INDEPENDENT EXAMINATION OF THE BRERETON NEIGHBOURHOOD PLAN
MODIFICATION PROPOSAL

EXAMINER: Patrick T Whitehead DipTP (Nott) MRTPI

Examination Ref: 02/PW/BNP

Ros Middleweek
Clerk to Brereton Parish Council

Greg Woolridge
Cheshire East Council

Via email

3 November 2026

Dear Ms Middleweek and Mr Woolridge

Thank you for your prompt response of 29 October 2026 to the questions set out in my letter of 19 October 2026.

Whilst I understand your position, outlined in your first point, I am required to examine the whole draft Plan before me. The Planning and Compulsory Purchase Act 2004, Schedule A2, paragraph 11(1)(a), makes it clear the examiner must consider "*whether the draft plan meets the basic conditions*".

In other words, it is not just the modifications that are before the examination. Those unreviewed policies (or elements of policies) must continue to meet the Basic Conditions, including having due regard to the relevant updated version of the National Planning Policy Framework (NPPF) (in this case the December 2024 version) and the Planning Practice Guidance (PPG). It is also the position that, as an independent examiner, I am not bound by findings of a previous examiner although, naturally, I will give them due consideration.

As a result, I have 7 further questions for Brereton Parish Council (BPC) and Cheshire East Council (CEC), which are set out in the Annex to this letter, to which I would like to receive a written response(s) by **17 November 2026**, if possible.

In the interests of transparency, may I prevail upon you to ensure a copy of this letter and any respective responses are placed on the Parish Council and local authority websites.

Thank you in advance for your assistance.

Yours sincerely

Patrick T Whitehead

Examiner

Annex

1. Could the **Parish Council** offer comment on the late Regulation 16 representation received from the NHS Property Services, dated 22 October 2026; specifically, its proposed modification to draft Policy COMMUN 02.

2. The SEA Screening Opinion by CEC is not dated. Can **CEC** provide a date for this document?

3. The CEC response to the Regulation 16 consultation, paragraph 1.25, indicates that there are no habitats or circumstances that would trigger HRA. Can **CEC** provide a reference for this conclusion?

4. The justification for criterion 2 of HOUS3 is still a matter of concern, despite your indicating that the previous Examiner found it acceptable. In that instance, the Examiner indicated that self-build housing as a policy area was, at that time, a novelty. I could not find specific reference to the criterion in the summary of the hearing. Nevertheless, at this point in time, I have to deal with the concern raised by CEC regarding how the requirement set down in criterion 2 might be operated through the planning system. Is it possible that the **BPC and CEC** could provide this examination with an agreed statement on this matter?

5. Whilst noting your response to my question 12, there are remaining concerns with the restrictions contained in Policy HOUS06. The previous examination was carried out under different national guidance, and restricting the 10% of units in housing developments (other than for rural exemption sites) to those with a local connection could be considered as too onerous on the developers and contrary to Government guidelines. The December 2024 NPPF, Paragraph 64, advises that planning policies should specify the type of affordable housing required applying the definition in Annex 2. This does not include a requirement for a local connection for discounted market sales housing, but does require provisions to ensure housing remains at a discount for future eligible households. Locally, CELPS recognises the distinction between affordable homes in residential developments (Policy SC5) and rural exceptions housing for local needs (Policy SC6). Could the **Parish Council** give further consideration to the wording of the Policy to ensure compliance with the national guidance?

6. From my further reading of the draft Plan, it is clear to me that Policy TRANS 02 simply provides a list of priorities for spending Section 106 and CIL monies. This is entirely reasonable, but it does not form a planning policy concerned with the development and use of land.[1] Would the **Parish Council** agree with CEC (Regulation 16 submission, paragraph 1.101) that this would be more appropriately retitled as a 'community aspiration'?

7. Subject to the outcome of the examination, should CEC subsequently determine that the draft Plan should proceed to be 'made'(adopted), any recommendations I make will effectively (in those circumstances) be binding. As such, does the **Parish Council** have in mind an appropriate form of words which could replace the term 'Green Gaps' in the statement of Vision? For example – "It will be an area rural in character/pastoral landscape, separating ...".

[1] See s.38A(2) of the Planning and Compulsory Purchase Act 2004 and PPG Reference ID: 41-004-20190509.