

By email only to: plan.eaton@gmail.com

4th November 2019

Re: Eaton Neighbourhood Plan Pre-Submission (Reg 14) Consultation

Dear Sir/Madam,

This letter provides Gladman Developments Ltd (Gladman) representations in response to the draft version of the Eaton Neighbourhood Development Plan (ENP) under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. This letter seeks to highlight the issues with the plan as currently presented and its relationship with national and local planning policy. Gladman has considerable experience in neighbourhood planning, having been involved in the process during the preparation and examination of numerous plans across the country, it is from this experience that these representations are prepared.

Legal Requirements

Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in §8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the ENP must meet are as follows:

- (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.
- (d) The making of the order contributes to the achievement of sustainable development.
- (e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- (f) The making of the order does not breach, and is otherwise compatible with, EU obligations.
- (g) The making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

Revised National Planning Policy Framework

On the 24th July 2018, the Ministry of Housing, Communities and Local Government (MHCLG) published the revised National Planning Policy Framework. The first revision since 2012, it implements 85 reforms announced previously through the Housing White Paper. On 19th February 2019, MHCLG published a further revision to the NPPF (2019) and implements further changes to national policy.

§214 of the revised Framework makes clear that the policies of the previous Framework will apply for the purpose of examining plans where they are submitted on or before 24th January 2019. Clearly, submission of the ENP will occur after

this date and the comments below reflect the relationship between Neighbourhood Plans and the National Planning Policy Framework adopted in 2018 and corrected in February 2019.

National Planning Policy Framework and Planning Practice Guidance

On 24th July 2018, the Ministry of Housing, Communities and Local Government (MHCLG) published the Revised National Planning Policy Framework (NPPF2018). This publication forms the first revision of the Framework since 2012 and implements changes that have been informed through the Housing White Paper, The Planning for the Right Homes in the Right Places consultation and the draft NPPF2018 consultation. On 19th February 2019, MHCLG published a further revision to the NPPF (2019) and implements further changes to national policy.

The Revised Framework sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements of the preparation of neighbourhood plans within which locally-prepared plans for housing and other development can be produced. Crucially, the changes to national policy reaffirm the Government's commitment to ensuring up to date plans are in place which provide a positive vision for the areas which they are responsible for to address the housing, economic, social and environmental priorities to help shape future local communities for future generations. In particular, paragraph 13 states that:

“The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.”

Paragraph 14 further states that:

“In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a. The neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;**
- b. The neighbourhood plan contains policies and allocations to meet its identified housing requirement;**
- c. The local planning authority has at least a three-year supply of deliverable housing sites (against its five-year supply requirement, including the appropriate buffer as set out in paragraph 73); and**
- d. The local planning authority's housing delivery was at least 45% of that required over the previous three years.”**

The Revised Framework also sets out how neighbourhood planning provides local communities with the power to develop a shared vision for their area in order to shape, direct and help deliver sustainable development needed to meet identified housing needs. Neighbourhood plans should not promote less development than set out in Local Plans and should not seek to undermine those strategic policies. Where the strategic policy making authority identifies a housing requirement

for a neighbourhood area, the neighbourhood plan should seek to meet this figure in full as a minimum. Where it is not possible for a housing requirement figure to be provided i.e. where a neighbourhood plan has progressed following the adoption of a Local Plan, then the neighbourhood planning body should request an indicative figure to plan taking into account the latest evidence of housing need, population of the neighbourhood area and the most recently available planning strategy of the local planning authority.

In order to proceed to referendum, the neighbourhood plan will need to be tested through independent examination in order to demonstrate that they are compliant with the basic conditions and other legal requirements before they can come into force. If the Examiner identifies that the neighbourhood plan does not meet the basic conditions as submitted, the plan may not be able to proceed to referendum.

Planning Practice Guidance

Following the publication of the NPPF2018, the Government published updates to its Planning Practice Guidance (PPG) on 13th September 2018 with further updates being made in the intervening period. The updated PPG provides further clarity on how specific elements of the Framework should be interpreted when preparing neighbourhood plans.

Although a draft neighbourhood plan must be in general conformity with the strategic policies of the adopted development plan, it is important for the neighbourhood plan to provide flexibility and give consideration to the reasoning and evidence informing the emerging Local Plan which will be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, the neighbourhood planning body should take into consideration up-to-date housing needs evidence as this will be relevant to the question of whether a housing supply policy in a neighbourhood plan contributes to the achievement of sustainable development. Where a neighbourhood plan is being brought forward before an up-to-date Local Plan is in place, the qualifying body and local planning authority should discuss and aim to agree the relationship between the policies in the emerging Neighbourhood Plan, the emerging Local Plan and the adopted Development Plan¹. This should be undertaken through a positive and proactive approach working collaboratively and based on shared evidence in order to minimise any potential conflicts which can arise and ensure that policies contained in the neighbourhood plan are not ultimately overridden by a new Local Plan.

It is important the neighbourhood plan sets out a positive approach to development in their area by working in partnership with local planning authorities, landowners and developers to identify their housing need figure and identifying sufficient land to meet this requirement as a minimum. Furthermore, it is important that policies contained in the neighbourhood plan do not seek to prevent or stifle the ability of sustainable growth opportunities from coming forward. Indeed, the PPG emphasises that;

¹ PPG Reference ID: 41-009-20160211

“A wide range of settlements can play a role in delivering sustainable development in rural areas, so blanket policies restricting housing development in some types of settlements will need to be supported by robust evidence of their appropriateness”²

Relationship to Local Plan

To meet the requirements of the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan.

The Cheshire East Local Plan Strategy (CELPS) was adopted 27th July 2017 and sets out the strategic planning policy framework for the district until 2030. The CELPS is the first part of the new Local Plan to be adopted.

The Council has recently consulted on the Publication Draft of its Site Allocations and Development Policies Document (SADPD) which will sit alongside the CELPS to which Gladman has submitted detailed representations. The SADPD will allocate additional sites for development to ensure that the overall development requirements set out in the adopted CELPS are delivered in full.

It is important that policies contained in the ENP allow for flexibility so that they are able to respond positively to changes in circumstance that may arise over the course of the plan period. This degree of flexibility is required to ensure that the ENP is capable of being effective over the duration of its plan period, so it is not ultimately superseded by the emerging SADPD as s38(5) of the Planning and Compulsory Purchase Act 2004 states that:

“if to any extent, a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approached, or published (as the case may be).”

Eaton Neighbourhood Development Plan

This section highlights the key issue that Gladman would like to raise with regards to the content of the ENP as currently proposed. It is considered the requirements of national policy and guidance are not always reflected in the plan. Gladman have sought to recommend some modifications to ensure compliance with basic conditions.

Policy BNE1 – New Housing

This Policy identifies a settlement boundary for Eaton and states that land outside of this defined area will be treated as countryside, where development will be carefully controlled to those essential for agricultural operations. Gladman object to the use of settlement boundaries if these preclude otherwise sustainable development from coming forward. The Framework is clear that sustainable development should proceed. Use of settlement limits to arbitrarily restrict

² Paragraph: 009 Reference ID: 67-009-20190722

suitable development from coming forward on the edge of settlements does not accord with the positive approach to growth required by the Framework and is contrary to basic condition (a) and (d).

As currently drafted, this is considered to be an overly restrictive approach and provides no flexibility to reflect the circumstances upon which the ENP is being prepared. Greater flexibility is required in this policy and Gladman suggest that additional sites adjacent to the settlement boundary should be considered as appropriate.

Equally, as the Designated Neighbourhood Area (DNA) of the ENP is adjacent to what has now become the urban edge of Congleton, the policy is also overly restrictive on the sustainable growth potential of Congleton, which is one of the main settlements in the Borough and the third largest in Cheshire East after Crewe and Macclesfield.

In addition, that part of the DNA adjoining the settlement edge of Congleton sits alongside land where a significant proportion of Congleton's growth already has permission for housing and / or is under construction, where it would make sense to allocate further development, especially within the line of the Link Road. Clearly, this area of land could accommodate a significant share of Eaton's growth, without impacting upon views from the settlement itself, especially given that the broad sweep of the Link Road and its associated landscaping will form a substantial barrier separating Eaton from its larger neighbour to the south.

Gladman recommend that the above policy is modified so that it allows for a degree of flexibility. The following wording is put forward for consideration:

“When considering development proposals, the Neighbourhood Plan will take a positive approach to new development that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Applications that accord with the policies of the Development Plan and the Neighbourhood Plan will be supported particularly where they provide:

New homes including market and affordable housing; or

Opportunities for new business facilities through new or expanded premises; or

Infrastructure to ensure the continued vitality and viability of the neighbourhood area.

Development adjacent to the existing settlement will be permitted provided that any adverse impacts do not significantly and demonstrably outweigh the benefits of development.”

Indeed, this approach was taken in the examination of the Godmanchester Neighbourhood Plan. Paragraph 4.12 of the Examiner's Report states:

“...Policy GMC1 should be modified to state that “Development ...shall be focused within or adjoining the settlement boundary as identified in the plan.” It should be made clear that any

new development should be either infill or of a minor or moderate scale, so that the local distinctiveness of the settlement is not compromised. PM2 should be made to achieve this flexibility and ensure regard is had to the NPPF and the promotion of sustainable development. PM2 is also needed to ensure that the GNP will be in general conformity with the aims for new housing development in the Core Strategy and align with similar aims in the emerging Local Plan.”

Policy BNE2 – Local Green Gaps

Whilst Gladman acknowledge that preventing coalescence can assist in maintaining unique and separate identities of existing settlements, the policy is ambiguous and appears to be an attempt to preclude any development whatsoever from coming forward in the gap between the built up areas of Eaton and Congleton. In this regard there appears to be no supporting evidence to support this element of the policy. As such, the policy as currently presented is in conflict with paragraph 16(d) of the Framework which requires policies to be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. Equally, there is no policy support within the NPPF for green gaps.

There is also no justification within the ENP for additional protection of land between the neighbouring settlements of Eaton and Congleton and, equally no matching policy in the Cheshire East Local Plan Strategy, nor the emerging SADPD, which specifically defines this gap. There is no substantive evidence base to inform the extent of the Green Gap proposed and no assessment of individual land parcels surrounding Eaton and Congleton, nor an evaluation of their relative performance in preventing coalescence. The proposed Local green Gap comprises land associated with Yewtree Farm, Tanhouse Farm and potential future extensions of Eaton Hall Quarry so, implementation of Policy BNE2 could prevent the inherent economic growth and development potential in these remaining locations.

Furthermore, part of the proposed green gap policy is also identified in the ENP as Local Green Space (The Millennium Park). In this regard, the ENP must comply with paragraph 16 of the NPPF:

16. Plans should:

f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).

Accordingly, the ENP will need to take into account guidance issued by the Secretary of State so that it can be found in compliance with basic condition (a), (d) and (e).

If any green gap were justified, it should take account of strong defensible boundaries in the vicinity. Evidently the Congleton Link Road when complete, will form a substantial and wide corridor, comprising significant planting on both sides. As such, if the evidence can demonstrate its suitability, it could form an adjunct to the perceived landscape setting of Eaton and, Gladman believe, form a less inappropriate southern extent of any green gap policy.

Nonetheless, any development proposed between the two settlements should be assessed on its own merits, depending on landscape impact. The imposition of Policy BNE2 would effectively create a lesser form of Green Belt by the back door. Cheshire East found no justification for protecting the gap between the settlements proposed in the ENP and therefore, this component of the policy is in conflict with basic conditions (a), (d) and (e).

Policy BNE3 – Local Character and Design

Policy BNE3 sets out a list of design principles that all proposals for residential and commercial development are expected to adhere to. Whilst Gladman recognise the importance of high-quality design planning policies, and the documents sitting behind them, should not be overly prescriptive and need flexibility in order for schemes to respond to site specifics and the character of the local area. There will not be a 'one size fits all' solution in relation to design and sites should be considered on a site by site basis with consideration given to various design principles.

Gladman therefore suggest that more flexibility is provided in the policy wording to ensure that a high quality and inclusive design is not compromised by aesthetic requirements alone. We consider that to do so could act to impact on the viability of proposed residential developments. We suggest that regard should be had to paragraph 126 of the Framework which states that:

"To provide maximum clarity about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and high quality standard of design. However, their level of detail and degree of prescription should be tailored to the circumstances in each place, and should allow a suitable degree of variety where this would be justified."

Policy BNE5 – Important Views and Vistas

This policy identifies 6 short and long range views which the plan makers consider are important for the setting and character of Eaton and goes onto state that development should consider and safeguard these views.

Identified views must be supported by evidence and ensure that they demonstrate a physical attribute elevating a view's importance beyond simply being a nice view of open countryside. The evidence base to support the policy does little to indicate why these views are important and why they should be protected, other than providing a view of the surrounding fields and woodland. It therefore lacks the proportionate and robust evidence required by the PPG³.

Gladman consider that to be an important view that should be protected, it must have some form of additional quality that would 'take it out of the ordinary' rather than selecting views which may not have any landscape significance and are based solely on community support. Gladman therefore suggests this element of the policy is deleted as it does not

³ PPG Reference ID: 41-040-20160211

provide clarity and support for a decision maker to apply the policy predictably and with confidence. It is therefore contrary to paragraph 16(d) of the Framework.

Conclusions

Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national planning policy and the strategic requirements for the wider authority area. Through this consultation response, Gladman has sought to clarify the relation of the ENP as currently proposed with the requirements of national planning policy and the strategic policies for the wider area.

Gladman is concerned that the plan in its current form does not comply with basic condition (a) in its conformity with national policy and guidance and is contrary to (d) the making of the order contributes to the achievement of sustainable development and the strategic policies contained in the development plan, for the reasons set out above.

Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team.

Yours faithfully,

Paul Emms

Gladman Developments Ltd.

SITE SUBMISSION

Macclesfield Road, Eaton

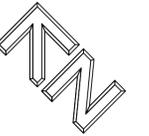
Gladman is a privately funded, family run business with over 30 years' experience in the land and development industry. From our beginnings in housebuilding, through to our success in commercial and industrial properties, we have evolved into the UK's largest and most successful land promoter.

Gladman wishes to promote land at Macclesfield Road, Eaton, for residential development. The land falls inside the line of the Congleton Link Road, currently under construction (illustrated in red below).

The site offers a good opportunity to ensure the delivery of sustainable, distinctive residential development in an attractive market location. Gladman consider this site to be suitable for allocation through the ENP to assist the Parish in achieving sustainable growth and affordable housing, alongside infrastructure improvements which are considered desirable in the locality.

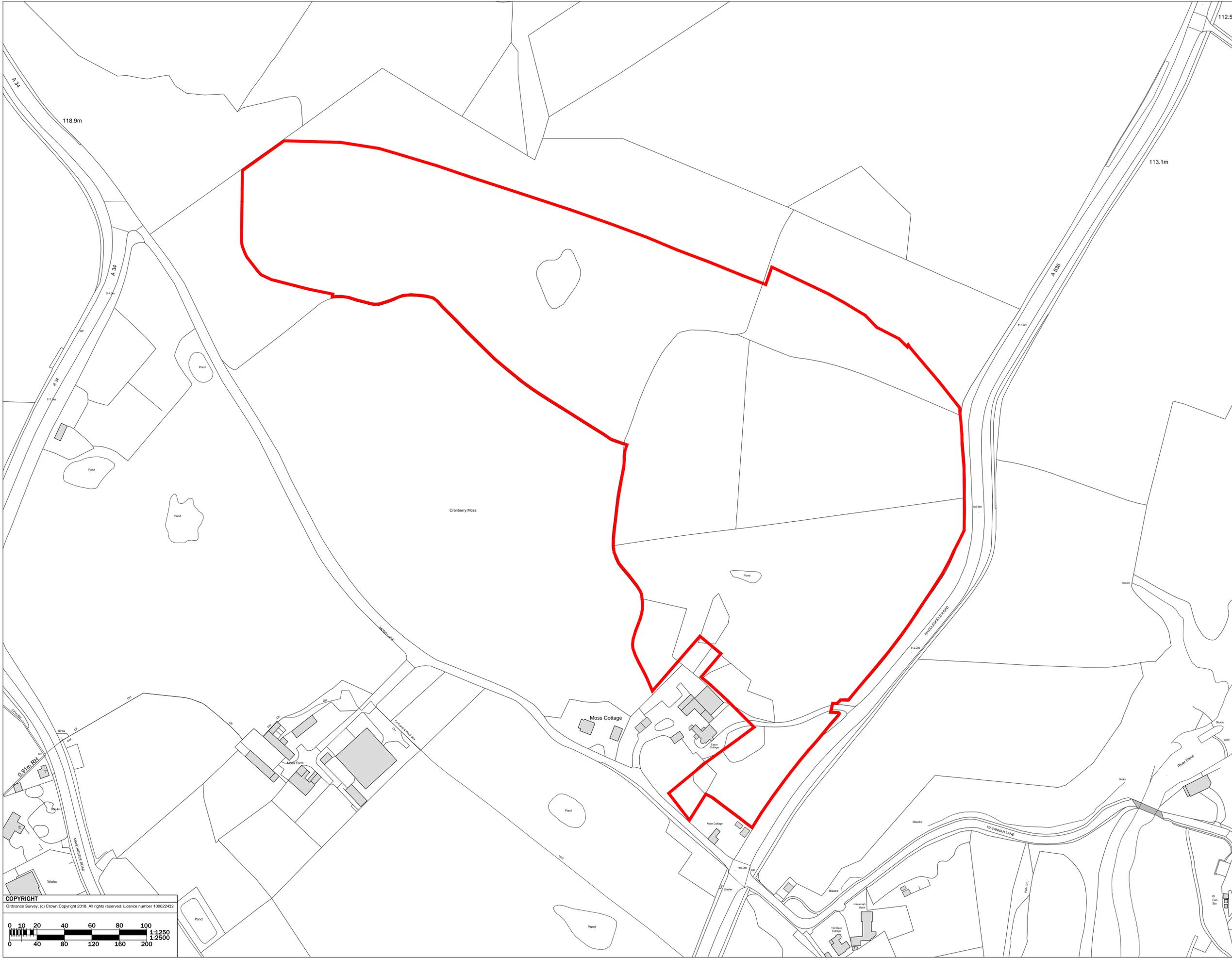
The site

- Site Size: 6.72 ha
- Number of Units: 250 dwellings (including 30% affordable housing)
- Designation: Open Countryside



KEY:

SITE BOUNDARY
SITE AREA: 10.47ha



Rev	Date	Revision notes	By
DO NOT SCALE			

Status

LEGAL

Project

LAND OFF MACCLESFIELD ROAD, CONGLETON

Title

LOCATION PLAN



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Highways checked by	Highways checked date	Topo checked by	Topo checked date
CHECKED BY	CHECKED_DATE	CHECKED_DATE	CHECKED_DATE

Scale(s)
1:1250 @ A1

Project no.	Drawing no.	Revision
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