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Report on Weston & Basford Neighbourhood Plan 2015 - 2030

An Examination undertaken for Cheshire East Council with the support of the Weston and Basford Parish Council on the April 2017 submission version of the Plan.

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Main Findings - Executive Summary

From my examination of the Weston & Basford Neighbourhood Plan (NP) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the Weston & Basford Parish Council;
- The Plan has been prepared for an area properly designated – the whole of the Parish of Weston & Basford as shown on page 1 of the submitted plan;
- The Plan specifies the period to which it is to take effect: 2015 - 2030; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Weston & Basford Neighbourhood Plan 2015 - 2030

- 1.1 Weston and Basford Parish lies to the south east of Crewe, the proximity of which is illustrated by the bus service between Weston village and Crewe bus station which is scheduled to take 15 minutes. The parish includes the seven settlements of Weston, Basford, Stowford, Wychwood Park, Wychwood Village, Gorsty and Engelsea Brook.
- 1.2 The A500 linking Nantwich to Stoke-on-Trent lies just to the north of Weston. The overall accessibility of the area is demonstrated by the short distance eastwards along the A500 to Junction 16 of the M6 and the beginning of the rail sidings associated with Crewe Railway station lying just to the north of Basford.
- 1.3 The character and appearance of the NP area is predominantly rural, open countryside interspersed with small scattered settlements. Weston with a population of 2111 in 2011 (Census) is the local centre with various facilities and a traditional village form, but the recent large housing

developments at Wychwood village and Wychwood Park with the associated Golf Course are dominant features in the landscape south of Weston beyond the A531.

- 1.4 The countryside is gentle and undulating, bisected by narrow and shallow watercourses. Views are long; fields large and mostly well defined by hedges and mature hedgerow trees. Land defined as Green Belt lies in the eastern part of the NP area. A Strategic Green Gap separates Weston from Crewe.
- 1.5 Preparation of the NP began in May 2015 following on from the preparation of a Parish Plan in 2011 and the appointment of a steering group in January 2015 which then met regularly. A NP questionnaire was circulated, drop in sessions held and discussions regularly took place at Parish Council meetings. The NP now represents over 2 years work by those involved.
- 1.6 The vision for the area which has evolved through the Plan process indicates that by 2030 the settlements will evolve to retain and develop their own distinctive characters and thrive as vibrant sustainable communities providing an outstanding quality of life for their residents. The several aims of the Plan reflect the vision. The subsequent policies are grouped into seven themes: housing, Green Gap, landscape character, local economy, community infrastructure, design of buildings and transport and infrastructure. Each theme includes written justification, evidence and the gist of community responses.

The Independent Examiner

- 1.7 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Weston & Basford Neighbourhood Plan by Cheshire East Council, with the agreement of the Weston & Basford Parish Council.
- 1.8 I am a chartered town planner and former government Planning Inspector where I dealt with a wide variety of casework ranging from small scale housing appeals to development plan and national infrastructure examinations. Experience prior to joining the Planning Inspectorate included the preparation of informal development plans for small towns and villages for a local planning authority. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft plan.

The Scope of the Examination

- 1.9 As the independent examiner, I am required to produce this report and recommend either:
 - (a) that the neighbourhood plan is submitted to a referendum without changes; or

(b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or

(c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.10 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:

- Whether the Plan meets the Basic Conditions;
- Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the Local Planning Authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development';
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
 - whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

1.11 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

1.12 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the 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;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

1.13 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the neighbourhood plan should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007), either alone or in combination with other plans or projects.

2. Approach to the Examination

Planning Policy Context

2.1 The Development Plan for this part of Cheshire East Council (CEC), not including documents relating to excluded minerals and waste development, is the Cheshire East Local Plan Strategy (CELPS) adopted in July 2017 and the saved policies from the Crewe and Nantwich Replacement Local Plan (CNRLP) 2011. The Proposals Maps from the CNRLP and other Local Plans in East Cheshire are saved for the purposes of determining planning applications.

2.2 The CELPS defines Crewe and Macclesfield as Principal Towns, and a further 9 towns as Key Service Centres. 13 Local Service Centres are also defined which contain a range of services and facilities that help meet the needs of local people, including those who live in nearby settlements. Weston is one of those settlements with fewer facilities than Local Service Centres where it is recognised that people will generally have to travel to larger centres for jobs, schools, health care and other services.

2.3 The emerging Cheshire East Site Allocations and Development Policies Development Plan Document ('the emerging Site Allocations and Development Policies Document') will include detailed development management policies and an adopted Policies Map which will replace the saved policies from the CNRLP. The emerging Site Allocations and Development Policies Document is in the very early stages of preparation with an issues paper and a Draft Sustainability Appraisal Scoping Report

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having been the subjects of consultation between 27 February and 10 April 2017, together with a call for sites from landowners, developers and interested parties.

- 2.4 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented.

Submitted Documents

- 2.5 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Weston and Basford Neighbourhood Plan 2015 - 2030;
 - Map on page 1 of the Plan which identifies the area to which the proposed neighbourhood development plan relates;
 - the Consultation Statement, April 2017;
 - the Basic Conditions Statement, April 2017;
 - all the representations that have been made in accordance with the Regulation 16 consultation;
 - the Strategic Environmental Assessment (SEA) Screening Opinion prepared by Cheshire East Council; and
 - The requests for additional clarification sought in my letters of 21 July 2017 and 25 July 2017 and the responses provided by the Parish Council which are available on the Parish Council website¹.

Site Visit

- 2.6 I made an unaccompanied site visit to the NP Area on 13 July 2017 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

- 2.7 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the plan, and presented arguments for and against the plan's suitability to proceed to a referendum. As noted in paragraph 2.5 above, the Parish Council helpfully answered in writing the questions which I put to them in letters of 21 July 2017 and 25 July 2017. No requests for a hearing session were received.

¹ View at: <http://www.weston-basford.co.uk/parish-council/neighbourhood-plan/neighbourhood-plan-regulation-17-examination>

Modifications

- 2.8 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Weston and Basford Neighbourhood Plan has been prepared and submitted for examination by Weston and Basford Parish Council which is a qualifying body. It extends over the whole of the Weston and Basford Parish which constitutes the area of the Plan designated by CEC on 5 May 2015.
- 3.2 It is the only neighbourhood plan for Weston and Basford Parish and does not relate to land outside the designated neighbourhood area.

Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2015 to 2030. The end date aligns with the CELPS which is also 2030. Nevertheless, to improve clarity, the period of the Plan should be stated on the front cover and **PM1** should be made to clarify this.

Neighbourhood Plan Preparation and Consultation

- 3.4 The Consultation Statement dated April 2017, indicates that the Parish Council commenced preparation of the Plan in May 2015 following the appointment of a Steering Group earlier in that year. A Neighbourhood Plan Questionnaire was circulated to every household in 2015 which elicited a 33% response rate. A series of drop in sessions were then held across the Parish in May 2016 where a summary of the results of the questionnaire was shown and feedback from the public obtained. Over 25 meetings of the Steering Group were held over the 2 years of preparation of the Plan.
- 3.5 A Housing Needs Survey was conducted in the Parish in November 2016 with a response rate of 35%. This provided information on current dwellings and how family housing needs might change in the future. Draft policies for the Plan were developed in the same month.
- 3.6 The Draft Plan was published for consultation under Regulation 14 of the 2012 Regulations December 2016. The consultation period ran for 6 weeks from 12 December 2016 to 23 January 2017. The publicity included

notifying statutory bodies by email, a notice on parish noticeboards and a web page on which the Draft Plan and associated appendices could be read. There were 13 responses from interested parties.

- 3.7 Consultation in accordance with Regulation 16, when the Plan was submitted to CEC, was carried out for a 6-week period ending 20 June 2017 and 6 responses were received. I am satisfied that a transparent, fair and inclusive consultation process has been followed for this Neighbourhood Plan, that has had regard to advice in the PPG on plan preparation and is procedurally compliant in accordance with legal requirements.

Development and Use of Land

- 3.8 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.9 The Plan does not include provisions and policies for 'excluded development'.

Human Rights

- 3.10 The Basic Conditions Statement advises that, in preparing the NP, regard was had to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and that it complies with the Human Rights Act 1998. CEC has not alleged that Human Rights might be breached. I have considered this matter independently and I have found no reason to disagree with that position.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The NP was screened for SEA by CEC and submitted with the NP in accordance with the legal requirement under Regulation 15(e)(i) of the 2012 Regulations. The Council found that it was unnecessary to undertake SEA and neither Historic England, Natural England or the Environment Agency, when consulted, disagreed with that assessment. Having read the SEA Screening Opinion, and considered the matter independently, I agree with that conclusion.

- 4.2 The NP was further screened for Habitats Regulations Assessment (HRA) which also was not triggered. The screening exercise concluded that there were no European Sites which would be affected by the proposals in the NP. Natural England commented that the proposals contained within the

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NP would not have significant effects on sensitive sites which they have a duty to protect. On the basis of the information provided and my independent consideration, I am satisfied that the NP is compatible with EU obligations.

Main Issues

- 4.3 Having considered whether the Plan complies with various procedural and legal requirements it is now necessary to deal with whether it complies with the Basic Conditions, particularly the regard it pays to national policy and guidance, the contribution it makes to the achievement of sustainable development and whether it is in general conformity with strategic development plan policies. I test the Plan against the Basic Conditions by considering specific issues of compliance of all the Plan's policies.
- 4.4 I have also to consider whether the policies are sufficiently clear and unambiguous. The NP 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 evidence². I have identified several policies (Policies H2, H4, H6, H8, LC4 and C3) which could be clarified by altering the font of the text so that policy is distinguishable from justification or evidence. The above mentioned policies should be emboldened leaving the justification in plain font, as it is currently displayed. I shall deal in turn with the occurrences through specific recommendations later in the report.
- 4.5 Having regard to the Weston and Basford Neighbourhood Plan, the consultation responses, other evidence³ and the site visit, I consider that there are four main issues relating to the Basic Conditions for this examination. These are:

Issue 1: Whether the proposals for housing are in general conformity with the adopted strategic planning policies and whether they would contribute to the achievement of sustainable development?

Issue 2: Whether the proposals for safeguarding the character and appearance of the landscape and the countryside have regard to national guidance and generally conform with strategic statutory planning policies and strike the right balance with rural economic needs?

² PPG Reference ID: 41-041-20140306

³ The other evidence includes my two letters to the Parish Council seeking clarification and the replies: see footnote 1.

Issue 3: The degree to which the transport and communication proposals are appropriate, having regard to national guidance.

Issue 4: Whether the remaining policies (other matters) in the Plan provide an appropriate framework to shape and direct sustainable development whilst maintaining the essential character of the Plan area and supporting essential facilities and services in meeting the Basic Conditions?

Issue 1: Whether the proposals for housing are in general conformity with the adopted strategic planning policies and whether they would contribute to the achievement of sustainable development?

- 4.6 The CELPS states that sufficient land will be provided to accommodate the full, objectively assessed needs for the borough between 2010 and 2030⁴. In arriving at that figure, the CELPS balanced the estimated capacity of the area to accommodate growth and the impact on the environment, infrastructure and Green Belt. The majority of the housing supply is predicted to be contributed from strategic sites and locations with lesser contributions identified in the emerging Site Allocations and Development Policies Document and from windfall sites⁵.
- 4.7 Weston is not defined in the CELPS as a Key Service Centre, nor a Local Service Centre and the vision in the CELPS for other settlements such as Weston and rural areas is that by 2030 some small scale residential and employment development will have taken place to help retain and sustain local services and to reduce the need to travel. Development should be proportionate at a scale commensurate with the function and character of the settlement and confined to locations well related to the built-up extent of the settlement⁶.
- 4.8 The allocation of sites for development in areas such as Weston and Basford will be achieved as part of the emerging Site Allocations and Development Policies Document and/or in Neighbourhood Plans. However, Weston already possesses a defined settlement boundary and footnote 34 to Policy PG 6 Open Countryside and Table 8.3 of the CELPS confirms that the boundary is saved and not amended by the CELPS⁷. Therefore, the land outside the Weston settlement boundary is open countryside to which Policy PG 6 of the CELPS applies.
- 4.9 The CELPS defines three Strategic Allocations which partially fall within Weston and Basford Parish which is the area covered by the NP. These are

⁴ CELPS Policy PG 1

⁵ CELPS Table 8.2 Housing Supply at 31 March 2016

⁶ CELPS Policy PG 2

⁷ CELPS Paragraph 8.69

illustrated in the Plan on page 12. However, in the text, reference is only made to two of these, Basford East and the South Cheshire Growth Village. Basford West is omitted⁸. I shall recommend that the Plan be modified by **PM2** to correct this inaccuracy⁹.

- 4.10 Each Strategic Allocation has its own Site Specific Principles of development included within the respective policies in the CELPS: Basford East LPS 2, Basford West LPS 3 and South Cheshire Growth Village LPS 8. The Principles explain in great detail how development proposals should be implemented and it is also apparent from the CELPS that there are already substantial planning permissions granted at Basford East and West.
- 4.11 All three Strategic Allocations extend from Weston and Basford Parish into adjacent areas where other NPs might be prepared. Furthermore, NP policies do not distinguish between new development wherever it might be proposed in the NP area¹⁰. Therefore, in order to improve the clarity of the NP and to avoid the possible application of a mixture of development management policies and design criteria to one scheme, I shall recommend that the Plan be modified by **PM3** to state that its policies do not apply to the Strategic Allocations.
- 4.12 Weston is the only village within the Plan area which has a settlement boundary. The CELPS has saved Policy RES 4 from the Crewe and Nantwich Replacement Local Plan 2011, which states that the development of land or re-use of buildings on a scale commensurate with the character of that village will be permitted. Policy H1 of the NP refers to infill development, rural exception sites, brownfield sites and redundant buildings. However, it also introduces the phrase "... phased over the period of the Plan..." which has no foundation in the saved policy nor evidence to demonstrate why such phasing might be necessary nor how it could be achieved. Accordingly, I consider the phasing of development is not in general conformity with the current strategic policies and I shall recommend modification **PM4** to delete it.
- 4.13 Policy H1 defines infill development as "infilling of a small gap within the settlement boundary in an otherwise built up frontage ...". This is at variance with the CELPS which states in PG 6 Open Countryside that it may be possible, exceptionally, to build housing where there is the opportunity for limited infilling in villages and the infill of a small gap with

⁸ See NP page 11 final paragraph.

⁹ Paragraph 10(3)(e) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) provides for the recommending of modifications for the purpose of correcting errors.

¹⁰ For example, Policy H1 states that "New development will be supported in principle provided that it is small scale etc." This clearly is not intended to apply to new development in Strategic Allocations.

one or two dwellings in an otherwise built up frontage elsewhere. Therefore, to ensure the general conformity of the NP with the strategic policy in the CELPS, I shall recommend modifying the Plan by **PM5** so that infilling is possible outside Weston, the only settlement with a boundary, but within the other settlements in the Plan area such as Basford and Englesea Brook. I note the response from the Parish Council to my question about infilling, but their suggested policy would still prevent infilling outside Weston and merely confirm infilling within Weston which would be allowed in any event under saved Policy RES 4 of the CNRLP.

- 4.14 In addition, development at brownfield sites and at redundant buildings in Policy H1 is required to meet the Housing Needs Assessment. This test is neither in Policy PG 6 of the CELPS, nor in PPG and, therefore, I shall modify Policy H1 by **PM6** to reflect the statutory policy and guidance. Consequently, I shall also make rural exception sites subject to Policy H2 of the Plan under **PM7**.
- 4.15 The existing settlement boundary of Weston is shown on page 14 of the NP and is largely that delineated in the Crewe and Nantwich Replacement Local Plan. The amended settlement boundary of Weston is on page 17 and has been extended to include the planning permission granted in 2016 for 99 houses on land off East Avenue. The Parish Council confirmed in correspondence that there are no other extensions to the boundary and submitted a further map with certain errors corrected. The map is also at a scale offering more precision for development management purposes and I shall recommend at **PM8** that the map be substituted for the one in the NP.
- 4.16 Policy H4 Section 7.1.4 of the Plan consists of four paragraphs. However, only the first paragraph is expressed in policy terms. The remainder is justification. In order to improve clarity and precision, I shall recommend **PM9** to alter the font of the sentences which I consider are policy. In addition, the second paragraph implies that settlement boundaries other than at Weston could be the subject of consultation in the Neighbourhood Delivery Plan. This would be a non-statutory document and unsuitable for altering or creating a settlement boundary. The proper course of action is to use the emerging Sites Allocations and Development Policies Document. My recommended modification **PM10** would remedy that error.
- 4.17 The third paragraph at c) refers to Housing Policy H2 (Scale of Housing Development) which should be Policy H1. Alternatively, the text should read Housing Policy H2 (Affordable Housing ...etc.). It seems to me that a more accurate reflection of the purpose of the Settlement Boundary would be to include both Policies H1 and H2 within the relevant sentence and my recommended Modification **PM11** suggests it.

- 4.18 The final paragraph of 7.1.4 proposes that, if development is permitted on the edge of the settlement, the boundary would be extended and would connect to the previous boundary at its nearest points. It is possible that this process could result in a rounding off to include land not otherwise identified for development and could be contrary to other policies of the Plan, particularly the exceptions under Policy H1 and the Green Gap under Policy GG1. Therefore, to avoid confusion my recommended modification **PM12** would delete the paragraph.
- 4.19 Policy H2 deals with Affordable Housing, Starter Homes and Low Cost Market Housing to meet Local Housing Needs. The policy should be read alongside Policy SC 5 of the CELPS. Policy H1 of the NP includes Rural Exception Sites which are also covered by Policies SC 6 and PG 6 of the CELPS.
- 4.20 The fourth paragraph in Policy H2 requires “all new housing development” to include an element of low cost market starter homes and housing for the elderly in addition to any affordable housing. However, CELPS Policy SC5 sets the threshold for the provision of affordable housing in areas such as Weston at 30% where sites of 11 or more dwellings are proposed. I consider that to include all new development in Policy H2 would be far too onerous for potential developers and would render many schemes unviable contrary to national guidance. Accordingly, in order bring the NP into general conformity with the strategic policy of the adopted Local Plan, I shall modify this section of Policy H2 by **PM13** to make it applicable to proposals for 11 or more dwellings. I shall also recommend making the distinction in the font of the text so that the first paragraph is seen as justification rather than policy (**PM14**).
- 4.21 Policy H6 deals with car parking on new development and I consider the requirements for car parking on new development where there are 3, 4 or 5 bedrooms would be too onerous and threaten viability. It would also be difficult to implement successfully because a room within a dwelling might be converted to or from a bedroom without the need for planning permission. Allowance as proposed in Policy H6 will only likely increase the number of vehicles on the roads and undermine efforts to encourage use of more sustainable travel modes. Therefore, I shall modify Policy H6 by **PM15** to make it consistent with the CELPS parking standards and recommend making the distinction in the font of the text so that the first paragraph is seen as justification rather than policy (**PM16**).
- 4.22 Section 7.1.8 includes Policy H8 Co-location. The first sentence states that the NP accepts that there will be new developments within the Plan area of up to 10 houses. Development of up to 10 houses may be acceptable outside the settlement boundary as a rural exception site under Policy H1. However, there is no other policy in the NP which proposes limiting development to 10 houses within the settlement boundary at Weston.

Indeed, had there been such a policy, I would have recommended deleting it because it may well have been development which would have met sustainability objectives and all the policies of the Plan and include significant opportunities for the housing mixture sought in Policies H2 and H3.

- 4.23 Rather than set a test based on a limit to the number of dwellings within the settlement boundary, I consider that in the interests of contributing to sustainable development a test of acceptability based on whether the development would adversely affect the character of the area is more appropriate. Therefore, the first sentence of 7.1.8 should be expanded as shown in **PM17** to make that clear. The first sentence should also be distinguished by its font as justification rather than policy.
- 4.24 So far as Policy H8 is concerned, I agree with the CEC representation that there may be opportunities where delivering sustainable development is thwarted. The effects of housing development on the character and appearance of the area may be controlled by Policy D4. Therefore, in order to introduce flexibility into the policy I shall recommend the phrasing suggested by CEC as **PM18** and a consequential deletion of the definition of co-location from the Glossary at 8.0 (**PM19**). This definition makes statements which contradict the modified policy and also includes statements of policy, such as not sharing an access road with other new development, which may frustrate sustainability objectives where other policies of the Plan are also met.
- 4.25 Representations claim that the Wychwood area is devoid of services and facilities compared to the number of dwellings which have been built there recently at Wychwood village and Wychwood Park. I agree that services and facilities in the Plan area are currently very focussed on Weston, although this may change with development of the South Cheshire Growth Village and the Basford Strategic Allocations. I note that the appeal scheme at the former Gorstyhill Golf Course to which reference is made, and which is, as yet, undetermined, includes proposals for retail, employment, educational, health and recreational facilities¹¹. However, I am not convinced that the 900 dwellings which are also part of the scheme would contribute to achieving sustainable development objectives, especially in view of the travel distance to major centres of employment compared to the Strategic Allocations between Weston and Crewe. Therefore, I shall not propose modifying the Plan to increase the land for housing or other development in the Wychwood area.
- 4.26 I consider that Policies H3 (Tenure Mix) and H7 (Extension and Alterations to Existing Dwellings) meet the Basic Conditions by having due regard to national policy. Therefore, with the recommended modifications, I

¹¹ A/3150968

consider that the housing policies would generally conform with strategic statutory policies, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Issue 2: Whether the proposals for safeguarding the character and appearance of the landscape and the countryside have regard to national guidance and generally conform with strategic statutory planning policies and strike the right balance with rural economic needs?

- 4.27 The eastern fringe of the NP includes Green Belt. The NP does not suggest any policies for the Green Belt. The CELPS does not propose any alterations to the boundary in this area and the policies in the Local Plan will apply to this land.
- 4.28 The CELPS also defines Strategic Green Gaps which continues the policy from the Crewe and Nantwich Replacement Local Plan which, saved policies apart, is now superseded. The CELPS states that the detailed boundaries of the Strategic Green Gaps are to be defined through the emerging Site Allocations and Development Policies Document and shown on the Adopted Policies Map. This will allow for the full spatial definition of the policy and its delineation to an Ordnance Survey base. Until that time, the Green Gap boundaries, as defined in the saved Policy NE.4 of the Borough of Crewe and Nantwich Replacement Local Plan will remain in force, apart from where specific changes are proposed in the CELPS through the allocation of Local Plan Strategy sites.
- 4.29 Figure 8.3 (Strategic Green Gaps) of the CELPS shows that the Local Plan has amended the boundary of the Green Gap along the southern edge of the South Cheshire Growth Village Strategic Site and to the west of the Basford East Strategic Site. This is now the statutory boundary and should be shown on the map of Green Gaps on page 21 of the NP (**PM20**). The boundary can be inferred from the more detailed map which accompanies the description of the South Cheshire Growth Village in the CELPS¹².
- 4.30 The CELPS explains that the area south of the South Cheshire Growth Village either side of Main Road, Weston, is particularly sensitive, including its relationship to Hollyhedge Farmhouse a grade II* listed building, and its setting. The CELPS states that the land retained around Hollyhedge Farmhouse (as defined in the Heritage Impact Assessment CEC 2016) should remain undeveloped. Furthermore, a high quality landscape scheme, with appropriate, strong planting on the boundaries of the development and substantial areas of open space should be provided in the vicinity of Hollyhedge Farmhouse, to reduce the impact of the development upon its setting.

¹² CELPS Fig 15.9 page 211

- 4.31 So far as can be seen from the Green Gaps map in the NP, it is this area of land near Hollyhedge Farmhouse which is proposed in the NP as a potential extension to the Local Green Gap. However, although reference is made in the CELPS to Local Green Gaps, the possible policies have not been developed. In addition to defining the Strategic Green Gaps in greater detail, the emerging Site Allocations and Development Policies Document will also consider whether there are further, more localised gaps that require additional policy protection through a Local Green Gaps policy¹³.
- 4.32 Therefore, I consider that the land identified in the NP as a Local Green Gap at Hollyhedge Farmhouse should remain as identified in the CELPS. Its future will be clarified in the detailed implementation of the plans for the South Cheshire Growth Village. This modification constitutes **PM21**.
- 4.33 I also note that the NP proposes land to the east, south and west of Weston and Basford as potential extensions to the Local Green Gap. The area of land appears to be more extensive than the Strategic Green Gap and is far from being a local gap. I shall recommend its deletion from the Plan as **PM22**. It seems to me that the scale of the Green Gap proposed is strategic and should be defined according to more than "local" criteria. Indeed, if the policy was incorporated as proposed, Weston would be encircled by land where development would be totally restricted and which could prevent opportunities to achieve sustainable objectives.
- 4.34 Turning to the NP policy for the Green Gap, Policy GG1 is more restrictive than CELPS Policy PG 5 which accepts that development could be permitted in Strategic Green Gaps under the Open Countryside Policy PG 6. Therefore, to achieve general conformity with the strategic statutory policy, I shall modify Policy GG1 (**PM23**) by making it subject to Policy H1 in the NP.
- 4.35 In addition, again in the interests of securing general conformity with CELPS strategic Policy PG 5, I shall add "visual character" to criterion b) (**PM24**) and also add the possibility of mitigation to the adverse effects on wildlife interests in order that Policy GG1 is compatible with the NP Policy LC8 (Biodiversity). Hedgerows and trees are also dealt with in NP Policy LC3 and I shall similarly qualify their loss to where they contribute to character and amenity (**PM25**). The closure or diversion of footpaths (and other public rights of way) is covered by other legislation and I shall delete it from the policy (**PM26**).
- 4.36 Policy LC1 of the Plan considers Local Open Space. The map within the policy identifies Important Open Spaces. The map includes both spaces used for recreation and leisure as well as green areas of particular

¹³ CLPS Policy PG 5 (2) and paragraphs 8.63 & 8.64

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importance. Criterion (c) of Policy LC1, echoing NPPF paragraph 77 and PPG, states that a local open space should not be an extensive tract of land. I consider the allotments, cemetery, playing field, school, bowling green, cricket ground, fishing lakes, the children's play area and the land marked as amenity open space on the map meet the criteria listed in Policy LC1. However, based on the visual inspection at my site visit, the 34ha Countryside Park and the 68ha Golf Course at Wychwood village, together with the Golf Course at Wychwood Park, which appears to be at least of similar scale, are in my judgement too extensive to be considered for Local Open Space. As PPG advises, blanket designation should not be proposed as a "back door" way to achieve what would amount to a new area of Green Belt¹⁴. Therefore, regrettably they should be deleted from the Plan (**PM27**).

- 4.37 The first paragraph of Policy LC2 states that all new development will be expected to ensure that local views and vistas into and out of and across the settlements and the rural skylines are maintained. I consider that this is too sweeping and, particularly in the case of skylines in such gently undulating countryside, this restriction could be used to block otherwise acceptable and sustainable development. I realise that Appendix 9.2 shows local views and vistas but, nevertheless, I shall modify the Plan by adding the qualification of significance to local views, vistas and skylines (**PM28**). Furthermore, in the same modification, I shall qualify the policy by excluding the Strategic Allocations from the considerations in the first paragraph. The locations have already been the subject of Sustainability Appraisal in the preparation of the adopted CELPS and subjecting them to possible restrictions under views protected under Policy LC2 would be unreasonable.
- 4.38 The requirement to demonstrate the need for any development affecting woodland, trees, hedgerows, wide verges, ...etc, included in Policy LC3 is contrary to national guidance and I shall modify the Plan by deleting the phrase (**PM29**).
- 4.39 The first paragraph of Policy LC4 is justification rather than a statement of policy and should be distinguished as such from the remainder of 7.3.4 (**PM30**). In order to have regard to the PPG, policy enhancement should be qualified by "where appropriate" and I shall make that modification in the Plan (**PM31**). The final paragraph in Policy LC4 appears confused. The NP cannot change the status of non-designated heritage assets. The aim of this part of the policy, seems to be to aim to protect and enhance non-designated assets where appropriate, which is consistent with PPG. I shall make an appropriate modification (**PM32**), also noting that a Conservation Area is a heritage asset and those in the Plan should be included in Appendix 9.3 (**PM33**).

¹⁴ PPG Reference ID: 37-015-20140306

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- 4.40 Policy LC6 should reflect national guidance that mitigation measures may be used, where appropriate, to outweigh significant adverse effects on wildlife. I shall recommend an appropriate modification to the policy (**PM34**). Furthermore, the first sentence of Policy LC8 is too general in its application to all development proposals in all areas. This would be an unjustified and onerous task for those submitting planning applications. The evidence suggests that the areas of high or medium habitat distinctiveness identified in the Plan are those which are most worthy of protection and I shall modify the policy to focus on them (**PM35**).
- 4.41 I consider that Policy LC5 (Footpaths) meets the Basic Conditions, in particular reflecting national policy. Therefore, with the recommended modifications, I consider that the landscape and countryside policies are in general conformity with the statutory policies, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Issue 3: The degree to which the transport and communication proposals are appropriate, having regard to national guidance.

- 4.42 Policy T1 meets the Basic Conditions, except that financial contributions are already catered for in Policy C3. Furthermore, Policy T1 e) unlike Policy C3, does not provide for balancing competing priorities. Therefore, I shall delete item e) from Policy T1 (**PM36**).
- 4.43 The requirement that any new development should not add to the number and size of HGVs using the existing network is in my view unreasonable, unrealistic and incapable of being monitored accurately. For example, the development might be creating employment and some HGV movements, albeit slight, might be an integral part of the operations. Similarly, expansion of agricultural development requiring planning permission might give rise to additional HGV movements but would otherwise be acceptable and assist in achieving sustainability objectives. Accordingly, I shall recommend deleting Policy T2 d) (**PM37**).
- 4.44 In addition, Policy T2 e) seeks to ensure that car parking provision on all new development should be sufficient to accommodate all associated vehicles. This requirement is too sweeping, unrealistic and would be unenforceable. The CELPS includes parking standards and I shall modify the policy to refer to those (**PM38**).
- 4.45 Policy T3 seeks to improve air quality and the policy is divided into two sections, the first of which lists four circumstances in which proposals will be supported. The second circumstance is to demonstrate that their traffic impact will not decrease air quality. Given that even one house would probably have an adverse effect on air quality in its immediate

environment, I shall recommend that the word "significant" be introduced (**PM39**).

- 4.46 However, of greater importance is the second group of considerations in Policy T3 which should be taken into account in assessing air quality impact. My concern is that the requirements of this section are far too detailed and would be excessively onerous to apply to all development. For example, reversibility, cumulative nature of effects, susceptibility of individuals, trans-boundary effects, the value and vulnerability of the affected area, the effect of all other approved developments may, in certain areas and for certain major types of development, be a necessary part of an air quality assessment, but not for all proposals. Furthermore, the Parish Council may not have the expertise to determine how the various surveys should be carried out. The CELPS deals with air quality in Policy SE 12 (3) which is already referenced in Policy T3 a). I shall recommend the deletion of the second part of Policy T3 (**PM40**).
- 4.47 Policy T5 refers to bus services. The first paragraph seeks the funding of bus services where none exist for development of 10 houses or 1000m². NPPF advises that sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened¹⁵. I consider that paragraph a) would place too great a burden on developments of the scale proposed. Moreover, such development will be subject to Community Infrastructure Levy and so resources would already be available for funding, depending on the chosen priorities. Therefore, I shall delete the paragraph a) and rephrase paragraph b) to take the deletion into account (**PM41**).
- 4.48 The aim of Policy T8 to protect the visual amenity and safety of an area where a new access has been built is sound. However, I agree with the CEC representation that an exact replica may not achieve the safety requirements and so I shall modify the Plan using the phrasing suggested by CEC (**PM42**).
- 4.49 I consider that Policies T4 (Walkable Neighbourhoods), T6 (Cycle parking), T7 (Identification of underground utility services) and T9 (Fibre optic cabling to premises) meet the Basic Conditions by reflecting national or adopted local plan policy. Therefore, with the recommended modifications, I consider that the Transport and Infrastructure policies are in general conformity with strategic statutory policies, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

¹⁵ NPPF paragraph 173

Issue 4: Whether the remaining policies (other matters) in the Plan provide an appropriate framework to shape and direct sustainable development whilst maintaining the essential character of the Plan area and supporting essential facilities and services in meeting the Basic Conditions?

- 4.50 The Plan seeks to retain employment sites and community facilities. Policy E2 states that their loss will only be supported where the use is no longer viable and that the premises have been marketed for at least 12 months. In order to be in general conformity with CELPS Policy EG 3¹⁶, I shall modify the Plan to increase the period to not less than 2 years (**PM43**). Policies C1 and C2 of the Plan deal more comprehensively with the loss or retention of community facilities and so within PM43, to avoid confusing repetition, I shall delete the reference in Policy E2.
- 4.51 The use of rural buildings in the Plan is dealt with by Policy E3 which does not include a reference to housing. However, Housing Policy H1 includes a section on redundant buildings. Therefore, when read as a whole, the Plan enables redundant buildings in the countryside to be used for housing subject to certain criteria and this is consistent with national policy. However, Policy E3 d) refers to details more closely associated with what is and what is not development permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015. I recommend that this item should be deleted (**PM44**).
- 4.52 The Community Facilities section contains four relevant policies: C1, C2, C3 and C4. The first sentence of Policy C1 states a restriction on all proposals which would result in the loss of use, buildings or land for public or community use. This is not consistent with Policy C2, the second sentence of which includes the same objective but seeks to balance it with a marketing test and a recognition of other possible benefits. I shall modify the Plan by deleting the first sentence of Policy C1 (**PM45**) and, in addition, to be consistent with CELPS Policy SC 3 (5) I shall delete the marketing requirement from Policy C2 (**PM46**).
- 4.53 Policy C3 comprises four paragraphs the last of which is evidence rather than a policy statement. In order to improve the clarity of the Plan I recommend distinguishing this paragraph as justification compared to the remaining three paragraphs of 7.5.3 C3 (**PM47**). The second sentence of Policy C4 is too onerous and detailed for all residential development and is at odds with the achievement of sustainable development so I shall delete it (**PM48**).
- 4.54 In the Design of Buildings section both Policy D2 and Policy D4 include references to extremely detailed standards or requirements. Policy D2 requires that a "fabric first" approach is adopted for the design of new

¹⁶ See CELPS Policy EG 3 (1) (ii) (b) Footnote 43.

buildings. I consider this is a combination of being overly prescriptive and too general to be of use in development management and is not provided for in the CELPS. This contrasts with Policy D4 where the details in e) and h) referring to the Building for Life and BREEAM¹⁷ are included as examples in CELPS Policy SE 9 (1). However, the reference in Policy D4 h) to BREEAM should be qualified as one possible approach and to require innovation in all new development is excessively onerous. Therefore, in addition, to deleting the reference to “fabric first” (**PM49**), I shall modify the Plan by making Policy D4 h) less specific and more flexible (**PM50**).

- 4.55 Policy D4 is a very wide-ranging policy. It refers to all new housing where, if just one or two dwellings were to be proposed as compared to a large estate of houses, some requirements would be unrealistic and unreasonable. Therefore, I shall insert “... where appropriate ...” in certain places (**PM51**). Policy D5 is also extremely detailed and very general in its applicability to all new development, which would include house extensions, single dwellings as well as larger schemes. I shall modify the policy by deleting the items a) to f) and substituting the phrase “...the use of appropriate technologies”. (**PM52**).
- 4.56 I consider that Policies E1 (New Business), C3 (Contributions to Community Infrastructure), D1 (Existing Buildings in the Open Countryside), D3 (Employment Development) meet the Basic Conditions by reflecting national or adopted local plan policy. Therefore, with the recommended modifications, I consider that the policies on other matters would be in general conformity with the strategic statutory policies, would contribute to the achievement of sustainable development and so would meet the Basic Conditions

5. Conclusions

Summary

- 5.1 The Weston & Basford Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the neighbourhood plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

¹⁷ BREEAM is a sustainability assessment method for masterplanning projects, infrastructure and buildings.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Weston & Basford Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated neighbourhood plan boundary, requiring the referendum to extend to areas beyond the plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated neighbourhood plan area.
- 5.4 I realise that Weston and Basford has been subjected to recent pressure to accommodate new house building at a rate far higher than previously. The recent adoption of the CELPS should reduce the pressure considerably by enabling the demand to be focussed elsewhere in Cheshire East, albeit in the north of the Parish in the Strategic Allocations.
- 5.5 Nevertheless, the Parish Council is to be commended for its efforts in producing a comprehensive document which, incorporating the modifications I have recommended, will make a positive contribution to the development plan for the area and help to find the right balance between the protection of the surrounding countryside whilst enabling necessary development to proceed.

Andrew Mead

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Front Cover	Insert 2015 – 2030
PM2	Page 11 final para	Insert reference to Basford West and three major allocations. In addition, update the reference to the CELPS which is now adopted.
PM3	Page 11	Insert paragraph. For the avoidance of doubt, the policies in the Plan do not cover the land at the major allocations at Basford West, Basford East and South Cheshire Growth Village.
PM4	Policy H1	Delete "... phased over the period of the Plan ..."
PM5	Policy H1	Delete "the settlement boundary" and insert " a settlement ".
PM6	Policy H1	Delete "to meet the Housing Needs Assessment of Weston and Basford" from Brownfield within the Parish and Redundant Buildings
PM7	Policy H1	Add to Rural Exception Sites " subject to the criteria in Policy H2. "
PM8	Map page 17	Substitute the Map of the Amended settlement boundary for Weston submitted by the Parish Council on 23 July 2017 for the one in the Plan.
PM9	Policy H4	The first paragraph should be emboldened, the remainder in plan font.
PM10	Policy H4	Delete last sentence of second paragraph
PM11	Policy H4	Delete "Housing Policy H2 (Scale of Housing Development)" and insert " Policies H1 and H2 ".

PM12	Policy H4	Delete final paragraph.
PM13	Policy H2	Delete "All new housing development...". Insert " New housing development of 11 or more dwellings... "
PM14	Policy H2	Distinguish the final paragraph as justification rather than policy.
PM15	Policy H6	Delete the first two sentences of the second paragraph. Insert " Nevertheless, new development will be expected to provide parking spaces in accordance with the Parking Standards in Appendix C of the CELPS. Cheshire East Council will accept representations to vary from car parking standards on a site-by-site basis with reference to evidence obtained locally or from a suitable data source (e.g. TRICS) outlining predicted parking profiles that would allow departures from the Standards set out in the Appendix. " Delete the third paragraph.
PM16	Policy H6	Distinguish the first paragraph as justification rather than policy.
PM17	Policy H8	Delete the first sentence. Insert " The Neighbourhood Plan accepts that there will be new developments outside the Weston settlement boundary of up to 10 houses. It also recommends that immediate area. " Use standard font for this sentence to distinguish it from the emboldened font of the remainder of the policy.
PM18	Policy H8	Delete the second paragraph and insert: " Beyond the settlement boundary, new development should normally be limited to small scale, proportionate

		development in geographically separate parts of the neighbourhood area. Such development should not be co-located with other new housing developments unless there are demonstrable sustainable benefits from doing so."
PM19		Delete co-location from the Glossary
PM20	Page 21 Map of Green Gaps	The map of Green Gaps should be retitled Strategic Green Gap and the boundary should be as shown in the CELPS. It should also include a reference to the Basford West Strategic Site.
PM21	Page 21 Map of Green Gaps	Delete the Potential Extension to Local Green Gap near Hollyhedge Farmhouse and include it in the Strategic Green Gap.
PM22	Page 21 Map of Green Gaps	Delete all the Potential Extensions to Local Green Gap south of the Strategic Green Gap
PM23	Policy GG1	Add "Except for development permitted under Policy H1, ..."
PM24	Policy GG1	Alter b) to "Adversely affect the visual character of the landscape and local wildlife habitats and corridors unless the adverse effects on wildlife could be overcome by mitigation."
PM25	Policy GG1	Add to c) "where they make a significant contribution to the character and appearance of the area."
PM26	Policy GG1	Delete e)
PM27	Page 26: Plan of Important Local Open Spaces	Delete both Golf Courses and the Countryside Park from the map.
PM28	Policy LC2	Add "Other than in the consideration of Strategic

	First paragraph	Allocations... " Add "... ensuring that significant local views and vistas ... and the significant rural skylines..."
PM29	Policy LC3	Delete from the first sentence: "and must demonstrate the need for the development proposed."
PM30	Policy LC4	Use standard font for this paragraph to distinguish it from the emboldened font of the remainder of the policy.
PM31	Policy LC4	In second paragraph, alter to "... will be protected and, where appropriate , enhanced ..."
PM32	Policy LC4	Delete third paragraph. Alter first sentence of second paragraph to " Designated and, where appropriate, non- designated heritage assets ... "
PM33	Appendix 9.3	Add the Conservation Areas in the NP area (Weston and Englesea Brook) to the list of assets
PM34	Policy LC6	Add to final sentence: " whilst appreciating that mitigation measures may be used, where appropriate, to outweigh significant adverse effects on wildlife. "
PM35	Policy LC8	Reword policy to: Proposals for significant development which affect areas of high or medium habitat distinctiveness identified in the Plan (Map p24) will require comprehensive surveys to assess the importance of the area to fully evaluate biodiversity present on the site. Mitigation measures will then need to be agreed to reduce any ecological impacts. Net gains in biodiversity may need to be used to facilitate enhancement of Wildlife Corridors in addition to providing onsite

		enhancements. There should be no net loss of biodiversity”
PM36	Policy T1	Delete e)
PM37	Policy T2	Delete d)
PM38	Policy T2	Alter e) to “Car parking provision on all new development should meet as a minimum, the standards described in Appendix C of the CELPS.”
PM39	Policy T3	b) Alter to “will not significantly decrease air quality”.
PM40	Policy T3	Delete second paragraph: “In addressing and all subsequent items a) to h)
PM41	Policy T5	Delete a) and rephrase b) to “Bus stops provided as a consequence of new development shall be of an appropriate design and shall be “all weather” providing real time information where appropriate.”
PM42	Policy T8	Amend the policy to “In order to protect the appearance of the area, where a new access is created, or an existing access is widened through an existing hedgerow or wall, the new boundary treatment should be consistent with those already in existence in terms of scale, materials and, subject to safety requirements, height.”
PM43	Policy E2	Amend the policy by the deletion of “... 12 months ...” and the substitution of “... 2 years ...” .
PM44	Policy E3	Delete d)
PM45	Policy C1	Delete the first sentence.
PM46	Policy C2	Amend the policy by the deletion of “... the existing uses have been marketed for at least 12 months and

		..."
PM47	Policy C3	Use standard font for the fourth paragraph to distinguish it from the emboldened font of the remainder of the policy.
PM48	Policy C4 page 34	Delete second sentence.
PM49	Policy D2	Delete second sentence.
PM50	Policy D4	h) reword to: " Aim to achieve low carbon sustainable design such as the BREEAM Quality Mark Standard... "
PM51	Policy D4	b) Amend to " Where appropriate provide... " i) Amend to "... and, on all new housing developments, where appropriate , conveniently located dog bins..."
PM52	Policy D5	Delete a) to f) and complete the policy by adding "... have sought to use appropriate technologies to secure energy efficiency. "