

Nether Alderley 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)
NANDP – Nether Alderley 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 NANDP.

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 NANDP 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.

NAPC have prepared the Plan and it is a qualifying body.

The Nether Alderley neighbourhood area was designated by CEC on 20/08/2018. The NDP relates to the Nether Alderley neighbourhood area and there are no other NDPs for that area. This area is coterminous with the Nether Alderley Parish boundary.

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

Meeting the Basic Conditions

Only a draft neighbourhood Plan or Order that meets each of 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 2018 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 NANDP 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. 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 design, heritage, natural environment, housing, and employment. 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 Nether Alderley parish, 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 workshops.

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 NANDP 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 many of the points raised at the earlier Regulation 14 stage of consultation have been addressed. However, the LPA has some additional, specific policy comments to add at this stage, which are outlined below.

HD1: Local Design and Character

CEC welcome the production of a locally specific design code and its inclusion within this policy.

The first sentence can be removed from the policy as this is covered in the CELPS policy LPS 61 Alderley Park Opportunity Site.

‘Conversions’ can be removed from the second sentence as this would be covered within the phrasing of ‘Any new development’.

HD2: Designated and Non Designated Heritage Assets

The first paragraph could be removed from the policy. Policy HER 1 of the SADPD requires development proposals to provide information proportionate to the impact on the asset.

LE1: The Natural Environment

Remove ‘by: ‘ from the end of the second bullet point, believed to be a typo.

LE2: The Countryside

The first colon should be removed, joining the first and second paragraphs.

‘on the asset’ in the final bullet point can be removed as this policy is referencing impact on adjacent land use. A comma after ‘light pollution’ is recommended instead.

SFP1 Sustainable Construction and Energy Capture and Conservation

The final bullet point should be removed in the absence of a ‘suitable site’ not being explicitly identified within the plan. ‘a suitable site being identified’ could be replaced with ‘being in accordance with all other relevant policies of this Plan’

SFP2: Communications Infrastructure

This policy should be removed from the Plan. The existing Local Plan (policies CO 3 Digital Connections and INF 8 Telecommunications infrastructure) cover the matters outlined within this policy.

CC2: Nether Alderley Parish Hall

It is recommended this policy be removed from the plan. The Parish Hall is a Grade II* Listed Building and already benefits from the existing Local Plan policy provision

regarding heritage. It is also located within a Conservation Area and adjacent to several other heritage assets.

As currently worded it is not considered this policy is concerned with that of land use planning. If retained, it is suggested that 'expected to promote community cohesion' be rewritten in a way that supports the Parish Council to deliver its ambitions through achieving consents that may be necessary for the ongoing successful operation of the Parish Hall.

H1: Housing to Address Local Needs

This policy should be removed from the Plan. The content of the policy is wholly addressed by policy SC 6 Rural Exceptions Housing for Local Needs of the LPS.

E1: Homeworking and Home-based Business

This policy will only be relevant and applied in the context of a planning application, therefore, the statement 'and which are within permitted development rights.' is unnecessary and should be removed.

The final paragraph regarding communications is covered by existing Local Plan policy. If retained, this should be added to the list in the first bullet point, following 'parking'.

E3: Rural Business and Diversification

The content of this policy is sufficiently covered by the existing Local Plan, especially the extensive RUR chapter of the SADPD. This policy can be removed from the Plan.

E2: Existing Local Employment Sites

How is the 'period of non-use' relevant in the application of this policy, is a longer 'period of non-use' intended to mean the protection for employment use is less significant. This should be clarified. If retained, evidence for 'period of non-use' should be in addition to a marketing strategy, so as not to undermine its requirement under policy EG 3 of the Local Plan.