations (including Natural England and the Environment Agency) and 1 local organisation (a disability access group).

3.2 A late response was accepted from Natural England owing to illness of a key member of staff within the organisation.

3.3 Comments range from expressions of general support, particularly from local residents, to those challenging the ability of the Plan to satisfy the Basic Conditions.

3.4 The general and detailed points raised on specific issues and policies in the Plan by those submitting representations are considered in Section 6 of my report.

4.0 Compliance with Legal Requirements

(a) Plan Area

4.1 The Neighbourhood Plan relates to the whole of the Neighbourhood Area

⁸ Paragraph 10(2) Schedule 4B of the Town and Country Planning Act 1990 as amended

⁹ Paragraph 10(3) Schedule 4B of the Town and Country Planning Act 1990 as amended

¹⁰ Paragraph 10(5) Schedule 4B of the Town and Country Planning Act 1990 as amended

that was designated by Cheshire East Council on 21 October 2014, following an application by Sandbach Town Council submitted on 10 July 2014. The Parish Council is recognised as a Qualifying Body for the purposes of preparing Neighbourhood Plans under Sections 61F and 61G of the Town and Country Planning Act 1990.

- 4.2 The Sandbach Neighbourhood Area is coterminous with the area covered by Sandbach Parish.
- 4.3 I am therefore satisfied that the relevant statutory requirements in relation to the designation of the Neighbourhood Area and the authority of the organisation preparing the Neighbourhood Plan have been complied with.
- 4.4 I am also satisfied that the Plan does not relate to more than one neighbourhood area and there are no other neighbourhood development plans for the designated Neighbourhood Area in accordance with statutory requirements.

(b) Policies for the Development and Use of Land

- 4.5 The Neighbourhood Plan 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 Planning and Compulsory Purchase Act 2004 (as amended).

(c) Time Period

- 4.6 A neighbourhood plan must specify the period during which it is to have effect. The Neighbourhood Plan states on its title page that it covers the period up to 2030. It is a moot point as to whether the Regulations require both a start and an end date to be specified and I note that Gladman Developments as part of their response to the Regulation 16 Publicity have requested clarification on this issue as various references are made in the Plan to the 2010 – 2030 period.
- 4.7 In my view as the base date for the housing supply calculation is 2010 it would make sense for this to correspond with the start date of the Plan. I am mindful of the fact that this date precedes the Localism Act which empowers Local Councils to prepare neighbourhood plans, but as there is no necessity to apply the provisions of the Plan retrospectively I do consider this would create any practical difficulty.

Recommendation 01

Change the Plan period quoted in the Plan from 'Up to 2030' to '2010 – 2030'

(d) Excluded Development

- 4.8 The Neighbourhood Plan does not include policies on excluded development such as national infrastructure, mineral or waste related development.

(e) Publicity and Consultation

- 4.9 Public consultation on the production of land use plans, including neighbourhood plans, is a legislative requirement. Building effective community engagement into the plan-making process encourages public participation and raises awareness and understanding of the plan's scope and limitations.
- 4.10 The submitted Neighbourhood Plan is accompanied by a comprehensive Consultation Statement which describes in some detail the process followed in preparing the Neighbourhood Plan as well as the methods used to engage with the local community and other stakeholders. It also demonstrates how comments received from members of the public and other stakeholders have been taken into account, and how these have influenced the preparation of the plan.
- 4.11 I have considered the various stages of consultation undertaken prior to and during preparation of the Neighbourhood Plan with particular regard to content, openness and transparency, as well as the extent to which the Regulatory requirements have been satisfied.
- 4.12 The stages of consultation and engagement can be summarised as
- Phase 1 Consultation (September – December 2014)
 - Phase 2 Consultation (January – March 2015)
 - Pre-submission (Regulation 14) consultation on the draft Plan
- 4.13 At the start of the process a Neighbourhood Plan Working Group was established comprising Sandbach Councillors and community representatives from each ward, with a 'launch event' held on 5 September 2014 in Sandbach Town Hall. This event, which was an open public meeting, focussed on the possible scope and content of the Plan and identifying key issues. 145 people attended.

Phase 1 Consultation (September – December 2014)

- 4.14 In order to get members of the public and other stakeholders involved in the preparation of the Plan at an early stage a 'free format' questionnaire was delivered to every household and business in the Plan area. This asked five basic questions about what people considered good and bad about living in the area, what should be looked after, and what was needed in the future, and asked them to name the 3 most important issues which should be addressed in the Plan. Copies of the questionnaire were also available at Sandbach Town Council offices.

- 4.15 A total of 1,539 questionnaires were returned including a significant response from young people who had been specifically targeted by approaching local schools. This demonstrates a positive approach to engaging young people in the preparation of the plan.
- 4.16 The response to the questionnaire was considered at a series of workshops in Sandbach Town Hall and Sandbach Literary Institute during October/November 2014. At the workshops members of the public were actively involved in considering the views expressed at the launch event and subsequent consultation, and helped to identify themes and develop more detailed questions for the next stage of consultation.
- 4.17 An additional workshop was held in December 2014 to gather views from the business and retail community.

Phase 2 Consultation (January – March 2015)

- 4.18 Based on the themes, aims and objectives that had emerged during the previous consultation a detailed questionnaire, accompanied by a Housing Needs Survey, was delivered to every household and business in January 2015. This was preceded by a post card drop to advertise the start of the publicity campaign.
- 4.19 The questionnaire was also available on the Council's website and dedicated neighbourhood plan website. Paper copies were available at the Town Council offices and at eleven collection points. Six weeks were allowed for responses to be made.
- 4.20 A total of 1268 completed questionnaires were returned, approximately 50% of which were submitted online as a result of the expressed preference for responses to be made electronically in order to reduce the volume of work and costs.

Pre submission (Regulation 14) Consultation on the Draft Plan

- 4.21 Following consideration of all the information gathered during the previous stages of consultation the draft Plan was further amended and published for consultation in March 2015. The Pre- Submission (Regulation 14) consultation took place between 17 March 2015 and 1 May 2015.
- 4.22 The consultation was publicised through the Town Council and dedicated Neighbourhood Plan websites, press releases, and social media. Notification letters/e-mails were sent to organisations considered likely to have an interest in the Plan including local businesses and community groups and relevant consultation bodies. Printed copies of the Plan were also placed in Sandbach Library and Sandbach Literary Institute, and additional copies were made available to community groups on request.
- 4.23 Members of the Working Group attended a 'drop in' event at the Literary Institute on 23 April 2015, in order to answer questions about the Plan. A number of organisations were specifically invited to this event, including developers and local landowners.

Comments

- 4.24 Specific evidence is provided in the Consultation Statement to

demonstrate how the publication of the Plan and the opportunity to comment on it has been publicised. This includes details of the private individuals and various statutory bodies consulted including Cheshire East Council. The pre-submission consultation resulted in a total of 105 responses from local residents and other individuals, developers/ house builders, landowners, local and national organisations, and local community groups.

- 4.25 In considering the adequacy of the consultation undertaken during preparation of the Plan I also need to address a number of concerns raised in response to the Regulation 16 Publicity.
- 4.26 It has been suggested by Gladman Developments as part of their representations that both the Phase 1 and Phase 2 consultation was inadequate because it did not explore other options and alternative levels of growth. However there is no requirement for neighbourhood plans to explore development options other than in connection with the preparation of a Strategic Environmental Assessment Report which is not required in this case. Evidence from the Consultation Statement also indicates that the Phase 1 consultation was carried out in such a way as to enable the wider community and others to express a view on future growth as part of their response to the consultation.
- 4.27 Morris Homes consider that they were not properly informed of the consultation. While I note they are not included in the lists of organisations specifically invited to participate in the Phase 1 and Phase 2 consultation or to make representations on the draft Plan there is no requirement and no practical means of ensuring that all organisations that may have an interest in the Plan can be identified and contacted. Identifying landowners can often be a particular challenge in this respect.
- 4.28 Other than a requirement to consult specific consultation bodies the Regulations are satisfied by 'publicising details of the Plan (and when and where it may be inspected, and how and by what date representations may be made) in a manner that is likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area'.¹¹
- 4.29 I also note that Cheshire East Council is criticised for publishing misleading information on its website about the Neighbourhood Plan and the Working Group is criticised for not responding positively to a request from an individual developer to meet with them to discuss development proposals. However these are matters for the respective organisations to respond to and do not affect the ability of the Plan to satisfy the Basic Conditions.
- 4.30 A local business owner expresses concern that undertaking all consultation via the internet alienates the community. While I agree that there is a need to strike a balance between electronic and more traditional forms of consultation in order to ensure that the consultation is inclusive I am satisfied that as all households received paper copies of both questionnaires and printed copies of the draft Plan were available for

¹¹ Regulation 14 Neighbourhood Planning (General) Regulations 2012

inspection no one has been disadvantaged in this respect. And clearly a significant number of responses (about 50%) to the Regulation 14 Publicity were submitted in paper form.

- 4.31 A local resident suggests that the report should comment on how representative the response rates to the various consultations have been. While this would be useful information it is not a matter which affects my ability to assess whether the Plan satisfies the Basic Conditions.

Conclusions

- 4.32 During the preparation of the Plan it is apparent that a wide variety of methods have been used to inform and engage with the local community and other stakeholders including open meetings, workshops, drop in sessions, press releases, websites (including a dedicated Neighbourhood Plan website), and social media, as well as by letter and email.
- 4.33 The publication of the consultation draft Plan which was available in both paper and electronic formats has also been well publicised, and I am satisfied that those with an interest in the Plan have been made aware of the opportunity to comment on it and that the views of relevant consultation bodies have been pro-actively sought.
- 4.34 Taking this and all of the previous stages into account, there is therefore plenty of evidence to show that the consultation process was comprehensive and conducted in an open and transparent manner from start to finish, with lots of opportunities for engagement, involvement and feedback. The Regulation 14 requirements for consultation and publicity have therefore been met and in some case exceeded.

Regulation 16 Publicity

- 4.35 The draft Neighbourhood Plan, as amended in response to the consultation, was subsequently submitted to Cheshire East Council in September 2015. The submitted plan, incorporating a map identifying the area covered by the Neighbourhood Plan, was accompanied by a Consultation Statement, and a Basic Conditions Statement explaining how the proposed Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990.
- 4.36 The Consultation Statement provides details of those consulted and explains how they were consulted. It also contains a schedule identifying specific comments and objections made in relation to individual paragraphs and policies in the Plan, with a summary of individual issues raised and a commentary as to how and why the points raised have been accommodated in the submitted version of the Plan, or the reasons for rejecting them.
- 4.37 Cheshire East Council subsequently published details of the Plan and the accompanying documents, notified interested parties and 'consultation bodies' of its receipt, and provided details as to how and by when representations could be submitted. The formal six week publicity stage for submitting representations covered the period Monday 18 September to Monday 2 November 2015.

- 4.38 In the light of the foregoing I am satisfied that the Regulation 15 and Regulation 16 requirements for publicity have been met.

5.0 Basic Conditions

- 5.1 This section of my report considers whether the Neighbourhood Plan taken as a whole has regard to national policies and advice contained in guidance issued by the Secretary of State, whether the Plan contributes to the achievement of sustainable development, and whether it is in general conformity with local strategic policy. It also addresses EU obligations. Each of the Plan policies is considered in turn in the section of my report that follows this.

(a) National Planning Guidance

- 5.2 National Planning Guidance is set out principally in the National Planning Policy Framework (NPPF) which was published in 2012. At the heart of the NPPF is a presumption in favour of sustainable development¹² which when applied to neighbourhood planning means that neighbourhoods should develop plans which support the strategic development needs set out in Local Plans, and which plan positively to support and shape local development that is outside the strategic elements of the Local Plan.¹³
- 5.3 The NPPF incorporates 12 Core Principles¹⁴ which underpin both plan-making and decision-taking. These are summarised in paragraph 17 of the NPPF and elaborated in the remainder of the NPPF through individual policy topics such as building a strong economy, delivering a wide choice of high quality homes, requiring good design, promoting sustainable transport, and conserving the historic environment.
- 5.4 Included in the 12 Core Principles is a requirement to produce neighbourhood plans which set out a positive vision for the future of the area and which provide a practical framework within which decisions on planning applications can be made.
- 5.5 The NPPF also (paragraph 184) requires neighbourhood plans to be 'aligned with the strategic needs and priorities of the wider local area, and to be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them.

¹² National Planning Policy Framework (2012) para 14

¹³ National Planning Policy Framework (2012) para 16

¹⁴ National Planning Policy Framework (2012) para 17

Neighbourhood plans (and neighbourhood development orders) should not promote less development than that set out in the Local Plan or undermine its strategic policies.

- 5.6 It goes on (paragraph 185) that once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict.
- 5.7 More detailed guidance and advice, expanding on the general policies in the NPPF has been available since March 2014 as Planning Practice Guidance (PPG). This includes specific guidance as to ‘What evidence is needed to support a neighbourhood plan?’¹⁵, and ‘How policies in a neighbourhood plan should be drafted’¹⁶, that is “*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*”.
- 5.8 I have had regard to these principles in carrying out the examination, since the manner in which policies are drafted and whether or not they are supported by appropriate evidence is clearly fundamental to determining whether or not individual policies and a plan as a whole satisfies the Basic Conditions.
- 5.9 Less straightforward to determine is whether a policy is distinct, and whether it reflects local circumstances. For example while it is clear that many policies in the Sandbach Neighbourhood Plan are driven by local circumstances and community preferences, to a certain extent some could apply to other, if not all, locations. I have taken the view that the fact that a local community has chosen to include a particular policy, reflects its awareness that the particular issue is of special importance to the locality, and this does not therefore prevent that policy from satisfying the Basic Conditions.
- 5.10 Taken as a whole I conclude that the Neighbourhood Plan reflects the broad principles embedded in the NPPF and PPG. In those instances where individual policies and/or supporting text have been found to be inconsistent with national policy I have made specific recommendations to correct this later in the report.

(b) Sustainable Development

- 5.11 In carrying out the examination I am also required to consider whether the

¹⁵ Planning Practice Guidance para 040 Ref ID: 41-040-20140306

¹⁶ Planning Practice Guidance para 041 Ref ID: 41-041-20140306

Plan would contribute to the achievement of sustainable development, as described in the NPPF.

5.12 There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of interdependent roles, namely:

- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

5.13 Although the Neighbourhood Plan does not make specific provision for new development, for example through site allocations, it does recognise there will be new development in the Plan area, and includes policies to manage and integrate that development. Other policies aim to conserve and enhance the natural and historic environment, and ensure the retention and improvement of local facilities and greenspaces. These are key aspects of sustainable development, as set out in the NPPF, which states (paragraph 9) that *"Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):*

- *making it easier for jobs to be created in cities, towns and villages;*
- *moving from a net loss of bio-diversity to achieving net gains for nature;*
- *replacing poor design with better design;*
- *improving the conditions in which people live, work, travel and take leisure; and*
- *widening the choice of high quality homes".*

5.14 Subject to the modifications recommended later in my report I am satisfied that the Neighbourhood Plan is capable of contributing to the achievement of sustainable development.

(c) Strategic Local Policy

- 5.15 Statutory weight is given to neighbourhood development plans that are closely aligned with and in general conformity with the strategic policies of the development plan for the local area. Neighbourhood plans are also required to plan positively to support local strategic policies¹⁷. This ensures neighbourhood plans cannot undermine the overall planning and development strategy for the local area set out in the development plan.
- 5.16 The current development plan for the area comprises
- Remaining saved policies in the Congleton Borough Local Plan (First review) (adopted 27 January 2005)
 - Saved policies in the Cheshire Replacement Minerals Local Plan (1999), and
 - Saved policies in the Cheshire Replacement Waste Local Plan (2007)
- 5.17 The Cheshire Replacement Minerals Local Plan and the Cheshire Replacement Waste Local Plan have no relevance for the Sandbach Neighbourhood Development Plan.
- 5.18 Policies in the Congleton Borough Local Plan (First review) were initially saved on adoption for a three year period under the provisions of the Planning and Compulsory Purchase Act 2004 (as amended). A number of policies that remained relevant and compliant with (at the time) national and regional or Structure Plan policies were then extended beyond that date by Direction of the Secretary of State on the 25 January 2008. These remain in force until replaced by new development plan policies and are still part of the 'development plan' for the area, although in accordance with national planning policy less weight may be attributed to them after April 2013.
- 5.19 Remaining 'Saved' Policies, of a strategic nature, which are of relevance to the Neighbourhood Plan area are:-
- PS3 Settlement Hierarchy
 - PS4 Towns
 - PS8 Open Countryside
 - GR1 New Development (General)
 - GR2 Design
 - GR3 Design
 - GR4 Landscaping
 - GR5 Landscaping
 - GR9 Accessibility, Servicing and Parking Provision (New Development)
 - GR14 Cycling Measures

¹⁷ National Planning Policy Framework (2012) para 184

- GR15 Pedestrian Measures
- GR16 Footpath, Bridleway and Cycleway Networks
- GR17 Car parking
- GR19 Infrastructure
- GR23 Provision of Services and Facilities
- NR2 Statutory Sites
- NR4 Non Statutory Sites
- BH3 Change of use/Conversion of Listed Buildings
- BH7 Enabling Development
- E5 Employment Development in the Countryside
- E16 Tourism and Visitor Development (Facilities and Attractions)
- E17 Tourism and Visitor Development (Serviced Accommodation)
- E18 Tourism and Visitor Development (Camping and Caravanning)
- H6 Residential development in the Open Countryside
- H16 Extensions to Dwellings in the Open Countryside
- S4 Principal Shopping Areas
- S5 Other Town Centre Areas
- S6 The Use of Upper Floors Within Town Centres
- S11 Shop Fronts
- S14 Advertisements
- S15 Advertisements in Conservation Areas
- RC1 Recreation and Community Facilities (General)
- RC2 Protected Areas of Open Space
- RC10 Outdoor Formal Recreational and Amenity Open Space Facilities
- RC11 Indoor Recreational and Community Uses (General)

5.20 As the 'saved' policies in the Congleton Borough Local Plan (First review) predate the NPPF, the NPPF takes precedence where there is a conflict.

5.21 I am also mindful of the fact that Cheshire East Council is preparing a new Local Plan Strategy Document which has reached examination stage. When adopted this will form part of the development plan and will replace a number of 'saved' Congleton Borough Local Plan (First review) policies.

5.22 As there are a number of remaining unresolved objections to policies in the new Local Plan until the Inspectors report following public examination of the Plan is received only limited weight may be given to the policies in the emerging Plan. In any case even if the document is found to be sound it may have some way to go to reach adoption. There is therefore no certainty as to when this document may be adopted and the extent to which it may be changed.

- 5.23 In assessing whether the Neighbourhood Plan is in general conformity with strategic policies contained in the Development Plan for the area I have therefore taken the 'saved' policies in the adopted Local Plan as the starting point. In so doing I have taken into account that in accordance with national planning policy less weight may now be attributed to these policies than formerly, and in any case that some policies are now out of date and superseded by national planning policy.
- 5.24 A number of modifications are necessary for the Neighbourhood Plan to be in general conformity with 'saved' strategic policies. These are set out in the *Comments on the Neighbourhood Plan* section of my report.

(d) European Union Obligations

- 5.25 Local Planning Authorities are legally responsible for deciding whether neighbourhood plan proposals are compatible with EU obligations, including obligations under the Strategic Environmental Assessment (SEA) Directive¹⁸.
- 5.26 In circumstances where a neighbourhood plan is likely to have significant environmental effects, for example where it includes proposals to allocate land for development, it may require an SEA to be undertaken as part of the preparation process, in accordance with the SEA Directive. Draft neighbourhood plan proposals should therefore be screened to assess whether they are likely to have significant environmental effects¹⁹. Where significant environmental effects are identified plans should be accompanied by a full SEA report.
- 5.27 At the request of Sandbach Town Council Cheshire East Council have prepared a Strategic Environmental Assessment (SEA) screening opinion²⁰ on the draft Plan.
- 5.28 The screening has been undertaken in accordance with the SEA Directive and Environmental Assessment Regulations²¹.
- 5.29 Cheshire East Council's assessment, which included consideration as to whether a separate Habitats Regulations Assessment (HRA)²² was required under the Habitats Directive²³, concludes that the Neighbourhood Plan does not require a full SEA as no negative significant environmental effects will occur as a result of the implementation of policies contained in the Neighbourhood Plan. It further concludes that no further consideration of European designated sites (or Natura 2000 sites) is required. (The screening opinion dated July

¹⁸ European Directive 2001/42/EC

¹⁹ Planning Practice Guidance para 027 Ref ID: 11-027-20150209

²⁰ in accordance with European Directive 2001/42/EC

²¹ Environmental Assessment of Plans and Programmes Regulations 2004

²² in accordance with Article 6(3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

²³ European Directive 92/42/EEC

- 2015 is attached as an appendix to the Basic Conditions Statement).
- 5.30 The three statutory consultation bodies comprising English Heritage, the Environment Agency and Natural England were consulted during the preparation of the screening report, in accordance with the Regulations.
- 5.31 All three bodies have confirmed in writing that they agree with the conclusion of the screening report that no negative significant effects will result from the implementation of the policies and that it is unnecessary to undertake a full SEA or HRA.
- 5.32 As part of the response to the Regulation 16 Publicity I note that the assessment has been challenged on the grounds that the assessment is unlawful and should test a number of different scenarios including the impact of a pro-growth scenario and what the implications of a no-growth scenario will be by displacing development to other locations.
- 5.33 There is however no requirement to test alternative scenarios in connection with a screening opinion. That may be the case were a full SEA report required or if a Sustainability Appraisal had been prepared in connection with the Plan, but in comparison with Local Plans there is no requirement for Sustainability Appraisals to be prepared in connection with neighbourhood plans. As the development proposals in the Plan are generally compatible with proposals in the emerging Local Plan the wider implications of different growth scenarios are being evaluated as part of the Local Plan process.
- 5.34 It is also suggested by another objector that the Plan should not rely on the Sustainability Appraisal and SEA prepared Cheshire East Council in connection with its own Local Plan, particularly when that plan has not yet been found sound and it is not known whether the assessments have been robustly carried out.
- 5.35 For the reasons explained above that is not the case. The screening exercise has clearly been undertaken independent of the Local Plan and in accordance with the requirements of the relevant Regulations.
- 5.36 Although an equalities impact assessment has not been undertaken the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics. And no evidence has been put forward to suggest otherwise.
- 5.37 I am therefore satisfied that the Neighbourhood Plan does not breach, and is otherwise compatible with EU obligations and human rights requirements and therefore satisfies that 'Basic Condition'.

6.0 Comments on the Neighbourhood Plan

- 6.1 The Neighbourhood Plan is considered against the Basic Conditions in this section of my report, particularly whether individual policies and supporting text have regard to national policy, and whether they are in

general conformity with 'saved' local strategic policies in the Congleton Borough Local Plan (First review). Where modifications are recommended, they are highlighted in **bold print**, with any proposed new wording in *italics*.

(a) General Comments

Cross Referencing to Emerging Local Plan Policies

- 6.2 Numerous references are made throughout the plan to 'higher tier' planning policies contained in the emerging Cheshire East Local Plan (Strategy Document) which is being prepared in parallel with the Neighbourhood Plan by Cheshire East Council. The justification accompanying each policy also concludes with a paragraph identifying relevant policies in both the Congleton Borough Local Plan (First Review) and the emerging Cheshire East Local Plan (Strategy Document) which have been complied with.
- 6.3 It is clearly in the interests of joined up plan making that different tiers of plan making, which may have reached different stages in the process, should inform one another, and the regard that has been given to both extant and emerging policy in the Neighbourhood Plan is to be welcomed.
- 6.4 However as the Cheshire East Local Plan Strategy Document is an emerging plan which is still subject to unresolved objections until it is found to be 'sound', and the Inspectors report has been published, only limited weight may be attached to the policies in it. Even if the plan is found to be sound submitted policies and proposals may be subject to Modification.
- 6.5 In any case as neighbourhood plans are required to generally conform with strategic policies in the adopted development plan until the Cheshire East Local Plan Strategy Document has been adopted it is not appropriate to test the neighbourhood plan against the emerging policies. I acknowledge that an attempt has been made to future proof these references by referring to the 'most relevant, recent and up to date Development Plan Document held by Cheshire East Council' but it is clear that these relate to the emerging Plan as specific policies are referred to.
- 6.6 I therefore recommend that references to emerging Cheshire East Local Plan policies be removed from the Plan, including references to specific policies which the Neighbourhood Plan is considered to accord with.

Recommendation 02

Delete references to policies 'contained in the most relevant, recent and up to date Development Plan Document held by Cheshire East Council' in the justification supporting individual policies and throughout the document.

Scope of the Plan

- 6.7 A number of those responding to the Regulation 16 Publicity have commented on the fact that the Plan does not cover issues such as air quality or the desirability of promoting improved broadband or renewable energy initiatives.
- 6.8 Others consider more should be done to promote sustainable transport, particularly cycling, and traffic management initiatives. For example a range of initiatives have been suggested to increase cycle use by creating new cycleways, providing better facilities for cyclists and developing an Action Plan.
- 6.9 While the Plan would no doubt be improved by incorporating some of these suggestions there is no prescription about the range of topics that should be covered in neighbourhood plans, or the level of detail. It is also outside my remit to recommend the incorporation of additional policies or changes to introduce more ambitious targets or objectives. In addition some of the suggestions made such as the provision of traffic management measures and/or speed controls and improved broadband are outside the scope of the Plan which is concerned with land use issues.
- 6.10 Having said that some of the concerns raised in relation to improved cycle facilities are addressed where I make recommendations to remove inconsistencies in the Plan or to ensure it fully complies with national planning policy, for example in relation to Policy H6 (Footpaths).
- 6.11 A local 'disabled people's access group' consider that the needs of disabled people have not been adequately addressed in the Plan and wishes to see more specific references incorporated in individual policies. However Policy IFT1 (Sustainable Transport, Safety and Accessibility) specifically includes provision for the needs of those with disabilities to be positively considered in all new developments, including the provision of appropriate facilities within the transport infrastructure. Policy CW2 (Sport and Recreation Facilities) requires the design of new or enhanced sports and leisure facilities to be inclusive for all, including residents with disabilities.
- 6.12 I am also mindful of the fact that issues such as access for disabled people to public buildings and shops and the design of buildings are catered for by specific legislation, including the building regulations.

(b) Introductory Sections

- 6.13 The introductory sections of the Neighbourhood Plan comprise an Introduction explaining the background to the plan and the neighbourhood plan process followed by a section on Key Issues, Vision and Key Aims.
- 6.14 The Introduction includes a map identifying the Plan area and a helpful quick reference guide to the policies in the Plan and supporting maps,

figures and appendices. A section entitled 'About Sandbach' provides information on the evolution of the town, describes its character and relationship with adjoining settlements, and includes background information on population and demographics, the local economy and local facilities and services. This is supported by a series of photographs which illustrate some of the essential characteristics and heritage assets of the area.

- 6.15 The Key Issues/Vision/Aims section summarises the main points to emerge from analysis of the evidence base and views expressed by the local community and other stakeholders during the preparation of the Plan, namely; Protecting the Countryside, Preserving Heritage and Character, Managing Housing Supply, Promoting Jobs and the Local economy, Improving Infrastructure and Community Well-Being.

Comments

- 6.16 These opening sections are clearly written and informative. They provide the background to the policies that follow and a comprehensive assessment of issues, which helps to develop a strong sense of place and to demonstrate how the vision, core aims and objectives have been arrived at.
- 6.17 The response to the Regulation 16 publicity has highlighted a small number of anomalies and inconsistencies in the text which require amendment.
- 6.18 In this respect I agree with the point made by a local house builder that paragraph 5 in section 1.1 (Overview) should reflect the fact that all developments should make appropriate contributions toward facilities and services not just housing developments. To be strictly accurate reference should also be made to new infrastructure provision.

Recommendation 03

On page 6 in section 1.1 (Overview) insert '*infrastructure*' after 'towards' in paragraph 5 and delete 'housing'.

- 6.19 It is also pointed out by a local resident that in addition to the primary schools identified in paragraph 3 in section 1.8 (About Sandbach) Sandbach Heath has its own primary school.

Recommendation 04

On page 12 in section 1.8 (About Sandbach - Location) insert '*Sandbach Heath*' after 'Elworth' in line 7 of paragraph 3.

- 6.20 As suggested by another local resident, the section on population and demographics on page 18 should more accurately reflect the evidence referred to. For example in the second paragraph (under the heading

‘Population’) it is stated that the latest government figure indicates a net fall from present numbers in the local population by year 2030. However this conflicts with the findings in the Housing Vision (The implications of household projections for meeting housing need in Sandbach 2013 – 2013) Report which concludes that the number of households is expected to increase by 9% (689) during the period up to 2030.

- 6.21 Additional explanation should be provided that future housing projections are only the starting point for assessing future need and as referred to in paragraph 1.9 of the Housing Vision Report do not necessarily coincide with ‘objectively assessed housing need’ reflected in policies in the emerging Cheshire East Local Plan.

Recommendation 05

On page 18 in section 1.8 (About Sandbach – Population) in the paragraph beginning ‘Latest Government figure etc...’

- a) Remove references to housing numbers being forecast to fall**
 - b) Insert a summary of the key conclusions from the Housing Vision Report such as an expected 9% increase in the number of households, and a projected 40% increase in the 65+ age group, corresponding with a 5% decline in the 16-34 age group and a 19% decline in the 35 -54 age group.**
 - c) Clarify that the Housing Vision projections provide information on anticipated changes to the composition of the local population to help identify future need for particular types of housing, and that they do not necessarily coincide with ‘objectively assessed housing need’ reflected in policies in the emerging Cheshire East Local Plan.**
- 6.22 Other residents are concerned that the section on facilities and services on page 22 does not accurately reflect the current situation with regard to the operation of Sandbach Leisure Centre which is a shared use facility. It is suggested that the Plan should clarify that the Leisure Centre (which is operated by the Everybody Trust) is available for use by the adjacent High School during the school day as part of a longstanding agreement by the former Congleton Borough Council and the former Cheshire County Council (as the Local Education Authority). As this agreement is due for renewal it is further suggested that the opportunity should be taken to ensure increased use by members of the public and that the school might reasonably be expected to contribute toward the running costs.
- 6.23 While the question of future management and operational arrangements is not a land use matter and something which I need concern myself with it would be more accurate to refer to the Leisure Centre as a public facility which is available for use by the High School rather than the more conventional shared use arrangement which facilitates use of school premises by members of the public. This point is also reflected in my

recommendation concerning Policy CW2 (Sport and Recreation Facilities)

Recommendation 06

On page 22 in section 1.8 (About Sandbach - Facilities and Services) substitute '*available for use by*' for 'supplied via a Joint User Agreement with the' in the first bullet point under 'Public Sector owned, managed or funded'

- 6.24 Gladman Developments challenge the key aims of the Plan on the grounds that there is too much focus on protecting the countryside and preserving heritage while ignoring the requirement in national planning to meet the development needs of the area and support sustainable development.
- 6.25 I am satisfied that the Plan tackles a wide range of issues and seeks to balance a number of competing aims, including managing housing supply, protecting the countryside and preserving heritage and character. However in the light of my recommendations on the Plans development strategy as a whole (see section 6c), and specifically policies PC1, PC2a, H1 and H5 it would be appropriate to incorporate additional text in the Aims for Sandbach - Managing Housing Supply' in section 2.2 (Vision and Aims of the Plan). This should emphasise that the Cheshire East Local Plan (Strategy Document) will set the agenda for housing numbers and growth.

Recommendation 07

- a) **On page 26 in section 2.2 (The Vision and Aims of the Plan – Managing Housing Supply) incorporate additional text to clarify that as the emerging Cheshire East Local Plan (Strategy Document) will set the agenda for housing numbers and growth the Plan does not attempt to establish an appropriate level of future housing or employment growth or identify specific sites to accommodate future growth. Rather it focuses on how new development will be managed, relying primarily on existing permissions and future windfall proposals on sustainable sites to cater for future needs, together with any subsequent allocations made through the Cheshire East Local Plan.**
- b) **Delete 'The settlement boundaries will be reviewed and amended to take account of committed development approvals (see Figure 2)'**
- 6.26 Finally while I appreciate that the various boundary lines identified in Figure 2 (Vision and Proposals Map) at the end of the section can be more easily interpreted on the online version of the Plan by expanding the

map that is not the case with the printed version. The boundaries of the town centre, principal shopping area, conservation area and wildlife corridor in particular are difficult to interpret. The notation of the settlement zone line is also the same as the town centre boundary.

- 6.27 Greater clarity could be achieved by incorporating an inset map or inset maps.
- 6.28 It is also apparent that the map comprises a mixture of proposed Neighbourhood Plan boundaries and other boundaries such as the settlement zone line which are identified in the Congleton Borough Local Plan (First review). As the settlement zone line has not been carried forward into the Neighbourhood Plan this is inappropriate and confusing.

Recommendation 08

Amend Figure 2 to delineate only those boundaries that relate to proposals in the Neighbourhood Plan (including boundaries carried forward from the Congleton Borough Local Plan First Review), clarify the notation, and incorporate an Inset Map for the central area.

- 6.29 There are also a number of typographical errors and inaccuracies to correct.

Recommendation 09

- a) On page 5 in section 4.4 Appendix 6 delete 'POLICY IFT3' as there is no such policy in the Plan.
- b) On page 18 change 'Appendix 8' to '*Appendix 7*'.
- c) On page 25 change '(see map Fig 2)' to '*(see map Fig 3)*' in the first line.
- d) On page 27 the 'Adapting to Climate Change' text is out of alignment

(c) Development Strategy

- 6.30 The Plan recognises that the emerging Local Plan Strategy Document being prepared by Cheshire East Council, which is currently at examination stage, will set the agenda for future housing and employment growth. (see justification to Policy H1 – paragraph 4.)
- 6.31 In terms of housing numbers it relies on the most up to date assessment of objectively assessed housing need (OAN) produced by Cheshire East Council. As the latest OAN matches the current number of dwellings with planning permission in Sandbach the Plan does not identify any additional housing sites to cater for future needs, focusing instead on managing future windfall proposals in a way which respects the heritage and

landscape assets of the Plan area. The emphasis is on achieving sustainable growth by maximising the use of brownfield land, providing an appropriate mix of dwelling types and safeguarding and enhancing community facilities and green spaces.

- 6.32 Similarly although the Plan does not allocate any new employment sites it recognises that a strategic site is identified in the emerging Local Plan adjacent to Junction 17 of the M6 and in view of current high levels of out-commuting aims to ensure that this site is retained for employment purposes.
- 6.33 In considering whether the Plans overall approach to accommodating future development needs satisfies the Basic Conditions I need to address a number of objections to the Plan submitted by local developers and volume house builders. A number of these objections are associated with specific proposals for additional housing, employment and retail development which are also being pursued through unresolved objections to the emerging Local Plan.
- 6.34 The main issues raised are that the Plan is too restrictive having regard to the towns status in the settlement hierarchy and its sustainability credentials, it is premature as a result of being prepared in a policy vacuum and in advance of the Local Plan, it will not meet established housing needs, it is based on a number of incorrect assumptions and inadequate evidence particularly in view of the continuing uncertainty over the scale and distribution of the housing requirement in the Local Plan which has not yet been found sound, and it will quickly become out of date and ineffective.

Comments

- 6.35 On the question of prematurity National Planning Guidance²⁴ makes it clear that neighbourhood plans do not have to wait for Local Plans to be in place and this guidance has been supported by the Court of Appeal. And while a number of house builders consider that the Plan should wait until the Local Plan housing figures are finally settled I am mindful of the implications if the Local Plan process stalled, for whatever reason.
- 6.36 I also reject the assertion that the Plan has been prepared in a policy vacuum. While the housing numbers in the Congleton Borough Local Plan (First Review) are clearly out of time as the Plan has been prepared in parallel with the Cheshire East Local Plan it reflects the most up to date evidence on housing need including recently updated evidence. This is in line with National Planning Guidance²⁵ which makes it clear that although draft neighbourhood plans are not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.
- 6.37 In this respect I note that during the course of the Local Plan examination

²⁴ Planning Practice Guidance para 009 Ref ID: 41-009-20140306

²⁵ Planning Practice Guidance para 009 Ref ID: 41-009-20140306

the overall housing requirement in Cheshire East has increased from 25,000 dwellings (in the Submitted Plan) to 37,000 dwellings following a review of objectively assessed housing need in response to concerns raised by the Inspector. At the same time the figure for Sandbach has increased by 25% from 2,200 dwellings to 2,750 dwellings (an increase of 550 dwellings).

- 6.38 While the housing figures may be subject to further change before the Local Plan is finalised the updated OAN assessment represents the most up to date evidence available.
- 6.39 I am also mindful of the fact that the Local Plan Inspector's Further Interim findings published on 11 December 2105, (after submission of the Neighbourhood Plan), suggest that *"the (updated) overall housing requirement would seem to provide a balanced level of housing provision, which is aligned with the economic strategy and would fully meet the identified objective assessment of housing needs"*. Although the Inspector has indicated that he is still not in a position to fully endorse the key elements of the new evidence, which must be subject to widespread public consultation and debate at the resumed examination, it is clear that more confidence can be placed on the latest housing figures.
- 6.40 My only concern is whether the Plan is sufficiently flexible to ensure the delivery of the housing requirement, whether or not that requirement is increased, by responding to changing circumstances such as the non delivery of existing permissions or availability of alternative sites to make up any shortfall. National Planning Guidance²⁶ makes it clear that neighbourhood plans need to be deliverable and the scale of development identified in a plan should not be subject to such a scale of obligations and policy burdens that the ability of sites to be developed viably is threatened.
- 6.41 This is particularly important given Sandbach's role in the settlement hierarchy as a relatively sustainable location for growth with no green belt constraint.
- 6.42 For example it is questionable whether there are sufficient brownfield sites within existing built up limits to make up any shortfall, and no evidence has been provided to suggest there are. The Plan also resists the take up of any remaining greenfield sites within the defined Policy Boundary although from my own observations during my site inspection these are likely to be in short supply. And while the inclusion of sites with planning permission within the Policy Boundary establishes the principle of development on these sites (even if these permissions were to lapse), the proposed imposition of a 30 dwelling limit on future housing schemes could further suppress housing delivery.
- 6.43 In addition the viability of some existing permissions, particularly those dating from 2012 or earlier, has been called into question by house builders. Gladman Developments also challenge the accuracy of the housing commitments information for the Sandbach Neighbourhood Area

²⁶ Planning Practice Guidance para 005 Ref ID: 41-005-20140306

quoted in the Plan on the grounds that this differs from the Cheshire East Councils published information and incorrectly includes permission for 375 dwellings on land at the former Albion Chemical Works which is located outside the Neighbourhood area.

- 6.44 While the combined contribution from commitments and completions (2010-2015) at 31 March 2015 according to Cheshire East Council amounts to 2754 dwellings it is acknowledged that that this includes 375 dwellings at the former chemical works as this is considered to contribute to the development needs of Sandbach for Local Plan purposes. I see no reason why this principle should not also apply to the Neighbourhood Plan particularly in view of the need to ensure a consistent approach with regard to housing delivery. While I accept that this principle may not be accepted by the Local Plan Inspector that is all the more reason to ensure there is sufficient flexibility to address changing circumstances.
- 6.45 I note that as at 30 September 2015 there were 2,801 completions and commitments with the Neighbourhood area.
- 6.46 One way of overcoming a potential future shortfall in housing provision through the non delivery of existing permissions, as suggested by a number of house builders, would be to discount the potential contribution from existing permissions by somewhere in the region of 10-20%, and to allocate additional land to make up the shortfall.
- 6.47 However that would require a radically different approach including the possible identification of additional housing sites in the Plan. As the Plan already relies on the Local Plan to establish the future housing requirement another way of enabling the Plan to move forward now, while building in enough flexibility to deliver the housing required, would be to also rely on the emerging Local Plan to allocate any additional land needed to meet the housing requirement as part of the Local plan process following a review of the potential contribution from existing consents and windfalls.
- 6.48 This principle has already been established as there is a proposal in the emerging Local Plan Strategy Document for a strategic mixed use development adjacent to junction 17 of the M6 motorway in Sandbach, including residential and employment uses. If confirmed this could be supplemented through additional allocations, if needed, in the future Local Plan Allocations Document.
- 6.49 This would ensure that the Plan does not undermine the strategic objectives of the emerging Local Plan, whether or not there is an uplift in the housing requirement before the Local Plan is adopted. As recommended previously it would be helpful to confirm in the Vision and Aims section of the Plan that future housing and employment growth, (including allocations of land required for development), is being established through the Local Plan, and that the Neighbourhood Plan will manage growth in accordance with Local Plan proposals, when adopted.
- 6.50 I will address the implications of this recommended approach for individual policies in the next section.
-

(d) Objectives, Policies and Justification

- 6.51 The land use policies part of the Plan is organised into seven sub sections, namely; Protecting the Countryside, Preserving Heritage and Character, Managing Housing Supply, Promoting Jobs and the Local Economy, Improving the Infrastructure, Community and Well-being, and Adapting to Climate Change.
- 6.52 Individual policies within each sub section are preceded by relevant objectives linked to the overriding sub section aim.
- 6.53 Policies are set out in a coloured box to distinguish them from the supporting text and justification which follows each policy.
- 6.54 Finally the justification accompanying individual policies incorporates a commentary as to how each policy is considered to accord with the core principles embodied in the NPPF, policies in the emerging Cheshire East Council Local Plan and 'saved' local strategic policies in the Congleton Borough Local plan (First Review).

Comments

- 6.55 The objectives, policies and accompanying justification in the Plan are presented in a well organised, consistent and clear way.

Subsection 3.1 Protecting the Countryside

- 6.56 **Policy PC1 (Areas of Separation)** is intended to protect the countryside setting and separate identities of Sandbach, Elworth, Ettiley Heath, Wheelock and Sandbach Heath by maintaining the open character of the land separating these settlements within which opportunities for leisure and recreation will be supported.
- 6.57 The 'Areas of Separation' identified in the Plan comprise the area of open countryside between Ettiley Heath and Sandbach/Wheelock, Sandbach Golf Course separating Sandbach Town and Elworth and land following Arclid Brook to the west of the A534 Congleton Road which effectively separates Sandbach Town from Sandbach Heath.
- 6.58 Although there is no equivalent local strategic policy the policy has regard to national policy by responding to local character and history and reinforcing a strong sense of place. This is consistent with the environmental dimension of sustainable development.
- 6.59 The policy reflects the genuine concerns of local residents that the scale of recent and committed development is eroding the character of Sandbach and the immediately adjacent settlements
- 6.60 In considering whether the policy satisfies the Basic Conditions there are a number of objections and other representations from house builders and local developers to take into account. These can be summarised as

- the policy is potentially more restrictive than green belt policy
- it will pre-empt decisions about the future scale and location of development, particularly since the concept was previously rejected by the Congleton Borough Local Plan Inspector because (inter alia) it would unduly restrict future development,
- The identification of 'strategic gaps should be dealt with at higher tier plan level and in any case none of the proposed Areas of Separation are included in the emerging Local Plan 'open gaps' policy.
- It is not based on a formal countryside assessment to demonstrate the value of particular areas of countryside, contrary to national policy (paragraph 109)
- No attempt been made to assess the capacity of the surrounding landscape areas and/or the implications for accommodating additional development
- It is a 'back door' method of introducing green belt/local green space policy without justification
- There are more effective ways of protecting the countryside and the historic environment
- It is a misplaced concept because the original settlements are physically connected fulfilling the combined role of a Key Service centre
- There is a discrepancy between the policy wording which does not permit development which would 'detract from the open character and/or function of the Areas of Separation and the glossary which refers to 'detract from open character or reduce visual separation'.

Comments

- 6.61 In the light of the foregoing I have two principal concerns. First there is a lack of clarity in the policy as to how it would operate in terms of the type and scale of acceptable development and how it fits with other policies in the Plan particularly policies PC2a, Policy H1 and Policy H5. For example is it intended to introduce tighter controls than those set out in Policy PC2a (Policy Boundary for Sandbach) for controlling development in the open countryside, or is the level of restraint intended to be the same as or even greater than Green Belt control by resisting all development.
- 6.62 Second the evidence used to justify the Area of Separation designations relates to landscape character and perceived ecological value, although the policy is principally concerned with maintaining the established pattern of development and preventing further coalescence.
- 6.63 The aim and justification for the policy is further confused by the direct reference to "maintaining and enhancing (the Areas of Separation) to support opportunities for recreation and leisure purposes", particularly since the largest area comprises mainly agricultural land with limited opportunity for public access.
- 6.64 While the aim of preventing further coalescence is a reasonable

aspiration in its own right I conclude that as drafted the policy may prove to be unworkable. Not only could a blanket designation frustrate the continued sustainable growth of the town but this would prevent the introduction of more flexibility in the plan in line with my previous comments and recommendation made in section 6c) above.

- 6.65 A blanket restriction on all development would also be inconsistent with Policy PC2a which identifies the types of small scale development that will normally be acceptable within the countryside outside the defined Policy Boundary. Given the relatively extensive nature of the Areas of Separation which contain a number of farms and other rural businesses this could undermine other objectives which support the provision and enhancement of opportunities for recreation, leisure and tourism in the countryside.
- 6.66 In order to address these limitations I therefore recommend that the policy should be refocused on influencing the location of any future growth that may be identified through the Local Plan process and preventing further coalescence rather than precluding all future development.

Recommendation 10

- a) **Substitute the following text *'In order to maintain the established pattern of development and the distinctive identities'* for *'The Areas of Separation between the distinct settlements'***
- b) **Insert *'future planned growth and development permitted in accordance with Policy PC2a should minimise the impact on the open character of the Areas of Separation'* after Sandbach Heath.**
- c) **Delete *'will be maintained and enhanced to support opportunities for recreation and leisure purposes.'***
- d) **Substitute *'would result in further coalescence in the'* for *'detract from the open character and/or function of these'***
- e) **Make consequential changes to the accompanying justification.**

- 6.67 Subject to the above modifications the Policy meets the Basic Conditions.

Policy PC2 (Landscape Character)

- 6.68 The policy is intended to ensure that new development takes local landscape character into account in order to protect the identity of Sandbach as an historic market town within its open countryside setting. Proposals are expected to demonstrate through design statements how landscape considerations, in relation to the 3 landscape character areas identified in the Plan, have been taken into account.
- 6.69 Objections to the policy principally concern whether

- it is appropriate to apply a landscape policy to protect the unique sense of place of Sandbach when this relates more to the surviving historic core of the town rather than the surrounding built up areas which have been subject to considerable change
- the policy should be supported by a more detailed local landscape assessment rather than relying on landscape character areas identified through a strategic assessment
- whether guidance on development principles within each local character area should be provided
- whether the issue of landscape character should more appropriately be dealt with a higher tier level
- the policy duplicates development management considerations and the requirement to prepare design statements is an onerous requirement on landowners/developers

Comments

- 6.70 Whether or not the unique identity of Sandbach relates to the historic core or the built up area as a whole the policy reflects national policy by ensuring that new development responds to local landscape character and reflects the identity of local surroundings. This is consistent with the environmental dimension of sustainable development.
- 6.71 The policy also generally conforms with extant Local Plan policy which requires development to respect or enhance the landscape character of the area (Policy GR5 Landscaping).
- 6.72 While I agree that a more detailed landscape assessment of 'defining characteristics' could provide the starting point for developing guidance on the development principles to be taken into account in each local character area (NPPG paragraph 58 refers) there is no prescription in national policy or guidance as to the level of detail necessary.
- 6.73 Neither is the issue of landscape character restricted to higher tier level.
- 6.74 Similarly with regard to the final point although the impact of development on landscape character is something that would normally be taken into account in decision making, there is nothing to prevent policies in neighbourhood plans emphasising the importance of this issue particularly when the impact of future development is demonstrably important to the future vision for the area.
- 6.75 However I do agree with the point raised by Cheshire East Council that it is not clear how the policy will be applied. It may not for example be appropriate to apply the policy in all circumstances and to all types and size of development, particularly since a number of house builders consider the requirement for applications to be accompanied by design statements to be an onerous requirement even on larger schemes.
- 6.76 I have considered whether the introduction of different thresholds would overcome this difficulty, but in the absence of specific evidence and because interested parties have only had the opportunity to comment on the Plan proposals as published, this would be inappropriate. I therefore

suggest the words 'where appropriate' should be incorporated in the first part of the policy. I appreciate this weakens the policy to a degree but without this qualification I am not confident that the policy could be applied in a consistent or meaningful way.

- 6.77 I further recommend that the reference to design statements should be removed from the second part of the policy and replaced with more positive wording to ensure developments respond positively to landscape character. This would bring the policy more in line with NPPF and obviate the need for applications to be accompanied by design briefs for which there is no apparent justification.
- 6.78 On a minor point there is an incorrect reference under the heading 'Sandbach Landscape Character Area Assessment' on page 33. This refers to '(see Section 9 – Related Documents)', although there is no section 9 in the Plan. There is a section 9 in the accompanying Consultation Statement but the list of documents does not include the Landscape Assessment.

Recommendation 11

- a) Insert '*where appropriate*' after 'new developments must' in line 2.
- b) Delete the last two sentences and substitute '*Future development should respond positively to the Landscape Character Areas identified in Figure 4 through the scale, massing, features and design of the development.*'
- c) Delete '(see section 9 – related Documents)'

- 6.79 Subject to the above modifications the Policy meets the Basic Conditions.
- 6.80 **Policy PC2a (Policy Boundary for Sandbach)** supports continued growth and regeneration within the defined 'Policy Boundary' while restricting development in the open countryside outside the boundary to that which requires a countryside location. The types of acceptable development includes development with an operational need such as agricultural or forestry operations, replacement buildings, small scale farm diversification schemes, re-use of existing rural buildings particularly for economic purposes and expansion of established businesses.
- 6.81 The policy boundary defined in the Plan corresponds with the 'settlement zone line' in the Congleton Borough Local Plan (First Review), updated to take account of recent planning consents.
- 6.82 Principal issues raised in response to the Regulation 16 Publicity comprise objections to future restrictions on growth outside the policy boundary, whether the list of acceptable types of development is too restrictive, and objections to the detailed policy boundaries.

i) Future Growth

- 6.83 Comments are linked to other objections that it is inappropriate to determine settlement boundaries before future housing and employment requirements are determined through the emerging Local Plan, that too much reliance is placed on existing consents and brownfield sites within the existing built up area to satisfy the identified housing requirement and there is insufficient flexibility to respond to changing circumstances.
- 6.84 It is also suggested that this approach will undermine Sandbach's role in the established settlement hierarchy in conflict with Congleton Borough Local Plan (First Review) Policy PS3 which makes it clear that the 'settlement zone line' is not intended to be a long term boundary and recognises that Sandbach is a location that can accommodate future urban expansion to meet identified needs

Comments

- 6.85 As referred to previously in my comments on the Plans overall development strategy (in section 6b) I consider that more flexibility is required to cater for the possibility that the final housing target may differ from the one on which the Neighbourhood Plan is based and/or the expected contribution from current planning permissions and windfall sites within the Policy Boundary is insufficient to meet the housing requirement.
- 6.86 Since the Plan is relying on the emerging Local Plan to establish the housing target for Sandbach I have therefore recommended a slight relaxation in the Plan Strategy to acknowledge that any identified future housing shortfall could be addressed by identifying additional sites through the emerging Strategy Document or a future Allocations Document. This would ensure that future decisions about the scale and location of additional housing development is plan-led rather than piecemeal which seems to be one of the principal concerns raised during preparation of the Plan.
- 6.87 Amendment is therefore required to facilitate future planned growth outside the defined Policy Boundary. This would also ensure that the emerging Local Plan proposal to allocate land for mixed housing and employment uses adjacent to junction 17 of the M6 motorway, as referred to in Policy JLE1(Future Employment and Retail Provision), is compatible with Policy PC2a.

Recommendation 12

Substitute '*With the exception of additional land allocated to meet development needs identified through the Cheshire East Local Plan outside the Policy Boundary development in the countryside will be restricted*' for 'The area outside of the boundary is countryside. The intrinsic character and beauty of the countryside will be protected by restricting development', and make consequential changes to the accompanying justification.

ii) Acceptable types of development in the countryside

- 6.88 As suggested by a number of respondents the policy takes a fairly restrictive approach to the types of development that may be acceptable in the countryside. However I do not agree as suggested by one respondent that the policy is akin to green belt policy because it identifies a wider range of acceptable development types than green belt policy.
- 6.89 In order to bring the policy in line with extant local strategic policy (in the Congleton Borough Local Plan (First Review) I recommend that the list of acceptable types of development be extended to include agricultural/forestry workers dwellings (in accordance with Policy H6), facilities for outdoor sport and recreation (in accordance with Policy PS8), the conversion of buildings (in accordance with Policy PS8 and Policy H6), extensions and alterations to dwellings (Policy PS8), and affordable housing (Policy PS8 and Policy H6)
- 6.90 Further amendment is required to fully reflect national planning policy which does not positively discriminate in favour of re-using redundant or disused buildings for residential purposes over employment uses.

Recommendation 13

- a) **Insert ‘agricultural/forestry workers dwellings’ after ‘forestry operations’ in sub section a)**
- b) **Insert ‘*the conversion and/or*’ before ‘reuse of existing rural buildings’ in sub section d)**
- c) **Delete ‘particularly for economic purposes’ in sub section d)**
- d) **Incorporate an additional sub section ‘*f) extensions and alterations to dwellings*’**
- e) **Incorporate an additional sub section ‘*g)affordable housing*’**
- f) **Incorporate an additional sub section ‘*h)facilities for outdoor sport and recreation*’**

iii) Detailed Policy Boundaries

- 6.91 A number of local businesses and developers consider that the boundary as defined does not fully reflect current circumstances. For example it is claimed that brownfield land at the Zan Business Park in Wheelock which comprises former tip land and hard standing is erroneously excluded from the policy boundary and included within the adjacent Wildlife Corridor.
- 6.92 Other sites put forward for inclusion comprise land adjacent to Park Care Home off the A534 Congleton Road adjacent to junction 17 of the M6 motorway, land proposed as a mixed use development adjacent to the M6 junction in the emerging Local Plan, recently developed land at Sandbach Football Club, and land which is the subject of pending planning applications.

Comments

- 6.93 While it is not my role to examine the merits of site specific proposals,

particularly those that are also being promoted through the Local Plan process I note that no attempt has been made to review or update the boundary since the adoption of the Congleton Borough Local Plan (First Review), other than to take account of planning consents.

- 6.94 In order to eliminate any errors and to ensure a consistent approach to the definition of the built up area I recommend that the boundaries should be reviewed to ensure that all land forming part of the existing built up area, plus land with the benefit of planning permission, is included. For clarification the review should reflect the current situation and land which is the subject of undetermined planning applications should not be included as there is no certainty that these will be approved. Similarly sites proposed for development through the emerging Local Plan or which are the subject of unresolved objections should also be excluded as they may not be included in the Plan when adopted.
- 6.95 I also note that an inaccurate reference to paragraph 76 of the NPPF is made in the accompanying justification which should be deleted as the policy is not concerned with Local Green Space.

Recommendation 14

- a) Update the Policy Boundary to ensure that all land which forms part of the contiguous built up area, together with extant planning permissions, is included.**
- b) Delete the reference to 'paragraph 76 in the NPPF' in the second paragraph of the accompanying justification.**

- 6.96 Subject to the above modifications the policy meets the Basic Conditions.
- 6.97 **Policy PC3 (Areas of High Ecological Value and Wildlife Corridors)** is intended to protect and enhance those sites considered to contain the greatest natural assets to the community and to promote wildlife connectivity through wildlife corridors.
- 6.98 The conservation and enhancement of the natural environment, including biodiversity, is one of the core principles of national planning policy, which contributes to the environmental dimension of sustainable development.
- 6.99 However it is not clear how the natural resource assets identified in the policy are to be protected and enhanced, or precisely what level of protection is intended.
- 6.100 For example if, as assumed by a number of respondents, the policy is meant to provide 'unqualified' protection from future development this would conflict with national planning policy which indicates that a distinction should be made between the hierarchy of national, regional and locally designated sites so that protection is commensurate with their status (paragraph 113 of NPPG refers). In other words it would not be appropriate to afford the same level of protection to locally identified

‘areas of high ecological value’ as to sites of national importance. In this respect reference to ‘areas of high ecological value’ is perhaps misleading and reference to ‘areas of local ecological importance would be more appropriate.

- 6.101 It is also claimed by house builders and others that insufficient evidence has been provided to justify the designation of ‘areas of high ecological value’ as locally designated nature conservation assets, for example in comparison with Sites of Biological Importance (SBI’s) and Wildlife Corridors which have previously been designated as Non Statutory Sites in Policy NR4 of the Congleton Borough Local Plan (First review) following detailed field survey and expert assessment. While I do not necessarily agree with this point since the sites have been identified in a report commissioned from Cheshire Wildlife Trust²⁷ the policy is inconsistent with Policy PC5 (Biodiversity and Geodiversity) by affording non designated assets the same status and level of protection as designated assets such as Sites of Biological Importance (SBI’s), which are now referred to as Local Wildlife Sites.
- 6.102 Neither would the policy accord with Policy NR4 of the Congleton Borough Local Plan (First review) which recognises that development on non statutory sites of nature conservation or geological importance such as Sites of Biological Importance (SBI’s), Local Nature Reserves and Wildlife Corridors may be acceptable if there are overriding reasons and there are no suitable alternatives whereas Policy PC3 could be taken to mean that no development is permitted on both designated and non designated sites.
- 6.103 In order to rectify this inconsistent approach to the treatment of wildlife assets and resolve potential conflict with national/higher tier policy I recommend that policies PC3 and PC5 are combined. This will also remove the element of duplication between the two policies and address the concern registered by a number of respondents that Policy PC3 does not recognise the opportunities created by new development to enhance ecological assets and connectivity.
- 6.104 A number of additional changes are also required in order to improve the clarity and practicability of the policy.
- 6.105 First as no explanation is provided as to the purpose of the ‘areas of medium ecological value’ and the policy as drafted only seeks to protect areas of high value, I suggest the areas of medium value be deleted.
- 6.106 Second, Figure 5 is insufficiently clear to be of use for development management purposes. For example it is not possible to identify the boundaries of designated wildlife corridors, individual wildlife sites and other areas of ecological value. The key should also be amended to differentiate between designated wildlife corridors, local wildlife sites and areas of local ecological value and more accurately entitled ‘Local Nature Conservation Assets’.

²⁷ Protecting and Enhancing Sandbach’s Natural Environment (Cheshire Wildlife Trust) March 2015

- 6.107 Third, the boundaries of the Wildlife Corridors and Local Wildlife Sites delineated in Figure 5 which are based on the Congleton Borough Local Plan (First Review) boundaries should be updated to take account of any changes in circumstance including recent planning permissions.
- 6.108 Fourth as the final paragraph of the policy contains explanatory information which does not contribute to the policy wording this should be transferred to the accompanying text.
- 6.109 There is also an error in the accompanying justification which refers to the fact that more details of Local Wildlife Sites are provided in Appendix 1 but omits reference to site G 'Taxmere Local Wildlife Site'. Details of this site are also missing from Appendix 1.

Recommendation 15

- a) **Combine Policies PC3 and Policy PC5 by deleting Policy PC3 and making the following changes to policy PC5**
 - i) in paragraph 1 insert '*and opportunities to enhance wildlife connectivity will be supported*' after 'impacts of climate change'.
 - ii) in paragraph 5 substitute '*of local ecological value as identified in Figure 5*' for 'or a site valued by the local community as identified in the Neighbourhood Plan.'
 - b) **Incorporate the list of sites A-J and the final paragraph within the written justification for information**
 - c) **Refer to 'sites of local ecological value' rather than high ecological value**
 - d) **Delete medium ecological value sites from Figure 5**
 - e) **Combine the justification and incorporate an explanation about local ecological value sites**
 - f) **Rename Figure 5 as 'Local Nature Conservation Assets', improve the clarity of the map, amend the key to differentiate between local wildlife sites, wildlife corridors and areas of local ecological value with different notation for each, and update the boundaries of the Wildlife Corridors and Local Wildlife Sites.**
 - g) **Incorporate details of site G (Taxmere Local Wildlife Site) in Appendix 1.**
- 6.110 Subject to the above modifications the policy meets the Basic Conditions.
- 6.111 **Policy PC4 (Local Green Spaces)** aims to protect green areas and open spaces which have particular local significance. These comprise a mixture of woodland and greenspaces within the Sandbach Wildlife Corridor extending from the River Wheelock south of Wheelock village to Taxmere east of the M6 motorway. Ten Local green Spaces are delineated in Figure 6 and listed in the policy.

- 6.112 Proposals for new development will not be permitted unless it is for the provision of appropriate recreational uses which improve and enhance the land.

Comments

- 6.113 Although there are no equivalent local strategic policies in the Congleton Borough Local plan(First Review) the policy complements the Development Principles for Sandbach in that document, particularly the intention to 'protect areas of local environmental importance in order to maintain the open character of the town'.
- 6.114 The desirability of identifying and protecting green areas that are of particular significance to local communities is also recognised in national planning policy and facilitated through the designation of 'Local Green Space' (NPPF paragraphs 76 and 77).
- 6.115 However I have a number of reservations about the extent to which the policy satisfies the criteria for designating Local Green Space set out in national policy (NPPF paragraph 77) and the supporting Planning Practice Guidance.
- 6.116 First, national planning policy stipulates that Local Green Space designation will not be appropriate for most green areas or open space and identifies three criteria which must all be satisfied, namely;
- that the green space is in reasonably close proximity to the community it serves
 - the green area is demonstrably special to a local community and holds a particular local significance, and
 - it is local in character and not an extensive tract of land.
- 6.117 While all the sites are located either on the edge of or within the existing built up area and therefore satisfy the first point only very limited explanation has been provided as to why the sites are individually special to the local community, or locally significant, in order to satisfy the second point. For example while reference is made in the accompanying justification to the opportunities for recreation through pathways and nature trails in accessible woodland and meadows, no attempt has been made to describe the individual characteristics of each of the sites or whether they are significant for historical, recreational, richness of wildlife or other reasons.
- 6.118 Although I am aware that the proposed Local Green Space designations overlap with other policy designations, such as sites with nature conservation value, it would have been better to articulate this evidence in the accompanying justification to the policy.
- 6.119 While there may be some doubt as to whether the second requirement of NPPF paragraph 77 is satisfied the fact that the sites are linked and form an almost continuous corridor along the edge of and through the built up area, (interrupted only by two highways and the Trent and Mersey Canal), makes it difficult to conclude other than the third requirement of (NPPF) paragraph 77 is not satisfied.

- 6.120 A number of those responding to the regulation 16 publicity have also commented on these issues.
- 6.121 Second, a number of sites are protected through saved Congleton Borough Local Plan (First Review) policies and other Neighbourhood Plan policies. For example
- Six sites (L, M, N, P, R and S) are designated and protected as Areas of Open Space/Recreational facility in the Congleton Borough Local Plan (First Review) (Policy RC2), and two of these sites (delineated as R/S21 and part of P/S22 in Figure 6) are also protected as amenity greenspace through Neighbourhood Plan Policy CW1.
 - Five sites (L, M, N, S, and X and parts of four other sites (P, T, U, and W) are identified as local wildlife sites in Policy PC5 and Figure 5, and
 - Eight sites (L, M, N, S, T, U, W and X) and part of one other site (site P) fall within the designated Sandbach Wildlife Corridor in Policy NR4 in the CBLP which has been carried forward into NDP Policies PC3 and PC5 and which is delineated in Figure 5 of the Plan. (I also note an error in the policy wording which refers to site N as the only site not within the Sandbach Wildlife Corridor, when the reference should be to site R and part of site P)
- 6.122 Not only does this duplicate saved Congleton Borough Local Plan (First Review) policies but it conflicts with Planning Practice Guidance on Local Green Space designation which suggests (paragraph 011) that where land is already protected by another designation consideration should be given as to whether any additional local benefit would be gained by designation as Local Green Space.
- 6.123 Third, Planning Practice Guidance (paragraph 019) emphasises the importance of contacting landowners at an early stage about proposals to designate any part of their land as Local Green Space. Although landowners will have had the opportunity to make representations on the proposals during formal consultation on the Plan, I can find no evidence of targeted consultation with landowners.
- 6.124 Fourth, it is apparent that the policy wording which precludes any form of development other than that linked to recreational uses which improve and enhance the land is potentially more restrictive than Green belt policy. This is contrary to national policy (NPPF paragraph 78) which indicates that local policy for managing development within a Local Green Space should be consistent with policy for Green Belts.
- 6.125 I also acknowledge, as pointed out by Wardell Armstrong, that the inclusion of sites T, U and X could potentially undermine the delivery of a mixed use development at Capricorn Park as the proposed Local Green Space will be affected by the construction of a bridged access road. This would conflict with the guidance in Planning Practice Guidance²⁸ which

²⁸ Planning Practice Guidance para 008 Ref ID: 37-008-20140306

indicates that Local Green Space designation will rarely be appropriate where land has planning permission for development unless development would be compatible with the reason for designation. As land at Capricorn Park (including proposed LGS sites T, U and X) is allocated as a strategic employment site in the emerging Local Plan I am also mindful of the fact that the designation of Local Green Space should be consistent with the principles of sustainable development and complement the provision of new homes, jobs and other essential services (NPPF paragraph 76)

- 6.126 Having regard to the above factors I conclude that as the policy does not comply with the criteria for designating Local Green Space set out in national planning policy and the accompanying Planning Practice Guidance it does not satisfy the Basic Conditions and I recommend it be deleted. Figure 6 should be retained in an amended form with all references to Local Green Space removed, as it supports Policy CW1.
- 6.127 I have also identified an anomaly in Figure 6 which delineates a number of sites with a red outline which are described in the key as 'Local Green Space in Wildlife Corridors' although with the exception of land to the east of the M6 motorway and 'Site X', these do not fall within the Sandbach Wildlife Corridor designated in the Congleton Borough Local Plan (First Review) and identified in Figure 5 (in conjunction with Policies PC3 and PC5). I also note that the site located to the east of the M6 motorway while falling within the Wildlife Corridor is not identified in the policy as Local Green Space (and is not annotated with a letter in Figure 5). As I am recommending deletion of the policy these anomalies are of little consequence although the sites should also be deleted from Figure 6 for consistency.

Recommendation 16

- a) **Delete policy PC4**
- b) **Retain Figure 6 which should be renamed 'Amenity, Play, Recreation and Outdoor Sports Facilities' (see Recommended changes to Policy CW1))**
- c) **Delete sites identified (using capital letters L-X) in Figure 6 as 'Local Green Space' and delete 'Local Green Space in Wildlife Corridors' sites identified with red outline.**

- 6.128 Subject to the above modifications the policy meets the Basic Conditions.
- 6.129 **Policy PC5 (Biodiversity and Geodiversity)** is intended to protect wildlife assets and to ensure that new developments result in a net gain for biodiversity and geodiversity. The policy deals with 3 tiers of biodiversity, namely; national designations, local/regional designations and non designated assets
- 6.130 Policy PC5 has regard to national policy by seeking to conserve and

enhance the natural environment, particularly biodiversity. This is consistent with the environmental dimension of sustainable development, which includes the objective of 'moving from a net loss of biodiversity to achieving net gains for nature' (NPPG paragraph 9).

- 6.131 It also generally conforms with and updates wildlife and nature conservation policies in the Congleton Borough Local Plan (First Review) particularly policies NR2 (Statutory Sites) and NR4 (Non Statutory Sites).
- 6.132 While there is some criticism of the policy on the grounds that it is ambiguous and there is insufficient evidence to justify some of the proposed designations my previous recommendation to combine Policy PC3 and Policy PC5 and other recommendations should address these issues.
- 6.133 Although Natural England advise that the scope of the policy should include reference to internationally designated sites as there are none within the Neighbourhood Area and the Habitats Regulations Assessment screening opinion did not identify any significant impacts on sites outside the Neighbourhood Area I do not consider this is necessary.
- 6.134 I acknowledge that the policy is effectively duplicating an emerging policy (SE3) in the Cheshire East Local Plan but as it precedes that plan I have to consider it, particularly since there is no certainty about when the Local Plan will be adopted. As the Submitted version of the Local Plan policy may be modified before adoption it would be advisable to amend the policy to reflect the latest iteration of the Local Plan policy, in order to ensure consistency
- 6.135 I also recommend inserting sub-headings to reflect the 3 tiers of conservation assets in order to improve the clarity of the policy, and expressing the last paragraph more positively to fully reflect national and local strategic policy.
- 6.136 Finally there is an incorrect NPPF reference in the third paragraph of the accompanying justification which refers to 'It accords with Neighbourhood Plan Policy PC5 of the NPPF' which does not make sense.

Recommendation 17

- a) Insert subheadings relating to '*National Nature Conservation Designations, Local and Regional designations and Non Designated Assets*'**
- b) Update the policy wording to reflect the latest version of the emerging Local Plan Policy SE3**
- c) Substitute '*will be permitted provided*' for '*will only be permitted where*' after '*Neighbourhood Plan will*' in the final paragraph**
- d) Amend the reference to the NPPF in the accompanying justification.**

- 6.137 Subject to the above modifications the policy meets the Basic Conditions.
- 6.138 **Policy PC6 (Footpaths)** is intended to protect and enhance the existing footpaths network and Public Rights of Way while ensuring that new development integrates with the wider network creating new links where possible. Proposals which would lead to the loss, diversion or degradation of existing public rights of way will be resisted.
- 6.139 The objective of protecting, enhancing and extending the Public Rights of Way network is embedded in national planning policy. The creation of safe and accessible developments containing legible pedestrian routes with good access to facilities and opportunities for informal recreation are also ways of promoting the creation of healthy. These are all key attributes of the economic, social and environmental elements of sustainable development.
- 6.140 The policy generally conforms with Policy GR15 (Pedestrian Measures) of the Congleton Borough Local Plan (First Review) which requires development to take account of its implications for pedestrian movement and Policy GR16 (Footpath, Bridleway and Cycleway Networks) which specifically requires proposals to take account of the existing footpath, bridleway and cycleway network.
- 6.141 While the aims of the policy seem to be generally well supported a number of house builders are concerned that there is insufficient flexibility to enable the diversion of existing Public Rights of Way in connection with new development. I tend to agree that the diversion of existing routes in appropriate circumstances can improve connectivity and enhance the walking experience for example if linked to existing or proposed areas of greenspace. There is also nothing in national policy that precludes the diversion of existing routes.
- 6.142 I am mindful that a number of residents feel the Plan should demonstrate more ambition in promoting and supporting sustainable transport, particularly walking and cycling. One way of encouraging more cycle use would be to expand the scope of Policy PC6 to ensure that existing cycle routes are given the same level of protection as Public Rights of Way.
- 6.143 Consequential changes would be required to Policy IFT1 (Sustainable Transport, Safety and Accessibility) in order to ensure a consistent approach in the Plan.
- 6.144 I also agree, as suggested, that for complete accuracy the Wheelock Rail Trail which is a promoted route should be added to the Public Rights of Way identified in Figure 7.

Recommendation 18

- a) **Change the policy heading to 'FOOTPATHS AND CYCLEWAYS', insert '*and cycleways*' after 'wider footpath' in line 2 and after 'public footpaths' in line 3 in the first**

- paragraph, and make consequential changes to Objective 6 and Policy IFT1 (bullet point 8).
- b) Delete ‘, diversion’ after ‘lead to the loss’ in the second paragraph.
- c) Insert ‘*or cycleway*’ after ‘Public Right of Way’
- d) Delete ‘focussing on’ after ‘very special circumstances’ and start a new sentence by inserting ‘*Proposals to divert public rights of way and cycleways should provide*’ before ‘clear and demonstrable’.
- e) Add the Wheelock Rail Trail to Public Rights of Way identified in Figure 7.

6.145 Subject to the above modifications the policy meets the Basic Conditions.

Subsection 3.2 Preserving Heritage and Character

- 6.146 **Policy HC1 (Historic and Cultural Environment)** is intended to conserve and enhance the historic environment of Sandbach, including local heritage associated with the Trent and Mersey Canal, and to ensure that development respects and contributes toward the enhancement of identified features. The re-use of redundant or functionally obsolete listed (or important) buildings is supported provided this does not harm their essential character.
- 6.147 The policy has regard to national planning policy which includes the conservation of heritage assets in a manner appropriate to their significance as one of its core principles. The conservation and enhancement of heritage assets contributes toward both the quality of the built environment and toward people’s quality of life – two of the key aspects of sustainable development. The policy also complements specific legislation on built heritage (such as listed building and conservation area legislation) and the approach to the historic environment in local strategic policies, including Policies BH3 (Change of Use/Conversion), and Policy BH7 (Enabling Development).
- 6.148 The policy is future proofed by cross referencing the heritage assets protected by the policy to the most recently adopted Cheshire East Council Sandbach conservation area assessment and the National Heritage List for England. For complete accuracy the policy should cross reference to the ‘most up to date’ National Heritage List as the list is produced and managed by Historic England and is not adopted by Cheshire East Council.
- 6.149 For consistency I also recommend that reference is made to the most up to date National Heritage List in relation to heritage assets associated with the Trent and Mersey Canal. Consequently it would be more appropriate to refer to Appendix 4 in the accompanying justification rather than in the policy text, and to clarify that this is the most up to date

information available at the time of producing the Plan.

- 6.150 I note there is a discrepancy between the policy heading which refers to the historic and cultural environment and the first line of the policy which refers to the built and historic environment. As the policy is not concerned with the cultural environment and has a narrower focus than the wider built environment I suggest reference to the built and/or cultural environment is omitted. Greater accuracy in line with national policy could also be achieved by referring to 'scheduled monuments' rather than 'scheduled ancient monuments' in the first paragraph, and by referring to 'designated heritage assets' rather than 'historic assets' in the second paragraph.
- 6.151 In response to the Regulation 16 Publicity it has been suggested that the protection of archaeological sites should only apply where sites have been identified following survey and assessment. As it is not clear whether the policy is intended to apply to sites with potential archaeological value or sites with known value following evaluation, I am left with a dilemma.
- 6.152 On the one hand in view of the fact that archaeological sites form part of the historic heritage in any given locality it is desirable to have safeguards in place to ensure adequate protection.
- 6.153 On the other hand it is also the case that most archaeological sites are categorised as non designated assets of archaeological value, as opposed to designated assets such as scheduled monuments, and often the precise value of a site cannot be understood until after investigation.
- 6.154 In those cases where development is proposed on land with potential for archaeological interest, the requirement established in national planning policy for applicants to submit an appropriate desk-based assessment and, where necessary, a field evaluation, may therefore be relied on to establish the nature of the archaeological interest. It would then be up to the Local Planning Authority to make a judgement as to whether a more detailed evaluation is required and following that to establish the nature of any measures required to protect and enhance the identified asset.
- 6.155 As the policy is not concerned with other non designated local heritage assets, such as locally important buildings identified in local lists held by Local Planning Authorities or buildings and features identified through the neighbourhood plan process, I therefore recommend that the policy focuses on conserving and enhancing designated heritage assets by removing reference to archaeological sites.

Recommendation 19

- a) Delete 'AND CULTURAL' from the policy heading**
- b) Delete 'built and' in the first line after 'character of the'.**
- c) Insert '*the most up to date*' after 'area assessment and' in line 4.**
- d) Delete 'ancient' in line 8**

- e) Delete 'c) Archaeological sites' in line 9
- f) Insert '*the most up to date*' after 'as defined by' in line 12.
- g) Delete 'and on Appendix 4' in line 13 and incorporate a reference to Appendix 4 in the accompanying justification which clarifies that this is the most up to date information available at the time of producing the Plan.
- h) Substitute '*designated heritage assets*' for 'historic assets' in line 15.

6.156 Subject to the above modifications the policy meets the Basic Conditions.

6.157 **Policy HC2 (Protection and Enhancement of the Principal Shopping Area)** is intended to ensure that future developments or changes of use enhance the existing character of the town centre by supporting proposals for A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes) and A4 (drinking establishments) uses, managing the proportion of A5 (hot food take-away) uses, and ensuring that out of centre retail outlets complement the town centre.

6.158 A number of concerns have been raised in response to the Regulation 16 publicity regarding the clarity of the policy, its relationship with extant Congleton Borough Local Plan (First Review) policies and the extent to which it reflects national planning guidance namely :

- (i) The policy relies on saved Congleton Borough Local Plan boundaries which are out of date and should be amended to include Aldi and Homebase
- (ii) The policy is not informed by an up to date retail assessment to identify future need, in order to reverse the leakage of expenditure to other centres.
- (iii) The definition of town centres and primary shopping areas is a function of Local Plans
- (iv) The policy is ambiguous because the policy heading refers to the principal shopping area while the text refers to primary shopping frontages, and it is inconsistent with the CBLP which refers to principal shopping areas but does not define primary or secondary frontages.

Comments

6.159 National planning policy provides guidance for Local Planning Authorities on framing policies for the management and growth of town centres including defining a hierarchy of centres and the extent of town centres/primary shopping areas, and allocating sites for a range of town centres uses based on identified needs. However Qualifying Bodies may also allocate sites for development if they so wish²⁹ and I see no reason why they might not also undertake the role of defining or reviewing town

²⁹ Planning Practice Guidance para 042 Ref ID: 41-042-20140306

centre and principal shopping area boundaries. The corollary to this is that they are not obliged to either allocate new retail sites or review/define shopping area boundaries. What is important, as is the case with future housing growth and the identification of new housing sites, is that the plan is clear on who is doing what.

- 6.160 It seems to me that although the policy relies primarily on shopping area boundaries previously defined in the Congleton Borough Local Plan (First Review) the manner in which these are referred to is confusing and there are a number of other ambiguities which need to be resolved.
- 6.161 First the policy heading refers to the protection and enhancement of the principal shopping area although no further reference to this is made in the policy text. I also note that the boundary of the principal shopping area, which corresponds with the boundary defined in the Congleton Borough Local Plan (First Review), is defined in Figure 2 of the Plan.
- 6.162 Second the first paragraph of the policy refers to 'Sandbach Town Centre as defined in the most relevant, recent and up to date Sandbach Conservation area assessment report held by Cheshire East Council'. I assume this is a reference to the Sandbach Conservation Area Character Appraisal and Management Plan, which is currently being consulted on by Cheshire East Council as part of a Conservation Area review. However this document is concerned with conservation area boundaries and it does not provide an updated version of the Town Centre boundary defined in the Congleton Borough Local Plan (First Review) which is replicated in Figure 2 of the Plan.
- 6.163 Third the reference to the 'primary shopping frontage' in the second paragraph of the policy should presumably be a reference to the principal shopping area (as referred to in the policy heading and defined in Figure 2).
- 6.164 I also have a number of comments on the four separate policy strands which are set out below.

Town Centre Uses

- 6.165 In view of the ambiguities described above regarding the definition of Town Centre and other boundaries, it is not clear as to the precise area within which this part of the policy is intended to apply.
- 6.166 National planning policy advocates providing choice and diversity within town centres, which should be large enough to accommodate a range of town centre uses including, retail, commercial, office, tourism, cultural, community and residential. As the focus of the policy is more narrowly focused on supporting specific retail uses it would appear logical to apply the policy to the previously defined principal shopping area.
- 6.167 In addition, as the only presumption recognised in national planning policy is a presumption in favour of sustainable development the policy should be redrafted to avoid the use of a presumption in favour of particular types of development.
- 6.168 I would also recommend inserting additional wording to clarify that a wider

range of uses will be acceptable within the defined Town Centre to ensure the policy is fully compliant with national policy, and with local strategic Policy S5 (Other Town Centre Areas).

A5 (hot food take-away) Uses

- 6.169 While I acknowledge the policy would undoubtedly provide a precise mechanism for assessing whether future proposals are acceptable or not no evidence been produced to justify why the proposed 10% limit is appropriate, such as evidence of recent retail losses and trends, potentially vulnerable units, impact on vitality etc. Neither on the evidence of my site inspection carried out as part of the examination does there appear to be an existing proliferation of take-away outlets either within the principal shopping area or the town centre as a whole.
- 6.170 In responding to the Regulation 16 Publicity a local resident has also questioned whether it is appropriate to discriminate against particular retail types such as A5 (hot food take-away) uses.
- 6.171 However while the policy reflects elements of Congleton Borough Local Plan (First Review) Policy S4 (Principal Shopping Areas) that policy has at least in part been overtaken by more recent national policy which suggests that retail policies should make clear which uses will be permitted in specific locations. As there are opportunities for establishing take-away outlets in other parts of the town centre outside the principal shopping area the policy is on balance acceptable.

Use of Upper Floors

- 6.172 By supporting the use of upper floors for residential and business use the policy reflects national policy which recognises the role that residential development can play in ensuring the vitality of town centres. Widening the choice of housing and facilitating job creation (through the use of upper floors of premises) are also key aspects of sustainable development. This part of the policy also generally conforms with Congleton Borough Local Plan (First Review) Policy S6 (The Use of Upper Floors Within Town Centres).
- 6.173 The policy text should also clarify that the policy is not restricted to the principal shopping area but applies to the whole town centre.

Out of Centre Retail Outlets

- 6.174 By supporting a town centre first approach this part of the policy reflects the emphasis on promoting competitive town centre environments in national planning policy, in a way which complements the application of the sequential test.
- 6.175 The policy should however be worded in a more positive manner and refer to the sequential test (NPPF paragraph 24) in line with national policy.

Recommendation 20

- a) Substitute 'Town Centre' for 'Principal Shopping Area' in the**

policy heading.

- b) Insert an additional paragraph at the beginning of the policy as follows *'Proposals for commercial, office, tourism, cultural, community, residential and retail (including A5 hot food takeaway) uses will be supported within the Town Centre as defined in Figure 2'*.
- c) Replace the first paragraph of the policy with the following *'Proposals that retain the provision of A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes) and A4 (drinking establishments) uses will be supported in the Principal Shopping Area as defined in Figure 2'*.
- d) Insert *'in the principal shopping area'* after *'Class A5 (hot food takeaways)'* in paragraph 2 and delete *'in the primary shopping frontage'*.
- e) Insert *'in the town centre'* after *'will be permitted'* in paragraph 3.
- f) Insert *'following application of a sequential test'* after *'only be supported'* in paragraph 4.
- g) Insert additional text in the accompanying justification to explain that town centre and principal shopping area boundaries carried forward from the Congleton Borough Local Plan (First Review) may be reviewed by Cheshire East Council in the future.

6.176 Subject to the above modifications the policy meets the Basic Conditions.

6.177 **Policy HC3 (Shop Fronts and Advertising)** is intended to ensure that shop frontages and signs are in keeping with the traditional character of the town centre and that outside the town centre advertisements and signage relates well to the premises and street scene or locality in which they are located.

6.178 The policy has regard to national policy by promoting designs which reflect local character and distinctiveness. The achievement of a high quality built environment and the protection of the built and historic environment contribute to the social and environmental aspects of sustainable development. It also complements Policy S11 (Shop Fronts) of the Congleton Borough Local Plan (First Review), and Policies S14 (Advertisements) and S15 (Advertisements in Conservation Areas).

6.179 The policy is future proofed by requiring shop front designs to reflect the most up to date guidance on street signage adopted by Cheshire East Council.

6.180 It is not clear however as to whether the first part of the policy is intended to apply to the town centre or the principal shopping area since, as described above in relation to Policy HC2, the policy refers to the town centre defined in the 'Sandbach Conservation Area Assessment Report

adopted by Cheshire East Council' although this document defines the boundary of the Town Centre Conservation Area rather than the extent of the town centre.

- 6.181 In view of the fact that this part of the policy is aimed at ensuring the maintenance of the traditional street scene it seems to me that it would be more appropriate for it to apply within the designated town centre Conservation Area, particularly since the Conservation Area (as currently defined) is more extensive than the principal shopping area, most of which in any case falls within the Conservation Area boundary.
- 6.182 In order to ensure that the policy is clear and unambiguous (in line with PPG advice³⁰) the following minor amendment is desirable.

Recommendation 21

Insert '*Conservation Area*', after 'town centre' in line 1.

- 6.183 Subject to the above modification the policy meets the Basic Conditions.
- 6.184 **Policy HC4 (Markets)** supports the development and expansion of the existing outdoor market and the sensitive enhancement of the Market Hall to ensure the markets retain their unique place within the community and contribute toward the viability of the centre.
- 6.185 Although there is no equivalent policy in the Congleton Borough Local Plan (First Review) national planning policy recognises the role that markets can play in promoting attractive and competitive town centre environments.
- 6.186 The policy therefore meets the Basic Conditions and no modifications are recommended.
- 6.187 **Policy H1 (Housing Growth)** restricts future housing growth to small scale sites of up to 30 dwellings within the identified Policy boundary defined in Policy PC2a. This is intended to counterbalance the large scale rapid growth taking place on unplanned sites so that future growth takes place in a more incremental way. The only exceptions to this would be housing for an ageing population in line with Policy H4, or development on a brownfield site within the policy boundary. The policy also promotes a mix of housing types, sizes and tenures to meet identified need.
- 6.188 This approach reflects the strong community desire to avoid larger homogenous developments which are not well integrated into the existing settlements. The policy is justified (in the Plan) by evidence of planning permissions granted since 2010 which indicates that 2286 dwellings have been approved on sites larger than 50 dwellings, 390 dwellings have

³⁰ Planning Practice Guidance para 041 Ref ID: 41-041-20140306

been approved on sites between 10 and 48 dwellings, and 80 dwellings on sites less than 10 dwellings.

- 6.189 However although the policy heading refers to 'housing growth' the policy does not address the scale of future housing growth. As referred to previously in my comments on the overall development strategy (in section 6b) since the Plan is relying on the emerging Local Plan to establish the housing target for Sandbach this should be more explicitly stated in the Plan. For the reasons stated previously I also consider that more flexibility is required to cater for the possibility that the final housing target may differ from the one on which the Neighbourhood Plan is based and/or the expected contribution from current planning permissions and windfall sites within the Policy Boundary is insufficient to meet the housing requirement.
- 6.190 I therefore recommend a slight relaxation in the Plan strategy to acknowledge that an identified future housing shortfall could be addressed by identifying additional land through a combination of the emerging Local plan Strategy Document or a future Allocations Document. This would ensure that future decisions about the scale and location of additional housing development are plan-led rather than piecemeal which seems to be one of the principal concerns raised during preparation of the Plan.
- 6.191 While recommended changes to Policy PC2a (Policy Boundary) address this issue in part by facilitating future allocations to be made (if necessary) through the Local Plan process, as drafted Policy H1 is flawed, as it does not recognise the overriding requirement for the Plan to ensure that the housing requirement is met in full in line with national policy.
- 6.192 I also acknowledge concerns raised by house builders and others that restricting future housing growth to smaller sites of up to 30 dwellings may threaten the viability of schemes and is not consistent with the towns current role (and identified role in the emerging Local Plan) in the settlement hierarchy, and could constrain future housing supply, including the supply of affordable housing.
- 6.193 While restricting the scale of individual housing developments in smaller settlements and villages may be a realistic way of conserving the form and character of settlements that is not necessarily an appropriate response in the case of larger settlements. In any case this element of the policy is only applicable within the defined policy boundary area.
- 6.194 In that respect from my own observation I have reservations about the practicality of the policy since the opportunities for development on undeveloped land within the existing built up area are very limited, particularly since most of the remaining land is constrained by planning policy designations. It would also potentially defeat the national planning policy objective of making the most efficient use of land, since development within settlements reduces the need for development in edge of settlement locations.
- 6.195 Neither would treating housing proposals that cater only for an ageing

population, or development on brownfield land, as exceptions to the policy accord with national planning policy.

- 6.196 First, national planning policy advocates the creation of mixed and inclusive communities. While I acknowledge that exceptions may be made to planning policy to provide 100% affordable housing that is not the same as restricting the size and type of dwelling on schemes to cater for one particular need.
- 6.197 Second, while recent ministerial statements encourage building more homes on brownfield land, and the government is currently consulting on measures to achieve this, there is at the moment no scope in national policy to discriminate against greenfield sites in favour of brownfield development. I also agree with the point made by Gladman Developments and others that brownfield development is not necessarily more sustainable than greenfield depending on location and other factors. The prioritisation of brownfield sites over greenfield should therefore be removed in line with paragraph 111 of national planning policy.
- 6.198 Greater clarity could also be achieved in the Plan as to how the housing requirement is intended to be delivered if Policy H1 were to set the scene for the housing delivery policies that follow rather than duplicating elements of those policies. For example the final part of the policy duplicates Policy H3 which covers housing mix and type in more detail.
- 6.199 Amendment to the policy and accompanying justification is therefore required to address these issues. In order to future proof the Plan my recommended wording takes account of the possibility of additional allocations being made at a later date through the Cheshire East Local Plan, through a combination of the emerging Strategy Document (which includes a proposal for a strategic site for mixed use development adjacent to junction 17 of the M6 at Sandbach), and at a later date if necessary through an Allocations Document.

Recommendation 22

- a) After 'Future housing' in line 1 substitute '***growth to meet the housing requirement established in the Cheshire East Council Local Plan***' for '***proposals***' and after 'will be delivered' substitute '***through existing commitments, sites identified in the Cheshire East Council Local Plan (Strategy and Allocations Documents) and windfalls***' for '***on small scale sites of up to 30 houses***'.
- b) Delete the remainder of the policy and make consequential changes to the accompanying justification cross referenced to Policy H5.

- 6.200 Subject to the above modifications the policy meets the Basic Conditions.

- 6.201 **Policy H2 (Design and Layout)** aims to ensure that all new development is of a high design quality which contributes to local distinctiveness, and establishes the criteria against which future proposals will be assessed.
- 6.202 The policy reflects the general intention of national planning policy to promote designs which respond to and make a positive contribution to local character, and create visually attractive environments. It also promotes the creation of environmentally and pedestrian/cyclist friendly highway networks in connection with new development. The promotion of, good design principles, sustainable transport and healthy communities with safe and accessible environments are all key attributes of the economic, social and environmental dimensions of sustainable development.
- 6.203 The policy also generally conforms with principles established in the Congleton Borough Local Plan (First Review) by promoting development of a high standard which conserves or enhances the character of the surrounding area (Policy GR1), which achieves specific design criteria (Policy GR2), and in the case of residential development incorporates measures to create safe and attractive environments including provision for safe and convenient pedestrian and cycle movement (Policy GR3).
- 6.204 I do not accept the view promoted by a number of house builders and developers that the policy is too prescriptive since as the emphasis in the Plan is on managing future development proposals it follows that the Plan should 'develop robust and comprehensive policies that set out the quality of development that will be expected for the area' in line with national guidance (NPPF paragraph 58 refers).
- 6.205 One respondent also questions the purpose of the policy since a significant amount of residential development is already committed, although I feel this argument is a non sequitur as the policy is intended to apply to all future development proposals, including reserved matters applications, irrespective of type or scale.
- 6.206 Similarly while the use of traditional and vernacular building materials is seen by some as an onerous requirement which might affect the viability of schemes the policy is qualified by reference to 'where such treatment is necessary'.
- 6.207 There is however more substance in the argument that it is inappropriate to require developments to be in keeping with the unique character of Sandbach as this is not defined and no guidance is provided as to how this might be achieved. A more practical way of achieving the same objective would be to require development to reflect the character of the local area, and if appropriate, its countryside setting.

Recommendation 23

Substitute the following for sub clause a), '*Are in keeping with the character and, where relevant, the countryside setting of the local area*'

- 6.208 Subject to the above modification the policy meets the Basic Conditions.
- 6.209 **Policy H3 (Housing Mix and Type)** aims to ensure that (major) new housing developments deliver a mix of housing to meet identified need including affordable housing, starter homes and provision for an ageing population.
- 6.210 The policy reflects the emphasis placed on the creation of ‘sustainable, inclusive and mixed communities’ in national planning policy³¹. This is one of the key attributes of the social dimension of sustainable development, although I note that a number of house builders suggest that it would be better to rely on market forces to dictate the mix and type of housing.
- 6.211 However the wording of the first part of the policy is confusing in that it implies that the policy only applies to sites allocated in extant and emerging development plans or resulting from future housing requirements identified by Cheshire East Council.
- 6.212 As the amount of housing to be provided is a separate issue to the mix and type of housing required greater clarity could be achieved by simply requiring all housing proposals to be based on the most up to date assessment of housing need in terms of mix and house type. This would enable evidence of housing need identified through the local Sandbach Housing Needs Survey 2015 to be taken into account as well as East Cheshire Councils housing market assessment.
- 6.213 I also concur with the point raised by Emery Planning that while the policy wording reflects the requirement set out in paragraph 50 of the NPPF to ‘plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community’ this could be interpreted as discriminating in favour of providing housing for local community needs only, whereas national policy is also clear that provision should be made for objectively assessed needs across the whole housing market area (paragraph 47 refers). The wording should therefore be amended to bring it in line with national policy.

Recommendation 24

- a) **Substitute ‘*New housing developments*’ for ‘All housing within Sandbach as allocated by the most relevant, recent and up to date Development Plan Document held by Cheshire East Council or latest housing requirements as identified by Cheshire East Council’.**
- b) **Substitute ‘*most up to date assessment of housing need*’ for ‘identified needs of the community’.**

- 6.214 Subject to the above modifications the policy meets the Basic Conditions.

³¹ National Planning Policy Framework (2012) para 50

Policy H4 (Housing and an Ageing Population)

- 6.215 By encouraging the provision of more housing for older people the policy reflects the additional emphasis given to the housing needs of older people through recent changes to Planning Policy Guidance³² in the light of the projected national increase in the number of households aged 65 and over.
- 6.216 As pointed out by Cheshire East Council it is unclear as to precisely where the policy is intended to apply as 'within the town' could be interpreted as within the proposed Policy Boundary or within the existing built up area of Sandbach town. To be consistent with other policies (as recommended to be modified) the policy could apply across the whole Plan area.
- 6.217 Further amendment is required in order to fully reflect national planning policy with regard to development on brownfield and greenfield land. While I am aware that recent ministerial statements encourage building more homes on brownfield land, and the government is currently consulting on measures to achieve this, there is at the moment no reference in national policy to prioritising brownfield development over greenfield sites. Consequential amendment is required to Objective 6.
- 6.218 To be consistent with Policy H4 reference could also be made to the most up to date housing needs assessment.

Recommendation 25

- a) **Delete 'within the town' in line 1, and delete reference to 'in Sandbach' in Objective 6.**
 - b) **Delete 'and preferably on brownfield sites' in line 2.**
 - c) **Insert '*based on the most up to date assessment of housing need*', at the end of the policy.**
- 6.219 Subject to the above modifications the policy meets the Basic Conditions.
- 6.220 **Policy H5 (Preferred Locations)** identifies the types of location within the policy boundary defined in policy PC2a where proposals for residential development will be supported including infilling, brownfield sites, conversions, residential use above retail premises and town centre/edge of centre locations to provide homes for older people.
- 6.221 As drafted the policy reflects some aspects of national planning policy and extant local strategic policy such as promoting alternative means of transport to the car, conserving and enhancing local character, encouraging the use of empty premises above shops and promoting self build projects. However other aspects such as favouring brownfield sites over greenfield sites do not accord with national policy, as referred to

³² Planning Practice Guidance para 021 Ref ID: 2a-021-20150326

previously in my comments and recommended changes to Policy H1.

- 6.222 Reference to a 30 dwelling limit on housing schemes should also be removed for the reasons previously stated in commenting on Policy H1. I am also mindful of the fact that such a restriction could potentially affect the viability of schemes already granted outline consent if it were applied to future phases of development and that this could consequentially affect the delivery of the identified housing requirement.
- 6.223 As a consequence of my recommended changes to Policy H1 Parts a) and b) of the policy should therefore be deleted in order to ensure consistency in the Plan and to reflect national policy.
- 6.224 The clarity of the policy could also be improved by separating the two policy strands into those that identify the types of location where residential development will be acceptable and those that set out specific criteria which must be complied with.
- 6.225 The second part of sub clause e) repeats the requirement outlined previously that development should contribute positively to local character and to meet identified housing needs, which is unnecessary. The reference to the types of residential development that will be acceptable in the countryside is already covered by Policy PC2a.

Recommendation 26

- a) Delete Parts a) and b) of the policy and consequentially delete Objectives 7 and 8.**
 - b) Insert the following at the beginning of the policy '*The following types of development will be supported within the Policy Boundary defined in Policy PC2a*' followed by the list of development types identified in points point e) and f)**
 - c) Delete the second part of Part e) from 'will be supported within the policy boundary.....' and incorporate an explanation in the accompanying justification that proposals for residential development in the countryside outside the defined Policy Boundary will be restricted to the types of development identified in Policy PC2a.**
 - d) Insert a new clause as follows '*Particular encouragement will be given to schemes which provide homes for older people within or near to the town centre, or which involve the redevelopment of brownfield land*'.**
 - e) Insert '*Development will be required to*' followed by the requirements identified in points d) and g).**
- 6.226 Subject to the above modifications the policy meets the Basic Conditions.

Subsection 3.4 Promoting Jobs and the Local economy

- 6.227 **Policy JLE1 (Future Employment and Retail Provision)** aims to ensure that future land allocations and planning permissions for employment uses are retained solely for employment purposes. It also establishes a range of considerations which proposals must comply with including compatibility with and enhancement of green corridors and environmental assets, provision of sustainable access including pedestrian and cycle access, mitigating highways impacts and avoiding unacceptable traffic impacts in Sandbach town centre. A further policy strand supports proposals for out of centre retail development provided it complements and enhances the town centre.
- 6.228 Policy JLE1 reflects national planning policy which includes the promotion of sustainable economic growth among its core principles, and which also requires economic growth to be balanced with conservation and sustainable transport objectives.
- 6.229 The policy has received mixed expressions of support and objection in response to the regulation 16 Publicity.
- 6.230 Those supporting the policy wish to ensure that a longstanding employment allocation, known as the Capricorn Site, which is located adjacent to the M6 motorway is retained for employment purposes. This would benefit the local economy and help address the current high levels of out-commuting to other employment centres.
- 6.231 The strategic advantages of the site, which benefits from a recent motorway junction improvement, are recognised in the emerging Cheshire East Local Plan which allocates for a mixed use scheme including 20 hectares of employment land, 200 new homes and the provision of leisure, retail, and commercial uses including a hotel and public house (Policy CS24).
- 6.232 The emerging policy recognises the need to include an element of residential development in the scheme in order to assist with the provision of access improvements and infrastructure. I note that the northern part of the site already benefits from planning consent for a mixed scheme including 250 houses and the southern part of the site has planning permission for a further 50 dwellings.
- 6.233 Those opposing the policy consider it is too inflexible contrary to national planning policy, particularly since the scale and distribution of both housing and employment growth has not yet been settled in the emerging Local Plan.
- 6.234 While the policy does acknowledge that the retention of employment uses is only justified where there is a reasonable prospect of the intended use being taken up, by specifically precluding residential and care related uses as potential alternatives it conflicts with national planning policy (NPPF paragraph 22) which states that applications for alternative uses should be treated on their merits.

- 6.235 In view of the fact that the number of dwellings already granted planning permission on the site exceeds the number indicated in the emerging Local Plan Policy CS24 by 50% there may be some merit, at least in the short term, of resisting further loss of potential employment land particularly as the market recovers. However this must be balanced with the fact that national planning policy also suggests that in considering alternative uses regard should be had to market signals and the relative need for different land uses to support sustainable development.
- 6.236 I also have reservations about the practicability of the policy since as drafted the intended restriction on non employment uses could be incompatible with the emerging Local Plan policy which promotes a mixed use development. As the policy is intended to supplement an as yet unadopted policy in the emerging Local Plan the question may also arise as to which policy takes precedence.
- 6.237 I therefore recommend that the first part of the policy be amended to better reflect national policy and the emerging Local Plan by removing the restriction on alternative residential use provided it can be demonstrated that there is no demand for the intended use and/or the intended use is not viable.
- 6.238 It also occurs to me that the policy is rather narrowly focused and an opportunity has been missed to safeguard existing employment sites as well as the Capricorn Site. This would fit with the overriding aim to maintain a thriving local economy. However I refrain from making a recommendation in this respect as this would affect other locations which have not been consulted on during the preparation of the Plan.
- 6.239 I also note that Part 3 of the policy duplicates the provisions set out in Part 4 of Policy HC2 (Protection and Enhancement of the Principal Shopping Area), although the wording is slightly different. Duplicate policies (or parts of policies) are potentially confusing to decision makers and members of the public. As the intention is to safeguard the town centre I suggest that it would be more appropriate to deal with the issue of out of centre retail proposals in Policy HC2.

Recommendation 27

- a) **Replace sub clause 1 with the following ‘Where there is a reasonable prospect of a site being used for its intended purpose alternative uses will not be considered unless it can be demonstrated that there is no demand for the intended use and/or the intended use is not viable’.**
- b) **Delete Part 3 of the policy.**

- 6.240 Subject to the above modifications the policy meets the Basic Conditions.

- 6.241 **Policy JLE2 (Tourism and Visitors)** supports the improvement of services and facilities associated with tourism subject to protecting the environment, landscape and townscape setting. Proposals must also be well related to the cultural and historic assets of Sandbach.
- 6.242 The policy generally reflects national planning policy which promotes appropriate economic growth in towns and rural areas and encourages rural diversification and a positive approach to rural tourism provided development respects the character of the countryside. It is also consistent with local strategic policies concerning tourism and visitor development, namely Policy E16 (Facilities and Attractions), Policy E17 (Serviced Accommodation), and Policy E18 (Camping and Caravan Sites) in the Congleton Borough Local Plan (First Review).
- 6.243 There is however an inconsistency between Objective 2 which supports tourism ‘within the town’ and the policy wording and associated justification which implies that the policy is intended to apply across the whole Plan area, including the countryside, as it refers to countryside and landscape considerations. I therefore recommend that Objective 2 be amended to bring it in line with the policy and text.

Recommendation 28

Delete ‘within the town’ in line 2 of Objective 2 on page 60, and substitute ‘of the area’ for ‘of the town’ in line 3 of the policy.

- 6.244 **Policy JLE3 (The Market Hall)** reinforces Policy HC4 (Markets) and Policy HC1 (Historic and Cultural Environment) by ensuring that future alterations and improvements facilitate the Market Halls continued viability and make a positive contribution to its local distinctiveness.
- 6.245 Although there is no equivalent policy in the Congleton Borough Local Plan (First Review) national planning policy recognises the role that markets can play in promoting attractive and competitive town centre environments. The policy complements other aspects of national policy by balancing support for an existing business sector with the desirability of sustaining and enhancing a significant heritage asset – key elements of sustainable development.
- 6.246 The policy therefore meets the Basic Conditions and no modification is required.

Subsection 3.5 Improving the Infrastructure

Policy IFT1 (Sustainable Transport, Safety and Accessibility)

- 6.247 The policy is intended to ensure that new development caters for pedestrians, cyclists and those with disabilities in order to encourage travel by means other than the motor car. It also aims to ensure that new

development is well related to the highway network, public transport, employment, shops, services and leisure opportunities, and that the impacts of traffic associated with new development is mitigated. A further policy strand requires proposals that will generate significant amounts of traffic to be accompanied by a Travel Plan.

- 6.248 Policy IFT1 has regard to national planning policy by promoting pedestrian and cycle movements as an alternative to the motor car, which also supports the creation of healthy, inclusive communities. Maximising non car based transport and improving access to employment opportunities and local facilities also contributes to the social and environmental aspects of sustainable development.
- 6.249 The policy generally conforms with the suite of local strategic policies (GR3 and GR9 – GR19) that deal with accessibility including the provision of convenient and safe pedestrian and cycle movement, car parking, traffic generation and infrastructure.
- 6.250 However while it is reasonable to expect large scale developments to address all the considerations identified in the policy I agree with Cheshire East Council that this may not be appropriate or even practical in the case of smaller schemes or certain types of development.
- 6.251 I have considered whether the introduction of different thresholds would overcome this difficulty, but in the absence of specific evidence and because interested parties have only had the opportunity to comment on the Plan proposals as published, this would be inappropriate. I therefore suggest the words ‘where appropriate’ should be incorporated in the first part of the policy. I appreciate this weakens the policy to a degree but without this qualification I am not confident that the policy could be applied in a fair or meaningful way.
- 6.252 As drafted bullet point 8 does not fit with the previous part of the policy since it sets out the circumstances in which development will not be allowed rather than identifying considerations which proposals are expected to comply with. It also overlaps with Policy PC6 (Footpaths) although it is wider in scope than that policy because it also applies to the cycleway network. As I have previously recommended that Policy PC6 be amended to facilitate the diversion of footpaths and cycleways a consequential change is required to bullet point 8 to reflect the changes to Policy PC6 in order to ensure consistency.
- 6.253 The second part of the policy includes an aspiration for applicants to submit Travel Plans to Sandbach Town Council in connection with applications for development. However as the Town Council has no control over third parties and responsibility for considering planning applications and related highways matters (including Travel Plans), rests with Cheshire East Council as both Local Planning and Highways Authority, I suggest this reference be removed.

Recommendation 29

- a) Insert '*where appropriate*' after 'In order to improve transport and safety,' in line 1.
- b) Make a consequential change to bullet point 8 to reflect the recommended changes to Policy PC6.
- c) Delete 'Sandbach Town Council and' in the second paragraph.

- 6.254 Subject to the above modifications the policy meets the Basic Conditions.
- 6.255 **Policy IFT2 (Parking)** supports the retention of short stay parking spaces in the town centre to support local businesses. Where public car parks are affected by development proposals replacement spaces should be provided either on site or nearby. Alternatively schemes may provide or contribute towards alternative transport facilities/sustainable forms of access to the town centre in order to mitigate the loss. Another policy strand is aimed at ensuring that developments provide adequate on-site parking facilities to avoid or minimise 'on street parking'.
- 6.256 National planning policy recognises the importance of improving the quality of parking in town centres so that it is convenient, safe and secure whilst recognising the importance of improving accessibility through measures to promote sustainable transport, including walking and cycling facilities and public transport. These are key attributes of the economic, social and environmental dimensions of sustainable development.
- 6.257 Policy IFT2 also conforms with Congleton Borough Local Plan (First review) Policy G17(Car parking) in relation to seeking contributions toward the provision of alternative transport measures (The first part of that policy in relation to the imposition of maximum car parking standards has now been superseded by national policy)
- 6.258 While the policy is intended to ensure that new residential development does not create car parking and related highway problems no particular evidence or justification has been put forward to justify the approach.
- 6.259 The desirability of avoiding or minimising 'on street' parking has also been questioned by a number of parties. For example it has been suggested that it may be impractical to have on-site parking in the case of terraced housing and that on street parking can contribute to traffic calming measures.
- 6.260 However I am also mindful of the fact that no objection has been made to the policy by the Local Highway Authority and that new development will have to meet the most up to date parking standards adopted by Cheshire East Council.
- 6.261 Subject to qualifying the wording to recognise there may be circumstances where the provision of off street parking is impractical, for example in the case of flat conversions, the policy satisfies the Basic Conditions.
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Recommendation 30

Insert '*where practicable*' after 'parking facilities' in the last line of the policy.

- 6.262 **Policy IFC1 (Community Infrastructure Levy)** underpins the principle of taking into account the impact of new development on existing infrastructure, when assessing planning proposals. It is also intended to ensure that the impacts of development are appropriately mitigated and that the views of the Town Council are taken into account in order to understand local needs and funding priorities.
- 6.263 The provision of infrastructure, mitigating the impacts of development and providing services and facilities that reflect a community's needs are fundamental principles embedded in national planning policy and key attributes of sustainable development. The policy also generally conforms with local strategic policy aimed at securing appropriate contributions toward new infrastructure provision (Congleton Borough Local Plan (First Review) Policy GR19).
- 6.264 Although the policy has been criticised for missing the opportunity to identify spending priorities for the future I note that the accompanying justification refers to the fact that the Town Council intends to undertake this exercise and to keep priorities regularly updated. As priorities may change through time this may prove to be a more effective mechanism than embedding funding priorities within the policy.
- 6.265 I am also mindful of the fact that the current process for securing financial contributions toward infrastructure provision through planning obligations is in the process of being replaced by the Community Infrastructure Levy. Until Cheshire East Council has a Community Infrastructure Levy Charging Schedule in place contributions may continue through the planning obligations process. As these are separate mechanisms this should be made clear in the policy and accompanying justification.

Recommendation 31

Insert '*or*' after 'planning obligations' in line 2, delete 'in place' after 'funding mechanisms' in line 3, and amend the accompanying justification to clarify that the introduction of a Community Infrastructure Levy Charging Schedule will replace the planning obligations mechanism.

Subsection 3.6 Community and Well-Being

Policy CW1 (Amenity, Play and Recreation)

- 6.266 The proposed retention and enhancement of existing amenity, play and recreation areas reflects national planning policy to protect open space

and recreational facilities in order to contribute to the health and well-being of communities – one of the key attributes of sustainable development. The policy, which updates the areas that are to be afforded protection, is also in general conformity with Policy RC2 (Protected Areas of Open Space) in the Congleton Borough Local Plan (First Review).

- 6.267 The inclusion of a reference to sports provision in the policy and accompanying justification would bring the policy more in line with national policy, and would be consistent with the list of recreation and sports facilities identified in Appendix 2. Consequential changes are required to Objective 1, Appendix 2 and Figure 6.
- 6.268 I also note that Site 'S22' which is identified in Figure 6 as an Amenity Greenspace, and which is proposed as an area of Local Green Space (Site P) in Policy PC4 is omitted from the list of Amenity Greenspace in Appendix 2.

Recommendation 32

- a) **Rename the policy '*Amenity, Play, Recreation and Outdoor Sports Facilities*'.**
- b) **Insert '*sports fields and*' after 'All' at the beginning of the policy, and make consequential changes to Objective 1, and the headings of Figure 6 and Appendix 2.**
- c) **Add site 'S22' to the list of Amenity Greenspace in Appendix 2.**

- 6.269 **Policy CW2 (Sport and Recreation Facilities)** supports the provision of new and/or enhanced indoor and outdoor sports facilities particularly those that are available to the public and accessible by non car born means of transport, provided they are inclusive to all age groups and those with disabilities, and have adequate parking. A further policy strand is concerned with ensuring that the development of a new or improved leisure centre on the existing site at Sandbach High School and Sixth Form College should allow public access.
- 6.270 The policy reflects national planning policy which includes the promotion of health and wellbeing, including the provision of sports and recreational facilities to meet community needs, among its core principles. These are key attributes of sustainable development.
- 6.271 The policy is also in general conformity with Policy RC1 (Sport and Community Facilities - General), Policy RC10 (Outdoor Formal Recreational and Amenity Open Space Facilities) and Policy RC11 (Indoor Recreation and Community Uses) in the Congleton Borough Local Plan (First Review).
- 6.272 In considering this policy I need to address concerns expressed by members of the public that the Neighbourhood Plan should more accurately reflect the current situation regarding access by the public to the Leisure Centre located at the High School. It is pointed out that this

facility was originally provided by the former Cheshire County Council as a public facility with permitted shared use by the High School, and not the other way round as is often the case with shared use facilities. It is further suggested that as the agreement expires in 2018 it will be necessary for the High School to renegotiate access and potentially have to contribute toward the running costs.

- 6.273 While it is important for the Plan to accurately reflect the particular circumstances regarding the joint use of the leisure centre this has no direct bearing on the policy wording. In view of the fact that sub clause 5 of the policy concerns an operational/management rather than a land use issue I recommend that this part of the policy be deleted and that an accurate explanation regarding the management and shared use arrangements at the Leisure Centre is provided in the accompanying justification instead.
- 6.274 I also note an inconsistency between the policy heading which refers to sport and recreation facilities and the policy wording which refers to indoor and outdoor leisure and recreation facilities.

Recommendation 33

- a) **Delete sub clause 5 of the policy and incorporate an accurate explanation of the situation regarding joint use of the existing Leisure Centre in the accompanying justification.**
- b) **Change the policy heading to ‘SPORT AND LEISURE FACILITIES’ and amend part 1 of the policy to refer to ‘*indoor and outdoor sport and leisure facilities*’.**

- 6.275 Subject to the above modifications the policy meets the Basic Conditions.
- 6.276 **Policy CW3 (Health)** is intended to ensure that new residential developments make provision for health care facilities which will be secured through developer contributions. The policy also supports the provision and/or improvement of specialist care facilities for the elderly and people with disabilities or requiring mental health facilities. In order to encourage people to undertake exercise and enjoy their natural surroundings the policy requires new residential developments to incorporate provision for walking and cycling within the town.
- 6.277 The policy reflects national planning policy which includes health and wellbeing objectives, including the creation of footpath and cycleway networks to encourage healthy lifestyle choices. These are important elements in the social and environmental aspects of sustainable development. It also complements local strategic policy in relation to the provision of services and facilities (Policy GR 23) and the provision of facilities for cyclists and pedestrians (Policy GR3, and Policies GR14 – 16) in the Congleton Borough Local Plan (First Review).

- 6.278 Although I would question the effectiveness of a policy which relies on developer co-operation to achieve its objectives, (since there are no formal mechanisms to compel applicants to engage with health care providers as part of the planning process) as it is not my role to test for soundness, for example in terms of deliverability, I am satisfied the policy meets the Basic Conditions, subject to the following reservations.
- 6.279 First I share the concern of Cheshire East Council that it would not be appropriate or practical to apply this policy to all scales of development.
- 6.280 I have considered whether the introduction of different thresholds would overcome this difficulty, but in the absence of specific evidence and because interested parties have only had the opportunity to comment on the Plan proposals as published, this would be inappropriate. I therefore suggest the words 'where appropriate' should be incorporated in the first part of the policy. I appreciate this weakens the policy to a degree and introduces a degree of uncertainty but without this qualification I am not confident that the policy could be applied in a fair or meaningful way.
- 6.281 Second I acknowledge the point made by house builders and local developers that under the current planning obligations regime contributions may only be sought where they are directly related to the development and fairly and reasonably related in scale and kind to the development. In addition the opportunities for delivering infrastructure projects through 106 obligations has been further curtailed through the introduction of limits on the 'pooling' of 106 obligation in the latest amendment to the CIL Regulations.³³
- 6.282 Of course this situation will be remedied when Cheshire East Council has a Community Infrastructure Levy Charging Schedule in place which will deliver additional funding and can be used to fund a wide range of infrastructure projects that support growth and benefit the local community such as transport related facilities, flood defences, school and educational facilities, and health care facilities.
- 6.283 It is important that the policy and accompanying justification clarifies that these are separate mechanisms. I also suggest the wording is consistent with the wording in Policy IFC1 (Community infrastructure Levy) as recommended to be amended.
- 6.284 As Part 4 of the policy duplicates other policies such as Policy PC6 and Policy IFT1 which articulate the requirement to cater for walkers and cyclists in new residential developments in more detail I suggest this part of the policy be deleted and replaced with a cross reference to other policies in the accompanying justification.

Recommendation 34

a) Replace Part 1 of the policy with the following '*Where*

³³ Regulation 122 of the Community Infrastructure Levy Regulations as amended by the CIL (Amendment) Regulations 2013.

appropriate provision for new medical facilities will be sought in new residential development so that new residents have access to a GP practice within a reasonable distance, subject to agreement with the healthcare provider, unless the existing services have capacity for new residents’.

- b) Replace Part 2 of the policy with the following ‘Developer contributions will be secured through planning obligations or in accordance with the most up to date funding mechanisms on developer contributions and infrastructure adopted by Cheshire East Council’.**
- c) Delete Part 4 of the policy and incorporate an explanation in the accompanying justification, cross referenced to other policies, explaining how the package of measures in the Plan to provide and enhance footpath/cycleway routes will increase opportunities for informal relaxation and healthy lifestyle choices and well-being.**

6.285 Subject to the above modifications the policy meets the Basic Conditions.

Subsection 3.7 Adapting to Climate Change

6.286 **Policy CC1 (Adapting to Climate Change)** is intended to ensure new developments and designs incorporate appropriate measures to minimise the use of energy and clean water.

6.287 This is in line with national planning policy which recognises the importance of meeting the challenge of climate change by, inter alia, encouraging the re-use of existing resources and supporting energy efficiency improvements combined flood prevention and mitigation measures.

6.288 It is also consistent with Policy GR2 (Design) in the Congleton Borough Local Plan (First Review) by requiring proposals to take the need for energy conservation and efficiency into account.

6.289 As drafted however the policy is too inflexible because it would apply to all developments irrespective of type or scale and it would not necessarily be appropriate to apply the policy to outline schemes. I am also mindful of the fact that it is not possible to produce an exhaustive list covering all circumstances. For example as pointed out by a local house builder it is possible to achieve energy efficiency in other ways for example through the use of sustainable building materials (the ‘fabric first’ approach) which may improve thermal insulation, solar gain and ventilation while reducing long term maintenance costs.

6.290 I therefore suggest the policy wording should be more flexible.

6.291 I also find the reference to flood prevention methods somewhat confusing as this would not contribute to energy or resource efficiency. As it is not

clear whether reference is being made to flood defence or flood resilience techniques either in the policy or accompanying justification I suggest this reference is omitted.

- 6.292 Although the view has been expressed that the policy is too limited in scope, for example because it does not specifically promote renewable energy initiatives, as the focus of the policy is on the design and layout of development it would nevertheless facilitate the use of micro renewable technologies such as solar photovoltaics, wind turbines and ground source heat pumps.

Recommendation 35

- a) Insert '*Where appropriate*' at the beginning of the policy
- b) Delete 'flood prevention methods' in line 2
- c) Substitute '*operation, use of materials and other elements of the scheme*' for 'and operation' in line 2.

- 6.293 Subject to the above modifications the policy meets the Basic Conditions.

7.0 Conclusions and Formal Recommendations

Referendum

- 7.1 I consider the Neighbourhood Plan meets the relevant legal requirements and subject to the modifications recommended in my report it is capable of satisfying the 'Basic Conditions'.
- 7.2 Although there are a significant number of modifications the essence of the policies would remain, providing a framework, for managing future development proposals and protecting and enhancing the local environment.

I therefore recommend that the Neighbourhood Plan should, subject to the recommended modifications, proceed to referendum.

Voting Area

- 7.3 I am also required to consider whether the Referendum Area should be extended beyond the Sandbach Neighbourhood Area. As the impact of the policies and proposals contained in the Plan is likely to be focused on and adjacent to the built up area of Sandbach and to a much lesser extent on the surrounding countryside, there will be minimal impact on land and communities outside the defined Neighbourhood Area. I therefore consider the Neighbourhood Area to be appropriate. No evidence has been submitted to suggest that this is not the case.

I therefore recommend that the Neighbourhood Plan should proceed to a Referendum based on the Neighbourhood Area as approved by Cheshire East Council on 21 October 2014.

Declaration

In submitting this report I confirm that

- I am independent of the qualifying body and the Local Authority.
- I do not have any interest in any land that may be affected by the Plan and
- I possess appropriate qualifications and planning and development experience, comprising 41 years experience in development management, planning policy, conservation and implementation gained across the public, private, and community sectors.

Examiner Terry Raymond Heselton BA (Hons), DiP TP, MRTPI

Dated 11 January 2015

Appendix 1 :

List of Documents Referred to in Connection with the Examination of the Sandbach Neighbourhood Development Plan

- Examination Version of the Sandbach Neighbourhood Plan (September 2015)
- National Planning Policy Framework
- National Planning Practice Guidance
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning (General) Regulations (2012) (as amended)
- The Environmental Assessment of Plans and Programmes Regulations (2004)
- Saved policies in the Congleton Borough Local Plan (First Review) (adopted 27 January 2005)
- Basic Conditions Statement (September 2015)
- Consultation Statement (September 2015)
- Landscape Character Assessment (September 2015)
- Housing Vision Report (The Implications of Household Projections for Meeting Housing Need in Sandbach 2013 – 2013) (March 2015)
- Cheshire Wildlife Trust Report (Protecting and Enhancing Sandbachs Natural Environment) (March 2015)
- Draft Sandbach Conservation Area Character Appraisal and Management Plan (September 2015)
- Cheshire East Local Plan (Strategy Document) Submission Version (March 2014)
- Cheshire East Local Plan (Strategy Document) Inspector's Further Interim Findings (11 December 2015)
- Cheshire East Council Screening Opinion on Strategic Environmental assessment of the Neighbourhood Plan and Habitats Regulation Assessment (July 2015)
- 32 representations received during the Publicity Period and 1 representation received after the Publicity period.

I also accessed Cheshire East Council and Sandbach Town Council website pages during the course of the examination.