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Report on Chelford Neighbourhood Plan 2019 - 2030

An Examination undertaken for Cheshire East Council with the support of the Chelford Parish Council on the January 2019 submission version of the Plan.

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Main Findings - Executive Summary

From my examination of the Chelford Neighbourhood Plan (the Plan) 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 – Chelford Parish Council;
- The Plan has been prepared for an area properly designated – the parish of Chelford identified on Map A;
- The Plan specifies the period to which it is to take effect – 2019 to 2030¹; 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

Chelford Neighbourhood Plan 2019 - 2030

1.1 Chelford lies some 6 miles to the west of Macclesfield, on the A537 Macclesfield to Knutsford road. At the centre of the parish is the roundabout junction of the A537 with the A535, which connects Holmes Chapel to the south to Alderley Edge to the north. This was the original centre of the village. However, with the development of the Crewe to Manchester railway line in the nineteenth century and then in the 1980s the development of the Seddon estate, the focus shifted to north of the railway station. In 2011, the Census data showed a resident population of 1,175 people, with a higher percentage than the national average of people over 65 years. However, the Plan notes two substantial housing developments currently being undertaken on former brownfield sites, and that likely future planned developments will increase the parish's population and alter its age profile.

¹ See paragraph 3.3 below and PM1.

- 1.2 Outside the village, the open countryside and farmland, part of the Cheshire Plains, is defined as lying within the North Cheshire Green Belt.
- 1.3 Following a positive response from villagers to presentations made at the 2015 Chelford Annual Village Meeting, the Parish Council decided to apply for designation as a Neighbourhood Plan Area. The formal application for designation was approved by Cheshire East Council in December 2015. However, it was only after taking further soundings from local residents that the Parish Council formally resolved to proceed with the Neighbourhood Plan in July 2017 when a Steering Group was established, comprising councillors and volunteers. The Consultation Statement, which accompanied the submitted Plan, details the consultation strategy, the surveys undertaken and consultation events held to engage with the local community, and discussions with key stakeholders.
- 1.4 The Vision and Objectives for the Plan, set out in Section 3, reflect public consultation and are for Chelford to continue as a thriving community with sustainable development that demonstrates genuine progress in meeting the needs of all residents. Development should retain strong links with and easy access to the countryside, protect the local landscape and conserve and enhance the local natural environment. Beginning with Housing, the Plan addresses a number of relevant topics, putting forward 14 policies designed to help achieve the underlying Vision and Objectives. Generally, the Plan has a clear structure and overall purpose and is easy to read.

The Independent Examiner

- 1.5 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Chelford Neighbourhood Plan by Cheshire East Council, with the agreement of the Chelford Parish Council.
- 1.6 I am a chartered town planner and former government Planning Inspector, with some 40 years of experience in the public and private sector, more recently determining major planning appeals and examining development plans and national infrastructure projects. I have previous experience of examining neighbourhood plans. 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

- 1.7 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.

1.8 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 ('the 2012 Regulations').

1.9 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

1.10 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:

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- 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.

1.11 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Plan does not breach the requirement of Chapter 8 Part 6 of the Conservation of Habitats and Species Regulations 2017 ('the 2017 Regulations')².

2. Approach to the Examination

Planning Policy Context

- 2.1 The Development Plan for this part of Cheshire East Council, not including documents relating to excluded minerals and waste development, is the Cheshire East Local Plan Strategy 2010 - 2030, adopted in July 2017 (CELPS). It is up to date and provides the relevant strategic background for assessing general conformity. The Development Plan for the Neighbourhood Plan area also includes, where relevant, the saved policies of the Macclesfield Borough Local Plan (MBLP), adopted in 2004.
- 2.2 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. A revised NPPF was published on 24 July 2018, with a further revised version on 19 February 2019, replacing the previous 2012 NPPF. The transitional arrangements for local plans and neighbourhood plans are set out in paragraph 214 of the 2018 (and subsequent 2019) NPPF, which provides that 'The policies in the previous NPPF will apply for the purpose of examining plans, where those plans are submitted on or before 24

² This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

January 2019'. A footnote clarifies that for neighbourhood plans, 'submission' in this context means where a qualifying body submits a plan to the local planning authority under Regulation 15 of the 2012 Regulations. The Plan was submitted to the Council on 23 January 2019. Thus, it is the policies in the original, 2012 NPPF that are applied to this examination and all references in this report are to the March 2012 NPPF and its accompanying PPG.

- 2.3 Cheshire East Council is progressing work on the Site Allocations and Development Policies Document (SADPD) and the First Draft SADPD went out for consultation between September and October 2018. It includes proposals for safeguarded land in the Green Belt and a revised settlement boundary for Chelford. I deal with these matters, which are the subject of representations made on the Plan, in more detail below.

Submitted Documents

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Chelford Neighbourhood Plan, January 2019;
 - Map A of the Plan which identifies the area to which the proposed Neighbourhood Development Plan relates;
 - the Consultation Statement, January 2019;
 - the Basic Conditions Statement, January 2019;
 - all the representations that have been made in accordance with the Regulation 16 consultation; and
 - the Strategic Environmental Assessment (SEA) Screening Report prepared by Cheshire East Council, October 2018.

Site Visit

- 2.5 I made an unaccompanied site visit to the Neighbourhood Plan Area on 4 April 2019 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

- 2.6 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.

Modifications

- 2.7 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 Chelford Neighbourhood Plan has been prepared and submitted for examination by Chelford Parish Council which is a qualifying body, for an area that was designated by Cheshire East Council on 1 December 2015.
- 3.2 It is the only Neighbourhood Plan for the parish, and does not relate to land outside the designated Neighbourhood Plan Area.

Plan Period

- 3.3 Having regard to the provisions of the 2004 Act (set out in paragraph 1.8 above), the Plan should specify the period during which it has effect. Nowhere in the Plan does it specify clearly that period. However, I note that paragraph 1.4.6 of the Plan states that it '*provides a framework for the development of the Parish until 2030*'. Whilst I have assumed for the purposes of this report a Plan period of 2019 to 2030, it should be set out on the front cover, and am modifying the Plan accordingly (**PM1**).

Neighbourhood Plan Preparation and Consultation

- 3.4 The Neighbourhood Plan has been prepared in response to the Localism Act 2011 and the Government's approach to planning which aims to give local people more say about what goes on in their area. Following designation of the Neighbourhood Plan Area, the Parish Council engaged in the process of recruiting volunteers to form a Steering Group to take the Plan forward. The Steering Group was formally constituted in July 2017 and comprised 12 resident volunteers and parish councillors. A range of methods was used to engage with the community during the Plan preparation period including questionnaires and surveys, consultation events, newsletters, focus groups, leaflets delivered to every household in the area, and a dedicated Parish Council website where relevant documents could be accessed.
- 3.5 An initial questionnaire seeking views from residents was sent to all households in September 2017 and local school children and Scout and Guide groups were also asked about their concerns. Analysis of the 211 questionnaires that were completed, a response rate of 32%, helped to

identify residents' key issues and priorities for the Plan to address. At the same time, the Steering Group asked local businesses for their views. Drop in events were then held in November 2017, which were attended by over 200 people and showed broad support for the draft Vision and Objectives. In March 2018, a second questionnaire was distributed to every household in the parish, and was made available on-line, with more than 40% returned completed. Feedback on the survey was given at a second series of well-attended drop in events held in April 2018.

- 3.6 Feedback from the consultation informed the preparation of the Pre Submission Plan and the statutory consultation on the draft Plan took place between 30 October and 11 December 2018. The draft Plan was widely publicised in the area with consultation packs and comment sheets available at local community venues, the doctors' surgery and online. In addition, a third series of drop in consultation events were held at two venues, attended by over 120 residents. Some 12 comments were received from statutory consultees with an additional 70 responses from local residents, local organisations and developers. The Consultation Statement at Appendix 2 sets out these Regulation 14 responses.
- 3.7 The consultation responses were taken into account, where appropriate, in amending the policy wording in the submitted Plan. The Regulation 15 submitted Neighbourhood Plan was subject to a further 6-week consultation from 23 January to 8 March 2019 under Regulation 16, and I have taken account of the 11 responses received in writing this report, as well as the earlier Consultation Statement. I am satisfied that engagement and consultation with the wider community and interested parties has been robust and thorough throughout the Plan making process; that they were kept fully informed of what was being proposed, were able to make their views known, had opportunities to be actively involved in shaping the emerging Neighbourhood Plan, and would have been aware of how their views had informed the draft Plan. I conclude that a transparent, fair and inclusive consultation process has been followed for this Neighbourhood Plan, having due regard to the advice in the PPG on plan preparation and in procedural compliance with the 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 section 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 at section 4.4 states that the Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. Cheshire East Council has not alleged that the Plan breaches Human Rights (within the meaning of the Human Rights Act 1998). 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 Neighbourhood Plan was screened for SEA by Cheshire East Council. This is a legal requirement and accords with Regulation 15(e)(1) of the 2012 Regulations. The Council found it was unnecessary to undertake SEA and Historic England, Natural England and the Environment Agency do not disagree with that assessment. Having read the SEA Screening Report and considered the matter independently, I agree with that conclusion.
- 4.2 The Plan was further screened for Habitats Regulations Assessment (HRA) by Cheshire East Council. The Council considered the Plan did not have an adverse effect under the terms of the 2017 Regulations and HRA was not required. Having reviewed the Plan, Natural England confirmed that the proposals would not have significant effects on sensitive sites. On the basis of the information provided and my independent consideration, I agree that HRA is not necessary.

Main Issues

- 4.3 Having regard for the Chelford Neighbourhood Plan, the consultation responses and other evidence, and the site visit, I consider that there are four main issues relating to the Basic Conditions for this examination. These are:
- whether the Neighbourhood Plan policies for housing, community facilities and the local economy provide an appropriate framework to shape and direct sustainable development, having regard to national policy and guidance, and are in general conformity with the strategic policies of the Local Plan;
 - whether the Plan appropriately provides for the protection and enhancement of existing green and open recreational spaces, having regard to national planning policy and guidance and the need to be consistent with the local planning of sustainable development;
 - whether the policies for the natural and built environment will protect heritage and environmental assets in line with national policy and are in general conformity with the strategic policies of the Local Plan; and
 - whether the transport policy in the Plan meet the Basic Conditions particularly in having regard to national policy and guidance.

Introduction

- 4.4 The Neighbourhood Plan begins with an introduction to the plan process and wider strategic planning context for Chelford, before setting out in Section 2 a portrait of the parish and background information on its population, character, housing and economy. Section 3 sets out the Vision and Objectives for the area to 2030, which emerged from the consultation process and from which the policies have been developed. These introductory sections set out a clear and robust structure for the planning of the area over the next 11 years, based on consultation with the local community and which have regard to national policy and generally align with strategic local policy.
- 4.5 I now turn in the following paragraphs to address each of my four main issues.

Issue 1 - housing, community facilities and the local economy

Housing

- 4.6 There are two new housing sites in Chelford on which development is well advanced. They are both brownfield sites, the Stobart depot and the former Market site, which together will provide some 183 homes, with proposals for a further 43. Together these would represent nearly a 40% increase in both the number of households and the population of Chelford by 2021. Whilst the Plan acknowledges the need for development to re-balance the village's age structure and improve the housing mix, along with more affordable housing, there is local concern at the pressure on facilities and infrastructure and that future housing growth should be small scale, utilise previously developed land, and be in keeping with the character of the area.
- 4.7 Chelford is identified in the CELPS as one of a number of Local Service Centres (LSCs), which provide a range of services and facilities that help to meet the needs of local people, including those living in nearby settlements. I am satisfied that the Plan's Vision aligns with that in the CELPS for LSCs as where *'some modest growth in housing and employment will have taken place to meet locally arising needs and priorities, to reduce the level of out-commuting and to secure their continuing vitality'*. CELPS policy PG2 supports small scale development in the LSCs and paragraph 8.34 refers to the allocation of suitable sites and/or the designation of settlement boundaries being addressed in the SADPD and/or in Neighbourhood Plans, where these come forward.

- 4.8 Examination of the Neighbourhood Plan is in advance of the preparation of the SADPD, which was published as a First Draft in October 2018. However, in showing a settlement boundary for Chelford, and in accord with national guidance, the Neighbourhood Plan has sought to complement the draft proposals in the SADPD³. The boundary defined on Map C aligns with that in the draft SADPD to include within the built limits of the settlement, the two housing sites currently under construction as well as an immediately adjoining area, formerly used for overflow parking, and which is proposed by the same developer for housing. Together these sites will come close to providing the 235 new homes that policy PG8 of the draft SADPD expects Chelford as a LSC to accommodate. Paragraph 4.3.6 of the Plan sets out the justification for policy HP1 and confirms that the settlement boundary shown on Map C is that proposed in the draft SADPD of September 2018. However, as the effect of the settlement boundary is to remove sites from the Green Belt, which a neighbourhood plan cannot do under the terms of the 2012 NPPF, for reasons of clarity, I am recommending that the words '*as defined in the draft SADPD September 2018*' are added to the title of Map C (**PM2A**). Subject to that modification, I am satisfied that it is appropriate to include Map C in the Neighbourhood Plan.
- 4.9 The Neighbourhood Plan acknowledges at paragraph 1.3.3 that a future review of parts of the Plan may be a sensible longer-term strategy once the proposals in the SADPD are confirmed and adopted. However, representations have been made that the Neighbourhood Plan, as the earlier plan, should anticipate and incorporate all the provisions of the First Draft SADPD, otherwise it will be out of date on adoption of the SADPD. More particularly representors sought the allocation of land south of Knutsford Road for 25 houses (SADPD site CFD1), the designation of land east of Chelford Railway Station as safeguarded land (SADPD site CFD2), and the removal of both sites from the Green Belt (SADPD policy PG11).
- 4.10 However, part 6 of CELPS policy PG3 on the Green Belt is clear that if it is necessary to identify additional non-strategic sites to be removed from the Green Belt, this should be done through the SADPD and similarly if it is necessary to identify additional non-strategic areas of land to be safeguarded (CELPS policy PG4 part 6.) The First Draft SADPD is still some way off adoption and its proposals for Chelford could potentially be subject to change. None of the proposals now being put forward by representors for inclusion in the Neighbourhood Plan were the subject of the Neighbourhood Plan's SEA. Nor have they been subject to consultation as part of the emerging Neighbourhood Plan. I am not persuaded that compliance with the Basic Conditions requires them to be

³ PPG Ref ID 41-009-20160211.

included in the Neighbourhood Plan, and in any event this Plan cannot remove sites from the Green Belt under the terms of the 2012 NPPF.

- 4.11 In that policy HP1 is generally supportive of small scale and infill housing development within the village, of the redevelopment of suitable brownfield sites, the conversion of redundant rural buildings, and rural exception sites, it accords with national policy and guidance and is in general conformity with the strategic policies of the CELPS. Minor redrafting is recommended to part a) to clarify that the policy applies to small scale housing development dispersed within '*the settlement outside of the Green Belt*'. This would provide for the current situation and also for that in the future, when there is an adopted SADPD with altered Green Belt boundaries and a defined settlement boundary for Chelford. I am also modifying paragraph 4.3.6 to reflect this (**PM2B**). For consistency with CELPS policy EG3, a minor modification is also needed to part b) to require appropriate marketing for 2 years (**PM2C**). Subject to these modifications, I am satisfied that policy HP1 would meet the Basic Conditions.
- 4.12 The Chelford Neighbourhood Plan Housing Needs Advice Report, prepared by Cheshire East Council in March 2018, highlighted the higher percentage than the District average of very elderly people living in Chelford and the large proportion of households that will become very elderly over the Plan period. Consultation feedback reflected this, with preferences for the provision of smaller bungalows and the potential for residents to stay in the village but to downsize. With the current housing stock weighted towards large detached properties, and where affordability is a major issue with average house prices over 8 times average earnings, it also identified the lack of opportunities for young families who wish to remain in the parish, as well as for first time buyers.
- 4.13 Policy HP2 seeks to address these issues by requiring new residential development to deliver a mix of housing, including a range of property types, tenures and size, and where possible, accommodation suitable for older residents and lower priced small and family sized dwellings. In delivering a variety of dwellings, the policy also requires that developments should strike a positive balance between site layout and urban design, to be in keeping with the area's character, addressing local concerns about new housing lacking in design and character. As drafted, policy HP2 accords with CELPS policy SC4 on the mix of new residential development and with national policy in the NPPF, and particularly paragraph 50, by planning for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community, and identifying the size, type, tenure and range of housing required in the parish, to reflect local demand. I am satisfied that policy HP2, as drafted, would contribute to the achievement of sustainable development and fulfils the Basic Conditions.

- 4.14 When consulted, local residents strongly supported the Plan including a policy on housing design. This accords with national policy in the NPPF, in particular with paragraphs 17, 58 and 61, and with CELPS policies SD1, SD2, SE1 and SE2 which seek to secure high quality design as a key component of sustainable development and that new development should contribute positively to an area's character and identity. However, representations have been made that policy HP3, as drafted, is overly prescriptive and could stifle originality and innovation and impact on the deliverability of housing schemes.
- 4.15 In that policy HP3 requires that new development '*must*' comply with the 14 criteria in the policy, it does appear somewhat inflexible. Whilst '*must*' is qualified by the words '*where appropriate*', there is nothing in the policy or in the justification to explain what would be considered '*appropriate*', or when or where that qualification might be applied. To overcome this uncertainty and give some flexibility I propose to modify the sixth line of the policy to read '*New development should:' and deleting '*must, where appropriate:*'. Similarly, I am modifying criterion b) to delete the words '*All new developments must, where appropriate*', as they are unnecessary.*
- 4.16 Criterion f) recognises that there are '*urban landscapes within the Parish*', and criteria i) and l) require new development to be consistent with existing properties and immediate neighbours. As there are parts of the parish that I saw are already suburban in form and depth, I am concerned it may not be the case that similar new development always '*will adversely affect the rural character of the Parish*', as intimated in criterion b). To address this inconsistency in the policy and allow for some flexibility, I am further modifying criterion b) to delete '*which will*' and replace with '*where this would*'.
- 4.17 Other than these recommended modifications, I consider that policy HP3 criteria on landscape and character, trees and hedgerows, parking, refuse and recycling space, scale, materials and orientation of buildings, boundary treatments, consistency of form, and the incorporation of sustainable urban drainage systems, will help to ensure that Chelford remains a valued and attractive place in which to live, work and invest. Subject to the recommended modifications (**PM3**), I am satisfied that policy HP3 has regard to national policy and guidance, is in general conformity with the strategic policies of the CELPS, would contribute to the achievement of sustainable development, and therefore meets the Basic Conditions.

Community facilities

- 4.18 It is national planning policy in the NPPF to promote healthy communities and to deliver the social, recreational and cultural facilities and services

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that the community needs. Paragraph 70 advises that planning policies and decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs, and plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments. Paragraph 28 particularly notes that to promote a strong rural economy, neighbourhood plans should promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

- 4.19 It is a policy objective of the Neighbourhood Plan to encourage and promote the provision of local facilities, amenities and services and the delivery of a well planned physical and connectivity infrastructure to support the community and local economy. Existing community buildings, assets of value and amenities and services will be protected and enhanced. Chelford has a primary school and a GP surgery, but few community buildings to serve its expanding population. There is a well-used Village Hall with an adjoining building used by the Scouts, Guides, Brownies and Beavers, and a volunteer run community hub at Astle Court. But, like many small communities, Chelford has lost a number of services in recent years with the closure of the local newsagent, grocers and bank.
- 4.20 Policy CI1 supports proposals to refurbish and improve existing community facilities, as well as supporting the provision of new facilities whilst resisting the loss of recreational facilities and valued community assets. I am satisfied that the policy has regard to national policy and guidance and conforms with CELPS policies SC1 and SC3. In that part c) of the policy anticipates the possibility of using developer contributions to enhance existing or provide new facilities, it accords with CELPS policy IN2.
- 4.21 As drafted, part b) of the policy appears to seek to give particular protection to registered Assets of Community Value (ACV). The Bowling Green is the only ACV in Chelford that is mentioned in the Plan⁴. As ACVs are already subject to additional protection under the Localism Act 2011, it is unclear as to why policy CI1 b) is drafted as it is. Having regard to the advice in the PPG⁵ that policies in neighbourhood plans should be clear and unambiguous, I am modifying the policy to delete the reference to ACVs. Subject to that modification (**PM4**), policy CI1 would contribute towards the achievement of sustainable development and would meet the Basic Conditions.

⁴ See paragraph 4.5.17 of the Neighbourhood Plan.

⁵ PPG Reference ID: 41-041-20140306.

Local economy

- 4.22 Although Chelford is identified in the CELPS as a Local Service Centre, it has limited retail and service infrastructure to meet the needs of its current and future resident population. The Plan recognises the need to retain and develop the existing commercial area and to support additional development around the station, as well as improving pedestrian access. Map J designates 3 areas along the Knutsford Road incorporating the existing shops and offices as well as Chelford Farm Supplies, and including the station buildings, for enhanced retail, enterprise and employment opportunities. This area is consistent with the local retail centre boundary recommended in the Chelford Settlement Report 2018 prepared to support the First Draft SADPD.
- 4.23 Through policy LE1, the Plan supports new commercial, retail and employment uses, within the locations identified on Map J and through the conversion of existing residential buildings, as well as promoting new agricultural and horticultural enterprises and facilities for home-based working. Criterion e) requires that proposals resulting in the loss of existing business floorspace must demonstrate that a realistic marketing exercise has been carried out. However, I am modifying the policy to clarify that proposals will only be supported if no alternative business user can be found (**PM5**). Subject to that modification, I am satisfied that policy LE1 would help to deliver the NPPF's key planning aims of building a strong competitive economy and supporting a prosperous rural economy, through the sustainable growth and expansion of all types of business and enterprise. It is also in general conformity with strategic policies EG1, EG2 and CO1 of the CELPS and would contribute to the achievement of sustainable development, thus meeting the Basic Conditions.
- 4.24 A significant issue for rural communities, and one raised in the survey of local businesses, is the need for good mobile phone reception and broadband connectivity where poor connections can adversely impact on retailers, manufacturers, service providers, as well as home-based workers and residents. The NPPF recognises at paragraph 42 that advanced, high quality communications infrastructure is essential for sustainable economic growth. This is carried forward in the CELPS as policy CO3 on Digital Connections, which supports high capacity, leading edge digital communications networks in Cheshire East, building on policy DC60 on Telecommunications in the 2004 Macclesfield Borough Local Plan. Policy DI1 of the Neighbourhood Plan, in supporting advanced high-quality communications development, subject to it being sympathetic with its surroundings, is in general conformity with these strategic policies, has regard to national policy, and would contribute towards the achievement

of sustainable development. Subject to a minor modification to refer to 'communications infrastructure' (**PM6**), I am satisfied that policy DI1 meets the Basic Conditions.

- 4.25 Overall, I conclude on my first issue that subject to the recommended modifications being made, the Neighbourhood Plan policies on housing, communities and the local economy provide an appropriate framework to shape and direct sustainable development in Chelford, have regard to national policy and are in general conformity with the strategic policies in the CELPS, thus meeting the Basic Conditions.

Issue 2 – green and open recreational space and public rights of way

- 4.26 Section 8 of the NPPF addresses the way planning can promote healthy communities and CELPS policy SE6 on Green Infrastructure sets out the aim to deliver a good quality, and accessible network of green spaces for people to enjoy, providing for healthy recreation and biodiversity and which will continue to provide a range of social, economic and health benefits. Paragraph 76 of the NPPF enables local communities through local and neighbourhood plans to identify for special protection green areas of particular importance to them. By designating land as Local Green Space (LGS), local communities are able to rule out new development other than in very special circumstances. Thus, policies identifying LGSs must be consistent with planning for sustainable development and must complement investment in sufficient homes, jobs and other essential services. They should be capable of enduring beyond the end of the Plan period.
- 4.27 Stringent criteria on LGSs are set out in the NPPF at paragraph 77 and there is further advice in the PPG. Chelford as a parish is not well endowed with open and recreational spaces to support its growing population. As the areas currently under development are not capable of adding much new open green space, developers' contributions have been secured to improve the quality and use of existing spaces and to provide greater multi-functionality. Policy GI1 designates 5 open spaces as LGSs in the parish and they are identified on the map at paragraph 4.5.18. Whilst the NPPF criteria for LGS designation are set out in the Plan at paragraph 4.5.16, I could not find any description or assessment of the spaces against the criteria in the background papers. Nonetheless, from what I saw on my visit, I am satisfied that all the spaces listed in policy GI1 are local in character, but not extensive tracts of land, are demonstrably special to the local community, and in close proximity to the community they serve. They are therefore appropriate to be designated as LGSs in policy GI1.

- 4.28 Once made, the Neighbourhood Plan will form part of the development plan, alongside the CELPS and the SADPD (when adopted), and it is

important that policies, and any accompanying plans, are clear and unambiguous⁶. To secure this, the five sites listed in policy GI1 should be identified by an individual number or letter. The list at paragraph 4.5.17 should be similarly identified and set out in the same order (**PM7**). The LGSs are identified on page 29 of the Neighbourhood Plan on an aerial map of the parish by green lines that look to have been roughly drawn on the map by hand. The six photographs are not identified, only 2 of the spaces are named on the map, and it would not be clear to anyone unfamiliar with the area as to which LGS was which or the extent of the LGS on the ground. The Neighbourhood Plan should be modified to replace it with a new plan on an OS base that identifies and clearly defines the LGSs and references them by number or letter (whichever is used) to the spaces listed in policy GI1 (**PM8**). Providing these modifications are made, I consider that policy GI1 will appropriately provide for the designation and protection of LGSs, in accordance with national policy and guidance and the need to be consistent with the local planning of sustainable development, and be in general conformity with strategic CELPS policy. Accordingly, the Basic Conditions will be met.

- 4.29 There is an element of overlap between policy GI1 and policy GI2 which seeks to protect, and where possible enhance, all sports fields and areas in the parish currently used for play and recreation and resist development unless certain criteria are met. In that these criteria repeat those at paragraph 74 of the NPPF, they have regard to national policy and are in general conformity with CELPS policy SC1 and policy RT1 of the Macclesfield Borough Local Plan 2004. Chelford has few sport and recreational facilities and with the planned increase in population, I understand the concern of local residents and the Parish Council that they are not lost to development without equivalent or better replacement provision being made. I am satisfied that policy GI2 has regard to national policy and guidance, is in general conformity with strategic policies and would contribute towards the achievement of the environmental, social and economic roles of sustainable development, thus meeting the Basic Conditions.
- 4.30 It is an objective of national planning policy to promote healthy communities and paragraph 75 of the NPPF requires that planning policies should protect and enhance public rights of way and access. There are a number of public rights of way in the Neighbourhood Plan area that allow access to the open countryside and village amenities. Policy GI3 supports proposals to protect, maintain and enhance the network of public rights of way and cycleways and seeks improved accessible links to the countryside as part of any new development. In that walking and cycling are sustainable modes of transport and can make an important contribution to the health and well-being of communities, policy GI3 a) and c) accord with

⁶ PPG Reference ID: 41-041-20140306.

NPPF paragraphs 35 and 75; CELPS paragraph 12.5 and policies SE6 and CO1.

- 4.31 Part b) of policy GI3 refers to proposals leading to the loss or degradation of public rights of way not being permitted other than in very special circumstances. However, there is nothing in the supporting text to explain why this is a concern nor what is meant in this context by 'very special circumstances'. Aside from the fact this is likely to be a matter for the relevant highways authority, in the absence of any justification, I propose modifying the policy to delete that sentence. I also propose to delete the second sentence of part b) as there are set legal tests that apply to proposals for the diversion of public rights of way. Subject to these modifications (**PM9**), I am satisfied that policy GI3 complies with the Basic Conditions.
- 4.32 Overall, I conclude on my second issue that, subject to the recommended modifications being made, the Plan appropriately provides for the protection and enhancement of existing green and open recreational spaces, having regard to national planning policy and guidance, general conformity with strategic policy, and the achievement of sustainable development, thus meeting the Basic Conditions.

Issue 3 – natural and built environment

- 4.33 Chelford is described in the Character Assessment Report as a rural village where the surrounding farmland and countryside has been influenced by human activity. It is one of the core principles set out in the NPPF that planning should contribute to and enhance the natural and local environment, including by minimising impacts on biodiversity and establishing coherent ecological networks that are more resilient to current and future pressures⁷. To this end, it is an objective of the Neighbourhood Plan to '*ensure the protection of the existing landscape, retains the green and open countryside and conserve and enhances our natural environment and biodiversity*'.⁸
- 4.34 There are no statutory nature conservation sites in Chelford. However, CELPS policy SE3 provides for Neighbourhood Plans to identify non-designated assets or sites valued by the local community, and where development proposals likely to have a significant impact will only be permitted where suitable mitigation and/or compensation is provided to address the adverse impacts. Maps D and E, drawn up by the Cheshire Wildlife Trust, identify non-statutory local wildlife sites, potential local wildlife sites and indicative wildlife corridors in the Plan area. I am satisfied that biodiversity policy NE1, together with Maps D and E, is in

⁷ NPPF paragraph 109.

⁸ Policy objective as written at paragraph 3.3 of the Plan.

general conformity with the CELPS policy and has regard to national policy on conserving and enhancing the natural environment, thus meeting the Basic Conditions.

- 4.35 Chelford is a village within the Green Belt, the boundaries of which have been tightly drawn around the developed area and which in the First Draft SADPD are proposed to be relaxed in places to accommodate planned new housing development. Much of the surrounding farmland is classified as high quality versatile agricultural land. Consultation during the preparation of the Plan identified the importance of the open countryside setting of Chelford to the local community. Paragraph 113 of the NPPF requires local planning authorities to set criteria-based policies against which development proposals on or affecting landscape areas will be judged. CELPS policy SE4 requires that *'all development should conserve the landscape character and quality and should where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes'*.
- 4.36 A Character Assessment report has been prepared for Chelford which identifies two main character areas (shown on Map B) and describes certain key characteristics of each area's landscape and built environment. Subject to replacing *'must, where appropriate'* with *'should'* to clarify that the policy will be applied flexibly (**PM10**), I am satisfied that part a) of policy NE2 by requiring that new development should respond positively to landscape character, is in general conformity with the CELPS and has regard to national policy.
- 4.37 However, I have serious concerns about the second part of policy NE2 which resists any development considered to adversely affect local views and skylines, despite there being no indication of where those local views and skylines are nor any rigorous assessment of what makes them merit policy protection. The six photographs on page 24 of the Plan show views around the parish. But, other than the reference at paragraph 4.4.15 to the Cheshire East Design Guide and that views of landmarks like a church spire enhance identity, no reasons have been given for their importance, their visual or landscape attributes, or indeed whether they are the views intended to be protected by the policy or merely are representative of views around Chelford. In the absence of any appropriate supporting evidence, I conclude that policy NE2 b) lacks the necessary clarity for a decision maker to be able to apply it consistently and with confidence when determining planning applications⁹. For that reason, I am modifying the Plan to delete part b), in that it fails to have sufficient regard to the

⁹ PPG Reference ID: 41-041-20140306

advice contained in the Secretary of State's guidance and would not contribute to the achievement of sustainable development (**PM11**).

- 4.38 Scattered woodland, field and boundary hedgerows and trees are identified in the Chelford Character Assessment as features of the area and policy NE3 accords with paragraph 118 of the NPPF and CELPS policy SE5 in seeking to ensure that those trees and hedgerows that make a significant contribution to wildlife habitats and amenity, biodiversity and landscape character are preserved. Where trees and hedgerows are lost as a result of development, part b) of the policy requires appropriate mitigation to be demonstrated. However, I am not persuaded that the words '*in exceptional circumstances*', used in the NPPF in respect of designated landscape areas, are appropriate here or that they add anything useful to the policy. Subject to their deletion (**PM12**), I am satisfied that policy NE3 meets the Basic Conditions.
- 4.39 There are 9 listed buildings in the parish, mainly located in the area near the church, and the Chelford Character Assessment Report 2018 describes them as a key aspect of Chelford Village. Policy CI2 seeks to protect these heritage assets '*for their historic significance and their importance to local distinctiveness, character and sense of place*'. However, I have serious concerns that, as drafted, policy CI2 fails to have sufficient regard to national policy in the NPPF of the staged approach that must be taken to determining the impact of a proposed development on, and the weight to be given to any harm to, the significance of a heritage asset. For this reason, I am not satisfied that policy CI2 is in general conformity with strategic policy SE7 of the CELPS. Nor have I seen any evidence that policy CI2, as drafted, is justified because of the local planning context or any unique characteristics of Chelford. As such, I find no particular local justification for the introduction of a further layer of heritage policy. I consider that the NPPF and CELPS provide sufficient protection for heritage assets. In respect of local distinctiveness, and heritage assets providing visual cues to future building styles¹⁰, this is adequately addressed in the Plan at policy HP3 on housing design, particularly through criteria a), f), g), and h). I am therefore proposing to modify the Plan to delete policy CI2 to ensure that the Plan meets the Basic Conditions (**PM13**).
- 4.40 I conclude on my third issue, providing the recommended modifications are made, the policies in the Plan for the built and natural environment will protect heritage and environmental assets in line with national policy, are in general conformity with the strategic policies of the Local Plan and will contribute towards the achievement of sustainable development, thus meeting the Basic Conditions.

¹⁰ Paragraph 4.6.21 of the Plan.

Issue 4 – transport

- 4.41 Chelford has a railway station with an hourly service on the Crewe to Manchester line as well as bus services to Macclesfield and Knutsford. However, the surveys undertaken as part of the consultation on the Plan showed that a significant number of residents rely on the car for work, shopping, entertainment and recreation purposes. The parish is crossed by two major roads, the A537 and A535, which are used to access the M6 and there are local concerns about congestion at the major roundabout as well as traffic safety on the rural lanes and roads.
- 4.42 The NPPF at paragraph 29 notes that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. However, the Government also recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Both CELPS policies CO1 and SD1 on sustainable development and sustainable travel and transport seek to guide development to sustainable and accessible locations and to encourage a modal shift away from car travel to public transport, cycling and walking.
- 4.43 Policy T1 sets out a number of measures directed to these strategic objectives including better integration between different modes of transport, improvements to the railway station, the provision of adequate parking for commercial premises, the creation of cycle paths, the provision of accessible facilities, the separation of pedestrians/cyclists from vehicles on rural lanes, the production and delivery of detailed Travel Plans, and general improvements to road safety. The implementation of some lie outside the scope of the planning system. However, in that together they would help to contribute towards more well integrated and sustainable transport, I am satisfied that policy T1 is in general conformity with the strategic policies of the CELPS and has had regard to national policy and guidance. I conclude on my fourth issue that the transport policy T1 meets the Basic Conditions.

5. Conclusions

Summary

- 5.1 The Chelford 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.

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 Chelford 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.

Overview

- 5.4 I recognise that the Neighbourhood Plan is the product of a lot of hard work by the Steering Group and the Parish Council, at a time when there were major proposals for development in the village. Considerable effort has been put in over the last two years to achieve the submitted Plan, and, in the process, there has been engagement with a large number of local people and stakeholders. The result is a Plan which should help to guide the area's future development in a positive way with the support of the local community. In recognising that there may need to be an early review, in the light of ongoing work on the First Draft SADPD, the Steering Group has been realistic and forward facing. I commend the Parish Council for producing this Plan which, subject to some modifications, will form the basis for development management decisions over the coming years.

Mary O'Rourke

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Front cover	Set out the period of the Plan on the front cover.
PM2A	Page 15	In the title of Map C after the word ' <i>boundary</i> ' add ' <i>as defined in the draft SADPD September 2018</i> '.
PM2B	Page 14 Page 15	In policy HP1 a) delete all the words after ' settlement ' and replace with ' outside of the Green Belt. ' Delete the second and third sentences of paragraph 4.36 and replace with; <i>'Map C shows the proposed settlement boundary (the built limits of the settlement) as laid down in the draft Cheshire East SADPD September 2018. There is little difference between this proposal and the existing boundary, apart from the land currently under development and an adjoining area of Green Belt. Policy HP1 a) provides both for small scale housing development within the existing settlement and, on adoption of the SADPD, within the future enlarged settlement boundary.'</i>
PM2C	Page 14	In criterion b) in line 3 replace ' 12 months ' with ' 2 years '.
PM3	Page 18	In policy HP3, modify line 6 to delete ' must, where appropriate: ' and replace with ' should: '. In criterion b) delete from ' All ... to Parish. ' And replace with ' Avoid introducing suburban forms and depth where this would adversely affect the rural character of the Parish. '
PM4	Page 34	In policy CI1 b) delete the words ' particularly those classed as Assets of Community Value '.

PM5	Page 35	In policy LE1 e) line 2 insert between ' alternative ' and ' user ' the word ' business '.
PM6	Page 36	In policy DI1 in line 1 replace ' structure ' with ' infrastructure '.
PM7	Pages 27 and 28	Give an individual number or letter to each of the sites listed in policy GI1 and paragraph 4.5.17 and list them in paragraph 4.5.17 in the same order.
PM8	Page 29	Replace the map of Chelford Local Green Spaces with a plan on an OS base that clearly identifies each of the Local Green Spaces, correctly outlines their physical boundaries, and annotates them by reference to the sites listed in policy GI1.
PM9	Page 30	In policy GI3 delete all of criterion b) and renumber criterion c) accordingly.
PM10	Page 23	In policy NE2 a) in line 2 replace ' must, where appropriate ' with ' should '.
PM11	Page 23	In policy NE2 delete part b).
PM12	Page 25	In policy NE3 b) delete the words ' In exceptional circumstances, '.
PM13	Page 34	Delete policy CI2.