

Ollerton with Marthall Neighbourhood Plan Regulation 16 Consultation

Cheshire East Council Response

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Abbreviations

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

Summary Response

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

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

Engagement between the QB and CEC has meant that many issues raised at previous stages of consultation have been addressed, however the LPA would like to take the opportunity to provide additional comments on the Regulation 16 version of the OMNDP and include such comments below.

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

Process and Legal Compliance

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

Ollerton with Marthall PC have prepared the Plan and it is a qualifying body.

The Ollerton with Marthall neighbourhood area was designated by CEC on 13/10/2017. The NDP relates to the Ollerton with Marthall neighbourhood area and there are no other NDPs for that area. This area is coterminous with the Ollerton with Marthall Parish boundaries.

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

Meeting the Basic Conditions

Only a draft neighbourhood Plan or Order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 (Neighbourhood Planning PPG). The basic conditions are:

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

The NPPF states that neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. The NDP has been developed with and by the community since 2017 when the idea of producing an NDP was first introduced to the community by the steering group.

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

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

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

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

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

Contributing to the achievement of sustainable development

The NDP establishes a clear vision for the area to 2030, which is articulated through a series of objectives addressing themes including natural environment, heritage, transport, and economy. The vision and objectives are then brought into effect by the policies of the NDP.

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

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

The Local Plan for CE was prepared in two stages with the first part, the LPS, which sets out strategic priorities for the development of the area, along with planning policies and proposals to make sure that new development addresses the economic, environmental and social needs of the area, it was adopted on the 27th of July 2017. The part two plan, the SADPD, provides detailed planning policies and land allocations in line with the overall approach set out in the Local Plan Strategy. It was adopted on the 22nd of December 2022.

On the 1st of July 2022, at Environment and Communities Committee, due to the LPS being older than 5 years since adoption, the plan must be reviewed as to whether an update to the LPS will be carried out. It was decided an update to the LPS will be carried out. At the time of writing CEC is currently at the early stages of preparing to proceed with an update to the LPS.

The LPS sets out a vision for the borough to 2030 supported by an overall development strategy including the planned quantum of economic and housing growth for the whole borough, its spatial distribution, and the allocation of strategic development sites. The two tiers of plan making have been advancing in parallel.

The NDP began preparation following the adoption of the LPS and at approximately the same time work on the SADPD was beginning to advance, as well as being currently worked on as the LPS update is beginning. This situation is not uncommon, and the PPG positively anticipates that NDPs *'can be developed before or at the same time as the local planning authority is producing its Local Plan'* (Paragraph: 009 Reference ID: 41-009-20190509).

The same PPG paragraph describes how the LPA should work with the QB in such circumstances. The PC and CEC have worked collaboratively during the preparation of the plan. This has included jointly understanding the relationship between the NDP and the Local Plan within the wider context of national policy and guidance and in the context of strategic policies which take effect within Ollerton and Marthall

parishes, which have been brought forward via the LPS and the non-strategic policies set out in the SADPD.

In developing the NDP it was understood by the PC that the requirement of this basic condition related to the adopted Local Plan. The close working between the two councils was also aimed at minimising any conflict between the Neighbourhood Plan the adopted CELPS and the emerging SADPD.

Compatibility with EU obligations

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

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

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

The CEC is satisfied the NDP meets this Basic Condition.

Prescribed conditions have been met

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

Consultation

CEC congratulates the PC on preparing a comprehensive NDP and for the way in which it has been prepared, closely involving the local community. It is notable that the PC has grappled with a wide range of locally important planning issues to set out a positive approach to development.

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

A range of techniques have been used to reach different sectors of the community. Such as, questionnaires and drop in events.

NDP Content

NDP policies must apply to the development and use of land and be in general conformity with the strategic policies of the adopted local plan; they should be clear and unambiguous and be supported by robust, yet proportional evidence; they should demonstrate that proposals are deliverable, are shaped by effective engagement; and they should not duplicate policies that are already being applied in the local area.

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

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

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

The Strategic Priorities of the LPS are:

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

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

Policy Comments

We are encouraged that most of the points raised at the earlier Regulation 14 stage of consultation have been addressed.

POLICY ENV1 – WILDLIFE SITES, WILDLIFE CORRIDORS AND BIODIVERSITY

It is suggested the policy use less restrictive wording of 'protected from new development' and 'non-developable zone'.

POLICY ENV2 – TREES, HEDGEROWS AND WATERCOURSES

The final sentence of the first paragraph is not required in the policy text and should be removed.

The landscaping section of this policy is covered by policy ENV 5 of the SADPD and could be removed from the Plan.

POLICY ENV5 – FOOTPATHS AND BRIDLEWAYS

The second paragraph states 'very special circumstances', which is a test reserved for the Green Belt, this wording should be revised.

Existing Local Plan policy already covers most of the content within this policy.

POLICY HOU1 – HOUSING

The first paragraph of this policy does not need to be explicitly repeated.

The content of the second paragraph regarding footprint is addressed by the RUR policies of the SADPD.

It is recommended this policy is removed from the Plan.

POLICY HOU2 – HOUSING MIX AND TYPE

‘acceptable under Green Belt policy’ is not required in the policy text and could be removed.

POLICY COM1 – COMMUNITY FACILITIES

‘which require planning permission’ can be removed from the policy.

POLICY TRAN1 – SUSTAINABLE TRANSPORT

‘applicant for’ can be removed from the policy.

POLICY ECON1 - RURAL ECONOMY

It is considered that the content of this policy is covered by the LPS (2017), and the SADPD (2022), particularly the RUR chapter. This policy could be removed from the Plan.