

Tattenhall & District Modified Neighbourhood Plan 2025 - 2045

Additional Appendix 1 Regulation 14 responses 2025

Table of Contents

Natural England.....	2
Bolesworth Estate.....	6
Cheshire West and Chester.....	28
Historic England.....	34
Gladman	35
Lexwood Developments.....	48
Mersey Forest.....	57
Cheshire and Merseyside ICB	61
Taylor Wimpey.....	64
Cheshire Constabulary	91
United Utilities.....	103
National Gas Transmission.....	105
National Highways	106
The Coal Authority	106
Network Rail	107
Office for Nuclear Regulation.....	109
Marine Management Organisation.....	110
HSE	112

Natural England

Date: 24 April 2025
Our ref: 505832
Your ref: Tattenhall Neighbourhood Plan

Tattenhall Neighbourhood Plan - Modified Regulation 14 Consultation

Thank you for your consultation on the above dated 11 March 2025.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

Natural England does not have any specific comments on this draft neighbourhood plan.

However, we refer you to the attached annex which covers the issues and opportunities that should be considered when preparing a Neighbourhood Plan and to the following information.

Natural England does not hold information on the location of significant populations of protected species, so is unable to advise whether this plan is likely to affect protected species to such an extent as to require a Strategic Environmental Assessment. Further information on protected species and development is included in [Natural England's Standing Advice on protected species](#).

Furthermore, Natural England does not routinely maintain locally specific data on all environmental assets. The plan may have environmental impacts on priority species and/or habitats, local wildlife sites, soils and best and most versatile agricultural land, or on local landscape character that may be sufficient to warrant a Strategic Environmental Assessment. Information on ancient woodland, ancient and veteran trees is set out in Natural England/Forestry Commission [standing advice](#).

We therefore recommend that advice is sought from your ecological, landscape and soils advisers, local record centre, recording society or wildlife body on the local soils, best and most versatile agricultural land, landscape, geodiversity and biodiversity receptors that may be affected by the plan before determining

whether a Strategic Environmental Assessment is necessary.

Natural England reserves the right to provide further advice on the environmental assessment of the plan.

This includes any third party appeal against any screening decision you may make. If an Strategic Environmental Assessment is required, Natural England must be consulted at the scoping and environmental report stages.

For any further consultations on your plan, please contact: consultations@naturalengland.org.uk.

Yours sincerely

Sally Wintle

Consultations Team

Annex 1 - Neighbourhood planning and the natural environment: information, issues and opportunities

Natural environment information sources

The [Magic](#)¹ website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: **Agricultural Land Classification, Ancient Woodland, Areas of Outstanding Natural Beauty, Local Nature Reserves, [National Parks \(England\)](#), National Trails, Priority Habitat Inventory, public rights of way (on the Ordnance Survey base map) and Sites of Special Scientific Interest (including their impact risk zones)**. Local environmental record centres may hold a range of additional information on the natural environment. A list of local record centres is available from [the Association of Local Environmental Records Centres](#) .

Priority habitats are those habitats of particular importance for nature conservation, and the list of them can be found [here](#)². Most of these will be mapped either as **Sites of Special Scientific Interest**, on the Magic website or as **Local Wildlife Sites**. Your local planning authority should be able to supply you with the locations of Local Wildlife Sites.

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found [here](#)³.

There may also be a local **landscape character assessment** covering your area. This is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. Your local planning authority should be able to help you access these if you can't find them online.

If your neighbourhood planning area is within or adjacent to a **National Park** or **Area of Outstanding Natural Beauty** (AONB), the relevant National Park/AONB Management Plan for the area will set out useful information about the protected landscape. You can access the plans on from the relevant National Park Authority or Area of Outstanding Natural Beauty website.

General mapped information on **soil types** and **Agricultural Land Classification** is available (under 'landscape') on the [Magic](#)⁴ website and also from the [LandIS website](#)⁵, which contains more information about obtaining soil data.

Natural environment issues to consider

The [National Planning Policy Framework](#)⁶ sets out national planning policy on protecting and enhancing the natural environment. [Planning Practice Guidance](#)⁷ sets out supporting guidance.

Your local planning authority should be able to provide you with further advice on the potential impacts of your plan or order on the natural environment and the need for any environmental assessments.

Landscape

Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness.

If you are proposing development within or close to a protected landscape (National Park or Area of Outstanding Natural Beauty) or other sensitive location, we recommend that you carry out a landscape assessment of the proposal. Landscape assessments can help you to choose the most appropriate sites for development and help to avoid or minimise impacts of development on the landscape through careful siting, design and landscaping.

¹ <http://magic.defra.gov.uk/>

² <https://www.gov.uk/government/publications/habitats-and-species-of-principal-importance-in-england>

³ <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making>

⁴ <http://magic.defra.gov.uk/>

⁵ <http://www.landis.org.uk/index.cfm>

⁶ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

⁷ [http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/Wildlife habitats](http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/Wildlife%20habitats)

Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed [here](#)⁸), such as Sites of Special Scientific Interest or [Ancient woodland](#)⁹. If there are likely to be any adverse impacts you'll need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.

Priority and protected species

You'll also want to consider whether any proposals might affect priority species (listed [here](#)¹⁰) or protected species. To help you do this, Natural England has produced advice [here](#)¹¹ to help understand the impact of particular developments on protected species.

Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 112. For more information, see [Guide to assessing development proposals on agricultural land](#)¹².

Improving your natural environment

Your plan or order can offer exciting opportunities to enhance your local environment and should provide net gains for biodiversity in line with the [National Planning Policy Framework](#). If you are setting out policies on new development or proposing sites for development, you should follow the biodiversity mitigation hierarchy and seek to ensure impacts on habitats are avoided or minimised before considering opportunities for biodiversity enhancement. You may wish to consider identifying what environmental features you want to be retained or enhanced or new features you would like to see created as part of any new development and how these could contribute to biodiversity net gain and wider environmental goals.

Opportunities for environmental enhancement might include:

- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Think about how lighting can be best managed to reduce impacts on wildlife.
- Adding a green roof to new buildings.
- Providing a new footpath through the new development to link into existing rights of way.

Site allocations should be supported by a baseline assessment of biodiversity value. The statutory [Biodiversity Metric](#) may be used to understand the number of biodiversity units present on allocated sites. For small development allocations the [Small Sites Metric](#) may be used. This is a simplified version of the statutory [Biodiversity Metric](#) and is designed for use where certain criteria are met. Further information on biodiversity net gain including [planning practice guidance](#) can be found [here](#)

You may also want to consider enhancing your local area in other ways, for example by:

- Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community.

- Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision. Natural England's [Green Infrastructure Framework](#) sets out further information on green infrastructure standards and principles
- Identifying green areas of particular importance for special protection through Local Green Space designation (see [Planning Practice Guidance](#)¹³).
- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks or on verges, changing hedge cutting timings and frequency).

⁸ <https://www.gov.uk/government/publications/habitats-and-species-of-principal-importance-in-england>

⁹ <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

¹⁰ <https://www.gov.uk/government/publications/habitats-and-species-of-principal-importance-in-england>

¹¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

¹² [https://www.gov.uk/government/publications/agricultural-land-assess-proposals-for-development/guide-to-assessing-](https://www.gov.uk/government/publications/agricultural-land-assess-proposals-for-development/guide-to-assessing-development-proposals-on-agricultural-land)

[development-proposals-on-agricultural-land](https://www.gov.uk/government/publications/agricultural-land-assess-proposals-for-development/guide-to-assessing-development-proposals-on-agricultural-land)

¹³ <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space> Planting additional street trees.

- Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).

Natural England's [Environmental Benefits from Nature tool](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside the statutory [Biodiversity Metric](#) and is available as a beta test version.

Bolesworth Estate

Introduction

- 1.1. Pegasus Group has been instructed on behalf of their client, The Bolesworth Estate, to submit Representations to the extended Regulation 14 consultation of the Tattenhall Neighbourhood Plan Review. The extended consultation period ran between 12th March - 28th April 2025 as a result of a technical error. Upon review of the consultation documents, Policy H1 (Housing Growth) has been amended – therefore these Representations have been updated to address this. The remainder of these Representations remain unchanged.

Bolesworth Estate

- 1.2. As the Parish Council will be aware, The Bolesworth Estate has significant landholdings in and around Tattenhall. For almost 200 years, the Bolesworth Estate has played a meaningful role in the local community through supporting agriculture, commerce and providing local people with places to live.
- 1.3. As a strategic landowner for the long term, sustainability considerations are central to Bolesworth's place-making vision, with a commitment to supporting the holistic growth of Tattenhall to provide opportunities for employment, tourism, housing and farming and achieving wider economic, social and environmental benefits.
- 1.4. The Estate is therefore well placed, indeed uniquely placed, to help deliver the right type of development for Tattenhall. The Estate recognizes the importance of delivering development not just to meet short-term needs, but development which will benefit both existing and future generations. The Tattenhall Neighbourhood Plan will play a crucial part in delivering this aim – and we strongly support the Parish Council's decision to prepare an updated Neighbourhood Plan.
- 1.5. The Bolesworth Estate wish to express their desire to collaboratively work with the Parish Council to deliver a Neighbourhood Plan that will deliver Tattenhall's development needs in a sustainable manner. We consider this requires a change from the status quo of incremental growth in Tattenhall, given the housing development pressures that it will face as a result of wider changes in national planning policy.
- 1.6. These Representations are drafted on the basis of the Estate wanting to be a critical friend to the Parish Council – helping to find solutions to issues and to prepare an updated Neighbourhood Plan that will meet the required planning policy tests, but also tackle head on the development pressures that Tattenhall will face.

Report Structure

- 1.7. Following this introductory section, these Representations are structured as follows:
- **Section 2** outlines the national planning policy requirements in respect of Neighbourhood Plans;
 - **Section 3** discusses Cheshire West's housing requirements and the implications this has on Tattenhall;
 - **Section 4** discusses the Frog Lane site – which could deliver a highly sustainable, housing-led development with supporting infrastructure for the local community;
 - **Section 5** comments on the Visions & Objectives of the Neighbourhood Plan, as set out at Chapters 3 & 4;
 - **Section 6** comments on Policy 1 (Housing Growth);
 - **Section 7** comments on Policy 2 (Local Character);
 - **Section 8** provides commentary on the other Neighbourhood Plan policies; and
 - **Section 9** provides our overall conclusions.

Neighbourhood Plan Requirements

NPPF (December 2024)

- 1.8. Paragraph 30 of the NPPF sets out how neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.
- 1.9. Footnote 17 states neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.
- 1.10. NPPF paragraph 31 notes that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.
- 1.11. NPPF paragraph 132 outlines how neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.
- 1.12. Further guidance regarding neighbourhood planning is set out within the NPPG. The Parish Council will be very familiar with these requirements, therefore we do not intend to unnecessarily repeat the contents of the NPPG, other than the 'basic conditions' tests – against which the Plan Review will be tested by an independent Planning Inspector.

National Planning Practice Guidance

What are the basic conditions that a draft neighbourhood plan or Order must meet if it is to proceed to referendum?

Only a draft neighbourhood Plan or Order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:

- a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).*
- b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.*
- c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.*
- d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.*
- e. the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).*
- f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.*
- g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood*

plan).

Paragraph: 065 Reference ID: 41-065-20140306

Cheshire West Housing Requirements: why further growth will be needed in Tattenhall

- 1.13. The Parish Council will be aware of the general interplay between Neighbourhood Plans and Local Plans in respect of housing requirements. Recent changes in national policy (arising from the December 2024 NPPF) has resulted in significant changes to Cheshire West & Chester’s housing requirements. It is our strong view that this results in a need to change the status quo in respect of incremental growth in Tattenhall, which has hitherto failed to deliver the infrastructure needed to support Tattenhall and for it to continue to thrive.
- 1.14. The Cheshire West & Chester (CWaC) Part One Local Plan, which sets out the strategic development requirements for the Borough, was adopted in January 2015. In line with NPPF paragraph 78, Local Planning Authorities must calculate their five-year housing land supply requirement against the local housing need when strategic policies are more than five years old.
- 1.15. The local housing need requirement for CWaC, as set by the national government, is now 1,914 dwellings per annum – effective from December 2024. This is a significant increase from CWaC’s previous housing requirements and the previous local housing need figure, as summarized at Table 1 below.

Table 1: Cheshire West & Chesters Housing Requirements

Adopted Local Plan Housing Requirement (2015)	Previous Local Housing Need Requirement (2023-December 24)	Current Local Housing Need Requirement (December 2024
1,100	532	1,914

- 1.16. In summary, CWaC’s housing requirements:
 - Nearly quadrupled overnight from the previous standard method figure (532).
 - Put another way, increased by 260% overnight.
 - Increased by 74% from the adopted Local Plan requirement set 10 years ago.
- 1.17. The housing requirements of CWaC (and indeed Tattenhall) have significantly changed and poses a challenge which cannot be underestimated. Indeed, CWaC are now facing significant housing pressures, and can now only demonstrate circa 2.1 years housing land supply. See Table 2 overleaf.

Table 2: Cheshire West & Chester’s Five-Year Housing Land Supply Position

Annual Requirement	5 Year Requirement	5 year Requirement + 5% buffer ¹	Claimed supply - April 2024 ²	5YHLS + 5% buffer
1914	9570	10,049	4,209	2.09

- 1.18. As CWaC cannot demonstrate a five-year housing land supply, all of its policies relating to housing delivery (including Tattenhall’s defined settlement boundary) can no longer be regarded as being up to date and the presumption in favour of sustainable development now applies. This is confirmed at NPPF paragraph 11:

“For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are

most important for determining the application are out-of-date³, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.*

1.19. This in effect blows the door wide open for speculative planning applications to come forward and the danger of development coming forward in an ad-hoc, unplanned manner.

1.20. Based on the distribution of residential development applied to Tattenhall in the adopted Local Plan at 250 homes, this would imply that Tattenhall's future housing requirement could increase by at least 430 homes from now and over the next 20 years. See Table 3 overleaf.

¹ In line with NPPF paragraph 78, a 5% buffer is added to the housing requirement to ensure choice and competition in the market for land.

² Taken from Cheshire West & Chester Housing Land Monitor Summary Report 2024

³ NPPF Footnote 8: This includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

Table 3: Tattenhall spatial distribution vs current housing requirement

Current Local Plan Housing Requirement (20 year period)	Tattenhall Requirement in adopted Local Plan	% of overall total	Current Housing Need figure for next 20 year period	Tattenhall Potential Future Need
22,000	250	1.14	38,280	436

1.21. Given CWaC's shortfall over the next 5 years now stands at over 5,000 homes⁴, the implications and risks to Tattenhall could actually prove to be far greater.

1.22. However, as advocated by the NPPF, the advancement of a new Neighbourhood Plan offers the perfect opportunity and solution to prevent 'unplanned' development, but only if it pro-actively plans for a reasonable level of growth to meet its needs and specifically identifies and allocates development sites that are capable of delivering this growth in a truly sustainable manner for the village. This is confirmed at NPPF paragraph 14:

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

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and*
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70).*

1.23. Given the housing requirement policy (Strat 2) of the Local Plan is now out of date, and

can no longer be relied upon, there is a compelling need to move away from incremental growth. The Neighbourhood Plan provides the perfect opportunity to bat away speculative, poorly planned development if it specifically identifies site(s) for housing. The Frog Lane site represents the perfect opportunity to deliver holistic, sustainable development for Tattenhall – as we now discuss

⁴ See Table 2 (10,049 – 4,209 = 5,840 shortfall).

Frog Lane, Tattenhall: a sustainable, housing-led development

- 1.24. The previous chapter sets out the significant housing requirements facing CWaC and Tattenhall. It is our strong view that the best way to deliver this growth is through a planned, comprehensive development at land south of Frog Lane – allocated through the Neighbourhood Plan.
- 1.25. Setting the need for housing aside, the accompanying letter to these Representations also sets out the Bolesworth Estate’s intrinsic understanding of the key issues that face Tattenhall at the local level. These are also summarized below (not listed in order of importance).

Key Local Issues

1. Highways: Congestion through the village

- 1.26. Congestion and parking on the High Street are well-known issues in Tattenhall and we are aware of local community concerns about safety and how Tattenhall could cope with additional trip generation.
- 1.27. Furthermore, the proposed Sandstone Ridge AONB area has the potential to attract a lot of additional visitors to the village and wider area, which will prove to be beneficial for local businesses and the environment but could also place additional pressure on the local road network.
- 1.28. Developments will clearly need to incorporate measures to address more traffic through the centre and particularly past the primary school.

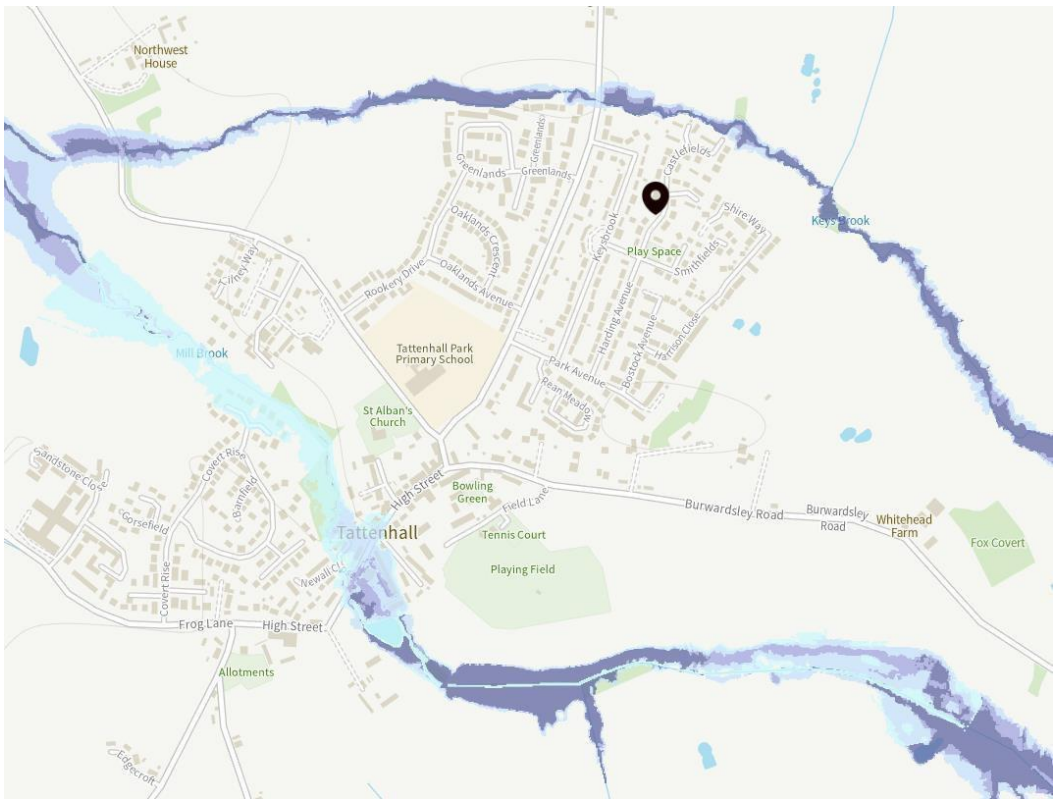
2. Highways: Connectivity to the A41

- 1.29. Existing routes to the A41 along Chester Road, Frog Lane and Rocky Lane all suffer from narrow widths and blind bends. They have all been prone to flooding in recent years. Improving the village’s access to its main trunk road would have long-term strategic benefits for the whole community, which otherwise would become even more constrained in the event of indiscriminate growth.
- 1.30. Developments need to address how they will impact the village’s connectivity to the A41.

3. Flooding & Climate Change

- 1.31. There are known flooding and drainage issues within the village centre and to the north of the village associated with Mill Brook and Keys Brook, affecting large parts of Tattenhall. This is shown at Figure 1 overleaf.

Figure 1: Flood Areas in Tattenhall (Rivers & Seas)



- 1.32. The Estate has been working closely with the Parish Council and others to make improvements and find solutions to problems. In addition to residents playing their part, there are also known challenges with culverts and other pieces of statutory drainage infrastructure. There may also be strategic opportunities to hold water away from the village which could have a material beneficial impact.
- 1.33. The Estate believe that with climate change, these matters are only likely to intensify. Any development of Tattenhall should also be an opportunity to strategically look at the issues, rather than simply mitigating the impacts of each, potential individual development site.

4. Housing availability for young families & affordability for local people

- 1.34. Tattenhall is a highly attractive and desirable place to live, measuring well on most Indices of Multiple Deprivation measures. However, affordability and housing quality are severely constrained (and deteriorating) within Tattenhall and the surrounding area, noting the following⁵:
- The working age population decreased from 55% in 2011 to 50% in 2021 and 0-19's reduced from 21% to 20%.
 - Tattenhall Ward median property price overall was £400,000, which was 74% higher than the borough median (£230,000) in 2022.

⁵ Source: ONS

- Tattenhall Ward lower quartile (lowest 25%) property prices were £261,500, which was 58% higher than the lower quartile price⁵ for the borough (£165,000) in 2022.
- 1.35. In order for Tattenhall to remain a vibrant place, to be able to provide homes for its young families, and to support its local businesses and service amenities, it needs more affordable, housing. The challenge for any new developments in the neighbourhood, in the Estate's view, must be to ensure that these are appropriately priced, designed to be

attractive to young families, and that the developments enhance rather than detract from quality of life the village offers to its residents.

5. The need to maintain and enhance Local Services and Amenities

- 1.36. Sustaining and improving excellent local facilities for existing and new residents and strengthening and supporting economic activity are key Neighbourhood Plan objectives.
- 1.37. Tattenhall Park Primary School is under-subscribed at just 73% of capacity⁶ and therefore, attracting more young families to the area if the village is required to sustain this crucial educational facility. On the other hand, it is our understanding that the existing GP surgery is over-capacity. With an ageing population locally, and more and more medical services slated to shift out of hospital settings into the local community, this constraint is unlikely to alleviate by itself. Likewise, the Estate believe that many local businesses, especially those providing retail services and hospitality, would all be much more successful and sustainable with more, younger families spending money in the area.
- 1.38. Separately, the Estate think Tattenhall is in a beautiful setting and see opportunities to enhance further the opportunities for active travel and outdoor activity, which is critical to the health and well-being of local people.
- 1.39. The neighbourhood plan is, in the Estate's view, an opportunity for the village to address some of these opportunities through new development.
- 1.40. As we now discuss below, the Frog Lane site and the Bolesworth Estate has the unique ability to help address the five key local concerns to deliver the right development for Tattenhall.

Development Proposals & Wider Estate Initiatives

- 1.41. We have prepared an initial indicative masterplan at **Appendix 1**, which illustrates how the site could potentially be developed out to accommodate:
- Circa 400 new homes, including a minimum 30% affordable housing;
 - A new medical facilities/pharmacy provision (subject to local requirements), which we have indicatively shown on the masterplan in two potential locations towards Frog Lane next to the Gifford Lea development or closer to the High Street;

⁶ Tattenhall Park Primary School has a reported capacity of 315 places but only 231 pupils.

- Significant landscape planting around the edges of the site to preserve the setting of the village and views towards it;
 - Retention of all mature trees and important hedgerows within the site;
 - The creation of a large area for attractive and sustainable attenuation ponds;
 - Substantial areas of open space amongst the suggested development parcels to create an attractive setting and environment;
 - Permissive footpaths and a circular recreational throughout the site including the ability to reinstate parts of the disused railway line opening up the opportunity for wider active travel; and
 - Finally, a vehicular access point off Frog Lane and a connecting spine road through to a secondary access point onto Rocky Lane located beyond the Conservation Area, which will greatly assist in removing traffic from Rocky Lane (and other constrained routes to the A41) by creating a more suitable route for traffic to and from the A41.
- 1.42. There is also scope for the Estate to include additional facilities as part of the site or provide additional land or financial resources that the Parish Council may wish to see. For example, these could include new or improved:

- Parking areas to support the nearby High Street,
- Sports/recreational provision,
- Allotments and/or community orchard areas,
- On and offsite bio-diverse habitats, etc.

1.43. We consider the Frog Lane site it is the best option available to Tattenhall (and can address all 5 key local issues), as discussed below.

Key Issues 1 & 2: Congestion & Connectivity

1.44. The site is located opposite the recently completed Gifford Lea development and on the 'right side of the village', close to the A41. This means that for those using their car to access other nearby settlements, new residents would not have to pass through the village centre. It is also located closest to the key employment site of Chowley Oak, with potential for expansion.

1.45. Subject to viability considerations, there is potential to enhance a key gateway into Tattenhall. Additional improvements to Rocky Lane could potentially be provided, increasing levels of road safety and a better connection to the A41. Indeed, given the Estate control land along either side of the remaining southern section of Rocky Lane up to the A41, additional improvements could be made off site through the provision of passing points as required and an improved and safer junction arrangement on the A41 itself. This is indicatively shown on the Framework Masterplan contained at **Appendix 2**.

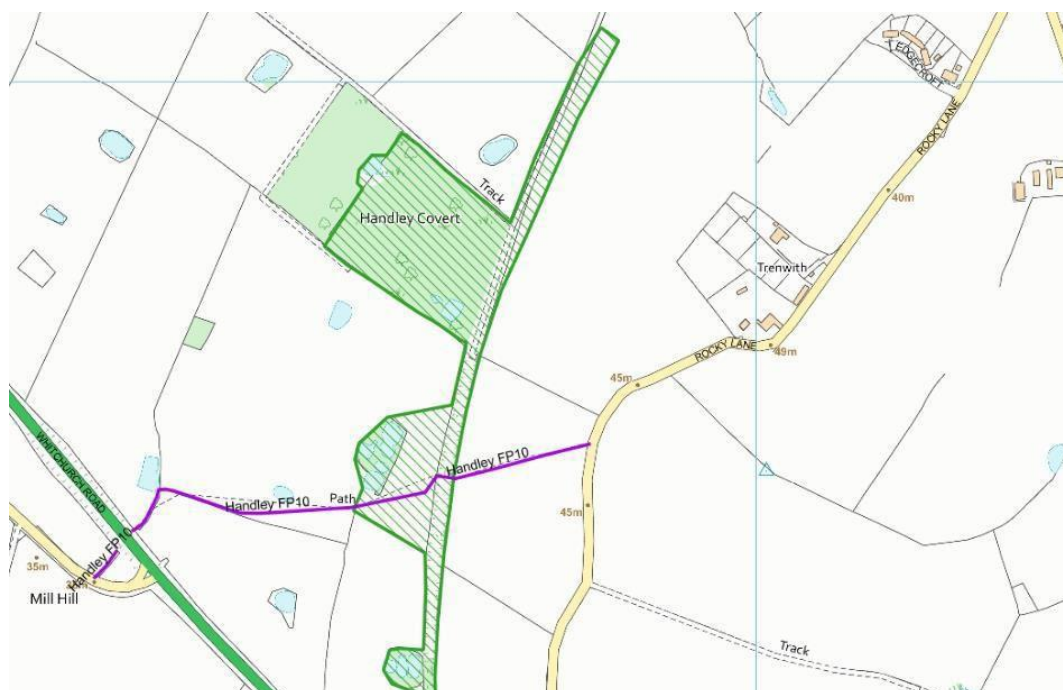
1.46. There would also be scope to then downgrade the northern stretch of Rocky Lane to a 'Quiet Lane', in order to significantly reduce and restrict vehicular traffic to access only and in doing so, encourage cycle use and improve the setting of the Conservation Area along this route. It would be ensured that any potential changes do not adversely affect the standstone rock/outcropping of Rocky Lane, which is a key characteristic of this part of the Conservation Area.

1.47. The site is located close to the village centre and other key services and therefore new residents would be encouraged to walk and cycle to these facilities. There would also be scope to reduce the radii on the Rocky Lane/Frog Lane junction to improve the ability for pedestrians to cross this junction, thereby further improving pedestrian safety and access to the village centre with the new spine road in place.

1.48. Finally, active travel links will be provided through the site linking to existing footpaths (including Millenium Way) and potentially beyond on Estate land to create appropriate recreation links between Tattenhall and the new national landscape..

1.49. Notably, Bolesworth is also the landowner of the Handley Covert Local Wildlife Site (which forms part of the disused/former railway line). Subject to an allocation of the Frog Lane site, there is potential scope for wider active travel routes/initiatives to open up the railway line to benefit the local community. The corridor is not currently publicly accessible, with only a small section traversed by public footpath FP10 – see Figure 2 below.

Figure 2: Handley Covert Local Wildlife Site and Public Footpath

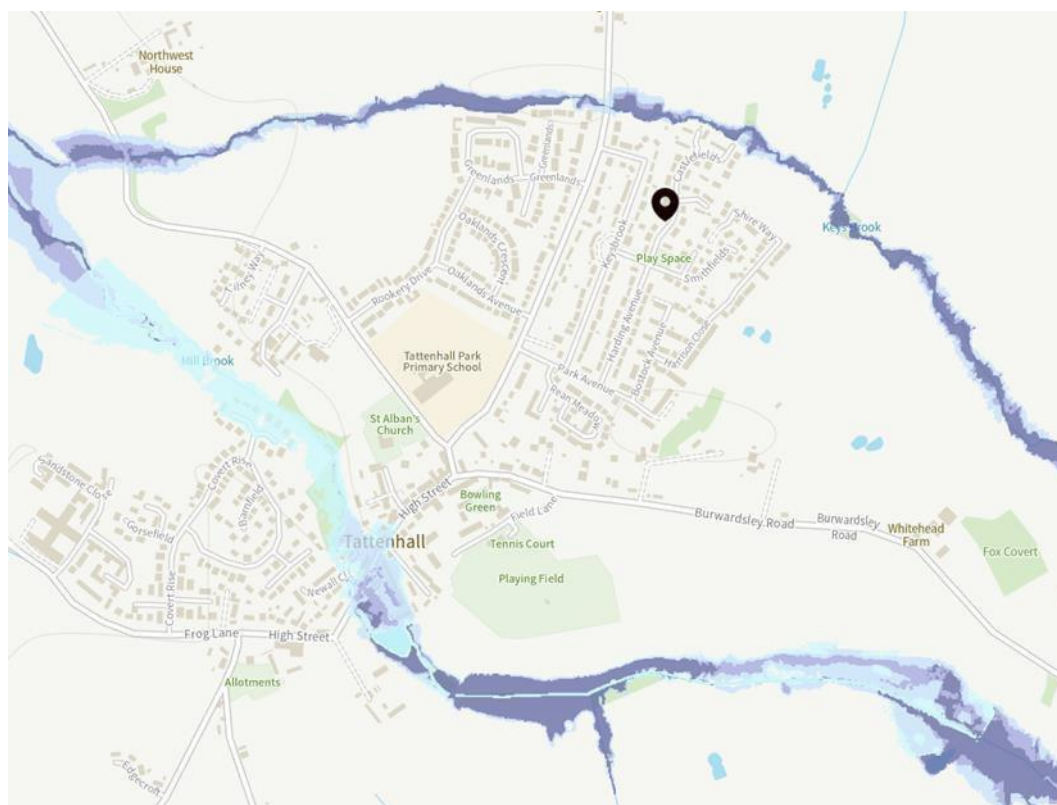


- 1.50. The Estate therefore see the Frog Lane site as providing an excellent opportunity to cross fund/assist in the potential delivery of wider active travel routes along the former railway line, which will be to the benefit of all Tattenhall residents.

Key Issue 3: Flood Risk & Climate Change

- 1.51. Unlike the other locations to the north of the village, the site is not located within Flood Zone 2 or 3 areas associated with Keys Brook and Mill Brook. Some central and northern areas of Tattenhall are covered by flood zones 2 & 3, as shown at Figure 3 below.

Figure 3 – Flood Areas in Tattenhall (River & Sea)



- 1.52. Beyond just the Frog Lane site itself, there is the opportunity for development to address current surface water flood risk issues along Frog Lane in a comprehensive and strategic manner that would benefit the village as a whole.
- 1.53. By 2029, the Bolesworth Estate will have over 300 acres of land within their management control which is currently considered as appropriate for offsetting and flood mitigation use. The Estate is already working with the Environment Agency, Welsh Dee Trust, and the Cheshire Wildlife Trust to reduce flood risk to Tattenhall and have completed Natural Flood Management schemes on the Estate. Bolesworth would like to develop a wider Natural Flood Management Strategy for the Estate with the aim (having obtained statutory body buy-in) to present this as a benefit to the entire Tattenhall community.
- 1.54. This, however, will need to be cross funded by forms of income across the Estate. An allocation of the Frog Lane site would provide the perfect opportunity to help potentially deliver this wider aim.

Key Issues 4 (affordability) & 5 (local amenities)

- 1.55. The site can deliver up to 400 no. dwellings – which would be delivered in a phased/timely manner to minimize impact on the existing infrastructure at Tattenhall.
- 1.56. The site and the indicative proposal are of a scale that would also allow for the delivery of additional community benefits as suggested above, which again unplanned development would likely worsen existing key issues.
- 1.57. As a minimum, 30% affordable housing will be delivered – which on the basis of 400 dwellings, equates to 120 no. affordable properties. The Estate is willing to work with the likes of Community Land Trust/ the Parish Council to ensure affordable housing is delivered first and foremost for local people. Bolesworth has a track record in this, having successfully done so at Burwardsley Court and more recently Gifford Lea.

High Quality Design Legacy – Site Specific Design Code

- 1.58. In addition to addressing the 5 key local issues for Tattenhall, the Estate is also uniquely

invested in delivering a high -quality design legacy for development proposals brought forward on their land. Subject to an allocation in the Neighbourhood Plan, the Estate would commit to a site-specific Design Code for Land at Frog Lane.

1.59. The Estate would look to work up a Design Code, in consultation with the Parish Council, which would set out key design principles which any development on site should adhere to. It would take design cues from the Tattenhall Design Code, alongside principles reflective of the Bolesworth Estate.

1.60. The Estate see themselves as uniquely placed to deliver on this vision. Accordingly, for all of the reasons outlined above, The Frog Lane site is considered a highly sustainable, and indeed the best candidate, for housing allocation in the Neighbourhood Plan.

Neighbourhood Plan Vision & Objectives

1.61. Chapters 3 and 4 of the Draft Neighbourhood Plan outline the Parish Council's Vision & Objectives for Tattenhall, which remain unchanged from the currently adopted Plan. Bolesworth Estate fully supports the Vision & Objectives of the Neighbourhood Plan, which are closely (indeed identically) aligned with the Estate's ethos towards sustainable development. We provide comments on the Vision and Objectives of the Plan below - with Vision and Objectives taken from the Plan in italic, with our response underneath in bold text.

Vision

The community wants Tattenhall to continue to thrive as a vibrant and distinctive village, to continue to respect and reflect the views of its community, to evolve and expand whilst retaining its unique and distinctive character, and to provide an outstanding quality of life for current and future generations of residents.

The Parish Council will do this by:

- *Encouraging a thriving and prosperous community that delivers a high quality of life for all its residents.*

1.62. The ongoing operation of existing facilities, alongside the provision of new (and integrated) communities is crucial in order to achieve the above. Bolesworth is very familiar with what is important to Tattenhall – through their existing landholdings and services (including The Barbour Institute and Sport Tattenhall) and also have the unique ability to potentially deliver other forms of development elsewhere, in consultation with the Parish Council. This is not just at Frog Lane, but the Estate's other sites shown at Appendix 3.

- *Promoting a distinctive and flourishing local economy that exhibits vitality and dynamism.*

1.63. *As above.*

- *Supporting measured, proportionate, timely and sustainable development to meet local requirement.*

1.64. As discussed in Chapter 3, changes in national planning policy means that speculative development is likely to come forward in Tattenhall – due to increased housing pressures. As a result, there is a real concern that development will come forward in an ad-hoc manner, should the strategy to deliver incremental growth in Tattenhall be continued. The Estate is strongly committed to working with the Parish Council to deliver the best development for Tattenhall – and consider that we are uniquely placed to do so.

1.65. **In light of the above, we suggest a minor tweak to the Vision would be helpful, as**

follows:

- 1.66. *"Supporting ~~measured, planned, proportionate~~, timely and sustainable development to meet local requirement."*
- *Endorsing policies that have a positive effect on the environment, including those that remove or minimise flood risk, mitigate climate change and reduce our carbon footprint.*
- 1.67. The Estate is strongly supportive of this aim – and are actively exploring measures to improve flood resilience which would be to the benefit of the local community (please see paragraphs 4.29-4.31 at Chapter 4).
- *Maintaining the high-quality natural environment with its protected wildlife interests.*
- 1.68. **As above, the Estate is working closely with key stakeholders (including Sandstone Ridge Trust and Cheshire Wildlife Trust) to deliver this aim across their landholdings generally, including those in Tattenhall.**

Objectives

1. *Delivery of a housing growth strategy tailored to the needs and context of Tattenhall.*
- 1.69. As explained in further detail in Chapter 3, there has been a significant increase in CWaC's housing requirements which will have implications for Tattenhall as a Key Service Centre. It is important to get this right – with a specific allocation within the Neighbourhood Plan. This will help to ward off speculative, ad-hoc development seeking to address short-term/immediate housing needs. Bolesworth are keen to work with the Parish Council to deliver a site that is right for Tattenhall in the long-term.
2. *Sensitive, sustainable development of good design which protects and enriches the landscape and built setting.*
- 1.70. The Estate are passionate about high quality design – and recognize its importance in delivering sustainable forms of development. The Estate are supportive of the draft Design Code prepared by the Parish Council – and any development which would come forward on the Estate's landholdings would carefully consider the existing built setting (including Tattenhall Conservation Area).
3. *Sustaining and improving excellent local facilities for existing and new residents.*
- 1.71. See response at paragraph 5.2.
4. *Strengthening and supporting economic activity.*
- 1.72. Over 150 businesses operate at Bolesworth Estate's premises. The Estate would like to work with the Parish Council in identifying additional opportunities for economic activity in and around Tattenhall.
5. *Seek on-going improvements to transport, to utility infrastructure and to digital connectivity.*
- 1.73. The Estate is passionate about sustainable development/the importance of promoting sustainable travel patterns – and benefit from substantial landholdings that can help deliver potential cycle infrastructure links, pedestrian connectivity to the wider countryside etc. As explained in Chapter 4, the Frog Lane proposals can deliver active travel measures on site, along with the potential to cross-fund wider initiatives to open up the disused/former railway line which is not currently publicly accessible.
- 1.74. **Furthermore, as also explained in Chapter 4, potential improvements to Rocky Lane and a strategic flood risk mitigation solution for Tattenhall can be explored by the Estate subject to cross-funding from a housing allocation.**

6. Prioritise local distinctiveness in every element of change and growth.

1.75. Local distinctiveness is at the heart of the Estate's ethos – one way this could be delivered is through the commitment to prepare a site-specific Design Code for Land at Frog Lane, if it was to be allocated in the Neighbourhood Plan.

7. Protect greenspace, the landscape and support nature conservation.

1.76. See response at paragraph 5.8.

8. Involve local people in an ongoing basis in the process of plan-making, monitoring and delivery of development.

1.77. No particular comments to make on this objective, other than to note that The Estate is keen to continue their positive working relationship with the Parish Council.

Policy 1 (Housing Growth)

1.78. As part of the Regulation 14 re-consultation, Policy 1 has been updated as follows:
"1. Proposals involving up to and not exceeding 30 homes on any one site will be allowed within the settlement boundary of Tattenhall, to meet the housing requirements established in the CWaC Local Plan"

1.79. This is a change to the current wording of the adopted Neighbourhood Plan, which allows for development of up to 30 dwellings within or **immediately adjacent** to the built-up part of Tattenhall Village



1.82. This is a change to the current wording of the adopted Neighbourhood Plan, which allows for development of up to 30 dwellings within or **immediately adjacent** to the built-up part of Tattenhall Village

1.83. This point is even more poignant noting that CWaC's housing requirements have nearly quadrupled overnight. As explained in Chapter 3, the development strategy and strategic policies in the Local Plan are now out of date.

1.84. In effect, Tattenhall's settlement boundary is now open to challenge – development outside of it will not automatically be deemed to be inappropriate. Instead, the presumption in favour of sustainable development applies.

1.85. It is also important to note that the Neighbourhood Plan Review (whilst not explicitly stated), is presumed to continue to run up to the current plan period of 2030. So the next five year period – where CWaC has a land supply shortfall of over 5,000 dwellings. This will inevitably result in significant pressure to allow additional housing developments in Key Service Centres such as Tattenhall.

1.86. For this reason, it is considered an incorrect strategy to rely on the existing settlement boundary with no allocations. Given the constraints of Tattenhall (flood risk, existing highways, Tattenhall Conservation Area etc), and the removal of incremental growth of 30 dwellings adjacent to the settlement boundary, it is considered that very little

windfall development will come forward. The only obvious development site to accommodate additional levels of growth is the proposed extension at Gifford Lea (22/00194/FUL), which was recently approved at March 2025 Planning Committee. The scheme will deliver 25 Extra Care Units – including 5 affordable units (discounted Market Sale for over 55-year-olds only). Whilst the proposal will help to meet some of the affordable needs for the elderly in the area, the proposals will not deliver the affordable and market housing needed to retain and attract families to Tattenhall – which will secure the ongoing vitality of Tattenhall.

1.87. Indeed, if no planned development is allocated, this will only increase the pressures on Tattenhall, especially noting NPPF paragraph 14 which states:

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

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and*
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70).*

1.88. As it currently stands, the Neighbourhood Plan Review contains no policies or allocations to meet current housing needs – which based on the previous spatial strategy, could be circa 430 dwellings. This is because the strategic policies in the Local Plan Part One, which set a minimum requirement of 250 dwellings for Tattenhall, are now out of date. NPPF paragraph 14 would therefore not apply. However, if the Neighbourhood Plan did specifically allocate a site for development, this would be the best way to help ward off speculative, unplanned developments. Paragraph 14 would then be engaged, and the policies within the Neighbourhood Plan afforded significant weight.

1.89. For all the reasons above, we consider it imperative that the Neighbourhood Plan specifically identifies an allocated housing site. As set out in Chapter 4, Frog Lane represents the best candidate to deliver the right type of development for Tattenhall. The Estate wish to continue their positive working relationship with the Parish Council and to discuss the opportunity to bring this site forward.

1.90. In respect of criterion 4, it is noted that when determining the type and tenure mix, proposals should have full regard to the Tattenhall Housing Needs Report December 2023 any subsequent updates. Upon review of the 2023 report, we note the conclusion that the estimated annual shortfall of affordable rented housing is twelve units per year.

Property Type	Affordable housing need	Estimated supply		Shortfall (-) / Surplus (+)
	Need for affordable / social rent from the housing register (Households based in Tattenhall Ward Dec 2022)	Estimated supply of affordable /social rent from planning approvals ¹⁵	Estimated supply from re-lets of existing affordable stock (annual average)	Housing register and survey needs minus estimated supply
1 Bed	16	4	4	8
2 Bed	8		5	3
3 Bed	5		4	1
4+ Bed				0
Total	29	4	13	12

1.91. This therefore equates to 60 affordable homes over a five-year period. This further compounds our concerns regarding the current strategy to not allocate any housing sites/change the settlement boundary as part of the Neighbourhood Plan Review, noting that:

- There are very limited windfall opportunities within Tattenhall’s existing settlement boundary, which is constrained by flood risk and heritage matters.
- The affordable housing table is only based on the local connection, affordable

needs from the housing register in Tattenhall Ward. This is only one element of the affordable housing equation – with shared ownership and discounted market value (DMV) properties also playing a hugely important role in helping people get on to the property ladder and to own (not just rent) their own home. This will help to ensure that Tattenhall continues to thrive for future generations.

- 1.92. As it currently stands therefore, the affordable housing needs of Tattenhall will not be met. The delivery of housing through a planned residential allocation will help to meet affordable needs – and the Bolesworth Estate wish to note their commitment to deliver policy compliant (30%) affordable housing as part of any development proposals.
- 1.93. To conclude, it is our strong view that Tattenhall can no longer, nor should, rely upon incremental growth, and that a site should be allocated to tackle head-on Tattenhall’s development needs. The Bolesworth Estate is well placed to deliver this in the most sustainable and appropriate manner.

Policy 2 – Local Character

- 1.94. The Estate is supportive of this policy – which seeks to ensure the delivery of high-quality design which is sensitive to the existing character of Tattenhall. We provide comments below on some (but not all) of the policy criteria.

Criterion 3

- 1.95. Criterion 3 notes that development will be supported where it does not erode the important, predominantly undeveloped gaps between the three settlements of Tattenhall, Newton-by-Tattenhall and Gateheath. Firstly, it is important to note that these three settlements are not specifically designated as settlements within the Development Plan, nor afforded any specific landscape protection to prevent merging. Furthermore, the hugely successful Ice Cream Farm is based in Newton-by-Tattenhall.
- 1.96. It is important that the Neighbourhood Plan strikes an appropriate balance between protecting landscape worthy of protection and helping to support a thriving, rural economy. Criterion 3, as it currently stands, would not support potential future expansion of existing rural businesses in the area/gaps defined. To deliver the appropriate balance, we therefore politely suggest criterion 3 is re-worded as follows:

Development will be supported where it:

“Does not result in unacceptable harm to the landscape character of the settlements of Tattenhall, Newton-by-Tattenhall and Gatesheath.”

Criterion 4

- 1.97. Criterion 4 states that development will be supported where it fully accords with the Tattenhall and District Design Code (2022) or any subsequent version. Firstly, the Estate wish to express their support for the draft Design Code – which will help to deliver the high-quality design that Tattenhall deserves. Indeed, the Estate is uniquely invested in delivering a high -quality design legacy for development proposals brought forward on their land. As already noted, the Estate would look to prepare a site-specific Design Code for The Frog Lane site, should it be allocated within the Neighbourhood Plan.
- 1.98. We only suggest a minor tweak to the criterion, so it is consistent with the wording of the National Model Design Code (Part 1), which confirms that:
- “Design guides and codes should provide clear parameters within which there is scope for flexible application to allow for innovation”*
- 1.99. Flexibility is important, as there may be site-specific instances where it is not possible (or

indeed preferable) to completely accord with the Design Code and other solutions may be appropriate. We therefore suggest the following minor change to criterion 4:

*~~“Fully accords~~ **Is in broad accordance** with the Tattenhall and District Design Code (2022 2023) or any subsequent version”*

- 1.100. This flexibility is particular important noting the Estate’s aspirations to develop a site-specific Design Code for the Land at Frog Lane.

Criterion 9

- 1.101. This states that ‘proposals must be designed to retain and protect ancient, veteran and mature trees, hedgerows, ponds, areas of woodland’.
- 1.102. Ancient and veteran trees are, rightly so, afforded significant protection under NPPF paragraph 193 and we are therefore wholly supportive of this. Policy DM 45 (Trees, woodland and hedgerows) of the Part Two Local Plan also discusses the importance of retaining healthy trees and replacement planting ratio of at least two new trees for each tree lost.
- 1.103. In respect of existing hedgerows, mature trees, ponds and areas of woodland – not all of these categories are of high quality which merit retention as part of development proposals. Therefore, to allow for site-specific circumstances, we recommend the following amended wording in respect of criterion 9:
*“proposals must be designed to retain and protect ancient and veteran trees, and **where possible and feasible**, mature trees, hedgerows, ponds, areas of woodland”*

Other Policies

Policy 3 – The Local Economy

- 1.104. The Estate is wholly supportive of this Policy, which reflects the NPPF’s aim to support a prosperous, rural economy.
- 1.105. We do, however, consider that the Policy would benefit from further expansion to reflect NPPF paragraph 88, which recognizes the importance of sustainable rural tourism and leisure development, as well as the development and diversion of agricultural and other land-based businesses.
- 1.106. We therefore suggest that the following wording is added to the policy, to help Tattenhall reach its full potential:
The following types of employment and retail development will be supported:
- 1. The conversion of existing buildings and the small-scale expansion of existing employment premises across the Parish.*
 - 2. Small-scale new build development within or adjacent to Tattenhall Settlement Boundary and within or adjacent to the adjoining hamlets.*
 - 3. the development and diversification of agricultural and other land-based rural businesses;*
 - 4. **sustainable rural tourism and leisure developments which respect the character of the countryside;***
- ~~3- 5. All new employment development must respect the character of its surroundings by way of its scale and design, not harm the surrounding landscape, safeguard residential amenity and road safety, and demonstrate accordance with the Tattenhall and District Design Code (2023) or any updated version.~~*

Policy 4 – Local Facilities

- 1.107. The Estate is fully supportive of Policy 4, which seeks to retain and enhance services within Tattenhall. We do not have any detailed comments to make on the policy wording itself.

- 1.108. As shown on the illustrative Masterplan contained at **Appendix 1**, subject to viability considerations and further dialogue with the Parish Council, there is scope to provide a potential new medical centre/or other community facilities which will be to the benefit of the existing community.
- 1.109. The Estate also has other Landholdings in Tattenhall (please see **Appendix 3**), which alternatively could potentially deliver a new medical centre or other community facilities. The Estate wish to work with the Parish Council to identify what new services may be required/of benefit to the community of Tattenhall.
- 1.110. As explained in Chapter 4, additional development at Frog Lane will also help to sustain Tattenhall Park Primary School – which is currently under capacity (73%).

Policy 5 – Transport and communication

Criterion 1

- 1.111. This criterion notes how development must identify the realistic level of traffic it is likely to generate. Development that would negatively impact highway safety and congestion will not be permitted. As explained in Chapter 4, the Frog Lane site is on the right side of Tattenhall – in that the A41 Whitchurch Road is located to the south. Therefore, a large amount of the trips generated from any development at Frog Lane will travel south – and not through Tattenhall’s village centre, which is currently congested in respect of on-street parking. This is considered a key benefit of developing the Frog Lane site in respect of the existing, known infrastructure issues in Tattenhall.
- 1.112. As also previously explained, subject to viability considerations, there is scope to provide highway improvements along Rocky Lane which would deliver benefits to the Tattenhall community.

Criterion 2

- 1.113. Criterion 2 states that development must:
“Maximise opportunities to walk and cycle, including between Tattenhall, Newton by Tattenhall and Gatesheath, the linking of exiting public rights of way, as well as supporting public transport where possible.”
- 1.114. The Bolesworth Estate is uniquely placed in this regard, as a landowner of significant land holdings around Tattenhall, Newton by Tattenhall and Gateheath. As previously explained, development of the Frog Lane site could deliver permissive footpaths throughout the site, including the ability to reinstate parts of the disused railway line opening up the opportunity for wider active travel. The Estate would also look to explore other opportunities with the Parish Council to deliver improved or new sustainable travel links on their land holdings. This is a key matter of exploration for the Estate, especially noting that if the Sandstone Ridge AONB is formally designated, additional recreational and tourism pressures will come to the fore.

Criteria 3 & 4

- 1.115. The Estate is supportive of the provision of 30 megabit per second high-speed broadband provision, subject to additional information confirming this is achievable in Tattenhall. The development quantum at Frog Lane could certainly support the provision of improved broadband provision in principle.

Criterion 5

- 1.116. Criterion 5 notes that schemes which increase car parking provision to serve Tattenhall village centre will be supported in principle. We note this is a long-standing aspiration of the Parish Council, due to congestion/parking concerns. Due to the Estate’s landholdings (see **Appendix 3**), there is the ability to explore this option through dialogue with the Parish Council – at the Frog Lane site or other land parcels under the Estate’s ownership.

Policy 6 – Landscape and Environment

Criterion 1

- 1.117. Criterion 1 notes that development proposals within or adjacent to designated local wildlife sites or sites of nature conservation value should clearly demonstrate how they have incorporated appropriate measures to safeguard and enhance these areas. The Estate are wholly supportive of this requirement – as landowners of the Handley Covert Local Wildlife Site (which forms part of the disused/former railway line). Indeed, as explained in Chapter 4, there is potential to explore active travel routes to open up the railway line to the benefit for the local community.
- 1.118. Again therefore, the Estate see the Frog Lane site as providing an excellent opportunity to cross fund/assist in the delivery of active travel routes along the former railway line.

Criterion 2

- 1.119. Policy 6 later confirms that designated Local Green Spaces are protected for new development, unless very special circumstances can be demonstrated. These contain Sites of Open Space Value, Sites of Sport, Recreation and Amenity Value and Sites of Nature Conservation Value. The Bolesworth Estate is landowner of the following:
- B3 – Sport Tattenhall Playing Fields
 - B4 – Allotments on Rocky Lane and at Gateheath
 - C1 – The Mill Brook Wildlife Corridor (Tattenhall and District Parish Council, CWaC and private individuals also landowners)
 - C2 – Jubilee Wood
 - C7 – Mill Field
 - C8 – Disused railway line between Chester Road and Frog Lane
 - C10 – Allotment Pond, Rocky Lane
 - C11 – Land within curtilage of Tattenhall Marina
- 1.120. The Estate is committed to maintaining these facilities for the beneficial use of the local community– with the potential option for enhancements from cross-funding from development/an allocation at Frog Lane.

Conclusions

- 1.121. The Bolesworth Estate is wholly supportive of the Parish Council’s decision to review and prepare a new Neighbourhood Plan for Tattenhall. The timing of the review provides the perfect opportunity to address head on the substantial housing requirements in CWaC – which increased by 260% over night following the publication of the December 2024 NPPF.
- 1.122. As a result of changes in national policy, the strategic policies which control the direction of development (including defined settlement boundaries) are now rendered out of date. This effectively opens the door for ad-hoc, unplanned residential development to come forward if it can be demonstrated they comprise sustainable development.
- 1.123. The implications this will have on Tattenhall, as a Key Service Centre, are clear. Based on the spatial distribution of the Part One Local Plan, this implies that Tattenhall may have to deliver at least 430 dwellings and possibly considerably more. For this reason, there is a need to shift focus from incremental, smaller scale growth – and the best way to bat off speculative planning applications is for the Neighbourhood Plan to allocate site(s) for development.
- 1.124. The Land south of Frog Lane site presents the perfect opportunity to deliver sustainable development for Tattenhall in a holistic manner. Not only can it deliver around 400 dwellings which will address the housing availability and affordability issues facing Tattenhall, it can also potentially provide the strategic long term benefits of a better road between Tattenhall and the A41, and better flood defences that means Everyone’s Better Off. The Estate wish to work closely with the Parish Council to

- identify what may be the most beneficial local amenities on site, alongside housing – e.g. a new medical facility.
- 1.125. Furthermore, the site is on the ‘right side’ of Tattenhall for development – to the south of the High Street where congestion and on-street parking are chronic issues. Notably, the vast majority of new trips from the development would travel southwards on the improved road to the A41 – and not northwards through Tattenhall. This is a clear benefit of delivering development in this location, as opposed to other sites in the northern parts of Tattenhall which would need to travel through the High Street. The proposals also provide the opportunity to cross-fund the potential delivery of upgrades to Rocky Lane – which would provide safety and traffic benefits to the local community.
- 1.126. The Estate is also keen to promote active travel measures – of particular note is the opportunity to cross-fund a wider project to open up the disused/former railway line – which is not currently publicly accessible.
- 1.127. The Estate’s ethos goes beyond delivering development which just meets short-term housing needs. They are uniquely placed, through their substantial land holdings and close working relationships with various bodies, to provide development and wider initiatives (cross funded) to deliver social, economic and environmental benefits for the local community. This includes the potential to strategically address Tattenhall’s flood risk concerns, a matter the Estate is already exploring across their wider landholdings. They are also committed to delivering high quality design, which could be achieved through a site-specific design code for Land at Frog Lane.
- 1.128. We therefore urge the Parish Council to consider the merits of allocating the Frog Lane site for development within the Neighbourhood Plan. We look forward to working closely with the Parish Council to deliver the right type of development which Tattenhall deserves

GENERAL COMMENTS

- The Draft Tattenhall and District Neighbourhood Plan appears to define ‘new’ development as ‘new-build’. However, this definition is limited: ‘new development’ should embrace all kinds of change such as window replacement, extensions, etc., the cumulative impact of which can seriously erode an area’s local distinctiveness and character. Whilst the Plan presents a good policy basis from which to manage future new-build development, it lacks detail and guidance for management of the existing stock, providing no robust policies against which Council Officers will be able to assess planning applications for smaller-scale development, such as alterations and extensions, or on which they can rely to rebut challenges at appeal.
- The plan contains detailed lists of natural environment assets and important views and vistas, but includes no such list of its designated heritage assets, which are equally vulnerable to development.

Text in blue : archaeological base Text in

red : conservation base

SUGGESTED AMENDMENTS AND INSERTIONS

Introduction and Background

Page.6

Suggested insertions to ‘Location and History’:

Reference should be made to the Roman archaeological evidence from Tattenhall. Reference should be made to the historic character of the surrounding landscape and the Cheshire Historic Landscape Characterisation.

The Neighbourhood Plan Vision for Tattenhall

Page.8

Suggested insertion to ‘We will do this by’:

- **Protecting existing heritage assets and promoting a high quality historic environment**

The Neighbourhood Plan Strategy – Sustainable Development for the Whole Community

Page.10

Suggested amendment to Para.5 to read:

“To achieve this, a thoughtful and innovative approach is required, which works more positively; **with residents**, landowners and developers ...”

Strategy

Page.11

Suggested insertion between Paras.5 and 6:

Heritage assets are to be protected and the local character of the built historic environment is to be preserved

Suggested amendment to the map:

Identify the locations of designated heritage assets

Policy 1

Page.13

Add to the list of documents supporting Policy 1:

Tattenhall Conservation Area Appraisal (2013)

Local Character

Page.14

Suggested insertion after Para.1:

“...is also defined by its buildings, **of which 28 have been listed for their special architectural or historic interest.** Today the village...”

Suggested insertion in Para.2:

“... to be successfully accommodated into the Parish. In 2013 the Tattenhall Conservation Area Appraisal was adopted, further defining the essential character of the Village core, which depends upon the conformity of traditional materials used for its construction and the survival of eighteenth and nineteenth century architectural features and details. Although many of these features are minor in themselves, they combine with others to enrich the character and visual interest of the village as a whole. Both studies show that standard designs will not be acceptable”

Designated and non-designated heritage assets enhance local distinctiveness and should be preserved in a manner appropriate to their significance. In Tattenhall non-designated heritage assets range from possible Roman features at St Alban's Church to a Second World War searchlight battery near Rose Farm. Designated and non-designated heritage assets are identified in the Cheshire Historic Environment Record.

The landscape surrounding Tattenhall retains a significant historic character. Areas bordering the north, north-west and north-east of the village are classified as 'Ancient Field Systems' or 'Medieval Townfields' by the Cheshire Historic Landscape Characterisation. These areas contribute to local distinctiveness and the retention of their character is a key element in achieving sustainable development.

Policy 2

Page.15

Add to the list of documents supporting Policy 2: **The Tattenhall Conservation Area Review Study Cheshire Historic Environment Record**

Cheshire Historic Landscape Characterisation

Policy 2

Observations:

- Whilst policies are predominantly focussed on 'new development', there is no mention of permitted development, which is pernicious and cumulatively degrades character. Within the conservation area, approximately 79 properties have Article 4 directions restricting permitted development rights. But the Neighbourhood Plan covers a greater area than the conservation area and the impact of permitted development outside the village core should be considered.
- New legislation has extended the scope of permitted development and, where properties are not subject to Article 4 directions, this poses new threats to the historic townscape and local character. The Neighbourhood Plan could be an opportunity to provide guidance to house and business owners, promoting best practice.

- Aspirations for the public realm (street furniture, footpath surfaces, etc) of the Village could be made within the Local Character.

Suggested amendment of Policy 2 to read:

"New development **and redevelopment of existing properties** will be supported where it "

Suggested addition to bullet point 2 :

- "... locally distinctive features such as **slate roofs, sliding-sash windows, chimneys, Cheshire railings** "

Suggested additional bullet points:

- **Seeks to protect and where possible enhance both designated and non-designated heritage assets and historic landscape character and puts in place measures to avoid or minimise impact or mitigate damage.**
- **Original architectural details such as cornices, fenestration, architraves, etc. are important to the character of the conservation area and preservation or restoration of these features will be encouraged.**
- **Article 4 Directions will be periodically reviewed and applied to unlisted buildings within the Conservation Area to prevent erosion of character by otherwise permitted development alterations.**

Local Facilities

Page.19 **Policy 4**

Observation:

Development proposals bringing new utility services to the village will be viewed as a positive benefit but this should not be at any cost (ie. not at the expense of loss of character) and still needs to comply with other policies and aspirations.

Transport and Communications

Page.20

Observation:

Traffic is identified as a threat to the character of the conservation area in the Conservation Area Appraisal and improved management is required. However, the cumulative impact of traffic management measures and signage needs to be considered.

Plan Delivery and Implementation

Page.24

Local Character:

Suggested amendment to read:

"The Parish Council will work with **residents, owners of land and buildings, and other** stakeholders to bring **back into economic use** brownfield sites, such as the disused school swimming pool building, **and vacant properties, especially those which make a positive contribution to the character of the area.**

P.27

Suggested insertion of:

Appendix C

Tattenhall Designated Heritage Assets

[list of all designated assets within the area]

Suggested insertion of:

Appendix D

Tattenhall Key Characteristics

[list of characteristics as set out in the Conservation Area Appraisal]

Suggested Heritage Statements for inclusion within the Plan:

Tattenhall District contains a large number of heritage assets. The Neighbourhood Plan seeks to protect these assets and promote an overall high quality setting for them, to sustain and enhance their significance for the enjoyment of the local community and visitors alike.

Tattenhall's character and local distinctiveness is due as much to the numerous small, repetitive details as it is to individual historic assets. The cumulative negative impact of small-scale development, such as extensions, window replacement, etc. can destroy the uniformity and commonality which makes the area more than a collection of individual buildings. The Neighbourhood Plan recognises the contribution which small elements make to the character of the area and seeks to protect them.

Cheshire West and Chester

Cheshire West and Chester Consultation Response

Draft Tattenhall & District Neighbourhood Plan Review (Regulation 14 Consultation)

Thank you for the opportunity to review and comment on the Tattenhall & District Pre-Submission Neighbourhood Plan Review.

The Council recognises the significant amount of time, effort and community consultation which has been involved in the preparation of the Plan so far.

In general, the Plan has been positively prepared and reflects the NPPF and adopted Local Plan.

We do however have a number of comments from officers across the Council which are intended to improve the general conformity with strategic policies in the Local Plan and improve the clarity and effectiveness of the policies. The comments are appended to this

General Comments

The Local Plan (Part One) Strategic Policies (adopted in January 2015) and the Local Plan (Part Two) Land Allocations and Detailed Policies (adopted July 2019) provide the framework for preparation of the Neighbourhood Plan.

Local Plan strategic policies which are particularly relevant to the Tattenhall & District Neighbourhood Plan are:

- STRAT 1 Sustainable development
- STRAT 2 Strategic development?
- STRAT 8 Rural area
- STRAT 9 Green Belt and countryside
- STRAT 10 Transport and accessibility
- STRAT 11 Infrastructure
- ECON 1 Economic growth, employment and enterprise
- ECON 2 Town centres
- ECON 3 Visitor economy
- SOC 1 Delivering affordable housing
- SOC 2 Rural exception sites
- SOC 3 Housing mix and type
- SOC 5 Health and well-being
- SOC 6 Open space, sport and recreation

- ENV 1 Flood risk and water management
- ENV 2 Landscape
- ENV 3 Green infrastructure
- ENV 4 Biodiversity and geodiversity
- ENV 5 Historic environment
- ENV 6 High quality design and sustainable construction
- ENV 7 Alternative energy supplies
- R 1 Development in the rural area
- R 2 Meeting the outstanding housing requirement in Tattenhall
- R 3 Employment land provision in the rural area
- GBC 2 Protection of landscape
- T 4 Rail corridors
- T5 Parking and access
- DM 44 Green infrastructure, biodiversity and geodiversity
- DM 55 Sites for replacement household waste recycling facilities

Strategic policies for Neighbourhood Plans can be viewed at:

<https://consult.cheshirewestandchester.gov.uk/file/5539202>

The following non-strategic policies of the Local Plan (Part Two) are also particularly relevant:

- DM 1 Development of previously developed land
- DM 2 Impact on residential amenity
- DM 3 Design, character and visual amenity
- DM 19 Proposals for residential development
- DM 20 Mix and type of new housing development
- DM 23 Delivering affordable housing
- DM 24 Rural exception sites
- DM 35 Open Space and new development
- DM 39 Culture and community facilities
- DM 44 Protecting and enhancing the natural environment
- DM 48 Non-designated heritage assets

The Council have undertaken Strategic Environmental Assessment (SEA), Habitats Regulations Assessment (HRA) and Marine Plan screening of your draft Neighbourhood Plan which has been subject to consultation with the relevant statutory bodies. There were responses from Natural England and Historic England. The responses from the two bodies agreed with the conclusion of the SEA/HRA/Marine Plan Screening Determination that there would be no significant environmental effects arising from the draft Tattenhall Neighbourhood Plan policies.

Please see below a table of detailed comments for your consideration:

Section	Comment
General comments	Development Management Archaeologist and Team Leader – After studying the text of the revised plan, it appears that the authors have chosen not to take account of the archaeological recommendations from the previous 2013 plan. The focus of the plan is a matter for the authors and if they have decided not to consider the historic environment in any detail that is their choice. The previous comments are attached at Appendix 1 for information.

Policy 1: Housing Growth	The housing figures / requirements proposed in the Plan refer to the current CWaC Local Plan. These figures do not take account of the recent amendments made to standard method and the impact on the local housing need figure. As a result of these changes the Council cannot demonstrate a five-year housing land supply and the plan policies considered the most important for determining planning applications are considered out of date. A new Local Plan for CWaC is currently being prepared and this will include new housing figures. In point 1, the policy refers to “Proposals involving up to and not exceeding 30 homes on any one site will be allowed.....”. What is the aim of this policy? Is it to ensure that large housing schemes which are all of
	one character are avoided, to avoid losing the village character of the area, with it being made up of smaller areas with different types of housing? Could the wording of the policy be amended to avoid this? If the aim is to ensure that each smaller scheme has a different character, this could be clearly set out in the policy and explanation. Point 2 refers to providing a mix of homes taking into account objectively identified housing needs. Is this a mix of types, tenures and sizes? Where should the objectively identified housing needs be taken from? This could refer to Tattenhall Housing Needs Report December 2023 or any subsequent updates. Point 3 refers to providing an element of affordable housing, but point 8 refers to 100% affordable housing on rural exceptions sites. Under what circumstances would an element of affordable housing be acceptable rather than 100%? Tattenhall is not in the Section 157 rural area where lower thresholds for affordable housing would apply as set out in the NPPF. However, point 4 seeks to set a lower threshold, but the previous reference to the Local Plan in point 3 may undermine/contradict this. We would suggest removing the reference to the Local Plan in point 3 and explain why the lower threshold in your policy is required (e.g. due to a high level of need). The overlap and potential conflict between the different parts of this policy needs to be resolved. Point 4 refers to off-site contributions going towards provision of affordable housing in Tattenhall Neighbourhood Plan area ‘in the first instance’ – how would this be implemented? Under what circumstances could it be used in another area? Point 6 identifies that the reuse or replacement of existing buildings will be permitted outside the settlement boundary. Policy STRAT 9 in the Local Plan refers to replacement buildings. However, for reuse of buildings STRAT 9 specifically refers to the reuse of existing rural buildings, particularly for economic purposes, where buildings are of permanent construction and can be reused without major reconstruction. If policy 1 is going to cover this issue, it should add the additional details in line with STRAT 9. If this is not done, it would not be in general conformity with the strategic policy. The current policy wording would support re-use of temporary buildings, partly demolished buildings or large modern barns for alternative uses for example.

Policy 2: Local Character	Criterion 3 states that development will be supported where it “does not erode the important, predominantly undeveloped gap between the three settlements of Tattenhall, Newton-by-Tattenhall and Gatesheath”. This is a change from the current version of the Neighbourhood Plan as the word ‘unacceptably’ has been removed. The removal of this word makes the criterion more restrictive and this means that the Neighbourhood Plan appears not to be positively prepared or to be supportive of development. The wording as currently proposed could also prevent rural exception
	sites and other development that is supported in the Local Plan and by other parts of the Tattenhall Neighbourhood Plan. The current Design Code is compliant with the 2023 NPPF, however, there has since been the updated 2024 NPPF. There have been changes in the 2024 NPPF surrounding design. In the new NPPF, there is a stronger emphasis on using the National Model Design Code for preparing local design standards and Local Authorities are encouraged to produce a clear design guide that reflects local preferences and involve community engagement. Criterion 5 refers to development that respects local landscape quality. How would this be assessed? The Local Plan refers to protecting and wherever possible, enhancing landscape character and local distinctiveness. Criterion 5 also refers to maintaining views and vistas where possible. It should be made clear that this just applies to the important views and vistas identified in appendix A, not all views/vistas. Appendix A refers to respecting or enhancing views/vistas not maintaining them – this should be consistent. Criterion 7 is restrictive and appears to have the aim to prevent new outdoor advertisements. This could have a negative impact on local businesses. Policy DM 17 in the Local Plan (Part Two) supports applications for advertisement consent, but refers to the need for the size, position, materials, colour scheme and means of illumination to respect the general character of the locality. Is that sufficient, or are there specific requirements for advertisements for the Tattenhall area? Criterion 8 would be difficult to assess. How would it be determined whether an arboricultural report is from a ‘reputable company’? How would it be established whether a tree had ‘significant amenity value’ or was an ‘important tree’? Criterion 9 refers to retaining and protecting mature trees. What about mature trees that are damaged or dying and this is shown in an arboricultural report? What about mature non-native trees such as leylandii?

Policy 3: The Local Economy	Criterion 1 refers to conversion of existing buildings – would this apply to any existing buildings and proposals for any employment or retail development? If so, this wouldn't be in conformity with policy ECON 2 in the Local Plan or the retail hierarchy as it could involve out of centre buildings. Employment or retail development of existing buildings would not necessarily be suitable and could cause problems in terms of neighbouring amenity. Additional details should be added to clarify what would be supported. What is meant by small-scale expansion? Does this relate to the size of the existing business? Small-scale expansion of a large site could be very significant.
	Criterion 2 refers to small-scale new build development – does this relate to housing development or other types of development? How does this relate to policy 1? There seems to be some overlap and potential conflicts. What would small-scale mean in terms of number of residential units or floorspace? Criterion 3 relates to employment development, but the introductory sentence refers to employment and retail. Does criterion 3 cover both?
Policy 4: Local Facilities	Would criterion 1 apply to all proposals? – for example would this include house extensions or applications for advertisement consent? What is meant by demonstrating how impacts will be addressed? If there was an increasing need for a service or facility like a doctor's surgery, how could that be addressed by an individual development? Criterion 2 refers to new utility services being seen as a positive benefit. Would this still be a benefit if the new utilities (such as water supply) were provided as part of a housing scheme and just served that site? Criterion 4 refers to demonstrating that reasonable efforts have been made. What would be considered 'reasonable efforts'?
Policy 5: Transport and Communication	Section 1 and 5 of this policy could with each other as section 1 seems to aim to reduce or mitigate traffic or congestion, while increasing parking provision could also result in increases in traffic and congestion. Section 1 states that development that would negatively impact highway safety and congestion will not be permitted. Most developments will have some impact on congestion – would a very minor impact still be unacceptable? The policy could be amended to refer to having a significant negative impact on congestion.
Policy 6: Landscape and Environment	Would the requirements set out in this policy relate to any type of development proposals? As currently worded it would include any type of development, including house extensions etc.
Plan Delivery and Implementation	It should be made clear within this section that several of the listed actions for the parish council are outside the planning process and are beyond the land use planning scope of the neighbourhood plan, but can be progressed separately by the parish council.

Appendix A – Views and Vistas	The map doesn't seem to completely match the descriptions of the views and vistas – for example view 7 is shown in two different directions on the map – does the view include everything in between those two points?
Appendix B – Local Green Spaces	Is there any additional information that can be added to show why the proposed Local Green Spaces are demonstrably special to the local community and hold a particular local significance, as required by the National Planning Policy Framework? This could include its beauty, historic significance, recreational value, tranquillity or richness of wildlife. I appreciate that information has already been provided, but if there is anything else that can be added this will help to convince the examiner
	that the sites are important and should be Local Green Spaces. Photographs of the sites would also be helpful. Does the list of views in the Neighbourhood Plan match those in the Design Code?
Design Code	We are currently working on a new borough-wide design code. We will share the draft design code with Neighbourhood Plan groups as soon as we can.

Historic England

Tattenhall Neighbourhood Plan Review SEA Screening Determination (March 2025)

We write in response to your e-mail of 13th March 2025 seeking a formal screening opinion from Historic England on the need to prepare a SEA for Tattenhall Neighbourhood Plan Review.

Historic England has produced a document that you might find helpful in providing guidance on the effective assessment of the historic environment in Strategic Environmental Assessments. This can be found at:

[<https://www.historicengland.org.uk/images-books/publications/sustainability-appraisal-and-strategic-environmental-assessment-advice-note-8/>](https://www.historicengland.org.uk/images-books/publications/sustainability-appraisal-and-strategic-environmental-assessment-advice-note-8/)

For the purposes of this consultation, Historic England will confine the advice given to the question, "Is it likely to have a significant effect on the environment?", in respect to our area of concern, cultural heritage.

In the context of the criteria set out in Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004 [Annex II of SEA Directive], and on the basis of the information supplied, we concur that the draft plan is unlikely to have significant environmental effects upon the historic environment, and so Historic England are of the view that SEA is unlikely to be required.

We would like to stress that this opinion is based on the further information made available in your email dated 14th March 2025. To avoid any doubt, this decision does not preclude Historic England providing further advice on later stages of the SEA process, should this be required, nor objecting to specific proposals that may subsequently arise (either as a result of this consultation or in later versions of the plan/guidance), where we consider that these would have an adverse effect upon the historic environment. We note that the views of the other statutory consultation bodies should be taken into account before the overall decision on the need for SEA is made.

Historic England strongly advises that the conservation and archaeological staff of Cheshire West & Chester Council and Cheshire Archaeology Planning Advisory Service are closely involved in the development of the plan. They are best placed to advise on: local historic environment issues and priorities, including access to data held in the HER (formerly SMR); how the policies or proposals can be tailored to minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of historic assets.

Thank you for consulting Historic England. We request that you please send us a copy of the determination as required by Reg 11 of the Environmental Assessment of Plans and Programmes Regulations 2004.

Gladman

INTRODUCTION

Context

The following representations provide Gladman's response to the Tattenhall and District Neighbourhood Development Plan (TDNP) under Regulation 14 of the Neighbourhood Plan (General) Regulations 2012.

Gladman specialise in the promotion of strategic land for residential development and associated community infrastructure and have considerable experience in contributing to the Development Plan preparation process having made representations on numerous planning documents throughout the UK alongside participating in many Local Plan and Neighbourhood Plan examinations. It is on the basis of that experience that these representations are made.

Through these representations, Gladman provides an analysis of the TDNP, and the policy choices promoted within the draft Plan. Comments made by Gladman through these representations are provided in consideration of the Neighbourhood Plan's suite of policies and its ability to fulfil the Neighbourhood Plan Basic Conditions as established by paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended) and supported by the Neighbourhood Plan chapter of the PPG.

Gladman are promoting Land West of Tattenhall Road which sits to the north of Tattenhall village.

LEGAL REQUIREMENTS, NATIONAL POLICY & GUIDANCE

Legal Requirements

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

“(a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.

(d) The making of the order contributes to the achievement of sustainable development.

(e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).

(f) The making of the order does not breach, and is otherwise compatible with, EU obligations.

(g) Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan)."

National Planning Policy Framework

On the 12th of December 2024 the new Labour Government adopted its proposed reforms to the National Planning Policy Framework. The revisions include reversing changes introduced by the previous December 2023 iteration and the introduction of new policies.

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of neighbourhood plans to be in conformity with the strategic priorities

for the wider area and the role they play in delivering sustainable development to meet development needs.

At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through plan-making and decision-taking. This means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet identified housing needs. This requirement is applicable to neighbourhood plans.

Planning Practice Guidance (PPG) makes clear that neighbourhood plans should conform to national policy requirements and take account of the most up-to-date evidence. This is so that the Parish Council can assist Cheshire West and Chester Council (CWaC) in delivering sustainable development and be in accordance with basic condition (d).

The application of the presumption in favour of sustainable development will have implications for how communities engage with neighbourhood planning. Paragraph 13 of the Framework makes clear that Qualifying Bodies preparing neighbourhood plans should develop plans that support strategic development needs set out in Local Plans, including policies for housing development and plan positively to support local development.

Paragraph 30 further makes clear that neighbourhood plans have the power to shape, direct and help deliver sustainable development. It is also stated that neighbourhood plans should not promote less development than what is set out in the strategic policies for the area or undermine those strategic policies.

Planning Practice Guidance

It is clear from the requirements in the Framework that neighbourhood plan policies should be prepared in general conformity with strategic requirements for the wider areas, as confirmed in an adopted development plan. The requirements set out in the Framework adopted in 2023 have been supplemented by the publication of Planning Practice Guidance (PPG).

The PPG emphasises the importance of supporting strategic policies as stated below;

“The resulting draft neighbourhood plan must meet the basic conditions if it is to proceed. National planning policy states that it should support the strategic development needs set out in strategic policies for the area, plan positively to support local development and should not promote less development than set out in the strategic policies.”¹

Accordingly, the TDNP will need to ensure that it takes into account the latest guidance issued by the SoS so that it can be found to meet basic condition (a).

RELATIONSHIP TO LOCAL PLANS

Adopted Development Plans

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

The adopted Development Plan relevant to the preparation of the TDNP and the Development Plan which the Neighbourhood Plan will be tested against is the Cheshire West and Chester Local Plan (CwaC). The plan consists of the Cheshire West and Chester Local Plan (Part One) Strategic Policies which was adopted in January 2015, and the Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies, adopted in July 2019. The above are the overarching planning policy documents for the district and forms the basis for decision making process in relation to all planning applications looking forward to 2030, or such a time as it, or elements Cheshire West and Chester's Local Plan (Part One) sets the housing requirement for CWaC with 1,100 dwellings per annum over the plan period equating to a total of 22,000 dwellings to be delivered from 2010-2030.

Gladman notes that the Regulation 14 version of the draft Tattenhall and District Neighbourhood Plan does not allocate any housing.

Cheshire West and Chester New Local Plan

The Cheshire West and Chester Local Plan is over five years old and work initially commenced

on a review in September 2021 with an initial 'Local Plan Conversation' being held for 12 weeks from the 23rd of June to the 15th of September. The consultation exercise received views on whether the Local Plan should be updated and the scope of any potential update. The feedback from the consultation went to Cabinet on the 20th of April 2022 where the decision to commit to an update of the Local Plan (Part One) was determined, the decision was made so that the Local Plan would be up-to-date and robust.

On the 10th of January 2024 a report went to Cabinet stating the Council intended to produce a new plan under the new national system for plan-making established by the LURA. The Council did a Call for Sites exercise from the 26th of January until the 17th of March in 2024, but since there has been no progression with the emerging Local Plan.

On January 15th 2025, it was approved at Cabinet for Cheshire West and Chester Council to begin preparation of an update to the Local Plan under the current plan-making system, with the option to switch to the new plan-making system should it prove necessary and expedient to do so.

The update to the Local Plan will involve creating a single local plan document that updates and replaces all policies in the Local Plan (Part One) and Local Plan (Part Two). A provisional Local Development Scheme has been published anticipating adoption for Autumn 2027.

One of the recent changes to the NPPF 2024 iteration involved how housing requirements for local authorities nationwide are calculated, using a stock-based approach as the basis. For Cheshire West and Chester this would mean the requirement increases from 1,100 dwellings per annum under the previous standard method, to now having a requirement of 1,912 dwellings per annum under the stock-based method. Cheshire West and Chester Council's will have to take into consideration this increased requirement through its' emerging Local Plan, thus Tattenhall will need to assist in the delivery of a greater quantum of housing to assist the CWaC Council. To ensure compliance with national policy it is important that the neighbourhood plan is prepared with the objective of delivering sustainable development therefore taking into account the increased housing requirement for CWaC otherwise the plan will need to be reviewed early on.

TATTENHALL AND DISTRICT NEIGHBOURHOOD PLAN

Context

This section is in response to the TDNP Pre-Submission consultation document and its

supporting evidence base.

Strategic Environmental Assessment (SEA)

The evidence base for the draft plan includes a Strategic Environmental Assessment, Habitat Regulations Assessment and Marine Plan Screening Opinion for the Tattenhall & District Parish which was published in September 2023.

The SEA screening assessment states that it is unlikely there will be any significant environmental effects arising from the Tattenhall and District Neighbourhood Plan, therefore a Strategic Environmental Assessment of the TDNP is not required.

The SEA is a legal requirement involving a systematic process that should be undertaken at each stage of a plan's preparation. It should assess the effects of a neighbourhood plan's proposals and whether they would be likely to have significant environmental effects and whether the plan is capable of achieving the delivery of sustainable development when judged against all reasonable alternatives.

As there are no sites allocated for development in the draft Tattenhall and District Neighbourhood Plan, Gladman agrees an SEA is not required at this moment of time.

Vision and Objectives

Gladman are supportive of the Plan's vision which seeks to ensure Tattenhall continues to thrive as a vibrant and distinctive village which continues to evolve and expand while retaining its unique and distinctive character, and to provide an outstanding quality of life for current and future generations of residents.

The TDNP objectives are made to allow for the TDNP vision to be achieved. Objective 1 includes the *'delivery of a housing growth strategy tailored to the needs and context of Tattenhall.'* Gladman supports this objective and would like to reiterate the growing demand for housing in Cheshire West and Chester which is represented by the new requirement for 1,912 dwellings per annum in CWaC.

The increased need for housing therefore should be accounted for in the TDNP in order for the Parish Council to assist the emerging CWaC Local Plan in providing a robust supply and not preventing development.

Sustainable Development for the Whole Community

Paragraph 5.7 states 'current residents accept that more people will want to come and live in Tattenhall, and this is important to any thriving and evolving community.' Gladman supports the wording in paragraph 5.7 that acknowledges Tattenhall as a vibrant sustainable settlement. This

is something also reflected in it being classified as a tier 2 settlement that received 250 dwellings in growth in the adopted CWaC plan. The settlement is likely to be allocated further growth in the emerging plan due to the sustainability of the settlement with its array of services and facilities.

It is imperative to note the provision of housing will support the plan's other objectives and will enable them to be met, thus the contribution residential development can make should not be overlooked. With this being said it is important that the plan's objectives are properly supported by the suite of policies.

Paragraph 5.8 states there's *'great concern that new development in Tattenhall could erode the very qualities that make the village special if it is not carefully managed in terms of its scale and design.'* Gladman accepts the need to protect the settlement's distinct character, however the housing requirement for CWaC has significantly increased and as Tattenhall is a tier 2 settlement which has the capacity to take on some of this growth, this should not gatekeep needed development.

Emphasis should instead be given to the design of future developments ensuring development proposals are sensitive to Tattenhall's local landscape. This can be achieved through liaising with the Parish Council as well as following the published Design Code (2023) to ensure Tattenhall's village qualities are maintained and even enhanced.

Gladman suggests that the wording in paragraph 5.8 is not supportive of development and should be removed to provide more a positive approach to development such as, *'The next layer of growth for the village should aim to create high quality development that enhance the local character in the Tattenhall village. Development should bring benefits to existing residents as well as new residents.'*

Strategy

Gladman do not support the wording used in paragraph 6.2,

'Housing growth is to be accommodated in a sensitive way and the strategy for housing growth is explained later in this document (See Policy 1). This is primarily based on modest scale developments. Future growth based on large scale, inappropriate development along existing village boundaries will not be supported by the community.'

While Tattenhall is directed 250 dwellings in the adopted development plan, the existing settlement boundary sits adjacent to the settlements built form. CWaC have started to prepare an emerging Local Plan where it is anticipated a similar if not increased level of growth will be

directed to Tattenhall, the Key Service Centre. In order to deliver the adopted requirement for Tattenhall, greenfield land next to the settlement boundary will need to be explored for development. Development that works to deliver the minimum housing need should be looked favourably on as it conforms to the CwaC Local Plan (Part One) Policy STRAT 8. The Neighbourhood Plan must be in 'general conformity with the strategic policies contained in the development plan for the area of the authority,' in order to meet the basic condition

(e) and be tested as a sound Neighbourhood Plan.

As the TDNP is somewhat restrictive to larger developments along the settlement boundary while the Local Plan directs significant growth to the settlement which Gladman considers to not be achievable within the existing settlement boundary itself. The TDNP therefore fails to conform or support the Spatial strategy set out in the CWaC plan.

Policy 1 Housing Growth

Gladman objects to Part 1 of Policy 1 which states;

'Proposals involving up to and not exceeding 30 homes on any one site will be allowed within the settlement boundary of Tattenhall, to meet the housing requirements established in the CWaC Local Plan.'

We are concerned that the limit of 30 dwellings which is present in the adopted Neighbourhood Plan (adopted in June 2014), does not reflect or take into account change in national policy. The recently revised NPPF (December 2024), reflects the national housing crisis, and as a result significantly increased the housing requirement in Cheshire West and Chester to 1,912 dwellings per annum, compared to the adopted housing requirement in 2015 of 1,100 dwellings per annum. The Neighbourhood Plan therefore takes no responsibility in helping the wider administrative area in meeting the new housing requirement. Tattenhall is a tier 2 settlement which the Local Plan makes clear to be a sustainable settlement and one that can take further growth. If all settlements within the authority area were to adopt restrictive Neighbourhood Plan's, then Cheshire West and Chester whom already cannot deliver a robust five year housing land supply will have a severe housing shortfall in the near future.

Gladman consider the upper limit of 30 dwellings to not be representative of the adopted plans direction of growth, as the settlement is allocated 250 dwellings in the adopted development plan. The Neighbourhood Plan therefore does not comply to the basic condition (e) set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended) as it is not in conformity with the strategic policies contained in the development plan for the area. Additionally, Gladman notes the policy states for housing developments to be located within

the settlement boundary. To expect future growth of the scale required within the tier 2 settlement to be located within the confined settlement boundary is not realistic nor achievable. The Neighbourhood Plan acts as red tape towards the future growth of the settlement, and greenfield land outside of the settlement boundary will be needed in order to meet the new housing requirement. Again, Gladman considers the Neighbourhood Plan to not be in conformity with the adopted development plan for this reason and therefore will be found unsound.

Gladman supports the policy promoting development sites providing a mixture of housing to meet the needs of the community, along with the need for development sites with 3 or more dwellings to provide a target of up to 30% of the units being affordable. This is a growing need in Tattenhall as the Housing Needs Report for Tattenhall and District which was undertaken in 2018 indicated Tattenhall had fallen short of meeting the 30% target for affordable housing.

The Housing Needs Report was updated in 2023 where the findings showed a gap between the income and house prices in Tattenhall to have significantly increased, highlighting new homes would benefit from affordable ownership tenures.

Gladman recognises the need within Tattenhall to increase its provision of affordable homes in order to reduce these discrepancies and supports that in addressing the issue it will ensure Tattenhall remains a sustainable and inclusive community. Therefore, the provision of affordable housing supports the TDNP vision and objectives and should not be overlooked.

Gladman would like to re-emphasize that Cheshire West and Chester are in the process of creating a new Local Plan which have a new minimum requirement of 1,912 dwellings per annum as opposed to the adopted requirement of 1,100 dwellings per annum. Therefore, based on the proportion of growth that was directed to the Key Service Centre in the adopted plan, it is expected for further growth to be allocated Tattenhall in the next plan. The TDNP should not restrict future development and should incorporate the new standard method of 1,912 dwellings per annum as the CWaC plan is over five years old this requirement now applies.

Policy 2 Local Character

Gladman recognises the fields north and north-west of Tattenhall are 'Ancient Field Systems' or 'Medieval Towns,' by the Historic Landscape Characterisation.

The conservation area additionally covers areas east and south of the settlement and is more sensitive to development. Tattenhall is therefore quite constrained and Gladman considers the

Ancient Field Systems to be less sensitive to development as the potential for visual impact can be mitigated through design.

Gladman therefore considers in order for the settlement to grow sustainably focus should be on the design of developments used to mitigate against the above sensitive areas.

The site promoted by Gladman does not sit within any key views, while the majority of land adjacent to the settlement sits amongst a key view/s, Gladman therefore considers Land west of Tattenhall Road suitable for development and to have the least significant visual impact and therefore will have a reduced potential of any adverse impact on the village's distinctiveness.

Gladman supports the above policy in regard to the retention of any existing significant trees and incorporating new tree planting and landscaping into schemes.

The site being promoted by Gladman sits north of the Keys Brook which has a designated wildlife corridor in the draft TDNP policy map. Gladman are happy to engage with the Parish Council and provide green space with the additional planting of hedgerows and trees along the corridor in order to maintain and enhance it. Gladman object to Part 3 of Policy 2 which states:

'Does not erode the important, predominantly undeveloped gaps between the three settlements of Tattenhall, Newton-by-Tattenhall and Gatesheath.'

The Policy references undeveloped gaps between the neighbouring settlements, however there are no settlement gap designations affecting the Tattenhall settlement or Newton-by-Tattenhall or Gatesheath within the adopted development plan.

Gladman submit that the identification of a Settlement Gap is a strategic issue that should be confirmed in an adopted Local Plan. Indeed, the adopted CwaC Local Plan (Part Two) under Policy GBC 3 specifies the designated key settlement gaps to be;

- A. Lostock Gralam and Northwich
- B. Leftwich and Rudheath (Dane Valley)
- C. Davenham and Leftwich
- D. Davenham Village and Leftwich Grange (Kingsmead)
- E. Davenham and Moulton

Furthermore paragraph 7.29 states, *'the Local Plan (Part One) Policy ENV 2 states that the Local Plan (Part Two) will identify key gaps between settlements, outside of the Green Belt, that serve to protect and maintain their character. In line with Local Plan (Part One) Policy STRAT 5, key settlement gaps have been identified between areas where it is necessary to safeguard the character and individuality of the settlements that form the wider built up area of Northwich.'*

Given the statement above, it would be inappropriate to designate a Settlement Gap policy given the Local Plan has not included the settlements stated in the draft Neighbourhood Plan to be designated as a strategic gap which are primarily focused around the tier 1 Northwich settlement and its surrounding settlements. The draft Neighbourhood Plan policy would set a precedent and would act to prevent future sustainable growth opportunities should the need arise.

Indeed, the PPG is clear that all settlements can play a role in delivering sustainable development in rural areas and so blanket policies restricting housing development

in some settlements and preventing others from expanding should be avoided unless their use can be supported by robust evidence of their appropriateness ².

The NPPF (2024) further states in paragraph 13,
'The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.'

As stated above the settlement's mentioned in Policy 2 are not included within the adopted development plan's Policy GBC 3, development should not then be restricted. The Neighbourhood Plan does not comply with national policy as the Neighbourhood Plan is not directing development outside of the strategic Key Settlement Gaps (Policy GBC 3) within the adopted development plan. Additionally, in line with PPG there is no supporting evidence base to demonstrate the appropriateness of the settlement gaps proposed in the draft Neighbourhood Plan.

Gladman respectfully consider that Part 3 of the above Policy 2 is deleted in its entirety.

Policy 2 is supported by the Tattenhall and District Design Code, published in 2023. Gladman supports the published design code and takes a contextual approach that involves taking different architectural styles from the local area to enhance and maintain character. A design-led approach is taken to create healthy, safe, green and environmentally responsive places which is achieved by closely liaising with a range of key disciplines.

Gladman acknowledge the importance for planning policies relating to quality design measures, and the documents sitting behind them, these should not be overly prescriptive and should allow for flexibility for schemes to respond to site specifics and the character of the local area. There will not be a 'one size fits all' solution in relation to design and sites will need to be considered on a site-by-site basis with consideration given to various design principles.

The National Design Guide: Planning practice guidance for beautiful, enduring & successful places (January 2021), the recently adopted National Planning Policy Framework (2024) and National Model Design Code (updated October 2021) set the framework for the characteristics for creating beautiful, high quality sustainable places.

Policy 4 Local Facilities

Gladman supports the TDNP Policy 4 which sets out the importance of retaining local services in order to sustain the community's vitality, along with the need for new development to identify

their likely impact of local infrastructure, and services.

It is equally important to note the benefits new housing developments also bring, additional incomes into the local community also help sustain and enhance the local economy as well as town centre itself. Additionally, Gladman are happy to engage with the Parish Council to discuss potential improvements needed within the village that we could assist in delivering.

Policy 5 Transport and Communication

Gladman supports Policy 5 and the need for new developments to identify the traffic levels likely to be generated.

The TDNP states development must maximise opportunities to walk and cycle. The site being promoted by Gladman at Land west of Tattenhall Road benefits from good pedestrian connectivity into the village centre. There are a range of local amenities and facilities which can be accessed on foot or by cycling within nationally recognised acceptable walking and cycling distances and the site will aim to maximise active methods of travel for residents.

Policy 6 Landscape and Environment

Gladman agrees and supports Policy 6 on Landscape and Environment with the need for development proposal next to designated wildlife corridors or of nature conservation value needing to 'demonstrate how they have incorporated appropriate measures to safeguard and enhance these areas.'

Land west of Tattenhall Road sits north of the wildlife corridor along the Keys Brook watercourse. Gladman recognises the importance to maintain and enhance the environment and has since incorporated an area of green space along the southern boundary where the existing area will be maintained along with incorporating additional planting of trees and hedgerows to enhance the ecological corridor.

CONCLUSIONS

Summary

Gladman welcomes the opportunity to comment on the draft Tattenhall and District Neighbourhood Plan. These representations have been drafted with reference to the recently adopted National Planning Policy Framework (NPPF 2024) and the Planning Practice Guidance.

Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national planning policy and the strategic requirements for the wider authority area which are set to dramatically increase with the recent adopted changes to the

NPPF.

Through this consultation response, Gladman have provided comments on a number of policies being proposed through the draft Tattenhall and District Neighbourhood Plan and its supporting evidence base and have highlighted areas where the proposed approach does not accord with the requirements of national policy and/or guidance.

Gladman respectfully suggests that the Parish Council should prepare the TDNP with regard to the recent revisions made to the NPPF (December 2024) where Cheshire West and Chester's housing requirement has significantly increased to 1,912 dwellings per annum. Therefore, the TDNP should take into account the increased need for housing and be less restrictive of development next to the settlement

boundary and on green field land, as by restricting development on these areas it is unlikely Tattenhall will be able to allow for sustainable growth to the settlement and help CWaC meet their new housing requirement.

Lexwood Developments

7th March 2025

Response to the Regulation 14 Public Consultation in Respect of the Proposed Modifications to the Tattenhall Neighbourhood Plan

Hayley Knight Planning Limited, on behalf of Lexwood Developments, hereby submit the comments set out in this letter in response to the proposed modifications to the Tattenhall Neighbourhood Plan Regulation 14 consultation.

For ease of reference this letter sets out the comments by Policy and each subsequent modification. Comments are only provided on the modifications that we feel requires further consideration.

Policy 1 Housing Growth

- Removal of the text allowing scheme of up to 30 homes '*immediately adjacent to the built up part*' of Tattenhall village.

The Tattenhall and District Neighbourhood Plan was made on 4TH June 2014, and so has been part of the Statutory Development Plan for over 10 years before it has been subject to any modifications. As set out in the 'Tattenhall and District Neighbourhood Plan 2024 Review, Draft Modification Proposal' document version 4 the inclusion in Policy 1 of allowing schemes immediately adjacent to the built-up part of the village was because the settlement boundary had not been defined in the emerging Cheshire West and Chester Local Plan Part One.

The Local Plan Part One was adopted in 2015, and this was followed by the Local Plan Part Two being adopted in July 2019. The plan period for the current Local Plan ends in 2030, i.e. in five years. It is therefore reasonable to expect that the plan period for the modified Tattenhall Neighbourhood Plan will extend beyond that of the Local Plan.

In any case, Cheshire West and Chester Council formally decided to prepare a new style Local Plan at the Cabinet meeting that took place on 10th January 2024, and subsequently undertook the initial consultations on the evidence base that will support an emerging Local Plan.

Therefore, as it is known that Cheshire West and Chester Council are up-dating their Local Plan and that the modified Neighbourhood Plan will most certainly be made before the emerging Local Plan has been adopted, the same provisions in the Neighbourhood Plan Policy 1 should apply. That is Policy 1 should not restrict housing development to being within the settlement boundary only until an up-dated settlement boundary and housing needs assessment has been undertaken

as part of the Local Plan.

This is particularly pertinent as following the change of National Government in July 2024, and the publication of the revised National Planning Policy Framework in December 2024 it is clear that there is a renewed focus on housing provision across the Country. The revised NPPF sets out a requirement for policy-making authorities to establish a housing requirement for their whole area and how it can be met over the plan period, and that these should also set out housing requirements for designated neighbourhood areas.

We therefore query if the Parish Council have engaged with Cheshire West and Chester Council to establish housing need in the borough and the Tattenhall neighbourhood area? If not, it is not considered appropriate that Policy 1 be changed to be restrictive to housing growth over the coming Neighbourhood Plan period.

It is noted that work on up-dated housing needs in the Borough has already begun. A report to the Cheshire West and Chester Cabinet on 15th January 2025 indicated that based on the new methodology set out by National Government, the housing need for the Borough is likely to increase from the current Local Plan requirement of 1,100 dwellings per annum, up to 1,914 per annum. Given this increase it is inevitable that new homes will have to be developed across the Borough. Indeed it is clear that the Council are already taking this increased housing need into account in the determination of planning applications, notably application reference 22/00194/FUL, which is seeking planning permission for an extension of the retirement village in Tattenhall. The Planning Committee Report for which states:

'The recently amended National Planning Policy Framework (NPPF, December 2024) and associated national planning guidance are material considerations. The amendments to the way housing need is assessed mean that the Council can no longer demonstrate a five-year supply of housing...'

It is therefore clear that the Council consider that they can not demonstrate the required 5 year housing land supply. With settlement boundaries being drawn so tightly around Tattenhall, this further evidences that it is not appropriate at this time to be restricting housing growth in Tattenhall to within the settlement boundary only.

At this stage in the emerging Local Plan process possible development strategies for the Borough over the plan period have not been consulted upon, or tested at an independent examination. The development strategy set out in the current Local Plan (which as set out above remains valid for the next 5 years), was based on a robust assessment of settlement capacity and sustainability. Local Plan Policy STRAT2 focuses development on the City of Chester and three towns of Ellesmere Port, Winsford and Northwich, with a level of development identified for key service centres so as to maintain the vitality and viability of the rural areas. Tattenhall was one of the ten

key service centres identified in this Policy. Local Plan Policy STRAT 8 expands upon this to confirm that the key service centres were identified because they accessible and sustainable and provide a good range of facilities and services. In respect of Tattenhall it remains an accessible location with regular bus links to Chester and Whitchurch from the centre of the village, a vital and viable High Street, medical facilities, community and sports facilities and a local primary school. As the development hierarchy of the Borough remains similar to that when it was adopted in 2015, and specifically in respect of Tattenhall the village remains accessible and sustainable it is therefore reasonable to forecast the emerging local housing needs figure based on the current Local Plan development strategy, as no alternative approach has been put forward. On this basis:

- In the current Local Plan of the minimum housing requirement of 22,000 homes to be delivered between 2010-2030, and 250 no. new homes were allocated to Tattenhall. That is 1.13% of housing requirement over the plan period.
- Whilst the new local housing need is yet to be consulted upon and agreed, the Council have indicated in their 15th January 2025 Cabinet Report this is currently calculated as being 1,914 homes per annum, which equates to 28,710 homes would be needed across Cheshire West between 2025 and 2040.
- Applying the same development strategy approach (as the settlement hierarchy is considered to remain similar to that of 2015) Tattenhall could be required to accommodate 1.13% of the local housing need. This equates to 373 no. new homes (or 24.8 per annum) between 2025 and 2040.

It is acknowledged that the land north of Shire Way is safeguarded for new homes, and undeveloped land adjacent to the retirement village off Frog Lane is within the settlement boundary of the village. These are the only areas of land that can provide new homes at scale in Tattenhall, as the settlement boundary has been drawn tightly up against the urban form of the village. The capacity of these sites is estimated as providing land for only 53 no. homes¹, which equates to only just over 14% of the estimated requirement of housing growth when applying the housing needs for the emerging plan period and currently adopted development strategy for the borough. Allowing the deletion of wording that would allow housing development immediately adjacent to the settlement boundary of Tattenhall would therefore not allow for the village to accommodate its likely housing need for the emerging plan period, starting from 2025.

This proposed deletion is therefore considered to be unduly restrictive especially in the context of work being progressed on an emerging Local Plan, which indicates a growth in housing in the village being likely and an anticipated overlap of the modified Neighbourhood Plan and adoption of an emerging Local Plan. This deletion is therefore not supported and should not be allowed in the final Neighbourhood Plan.

Finally, a review of the sites put forward in the Land Availability Assessment undertaken by the Cheshire West and Chester Council in January to March 2024 confirms that there are very limited sites available within the settlement boundaries of the village. There are however a number of sites being promoted immediately adjacent to the settlement boundaries that could meet the requisite local housing need, and which would be in a sustainable and accessible location.

- Bullet point 4 of the inserted policy wording setting out the development that will be permitted outside the boundary of Tattenhall for four specific purposes, with these comments relating to homes meeting local affordable housing needs.

To clarify bullet point 4 of Policy 1 as put forward in the 'Tattenhall and District Neighbourhood Plan 2024 Review, Draft Modification Proposal' document version 4, reads as follows:

'Where necessary to meet local affordable housing needs, demonstrated by or in collaboration with Tattenhall and District Parish Council. These rural exceptions sites will be for 100% affordable housing on small sites which would otherwise not be appropriate for housing adjacent to the de-fined Tattenhall Settlement Boundary. Where it is essential to enable the delivery of affordable housing to meet local needs, a small, subsidiary element of market housing may be permitted on such sites.'

In the first instance, we do not object to the restriction of housing in the open countryside (excluding sites that are immediately located adjacent to the settlement boundary as per the above arguments) being limited to meeting an identified local affordable need.

Our concern with the above wording relates to the Parish Council being the only body that can demonstrate or sign off any local affordable housing need. It is noted that the Parish Council commissioned the 'Tattenhall & District Parish Housing Needs Report', December 2023, however this report remains in draft form and reflected the local affordable housing need over 1 year ago. This is of particular concern when there are a number of affordable housing providers active in the Neighbourhood Plan area that can provide an up to date position on local affordable housing need based on current data and housing waiting list registers at any given time. However, the policy wording put forward in Policy 1 does not give any affordable housing provider active in the area any policy basis to demonstrate a local affordable housing need.

In addition, from review of the draft Tattenhall & District Parish Housing Needs Report we question its methodology most notably because a need of 29 no. affordable homes was identified and 13 no. of these were discounted from the final identified need for new affordable homes because of the annual average of re-lets in existing stock. It is our view that re-lets does not reduce the need for affordable homes, particularly in the current economic climate of increasing household costs and resultant cost of living crisis. To the contrary 13 no. new

affordable homes to be made on available on rental tenures is the only way to address that identified need. In addition the draft Tattenhall & District Parish Housing Needs Report makes reference to affordability and house prices but does not identify any need for affordable home ownership (through shared ownership or low cost home ownership tenures), instead it focusses on rental tenures only. This is despite the report evidencing that the median and lower quartile house prices in the Tattenhall Ward far exceeding the costs for boroughwide.

This policy should be amended to allow the submission of affordable housing need from affordable housing providers active in the area.

- Replacement text relating to housing development of 3 or more dwellings, and notably the removal of affordable housing being able to be secured by way of a planning condition.

It is unclear why the Parish Council are seeking to remove the ability of affordable housing being secured by planning condition, as well as Section 106 agreements, as no justification is given in the 'Tattenhall and District Neighbourhood Plan 2024 Review, Draft Modification Proposal' document version 4.

We object to this deletion, as securing affordable housing by way of planning condition enables affordable housing providers to access Homes England grant funding. In this location, given land values and the requirements set out in the design code (should it be adopted) it is anticipated that affordable housing providers will need to have access to Homes England grant funding to making affordable housing schemes viable.

If this deletion is made in the modified Neighbourhood Plan they only affordable housing will be able to be provided in Tattenhall will be through private housebuilder led housing schemes whereby the ratios of tenures are likely to be 70% open market for sale homes to 30% affordable home tenures, as in this scenario it would be the open market private sales that would subsidise the affordable homes.

In summary we object to the deletion of wording that allows affordable housing in the Parish to be secured by planning condition, as this would prevent affordable housing providers from accessing grant funding, and thereby ensure that 100% affordable schemes in Tattenhall would be very unlikely. Affordable housing would likely only come forward as part of an open market housing scheme. Given the affordable housing need in Tattenhall this is not considered to be appropriate.

Policy 3 The Local Economy

- Retention of the wording that would allow economic development immediately adjacent to the settlement boundary

It is noted that Policy 3, which relates to local economic development, is continued to be supported in locations adjacent to Tattenhall and adjoining hamlets, unlike the deletion of this wording in Policy 1 (for new housing). No justification for maintaining support in the edge of settlement locations for economic development, and withdrawal of support for this location for new housing development is given.

In the first instance the Parish Council should acknowledge the boost the new housing gives to the local economy through tender and apprentice opportunities during the construction phase, through to the increase in local expenditure and support for local facilities once the housing is occupied. In addition, the increase in the local population, also includes a boost to the local workforce which in turn can support local businesses that are looking to growth.

If the purpose of restricting housing growth is to maintain the gap between settlements and retain the character of the open countryside around the village, despite there being policies to achieve this in the modified Neighbourhood Plan, the same restriction should also apply to new economic development. Otherwise, the modified Neighbourhood Plan is unduly restrictive towards new housing development.

Policy 4 Local Facilities

- Repetition of the first two sections of the policy in the third section

'Tattenhall and District Neighbourhood Plan 2024 Review, Draft Modification Proposal' document version 4 repeats the revised policy wording of the first two sections, of Policy 4 in the third section. The revised policy wording should be amended accordingly.

Tattenhall and District Neighbourhood Design Code

- Code 3B Density

The NPPF requires planning policies that make an efficient use of land that takes into account: the identified need for different types of homes; local market conditions; availability and capacity of infrastructure, notably sustainable travel modes; an existing area's character; and securing healthy well designed places.

Code 3B of the Tattenhall Neighbourhood Design Code sets out a density guide based on three character areas (surrounding landscape, historic and modern areas). This is based on a survey set out on page 19 of the Design Code. Whilst the NPPF supports the use of area-based character assessments to set out development density guidance it is clear from the survey

undertaken that the density of development within the identified character areas varies considerably, and in some cases exceeds the limits on density set out in Code 3B, for example the Greenlands sample is 22 dwellings to the hectare and Harding Avenue and Shire Way sample areas are 20 dwellings to the hectare, but the modern character area (within which they sit) is restricted to no more than 15 dwellings per hectare, and the Blackhams Way survey area is identified as 30 dwellings per hectare, but is located in an area restricted to no more than 12 dwelling per hectare.

Ultimately, we consider that the survey undertaken on page 19 shows that the density of the Neighbourhood Plan area varies such that application of a density standard needs to either be more varied, or removed to allow a density to be considered on a per scheme basis.

In addition, as set out in paragraphs 129-130 of the NPPF character assessments form just one consideration in ascertaining appropriate density for new development. As the village benefits from regular public transport links, and is in an area where there is a need for smaller homes where there is an affordability issue (as evidenced in the Tattenhall & District Parish Housing Needs Report) a higher density of development should be sought. This approach would enable the development of smaller homes, and would also require less land take for more new homes.

- Code 3C Materials and Detailing

Code 3C of the Tattenhall Neighbourhood Design Code sets out materials and detailing that will be required for new development over the plan period, the first bullet point of which states:

'The use of traditional, or natural building materials such as brick, red sandstone, timber and natural slate in new buildings will be expected. Artificial or man made replicas of these materials should be avoided.'

The phrase 'will be expected' and latter part of this requirement, avoidance of artificial or man made materials, is anticipated to cause conflict with emerging requirements to achieve Building Regulations in new development. Increasingly there is a need to include solar panels and UPVC windows in new homes to achieve the sustainability and higher energy efficiency requirements.

The cost efficient delivery of affordable housing may be prevented if a scheme using all the identified high cost traditional materials are required, and may only be possible with good quality modern equivalents.

Also a development scheme located within the Village Conservation area would expect to have a high quality of building material and design to reflect its setting. It then follows that a well designed development scheme in the more modern areas of the village will not cause the quality of the area to be reduced if modern materials are appropriately used in its design solution.

Moreover, modern materials are evolving such that they can be indivisible from traditional materials, and are easier to maintain. Building materials will continue to evolve throughout the Plan period and modern materials should not be discouraged purely because they are seen to be man made, it is about the quality of material and their use in appropriate scenarios / locations.

Also, it could potentially prevent well designed contemporary development / housing schemes come forward if modern materials are in effect seen to be discouraged or even barred.

We do not disagree with the objective of high quality materials, but this should not preclude artificial materials. Accordingly, this first bullet point should be amended to seek the use of good quality traditional or modern materials in appropriate locations.

Summary and Conclusion

The guidance for the preparation and modification of Neighbourhood Plans as set out the NPPF, accompanying Planning Practice Guidance and 2018 House of Commons Briefing Paper on Neighbourhood Planning² are all clear that neighbourhood planning should not be used as a way to block necessary development. Indeed an emerging Neighbourhood Plan should take account of housing requirement for their area in the Local Plan. Given that Cheshire West and Chester Council began work on an emerging Local Plan at the start of last year and have indicated that the housing requirement figure based on Government's methodology is such that it will rise, the proposed change in Policy 1 to restrict development to within the very tightly drawn settlement boundary is considered to be restrictive and a block to development. This is particularly in the context of a modified Neighbourhood Plan likely being in place beyond the current plan period, for which the settlement boundaries relate to. It is therefore requested that Policy 1 wording be re-instated to allow appropriate housing development in locations immediately against the settlement boundary.

Other changes to Policy 1 which we do not consider to be appropriate is the restriction of local affordable housing need to be demonstrated or approved by the Parish Council when more accurate and up to date information on local need can be provided at any given time by affordable housing providers that are active in the area. Also in connection with affordable housing it is requested that the planning mechanism to secure affordable housing by way of planning condition is also reinstated, to enable any future 100% affordable housing schemes to access grant funding from Homes England if needed.

I trust the information set out in this letter will be taken into account when finalising the Neighbourhood Plan modifications. Please also accept this letter as a request to be kept informed as the Neighbourhood Plan progress, including notifications to any further consultation or public meetings where the Neighbourhood Plan will be discussed. If there is

anything further that we can assist with, please do not hesitate to contact me.

Mersey Forest

Response to the Tattenhall Neighbourhood Plan

The Mersey Forest Team welcomes the opportunity to comment on the Tattenhall Neighbourhood Plan.

The Mersey Forest is Cheshire and Merseyside's Community Forest, established in the early 1990s. We work with trees for the benefit of people, nature, and climate. For the past 30 years, we have been growing the network of well looked after trees and woods, as well as other habitats, and encouraging people to get involved. As a result, more than 10 million new trees have been established, or 4 trees for every person living here. We work with lots of people and organisations to make this happen – partners, landowners, managers, and farmers, and local communities, businesses and schools. Together, we are bringing change for the benefit of all. We are one of England's 15 Community Forests and part of the Northern Forest initiative.

The Mersey Forest Plan is the long-term and strategic guide to the work of The Mersey Forest team and partners, extending to 2050 and beyond. It has recently been refreshed with input from all local authority partners <https://merseyforest.org.uk/our-plan/>. Cheshire West and Chester Council is a core Partner in The Mersey Forest. We would welcome reference to The Mersey Forest Plan in the Tattenhall Neighbourhood Plan.

The Mersey Forest Plan includes our vision:

“More with Trees

Acting together to grow and care for trees and woods, as part of a thriving mosaic of habitats in and around Cheshire and Merseyside's cities, towns and villages.

Intertwining cherished trees with people's lives and livelihoods, flourishing nature, and strengthened climate resilience.

Inspiring action and spreading hope for our future.”

The Plan also contains a number of key principles that are of relevance to this neighbourhood plan (there will be other relevant principles too):

Establish trees, woods, and other habitats

4.1 Aim to reach 15% tree cover across Cheshire and Merseyside by 2050 (from a 2025 baseline of 13.7%), pushing beyond this if possible towards our long-term ambition of 30% tree cover. Our “[Where principles](#)” map how this longer-term 30% tree cover ambition might look across The Mersey Forest (see principle 16 below).

Key point for this neighbourhood plan: aiming to increase tree cover can contribute to the delivery of this wider ambition.

7. The Mersey Forest team and partners

7.3 Work with a wide range of public, private, research, charitable, and community organisations, from local to national and international levels, and from delivery, to knowledge, strategy, and funding. This includes: ... Town and parish councils...”.

Key point for this neighbourhood plan: We would welcome the opportunity to work with you on this to ensure support for The Mersey Forest Plan and to enable delivery.

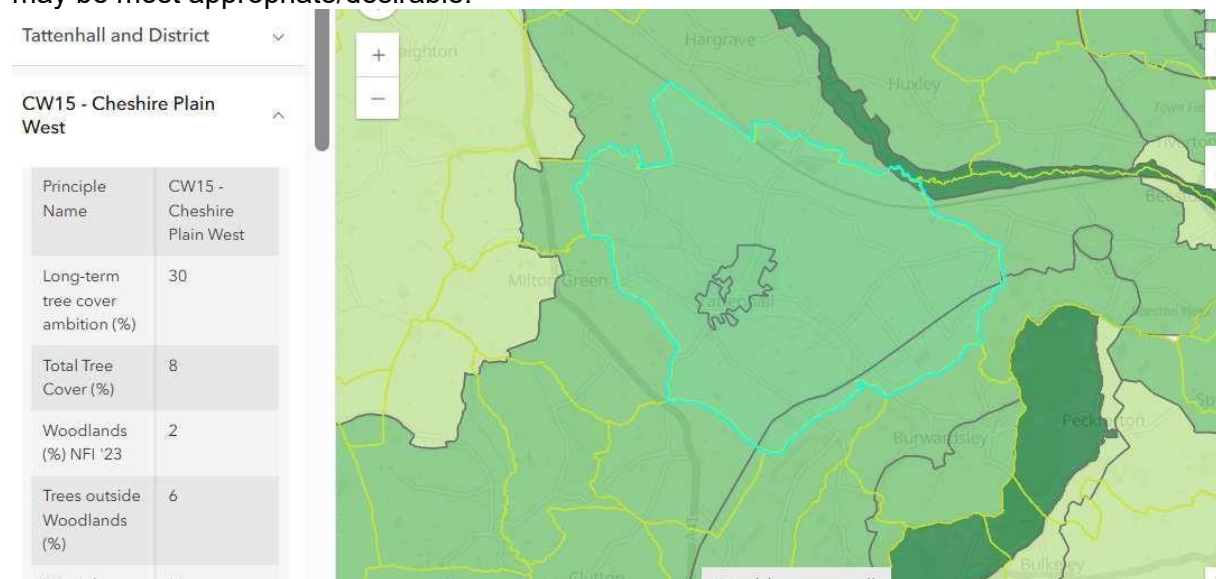
Right tree, right place, right reason – area-specific principles

16.1 Use the area-specific principles, and their associated long term tree cover ambitions, to guide what our longer-term 30% tree cover ambition might look like across our area. They are not binding targets for each area, but they do help to guide our work. These area-specific principles are displayed in the map (at <https://merseyforest.org.uk/our-plan/principles-where/>), in our [Tree Atlas](#), and in a downloadable pdf. They:

- Use landscape character as their basis.
- Build on work from the original 1994 Mersey Forest Plan and subsequent development with our local authority partners.
- Take into account constraints to new trees and woodland, such as peatland, other habitats, high quality agricultural land, and urban areas.

Key point for this neighbourhood plan: below is a screenshot of the tree atlas showing the

target and current tree cover for the area covering Tattenhall, it would be beneficial for the neighbourhood plan to align with this ambition, and to identify local areas where tree planting may be most appropriate/desirable.



The principle description for planting in the settlement area is “Plant individual trees, groups of trees and small woodlands on appropriate and available urban areas, settlements and employment sites, such as school playing fields, open spaces, streets, highway verges, in the grounds of large institutions, derelict land, and development sites, including buffering their edges and the surrounding landscape. Target planting to meet identified needs”.

The principle description for planting in the Cheshire Plain area is “Manage small woodlands and coverts to ensure a diverse structure and ground flora. Establish pockets of trees and small woodland blocks in field corners, which are declining features. Soften built edges with small scale native broadleaved planting, and to provide a recreation resource near to settlements. Screen major highways and views towards Stanlow. Maintain hedges and plant hedgerow trees and orchards. Better integrate golf courses through maintenance of hedgerow field boundaries and existing woodland rather than establishing ornamental species. Ensure land use respects traditional field patterns”.

16.2 Consider constraints for trees and woodland, as part of any tree and woodland establishment and management.

- Constraints have been built into our area-specific principles, and their associated long term tree cover ambitions.
- Further to this our team considers a full range of constraints for each potential establishment or management site. Some of these constraints are included in our Tree Atlas, but we consider a wider range including location of utilities, and using data that we are not licensed to display on the Tree Atlas.
- In some instances, a constraint will mean that trees and woodlands are not appropriate at a given location. In many, the constraint will influence the nature of the trees and woodlands that are appropriate.

Key point for this neighbourhood plan: a lot of the area is characterised as low sensitivity to woodland creation, so has fewer immediate constraints.

16.3 Consider what needs there are for trees and woodland, as part of any establishment and management.

- This can inform the nature of trees and woodland, and their management, as appropriate for each location.
- Some needs mapping has been included in our Tree Atlas, but it is not an exhaustive list.

Key points for this neighbourhood plan:

- The area is flagged as being exposed to increased heat with climate change, though not in

the top 20% of socially vulnerable neighbourhoods. It may still be appropriate to target tree planting to areas where you will want to manage higher temperatures, with trees providing cooling through evapotranspiration and shading. This is especially important in settlements and places where people will gather. But also in farmland to provide shade for livestock, and next to rivers and watercourses to keep water temperatures lower and benefit aquatic wildlife.

- It is also prioritised as a catchment that is highly suitable for using Natural Flood Management (NFM) interventions. In addition to tree planting, The Mersey Forest, in partnership with the Environment Agency and Bolesworth Estate, has installed a series of NFM interventions along Mill Brook which provide flood mitigation benefits to properties at risk of flooding at Old Mill Place. We hope to expand the number of NFM interventions in the catchments upstream of Tattenhall in future to further reduce flood risk and benefit the community. The Mersey Forest is in the unique position of having in-house technical expertise on appraisal, design, project management of delivery and monitoring of NFM schemes through our NFM Manager, and we would welcome the opportunity to work with new and existing partners to further reduce flood risk, improve water quality and enhance water resources in the area.

12. Strategy and policy

12.4 Contribute to neighbourhood planning, setting out and supporting local priorities and aspirations.

Key points for this neighbourhood plan: We see neighbourhood plans as a key opportunity to set out local aspiration with regard to the establishment and management of trees, woods, and other habitats. The Mersey Forest Plan can help to frame and provide context for some of these aspirations.

12.3 Contribute to place making, new development, regeneration and restructuring, by securing recognition to it within Local Plans.

- Paragraph 152 of the National Planning Policy Framework says “Community Forests offer valuable opportunities for improving the environment around towns and cities, by upgrading the landscape and providing for recreation and wildlife... An approved Community Forest Plan may be a material consideration in preparing development plans and in deciding planning applications. Any development proposals within... Community Forests in the Green Belt should be subject to the normal policies for controlling development in Green Belts”.
- Trees and woods should create the setting for, and be a key part of, new development, regeneration and restructuring.
- Existing irreplaceable and mature trees should be retained wherever possible, and appropriate replacement ratios developed for any trees lost.
- Trees should be incorporated as an effective and safe part of new street scenes and highways.
- Secure private sector conditional funding for this green infrastructure and its maintenance (principle 13.2 specifies that this includes funding secured through the planning system, such as section 106 agreements, Community Infrastructure Levies, and Biodiversity Net Gain).

Key point for this neighbourhood plan: support for TMF Plan in the neighbourhood plan can help to unlock funding through planning for delivery. The Mersey Forest Team can assist with advising on tree planting scheme designs and delivery. The Mersey Forest has a number of delivery programmes to facilitate tree planting and habitat establishment, such as Trees for Climate and Northern Forest. The Forest can also support delivery through Section 106 agreements or Community Infrastructure Levies where it can be shown that our funds provide additionality in terms of the delivery of The Mersey Forest Plan. This can support Tattenhall’s objective to “protect greenspace, the landscape and support nature conservation”.

We would welcome a meeting with Tattenhall Parish Council for further discussion.

If you have any queries, please do not hesitate to contact me.

27 February 2025

RE: Consultation on Tattenhall & District Neighbourhood Plan Review (Regulation 14)

Thank you for the opportunity to comment on the above document. The following representations are submitted by NHS Property Services (NHSPS) on behalf of Cheshire and Merseyside Integrated Care Board (ICB).

Background

Cheshire and Merseyside ICB commissions (plans, designs and purchases) many of the health services that local people use, including medicines, hospital care, urgent and emergency services, mental health care, GP services, Community Pharmacy, dentistry and general ophthalmology (eye care services) and many community services.

NHSPS is part of the NHS and is wholly owned by the Department of Health and Social Care (DHSC). NHSPS manages, maintains and improves NHS properties and facilities, working in partnership with NHS organisations to create safe, efficient, sustainable and modern healthcare environments. We partner with local NHS Integrated Care Boards (ICBs) and wider NHS organisations to help them plan and manage their estates to unlock greater value and ensure every patient can get the care they need in the right place and space for them.

Developments often have very significant impacts in terms of the need for additional healthcare provision for future residents, meaning that a planning obligation requiring that the development contributes to or delivers a new healthcare facility is often necessary.

General Comments on Health Infrastructure to Support Housing Growth

The delivery of new and improved healthcare infrastructure is significantly resource intensive. The NHS as a whole is facing significant constraints in terms of the funding needed to deliver healthcare services, and population growth from new housing development adds further pressure to the system. New development should make a proportionate contribution to funding the healthcare needs arising from new development. Health provision is an integral component of sustainable development – access to essential healthcare services promotes good health outcomes and supports the overall social and economic wellbeing of an area.

Residential developments often have very significant impacts in terms of the need for additional primary and community healthcare provision for future residents. Given health and care infrastructure's strategic importance to supporting housing growth and sustainable development, it should be considered at the forefront of the priorities for infrastructure delivery. The ability to continually review the quality and utilisation of healthcare, and wider public estate, optimise land use, and deliver health services from modern fit for the future facilities is crucial. Infrastructure including access to digital solutions must be supported to develop, modernise, or be protected in line with integrated NHS strategies. Planning policies should enable the delivery of essential health and care infrastructure.

The Darzi report, the independent investigation of the NHS in England published in September 2024, highlighted that spending in primary and community settings has a superior return on investment when compared to spending on acute hospital services. The report indicates that despite this hospital expenditure has increased whilst 'out of hospital' spending has declined. This underinvestment in the community and 'Neighbourhood Centres' leads to increased hospital admissions calling for a need to reverse this trend by consciously directing spending towards primary care, community and mental health services.

General Comments on Neighbourhood Plan Proposals

We support the key aims of the Plan that wants to see community, high quality of life and positive environmental effects delivered alongside the necessary housing and employment/economic growth.

The National Planning Policy Framework (2024) recognises the importance of sustainable development, and that sufficient provision of healthcare infrastructure should be made. The Cheshire West and Chester Council Local Plan Policy STRAT 11 states that the Council will facilitate the timely provision of additional facilities, services and infrastructure to meet identified needs, whether arising from new developments or existing community need, in locations that are appropriate and accessible. Local Plan Policy SOC 5 goes on to state that proposals will be supported that provide new or improved health facilities across the borough, particularly in areas of recognised need.

Over recent years there have been increased pressure from new housing developments in Tattenhall and the surrounding areas. The adopted Cheshire West and Chester Local Plan (Part One) set the agenda for housing numbers and growth within Tattenhall as a Key Service Centre. Tattenhall is looking to plan positively to meet its identified local housing requirement and will respond to the supply of these new homes. The NHS provision of health care services in and surrounding this area have significant capacity issues to accommodate the current patient list size. As the development of Tattenhall continues into a Key Service Centre it is essential that consideration and mitigation is provide to the impact on health care services as a result of new housing development.

The Cheshire West and Chester Health Plan (2024 update) puts across the aim for health and care organisations and communities to work more effectively in partnership. This will be crucial to creating communities and environments that help people to live healthier for longer. The ICB deliver joined-up support across our health and care services that better meets the needs of the population. Working more closely together will also allow NHS organisations and local authorities to ensure that needed healthcare infrastructure is delivered alongside new development.

The Parish Council will need to continue to engage with C&M ICB and its partners to ensure that the healthcare infrastructure required to meet the needs of residents is delivered at a pace that matches

the scale of new developments, in particular for primary healthcare services which are often more directly impacted by local population growth.

Detailed Comments on Neighbourhood Plan Proposals Policy 4 (Local Facilities)

We support the modification of Policy 4 (Local Facilities) that creates more certainty that proposals for development will take account of their cumulative impact on local infrastructure and this is in accordance with policies STRAT 11 & SOC 5 of the adopted Local Plan. We recommend that this policy is expanded to include a reference to the need for healthcare infrastructure to mitigate the impacts of development.

In terms of health infrastructure as a starting point, we suggest the following process:

- Assess the level and type of demand generated by the proposal.
- Work with the ICB to understand the capacity of existing healthcare infrastructure and the likely impact of the proposals on healthcare infrastructure capacity in the locality.
- Identify appropriate options to increase capacity to accommodate the additional service requirements and the associated capital costs of delivery.
- Identify the appropriate form of developer contributions.

For major development (10 dwellings or more) applicants will need to engage with C&M ICB to determine the most appropriate means of meeting the relevant healthcare needs arising from a new development and we strongly encourage this to be at the pre-application stage to ensure that appropriate mitigation can be factored into the design and viability of the scheme.

Conclusion

Cheshire and Merseyside ICB and NHSPS thank the Council for the opportunity to comment on the Regulation 14 consultation. Should you have any queries or require any further information, please don't hesitate to contact us. NHSPS would be grateful to be kept informed of the progression of the Neighbourhood Plan via our dedicated email address, town.planning@property.nhs.uk.

Our ref 41992/03/BOC/AGa
Date 28 April 2025
Issued to Tattenhall and District Parish Council

Regulation 14 Consultation Response

Introduction

- 1.0 These representations have been prepared by Lichfields on behalf of Taylor Wimpey UK Limited [Taylor Wimpey] in relation to the consultation on the pre-submission stage of the modified Tattenhall and District Neighbourhood Plan.
- 1.1 Following Taylor Wimpey's representations dated 30th September 2024, Taylor Wimpey welcomes this further opportunity to provide comments on the pre-submission state of the modified Tattenhall Neighbourhood Plan. It is understood that the modified version of the Tattenhall Neighbourhood Plan is intended to replace the current Neighbourhood Plan, formally 'made' on 4th June 2014.
- 1.2 As background, the Parish Council issued a notice confirming the pre-submission consultation under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 on the text of the pre-submission state of the modified Tattenhall Neighbourhood Plan. The suite of consultation documents published by Tattenhall Parish Council comprised:
- 1 The Draft Reviewed Neighbourhood Plan dated 21st January 2025;
 - 2 Table of Changes and Additions dated 21st January 2025; and,
 - 3 Modifications Statement dated 2nd February 2025.
- 1.3 However, each document comprised different consultation text which therefore made a thorough review of the consultation material difficult and not feasible. On behalf of Taylor Wimpey, Lichfields raised this issue with the Parish Council and the Principal Planning Officer at Cheshire West and Chester Council.
- 1.4 As a result, the Parish Council was required to re-issue the consultation documents and restart the consultation period for a further 6 weeks (from Wednesday 12th March until Monday 28th April). The consultation documents issued on 12th March 2025 comprise:
- 1 The Draft 'Reviewed Neighbourhood' Plan dated 24th February 2025 [draft Neighbourhood Plan]; and,
 - 2 Modifications Statement dated 24th February 2025.
- 1.5 This representation is therefore based upon the consultation documents issued on 12th March 2025.

Background Context

- 1.6 From the outset, it is critical that the draft Neighbourhood Plan reflects Tattenhall's importance within Cheshire West and Chester [CWaC] in terms of its status as a Key Service Centre and Tier 2 settlement, its size, and its sustainability credentials through its existing range of services and facilities. It is, therefore, extremely important that decisions within Tattenhall over the next 5 years are made within the context of up-to-date national planning policy.
- 1.7 If the draft Neighbourhood Plan is submitted for examination under Regulation 15, the Plan will then be assessed by an Examiner against the legal requirements set out in the basic conditions.
- 1.8 There are two separate routes to this. If the Examiner were to accept the Parish Council's submission that the changes to the plan are not so significant or substantial as to change the nature of the neighbourhood development plan then the Examination will proceed under Schedule A2 of the Planning and Compulsory Purchase Act 2004, and specifically paragraph 11(2):
- (2) A draft plan meets the basic conditions if—
 - (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan,
 - (b) the making of the plan contributes to the achievement of sustainable development,
 - (c) the making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
 - (d) the making of the plan does not breach, and is otherwise compatible with, assimilated obligations, and
 - (e) prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the plan.
- 1.9 If the Examiner considers that the changes are so significant or substantial as to change the nature of the neighbourhood development plan, then under paragraph 10(5) of Schedule A2 then the Examiner "must consider the draft plan and the documents submitted with it under paragraph 8 of Schedule 4B [of the Town and Country Planning Act 1990]"
- 1.10 Accordingly, the Examiner will assess the proposed Neighbourhood Plan to establish if it meets the basic conditions under paragraph 8(2) as follows:
- a having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,
 - b having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,
 - c having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,

- d the making of the order contributes to the achievement of sustainable development,
- e the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- f the making of the order does not breach, and is otherwise compatible with obligations, and
- g prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.

2.0 *Overarching Issues*

- 2.1 There are a number of overarching flaws and concerns with the draft Neighbourhood Plan which would require the draft Neighbourhood Plan text to change significantly following this consultation exercise. Failing this, the draft Neighbourhood Plan should be refused by an Examiner on account of a wholesale failure to meet the basic conditions.

Modification Proposal – Schedule A2 PCPA 2004 or Schedule 4B TCPA 1990

- 2.2 The changes to the plan involve a re-drafting of the current Policy 1, including removing the provision allowing for up to 30 dwellings to be constructed adjacent to the settlement boundary. All development is now restricted under Policy 1 to within the settlement boundary. On any view, the change is a significant and substantial one and the Examination should therefore proceed under paragraph 8(2) TCPA 1990 and run through a full examination and referendum.
- 2.3 For the purposes of these submissions, basic condition shall be referred to throughout, which is in the same terms (as set out above). All references to basic condition (a) are to the wording of both paragraph 11(2)(a) and 8(2)(a). All references to refusal are either to the Examiner's refusal of the plan under paragraph 13(2) and 14(8) Schedule A2 or to a recommendation to refuse under paragraph 10(2)(c) of Schedule 4B and the LPA's eventual refusal under paragraph 12(10) Schedule 4B.

Breach of Basic Condition (a)

- 2.4 The draft Neighbourhood Plan fails to have any regard to national policies and advice contained in guidance. The updated National Planning Policy Framework [NPPF] was published in December 2024 and introduced changes to national policy to significantly boost the supply of homes. To do this, a new Standard Method for calculating local housing need was introduced. This change has resulted in a significantly increased housing requirement for CWaC. The Government's new standard methodology results in an annual figure of 1,914 dpa for CWaC. This is 1,382 more dwellings per year than the previous standard method figure of 532dpa. No reference to the updated NPPF, or acknowledgement of the increase in CWaC's housing requirement and its implications for Tattenhall is cited within the draft Neighbourhood Plan. The draft Neighbourhood Plan is not in conformity with national planning policy and is therefore, in breach of basic condition (a).

Timing and Context of the draft Neighbourhood Plan

- 2.5 Alongside the fact that the draft Neighbourhood Plan is in breach of basic condition (a) in the

context of changes to national planning policy and the new standard method, CWaC does not have an up-to-date development plan. CWaC is not proposing to review the Plan adopted in 2015 (and reviewed previously in January 2020). The Council has instead committed to progressing a new Local Plan as quickly as possible under the current plan making system¹ and aims to submit the Plan for consultation by December 2026. The draft Neighbourhood Plan needs to have regard to the likely content of the emerging Local Plan and to national planning policy².

- 2.6 As noted, recent changes to national planning policy have seen a significant increase in the local housing need for Cheshire West and Chester (increasing from 534dpa to 1,914dpa). It is highly likely, based on the previous spatial strategy for Cheshire West and the sustainability of Tattenhall as a Key Service Centre, that the emerging Local Plan will direct growth to the settlement of Tattenhall.
- 2.7 The Parish Council should pause all progression of the TDNP until at least a time when there is a clear direction in terms of the future spatial strategy and development distribution aspirations of the new Local Plan. The PPG addresses this point and sets out that proactive engagement between the neighbourhood plan making body and the local authority is important to avoid disagreements and *'minimise the risk of neighbourhood plan figures being superseded when new strategic policies are adopted'*³.

Failure to identify Tattenhall's Housing Requirement

- 2.8 The PPG explicitly states that *'the local planning authority should work with the qualifying body so that complementary neighbourhood and local plan policies are produced. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies.'* We have spoken with the relevant officers at Cheshire West and Chester in late 2024 and they confirmed that no discussions had taken place with them to inform the draft Neighbourhood Plan⁴.
- 2.9 National policy encourages neighbourhood planning bodies to plan to meet their housing requirement, and where possible exceed it⁵. However, the draft Neighbourhood Plan does

¹ Under the Transitional Arrangements, all earlier stage plans will be expected to be submitted for examination under the existing 2004 Act system no later than December 2026.

² PPG – Para. 009 Ref ID: 41-009-20190509

³ PPG – Para. 102 Ref ID: 41-102-20190509

⁴ PPG – Para. 009 Ref ID: 41-009-20190509

⁵ PPG – Para. 103 Ref ID: 41-101-20190509

not seek to establish a housing requirement or allocate any sites to meet future housing needs. Although the Local Plan is out of date and there is no set process for apportioning growth to Tattenhall, the PPG sets out that the *'general policy making process already undertaken by local authorities can continue to be used to direct development requirements and balance need'*. The last Local Plan for Cheshire West apportions growth of 250 dwellings to Tattenhall over the plan period (2010-2030) when the housing requirement was 1,100 per annum.

- 2.10 The Local Housing Need in Cheshire West and Chester is 1,914 per annum now and as such, Tattenhall will need to accommodate at least 250 dwellings again in the next iteration of their Local

Plan, and likely significantly more. However, the approach taken by the draft Neighbourhood Plan completely ignores the housing needs of the settlement and does not seek to allocate land to positively address the housing issues in the area. By avoiding allocating sites for development to meet future needs, the Council cannot avail of the protections provided by Paragraph 14 of the NPPF.

Implications of the draft Neighbourhood Plan upon affordability within Tattenhall

- 2.11 Paragraph 8.11 of the draft Neighbourhood Plan states that affordability remains a key housing issue for Tattenhall and there is a compelling case to meet local targets for affordable housing provision. The draft Neighbourhood Plan identifies that the Housing Needs Report (2023), prepared by Cheshire Community Action, indicates that whilst Tattenhall had performed well in terms of dwelling completions during the plan period, the area had fallen short of achieving 30% affordable housing.
- 2.12 The Housing Needs Report detailed in 2022 indicates that the affordability ratio in Tattenhall Ward was 10.5, i.e. house prices are 10.5 times the annual average Tattenhall Ward salary. This is significantly higher than the CWaC average of 6.83 and indicates considerable stress in the Tattenhall housing market. This is acknowledged in the table at paragraph 8.14 of the draft Neighbourhood Plan which shows house prices and income figures being significantly higher in the Tattenhall Ward when compared against that of the wider CWaC authority area. However, despite recognising a significant issue for the settlement, the draft Neighbourhood Plan takes no steps to positively address this issue. This represents a significant failing of the Neighbourhood Plan to share and direct the future growth of the settlement.

3.0 Planning Policy and Guidance

National Planning Policy Framework

- 3.1 The updated NPPF was published in December 2024 and introduced changes to national planning policy. To ensure the Government can deliver 300,000 homes per year, paragraph 61 states that *“to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed...The overall aim should be to meet an area’s identified housing need, including with an appropriate mix of housing types for the local community”*.
- 3.2 As stated in paragraph 62, to stimulate the supply of homes, key changes that have been implemented include a new Standard Method for calculating local housing need. This change has resulted in a significantly increased housing requirement for CWaC. The Government’s new standard methodology results in an annual figure of 1,914 dpa for CWaC. This is 1,382 more dwellings per year than the previous standard method figure of 532dpa.
- 3.3 Paragraph 69 of the NPPF states that *“once the strategic policies have been adopted, these figures should not need re-testing at the neighbourhood plan examination, unless there has been a significant change in circumstances that affects the requirement”*.
- 3.4 In this instance, paragraph 69 is triggered, and the new housing figures will need to be re-tested and re-considered by the Parish Council as part of the Neighbourhood Plan review process. The draft Neighbourhood Plan version and the Modifications Statement is, therefore, already out of date given that it does not reflect CWaC’s revised housing requirement.

- 3.5 Paragraph 70 requires that *“where it is not possible to provide a requirement figure for a neighbourhood plan area, the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body. This figure should take into account factors such as the latest evidence of local housing need, the population of the neighbourhood area and the most recently available planning strategy of the local planning authority”*.
- 3.6 Based on a review of the Tattenhall Neighbourhood Plan Consultation material, it is evident that the Parish Council has not had regard to the significant increase in local housing need in CWaC, or indeed Tattenhall as a location to contribution towards meeting this identified need. No reference or acknowledgement has been made to the recent planning reforms, and no attempt has been made by the Parish Council to include reference, let alone robust consideration of the revised housing requirement for CWaC as part of the Pre-Submission Tattenhall Neighbourhood Plan.
- 3.7 From a review of the published Parish Council meeting minutes (which have been published in accordance with PPG 41-015), the following comments were noted in respect of the Neighbourhood Plan:
- 1 *“It was noted that work is progressing on producing a flier to go to every house in the Council and Plan area in advance of the consultation drop-in day on Saturday 5th October. Councillors will need to help with the delivery of fliers. It was noted as part of the consultation a meeting had been held with representatives of Transition Tattenhall and a discussion had taken place about producing a set response to planning applications, which is used as a framework for future comments. It is expected a draft will be considered at the next Council meeting.”* - Minutes from meeting held on 2nd September 2024.
 - 2 *“It was reported that there had been 34 responses to the survey of which the majority supported the proposed changes to the Plan, the survey results will now be considered in more detail by the working group and any amendments made before the formal Regulation 14 Consultation takes place. It was discussed whether changes to the national Planning Policy Framework and CW&C Local Plan would result in the Neighbourhood Plan becoming obsolete. It was agreed at this point the future of Neighbourhood Plans was not clear but there had been nothing to state their weight in planning will be reduced as such the review should be completed.”* - Minutes from meeting held on 4th November 2024.
 - 3 *“It was confirmed the Regulation 14 consultation is due to be launched as soon as possible”* - Minutes from meeting held on 13th January 2025.
- 3.8 Whilst the Parish Council appear to have considered whether changes to the NPPF and CWaC Local Plan would result in the Neighbourhood Plan becoming obsolete at the meeting on 4th November, no substantial discussion then took place regarding the standard method which, at the time, was proposed in draft.
- 3.9 Whilst the Parish Council were aware of the changes to national policy, following the adoption of the updated NPPF in December 2024, no discussion was had regarding the impact of these changes at the Parish Council meeting on 13th January 2025. Furthermore, no reference to the Neighbourhood Plan was documents in the minutes for the most recent meeting held on 3rd March. That is a serious defect in the plan-making process, and a clear breach of basic condition (a).

- 3.10 There is no evidence to demonstrate that the Parish Council has engaged with officers from CWaC to discuss the new standard method figure for CWaC, and the subsequent requirements for Tattenhall to make provision to address the increased level of housing need, contrary to NPPF paragraph's 69 and 70.
- 3.11 Paragraph 14 states *"that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:*
- a *the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and*
 - b *the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70)."*
- 3.12 The absence of engagement with CWaC has meant that the Parish Council has not identified a housing requirement for the draft Neighbourhood Plan. As a result of the Parish Council's failure to identify a housing requirement for Tattenhall, there are no policies within the draft Neighbourhood Plan that allocate land for housing. For both these reasons, the draft Neighbourhood Plan cannot ever be protected by NPPF paragraph 14.
- 3.13 Tattenhall's status as a Key Service Centre and a Tier 2 settlement in the CWaC Local Plan further emphasises the need for the draft Neighbourhood Plan to consider the significant increase in CWaC's housing requirement. If the draft Neighbourhood Plan does not

consider this, it should be refused following the examination on account of the failure to meet the basic conditions.

National Planning Practice Guidance [PPG]

- 3.14 The PPG Chapter in relation to neighbourhood planning is a mandatory material consideration for the purposes of basic condition (a). It explains the key preparation stages and the considerations required.
- 3.15 Paragraph 096 Reference ID: 41-096-20190509 states that:
- “Where a qualifying body wants to benefit from the protection of paragraph 14, why is it important that they should include policies and allocations in their neighbourhood plan?*
- Allocating sites and producing housing policies demonstrates that the neighbourhood plan is planning positively for new homes, and provides greater certainty for developers, infrastructure providers and the community. In turn this also contributes to the local authorities’ housing land supply, ensuring that the right homes are delivered in the right places.”*
- 3.16 Paragraph 097 Reference ID: 41-097-20190509 states that:
- “In order for a neighbourhood plan to meet the criteria set in paragraph 14b of the Framework, the ‘policies and allocations’ in the plan should meet the identified housing requirement in full, whether it is derived from the housing figure for the neighbourhood area set out in the relevant strategic policies, an indicative figure provided by the local planning authority, or where it has exceptionally been determined by the neighbourhood planning body. For example, a neighbourhood housing requirement of 50 units could be met through 2 sites allocated for 20 housing units each and a policy for a windfall allowance of 10 units. However, a policy on a windfall allowance alone would not be sufficient.*
- Policies and allocations within other development plan documents, for example strategic site allocations or windfall development set out in a local plan or spatial development strategy, will not meet criterion 14b of the National Planning Policy Framework.”*
- 3.17 Paragraph: 098 Reference ID: 41-098-20190509 states that:
- “Where a neighbourhood planning body intends to allocate sites for development, it will need to carry out an appraisal of options and an assessment of individual sites against clearly identified criteria.”*

Cheshire West and Chester Local Plan Status

- 3.18 The Council formally agreed to prepare a new style Local Plan on the 10th January 2024 under the provisions of the Levelling Up and Regeneration Act 2023. Initial consultation on the evidence base took place between the 26th January to 17th March 2024.
- 3.19 At CWaC’s Cabinet Meeting on 15th January 2025, the Cabinet considered a change in the way forward previously agreed by Cabinet in January 2024 in relation to the preparation of a new Local Plan and support for the development of a boroughwide design code (under the provisions of the Levelling Up and Regeneration Act 2023). Members were informed that this change was due to the election of a new Government in July 2024 which had delayed the introduction of

secondary legislation needed to prepare a new style Local Plan, as well as the introduction of major changes to national planning policy.

3.20 Members noted that Cabinet was being asked to approve commencement of a refreshed Local Plan under the current system⁶ and to also have the ability to return to the progressing of a Plan under the new system if there was time, thereby giving the Council the greatest flexibility to be able to respond to national changes.

3.21 As a result, at the Cabinet Meeting on 15th January 2025, it was decided that:

- the publication and updating of the Local Development Scheme be delegated to the Cabinet Member for Homes, Planning and Safer Communities;
- preparation of an update to the Local Plan under the Planning and Compulsory Purchase Act 2004 (as amended) commence;
- the Cabinet Member for Homes, Planning and Safer Communities be delegated authority to switch back to plan-making under the provisions of the Levelling Up and Regeneration Act 2023 (LURA) should it prove necessary or expedient to do so;
- the Head of Planning and Placemaking be delegated authority to consult on local plan evidence base and the borough wide Design Code;
- the requirement to review the Local Plan (Part One) Strategic Policies under the Town and Country (Local Planning) (England) Regulations 2012 by 28 January 2025 be noted, and the Head of Planning and Place Making be authorised to publish this review; and,
- the potential implications of national reforms in relation to housing land supply be noted.

3.22 CWaC published the Local Plan Part 1 Strategic Policies Review Document on 24th January 2025. This document confirms that the Council has already determined that a new plan should be prepared, although in January 2025 confirmed that work could progress under the current system for plan making and switch to the new system if this was expedient. This document confirms that the review builds on the review carried out in January 2020 and has focused on key changes to NPPF from publication in 2012, under which LPP1 was tested for soundness against, to the latest NPPF changes.

3.23 The Local Plan Part 1 Strategic Policies Review Document concludes that:

- The review has highlighted some areas where changes to national planning policy and controls at the national level mean some policies are not operating as intended;
- These policies can be fully reassessed as part of the new plan making process; and,

⁶ Under the Transitional Arrangements, all earlier stage plans will be expected to be submitted for examination under the existing 2004 Act system no later than December 2026.

- The changes proposed to LHN in 2024 will have implications for housing land supply unless after a review has found the policy needs updating there is a period to enable a new plan to be brought forward.

3.24 Therefore, the Parish Council is acting prematurely and completely contrary to the current national policy expectations by seeking to advance the draft Neighbourhood Plan knowing that the Council

has an out-of-date Local Plan, and that there is a need to identify more sites across the Borough, particularly in Key Service Areas. Therefore, if the draft Neighbourhood Plan progresses to examination, it should be refused at examination on account of failure to meet the basic conditions.

Assessment of the draft Neighbourhood Plan

- 4.0 At the outset of the plan, para. 1.5 states that *‘The Made Plan carries significant weight in the determination of planning applications’*. This sentence needs to be removed from the draft Neighbourhood Plan. It is incorrect. The weight that can be afforded to the policies within a Neighbourhood Plan depends on the age of the Plan, how it aligns with a more up to date Local Plan and its alignment with national policy. Significant weight cannot automatically be applied to the policies of the Neighbourhood Plan as a default position in the determination of planning applications in the neighbourhood area.

Policy 1 Housing Growth

- 4.1 The draft Neighbourhood Plan document and the Modifications Statement proposes that Policy 1 states:

“To enable managed housing growth in the Parish:

(1) Proposals involving up to and not exceeding 30 homes on any one site will be allowed within the settlement boundary of Tattenhall, to meet the housing requirements established in the CWaC Local Plan.”

- 4.2 The proposed change has removed the reference to development being allowed ‘adjacent’ to the built-up part of Tattenhall Village. Unless residential development is a small exception site, Policy 1 proposes that development will not be appropriate adjacent to the defined Tattenhall Settlement Boundary.
- 4.3 The first fundamental issue with this proposed wording is that it arbitrarily restricts development through not only through the 30-unit limit and the location of proposals which is a clear breach of basic condition (a). There is now a clear national policy imperative from the Government to increase the delivery of housing through policies within the NPPF, the Written Ministerial Statement *‘Building the homes we need’* made on 12th December 2024, and through other progressive changes by Government including the overhaul of local plans to speed up the delivery of much needed homes under new reforms.
- 4.4 Policy 1 needs to facilitate the delivery of housing in line with the Government’s objectives. Policy 1 fails to reflect, or contribute towards in any way, the overall housing requirement for CWaC. There is no evidence that the Parish Council has sought to request Tattenhall’s requirement figure from CWaC to inform Policy 1. There is no evidential or policy basis for
- the artificial restriction on housing development of 30 units in Tattenhall. No evidence has been provided to demonstrate that this is suitable or will ensure that Tattenhall’s future housing needs are met.
- 4.5 Furthermore, the Parish Council’s justification for the proposed wording claims that the policy is now in conformity with the CWaC Local Plan. However, the Cheshire West Local Plan is out of date and the Council has indicated that a new Local Plan is being prepared to align with national policy

and positively plan for the higher housing requirement derived using SM3. The updated NPPF and updates to the Standard Method have significantly increased the housing requirement in CWaC means that the new Local Plan will need to identify significant amounts of allocations to meet identified needs.

- 4.6 No new allocations are proposed within Policy 1 to reflect an up-to-date housing requirement. Without any allocations, the Parish Council cannot justify continuing to impose a settlement boundary restricted policy.
- 4.7 Policy 1 is not in conformity with an up-to-date Plan, and will prevent sustainable housing growth from being delivered in this Key Service Centre to meet CWaC's identified needs. This will ultimately further worsen the affordability crisis in Tattenhall through the lack of delivery of market and affordable homes.
- 4.8 We therefore request that Policy 1 is removed as is it unjustified and does not meet the basic conditions'. In particular, the Policy and the cap on development has no regard to national policy at all.
- 4.9 The most serious defects in the text itself include:
- 1 The reference to 'proposals not exceeding 30 homes on any site' given the cited figure bears no relation to the strategic housing requirement. This figure has not been assessed for viability, contrary to national planning policy; and,
 - 2 The reference to 'the settlement boundary of Tattenhall' - the boundary is clearly out of date and acts as an unreasonable constraint to development, wholly contrary to national policy.
- 4.10 Notwithstanding this, and for completeness, we have reviewed the remaining parts of Policy 1's proposed text which states:

"Housing proposals of 3 or more dwellings must:

2. Provide a mix of homes taking into account objectively identified housing needs, and:

3. Include an element of affordable housing as specified in the Local Plan. The affordable housing will be subject to a S106 Legal Agreement ensuring that it remains an affordable dwelling for local people in perpetuity.

4. Proposals which have capacity of three or more dwellings or comprise an area of 0.1 hectares or more, must include at least 30% affordable housing. Affordable housing provision will be sought on site unless here are exceptional circumstances which can be demonstrated to justify offsite contributions. Any off-site contributions must go towards the provision of affordable housing in Tattenhall Neighbourhood Plan Area in the first instance. In determining the type and tenure mix, proposals should have full regard to the Tattenhall Housing Needs Report December 2023 or any subsequent updates."

- 4.11 These elements of Policy 1 are also fundamentally flawed. In turn:
- 1 The policy states that housing proposals must provide a mix of homes taking into account 'objectively identified housing needs'. Neither the Neighbourhood Plan nor the Tattenhall Housing Need Report (December 2023) provide an objectively identified housing need. Both documents provide a table which show the estimated shortfall/surplus of affordable housing in

Tattenhall based on the current housing register, and this is not an objectively identified housing need. It is only a snapshot in time based on when the report was prepared and not an objectively identified assessment.

- 2 There is no evidence of viability testing to inform the Plan. The threshold of 3 units is unjustified and inconsistent with national policy. Para. 65 of the NPPF states that provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas where policies may set out a lower threshold of 5 units or fewer. As such, a threshold of 3 cannot be used as it is not consistent with national policy. Furthermore, the area governed by the TDNP is not a designated rural area so a threshold of 5 cannot also be used. To accord with national policy, affordable housing can only be sought from developments of 10 or more units.
- 3 Although affordable housing is usually secured through a S.106 agreement, it is not the only lawful and appropriate way of securing affordable housing. There are examples of affordable housing being secured in Cheshire West through planning conditions and as such, the Neighbourhood Plan should not seek to restrict the mechanism for securing affordable housing.

4.12 In summary, there are fundamental issues with Policy 1. It is not consistent with national policy or consistent with the approach being taken in the Cheshire West and Chester Local Plan. Therefore, Policy 1, as proposed, does not meet the basic condition (a) nor (d) (Schedule 4B). Without removal of, or, significant amendments being made to Policy 1, the Plan should be refused by the Examiner.

Policy 2 Local Character

4.13 The draft Neighbourhood Plan document and the Modifications Statement proposes that Policy 2 states:

“Development will be supported where it:

1. Safeguards or enhances the local character and historic and natural assets of the surrounding area, and takes every opportunity, through design and materials, to reinforce local distinctiveness and a strong sense of place.

2. incorporates, wherever possible, locally distinctive features such as Cheshire railings and fingerposts.

3. Does not erode the important, predominantly undeveloped gaps between the three settlements of Tattenhall, Newton-by-Tattenhall and Gatesheath.

4. Fully accords with the Tattenhall and District Design Code (2022) or any subsequent version.

5. Respects local landscape quality ensuring that views and vistas are maintained wherever possible (Appendix A).

6. Takes every opportunity, where practicable and viable, to incorporate features that improve its environmental performance thereby reducing carbon emissions. These can include both energy efficiency measures and green energy generation.

7. Outdoor advertisements will be controlled to prevent an unacceptable proliferation of signage which would undermine the visual amenity of the village.

8. The removal, or cutting back, of any trees that have a significant amenity value without an arboricultural report by a reputable company will be resisted. New development must not involve the loss of important trees and schemes must allow space for such trees to mature, to avoid any later pressure for their removal. Where there is a loss of trees, they must be replaced with native species at the ratio of 2 for 1.

9. Proposals must be designed to retain and protect ancient, veteran and mature trees, hedgerows, ponds, areas of woodland.”

- 4.14 Policy 2 aims to achieve a number of different objectives, however it has two fundamental flaws. Firstly, there are a number of substantive objectives that do not have a robust evidence base behind them (points 3, 4 and 5). Secondly, there are a number of points that duplicate national policy planning policy (points 1, 6, 7, 8 and 9).
- 4.15 Policy 2 (1) states that “development will be supported where it safeguards or enhances the local character and historic and natural assets of the surrounding area”. This point is a duplication of NPPF paragraph 187 (b) and should therefore be removed from Policy 2.
- 4.16 Policy 2 (2) refers to locally distinctive features such as Cheshire railings and fingerposts which is ambiguous and vague. This part of the policy conflicts with the requirement within NPPF Paragraph 16 (d) which states that plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. Policy 2 (2) should be removed.
- 4.17 Policy 2 (3) prevents the erosion of the undeveloped gaps between three settlements. To facilitate housing growth in and around Tattenhall to address the identified housing needs, some erosion of undeveloped gaps may be required. Point 3 should, therefore, be removed given that there has not been an assessment as to what Tattenhall’s housing needs are, and there is no landscape assessment within the evidence base to assess this requirement against.
- 4.18 Policy 2 (4) requires development to fully accord with the ‘*Tattenhall and District Design Code (2022) or any subsequent version*’. Whilst Taylor Wimpey is not opposed to the principle of a Design Code and agree that the use of a Design Code is beneficial in shaping places in keeping with their local character, it is critical that the Design Code is prepared in accordance with the adopted Development Plan and national guidance.
- 4.19 The Design Code cannot introduce additional policy requirements which are in conflict with policies within the adopted Development Plan and should not introduce overly prescriptive design requirements. In terms of timing and given that CWaC’s current Local Plan is now out of date, the Design Code should be considered in the context of the new Local Plan currently being prepared. The Council is also proposing to prepare a new Borough-wide CWaC Design Code which we anticipate will be prepared in advance of the new Local Plan. We understand that the CWaC Design Code could be consulted upon as early as Spring 2025. Therefore, the requirement for development to fully accord with a Design Code is unjustified and contrary to national planning policy.
- 4.20 Notwithstanding this, from a review of the Design Code (2023) document, of the following

fundamental issues have been identified:

- 1 In its current form, the Design Guide identifies three-character areas: the Historic Character Area; the Modern Character Area; and the Surrounding Landscape Character Area. As highlighted earlier within this representation, it is critical that the TDNP proactively allocates or seeks to facilitate development to meet the identified needs of CWaC. Therefore, it is inevitable that land on the periphery of Tattenhall is built upon to address these identified needs. The Design Guide identifies that all land outside the settlement boundary of Tattenhall fallings within the 'Surrounding Landscape Character Area'. If development takes places on the periphery of Tattenhall's settlement boundary, development would naturally progress to fall within the Modern Character Area, rather than the Surrounding Landscape Character Area. As such, Taylor Wimpey request that the Design Code is updated to reflect future changes in land use that would result in a change to a sites character area.
- 2 The Design Code in its current form does not promote flexible density requirements to enable and reflect the increased housing need requirements for CWaC. The Design Code conflicts with the National Design Guide (2021) which confirms that well designed places do not need to cop their surroundings in every way, and it is appropriate to introduce elements that reflect how we live today to include innovation or change such as increased densities. In addition, the National Design Guide confirms that where the scale or density of new development is very different to the existing place, it may be more appropriate to create a new identity rather than to scale up the character of an existing place in its context.

4.21 It is evident that the Tattenhall and District Design Code (2023) does not comply with basic condition (a) as it has no regard for up-to-date national planning policy and guidance, including the requirement to provide housing land supply, affordable housing, the requirement to make the more efficient use of land, and does not allow development to prescribe with CWaC's required housing mix. Policy 2 part 4 should therefore be removed in its entirety. Any Design Code that is referenced within policy must be produced with regard to the current planning policy requirements, and must be submitted and consulted upon.

4.22 Policy 2 (5) states that *"development will be supported where it respects local landscape quality ensuring that views and vistas are maintained wherever possible (Appendix A)"*.

4.23 Referring to Appendix A 'Views and Vistas', viewpoint 7 is currently extremely ambiguous and it is unclear why there are two arrows identified on the map in relation to viewpoint 7. Policy 2 point 5 is therefore in conflict with the requirement within NPPF Paragraph 16 (d) which states that plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. A Landscape and Visual Policy Note has been prepared by Stantec (dated April 2025) to accompany this representation [Annex 2]. This Note confirms that policy 2 (5) should be removed. Viewpoint 7 is not required to be protected for the following reasons:

- The multiple viewpoint locations are ambiguous and do not match the description in Appendix A;
- Viewpoint 7 disregards the presence of the public right of way (Tattenhall Footpath 8); and,

- There is an over emphasis on the importance placed on historic buildings nearby which are barely perceptible from Millenium Mile.

- 4.24 Policy 2 (6) considers energy performance and carbon emissions which is unrelated to local character and should be removed.
- 4.25 Policy 2 (7) refers to the 'unacceptable proliferation of signage'. This wording is ambiguous and vague and should therefore be removed given that it conflicts with the requirement within NPPF Paragraph 16 (d) which states that plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.
- 4.26 Policy 2 (8) unjustifiably exceeds the requirements set within CWaC's Policy DM45, and NPPF paragraph 193 (c) and should therefore be removed.

Policy 4 Local Facilities

- 4.27 The draft Neighbourhood Plan document and the Modifications Statement proposes that Policy 4 states:
- "1. Proposals for development will be required to identify their likely impact on local infrastructure, services and facilities and to demonstrate how any such impacts will be addressed. Account must also be taken of the cumulative impacts arising from the new development combined with other schemes that have planning permission."*
- 4.28 Taylor Wimpey does not agree that this requirement should be carried forward and should be removed. It is not the responsibility of an applicant to undertake an analysis of the existing capacity in local infrastructure, or the cumulative impact arising from a new development combined with other schemes which benefit from planning permission. It is the role of the LPA to determine the current capacity of local infrastructure, and the likely impact that a proposed development may have on this capacity to determine the necessary mitigation measures or financial contributions required to address any impact upon capacity.
- 4.29 Any requests of the Applicant, from the LPA must be in accordance with the statutory planning obligations tests (Community Infrastructure Levy Regulations 2010 Part 11 Regulation 122) (and repeated in policy in NPPF paragraph 58). The proposed wording which states '*account must also be taken of the cumulative impacts arising from the new development combined with other schemes that have planning permission*' is therefore too vague and should be removed from the policy.

Policy 5 Transport and Communication

- 4.30 The draft Neighbourhood Plan document and the Modifications Statement proposes that Policy 5 states:
- "Development must:*
- 1. Identify the realistic level of traffic it is likely to generate. It must assess the potential impact of this traffic on pedestrians, cyclists, road safety, parking and congestion within the parish and include measures to mitigate fully any impacts. Development that would give rise to unacceptable highway dangers and congestion will not be permitted."*
 - 2. Maximise opportunities to walk and cycle, including between Tattenhall, Newton by*

Tattenhall and Gatesheath, the linking of existing public rights of way, as well as supporting public transport where possible.

3. Make provision for 30 megabit per second high-speed broadband to serve it.

4. Development of new, 30 megabit per second high-speed broadband infrastructure to serve the parish will be supported.”

4.31 Policy 5 (1) does not reflect paragraph 116 of the NPPF and is ambiguous. Policy 5 point 1 does not meet basic condition (a) given its lack of regard to national policies and guidance, or basic condition (d) given the wording does not contribute to the achievement of sustainable development. Point 1 should therefore be removed.

4.32 With regards to Policy 5 (3) and (4), Taylor Wimpey endeavour to provide the highest broadband speeds within all their developments however developers can only rely on the broadband supplied by providers who dictate the speed provision. The requirements within points 3 and 4 are not consistent with the national policy requirement which does not specify a precise megabit per second. Points 3 and 4 should therefore be removed.

Conclusion

5.0 The draft Neighbourhood Plan has failed to take account of the recent updates to the NPPF and the significantly increased housing need requirement in CWaC. The draft

Neighbourhood Plan in its current form is in clear breach of basic condition (a) and (d) and should not proceed to submission.

- 5.1 It is critical that CWaC identifies additional land and allocates sites for housing to meet the significantly increased housing need for the authority. This should be supported by the Neighbourhood Plan which should promote and facilitate development to assist in delivering development in accordance with the identified needs.
- 5.2 Taylor Wimpey is of the view that the intention of the Parish Council to review the Neighbourhood Plan ahead of the new CWaC Local Plan being adopted presents significant flaws in the approach being taken from both a planning and legal perspective and is potentially an abortive exercise.
- 5.3 Progressing this Plan to submission is likely to result in an Inspector concluding that it does not meet the basic conditions. If the Neighbourhood Plan is progressed, Taylor Wimpey will request that the examiner holds a hearing to examine the plan, given the seriousness of the flaws identified above.

Annex 1: Counsel Opinion

IN THE MATTER OF THE TOWN AND COUNTRY PLANNING ACT 1990

LAND AT CHESTER ROAD, TATTENHALL

AND THE DRAFT TATTENHALL NEIGHBOURHOOD PLAN REVIEW

OPINION

Introduction

1. I am instructed to advise Taylor Wimpey ("TW"), through their instructed planning consultants, Lichfields, in respect of the Tattenhall Neighbourhood Plan. TW have an interest in Land at Chester Road ("the Site") and are seeking to promote this for residential development. Cheshire West and Chester Council ("CWA") are the local planning authority.
2. Tattenhall Parish Council ("the Parish Council") have prepared a modified version of the Tattenhall Neighbourhood Plan ("the Draft NP"), which is intended to replace the current Neighbourhood Plan ("the Current NP") (formally "made" on 4 June 2014).

3. The consultation has been re-commenced following an earlier significant defect in the published consultation documentation. Different versions of the proposed plan text were published in breach of various common law principles in respect of statutory consultation.¹ The current consultation (12 March and 28 April 2025) has proceeded on the basis of one single published text.
4. I have been asked to advise on Policy 1 of the draft Neighbourhood Plan in the context of the basic conditions, and especially the National Planning Policy Framework (12 December 2024), and what actions, CwAC should now take as the LPA.

¹ *R (Moseley) v Haringey London Borough Council* [2014] UKSC 56, [2014] 1 WLR 3947, [25], endorsing the four “Sedley” principles: (1) Consultation must be at a time when proposals are still at a formative stage; (2) The proposer must give sufficient reasons for any proposal to permit of intelligent consideration and response; (3) Adequate time must be given for consideration and response; (4) The product of consultation must be conscientiously taken into account

5. Lichfields have provided a detailed Regulation 14 consultation response which raises a number of key defects with the draft text, including Policies 1, 2, 4 and 5. The representation adverts to a very significant list of flaws with the draft text, all of which would require substantial re-drafting of the text in any event. However, for present purposes, this Opinion focusses on Policy 1 only and the actions that the LPA should take before there is any attempt to submit the draft plan.

[Modification of a Neighbourhood Plan and the Basic Conditions](#)

6. The Parish Council (as a “qualifying body”, i.e. the body promoting the plan) state in their Modifications Statement that they wish to have the Draft NP assessed as a “modification proposal” and not a new “plan proposal”. Their Modifications Statement states: *“The Parish Council considers that a minority of the modifications materially affect the policies in the made NP but do not change the nature of the plan or order. The Parish Council considers that the modified Plan requires examination but not a referendum.”*

7. The Parish Council therefore wish the examination to proceed under Schedule A2 of the Planning and Compulsory Purchase Act 2004, rather than Schedule 4B of the Town and Country Planning Act 1990.
8. There are various differences to these two separate statutory routes:
9. First, although Schedule 4B TCPA 1990 and Schedule A2 2004 are in relatively similar terms in respect of the basic conditions, the numbering is different, with basic condition 8(2)(e) being paragraph 11(2)(c).
10. Second, under paragraph 13(2) and 14(8) of Schedule A2, an Examiner's recommendation in respect of refusal must automatically be followed by the LPA's refusal, whereas under paragraph 10(2)(c) and paragraph 12(10), the LPA effectively make the decision to refuse, having had regard to the recommendation.
11. Third, under the Schedule A2 route there will be no referendum, but under Schedule 4B there will need to be a referendum.
12. As the Lichfields submissions note, the Parish Council's suggestion that the changes to Policy 1 (in particular) "*do not change the nature of the plan*" is not correct given the extent of the changes to that policy and the removal of any allowance for proposals outside the settlement boundary. However, as the submissions identify, whichever statutory route is taken, there are much more fundamentally and logically prior obstacles to the plan proceeding at all at the present time.
13. For present purposes, I shall therefore address basic condition (a) as it is contained in both Schedule A2 and Schedule 4B. As with the Lichfields representation and all references to refusal are to both a Schedule A2 and Schedule 4B route. The core point is that there is ample evidence that the draft plan should not proceed to examination under either Schedule A2 or Schedule 4B.

Basic Condition A

14. Basic condition (a), i.e. Paragraph 11(2)(a) and Paragraph 8(2)(a) provides:

(2) *A draft [plan/order] meets the basic conditions if—*

(a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,

15. Basic condition (a) is at the core of the entire neighbourhood plan-making preparation and examination exercise.
16. A neighbourhood plan qualifying body must have careful regard to the content of current national policy/guidance for the purposes of basic condition (a) at the point of submission. The content of “national policies” includes the NPPF, the PPG and relevant Written Ministerial Statements. The PPG is also formally “advice contained in guidance”.
17. Moreover, in order to achieve this, a neighbourhood plan qualifying body should actively discuss neighbourhood plan proposals with an LPA. This is a recurrent theme throughout the PPG Chapter and therefore effectively a requirement of basic condition (a) itself.
18. If an LPA identifies that a neighbourhood plan has a serious defect prior to submission, then they should advise that the Neighbourhood Plan should not proceed. In certain cases (as here) this may include an instruction that the neighbourhood plan-making exercise should cease until the Local Plan preparation process has progressed further – given the vital importance of up-to-date evidence.
19. As the Lichfields submissions identify, the NPPF changed radically on 12 December 2024, notably with significant increases in housing requirements for many LPAs, including CwAC. CwAC’s increase to 1,914 dpa (from the previous 532dpa) is one of the largest in the country. However, it reflects severe and entrenched affordability issues, and a long-standing failure to provide for sufficient housing – which the Government seeks to reverse, and rapidly so. It was well-known throughout the second half of 2024 that CwAC was going to be subject to a significant increase, due to the content of the NPPF consultation.

20. Policy 1 seeks to constrain all major housing to within the settlement boundary (which was only examined under historic policy requirements), and effectively restricts all other development beyond this line, save the limited categories in 5-8):

To enable managed housing growth in the Parish:

1. Proposals involving up to and not exceeding 30 homes on any one site will be allowed within the settlement boundary of Tattenhall, to meet the housing requirements established in the CWaC Local Plan.

Housing proposals of 3 or more dwellings must:

- 2. Provide a mix of homes taking into account objectively identified housing needs, and*
- 3. Include an element of affordable housing as specified in the Local Plan. The affordable housing will be subject to a S106 Legal Agreement ensuring that it remains an affordable dwelling for local people in perpetuity.*
- 4. Proposals which have capacity of three or more dwellings or comprise an area of 0.1 hectares or more, must include at least 30% affordable housing. Affordable housing provision will be sought on site unless there are exceptional circumstances which can be demonstrated to justify off-site contributions. Any off-site contributions must go towards the provision of affordable housing in Tattenhall Neighbourhood Plan Area in the first instance. In determining the type and tenure mix, proposals should have full regard to the Tattenhall Housing Needs Report December 2023 or any subsequent updates.*

The following development proposals outside the settlement boundary of Tattenhall will be permitted;

- 5. Development that has an operational need for a countryside location such as for agricultural or forestry operations.*
- 6. The reuse or replacement of existing buildings.*
- 7. Small scale and low impact rural / farm expansion and diversification schemes appropriate to the site, location, scale and setting of the site.*
- 8. Where necessary to meet local affordable housing needs, demonstrated by or in collaboration with Tattenhall and District Parish Council. These rural exceptions sites will be for 100% affordable housing on small sites which would otherwise not be appropriate for housing adjacent to the defined Tattenhall Settlement Boundary. Where it is essential to enable the delivery of affordable housing to meet local needs, a small, subsidiary element of market housing may be permitted on such sites.*
- 9. Development must be of an appropriate scale and design to not harm the character of the countryside.*

21. The Lichfields submissions have set out in detail why the approach in Policy 1 has very severe flaws in terms of national policy. There are many aspects to this, and I

shall not repeat all of these for present purposes, but instead highlight various key points on the text as presently drafted.

Current NPPF Generally

22. The draft Neighbourhood Plan contains no reference to the current NPPF text, although this is a mandatory consideration. The same gap is apparent in all of the supporting evidence. This indicates that the draft plan has simply not been prepared with proper regard to basic condition (a).
23. The fact that the NPPF was published part-way into the NP's preparation phase is legally irrelevant – the plan will be assessed against the current NPPF as a mandatory material consideration. Moreover, the Parish Council (alongside all

stakeholders nationally) were on notice from July 2024 onwards that the new NPPF would be published with a much higher housing requirement.

24. The failure to have regard to the new NPPF has wide-ranging implications in respect of the housing requirement, the need for further allocations and the whole strategy of the plan. As Lichfields' submissions have explained in detail, the Parish Council are effectively seeking to constrain housing in exactly the location where more needs to be provided, to meet the new local housing need requirement figure.

Contact with LPA and Identification of a Housing Requirement

25. There has been no record of any attempt by the Parish Council to discuss the content of Policy 1 (or the wider plan) prior to the current Regulation 14 consultation, or to identify an appropriate housing requirement. The picture from the Parish Council's Minutes is not one of regular contact with the LPA, whereby they sought to identify any up-to-date housing requirement in the context of an inevitable increase in the housing requirement figure. As the Lichfields representations record, this contact has effectively been delayed.
26. This is important because CWaC's Local Plan is now seriously out of date (Local Plan Part One Strategic Policies (adopted January 2015) ["LPP1"]; Local Plan Part Two Land Allocations and Detailed Policies (adopted July 2019) ["LPP2"]) and CWaC have made clear that they will therefore need to effectively start afresh with a new plan.
27. The Parish Council have therefore taken none of the required steps to identify their housing requirement under the new NPPF (December 2024) provisions, notably NPPF 69/70. NPPF 69/70 are not limited purely to the question of NPPF 14 compliance, but set out clear expectations on what neighbourhood plans with housing policies (including constraint policies) should do:

69. Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. The requirement may be higher than the identified housing need if, for example, it includes provision for neighbouring areas, or reflects growth ambitions linked to economic

development or infrastructure investment. Within this overall requirement, strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations [Footnote 32]. Once the strategic policies have been adopted, these figures should not need re-testing at the neighbourhood plan examination, unless there has been a significant change in circumstances that affects the requirement.

70. Where it is not possible to provide a requirement figure for a neighbourhood area [Footnote 33]), the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body. This figure should take into account factors such as the latest evidence of local housing need, the population of the neighbourhood area and the most recently available planning strategy of the local planning authority.

...

(Footnote 33) Because a neighbourhood area is designated at a late stage in the strategic policy-making process, or after strategic policies have been adopted; or in instances where strategic policies for housing are out of date.

28. It is not open for a qualifying body to simply ignore the sharp increases in the housing requirement at the LPA-wide level. There is therefore no prospect of the draft neighbourhood plan ever complying with NPPF paragraph 14, given the complete absence of either requirement or allocations.
29. There is abundant guidance in PPG 41-096, 097, 098 alongside PPG 41-009, PPG 41-101, 102, 103, 104 which require a phased process, mirroring the Local Plan process in microcosm, and 105 provide detailed guidance on how an LPA should be involved in that process.
30. This has important implications for NPPF 14, but the significance goes further.

NPPF 14

31. If a neighbourhood plan qualifying body wish to benefit from NPPF 14 then they must (1) identify a housing requirement and set that out clearly in the plan; (3) assess and designate new allocations or policies that actually meet that requirement. None of this has occurred.
32. The clear message is that if there is no up-to-date Local Plan figure, then a neighbourhood plan qualifying body should make a request for an indicative figure.

qualifying body's decision to set a housing requirement unilaterally should be genuinely exceptional – and any decision to do so will need to be clearly explained and set out in the text of the plan and its evidence base.

33. In summary:

- (1) NPPF 69 sets out the default position, with up-to-date strategic policies as the starting point (see notably PPG 41-101 (first paragraph) and 41-102 (first paragraph);
- (2) NPPF 70 then sets a clear expectation that qualifying bodies must make a request for an indicative figure (PPG 41-104 (second paragraph) and 41-105 (first paragraph);
- (3) The NPPF 70 provision for a qualifying body to set its own housing requirement must be genuinely exceptional and only conducted transparently, in discussion with the LPA (PPG 41-105);
- (4) If the Neighbourhood Plan does not contain an identified housing requirement, then it cannot comply with NPPF 14 at all, as there is nothing to measure the allocations against.

Beyond NPPF 14

34. Even if a Neighbourhood Plan has no intention to comply with NPPF 14, there remains the question as to whether the NP should constrain all but a very limited category of housing to within the settlement boundary.
35. Chapter 5 of the NPPF sets out the clear expectation to boost housing. This sits alongside the Secretary of State's instructions in the original WMS (30 July 2024), the Minister of State's second WMS (12 December 2024) and the NPPF consultation (12 December 2024). The increase in the housing requirement for CWaC was immediate, given the date of the LPP1 and LPP2 adoption, generating a radical increase in the housing requirement and a major reduction in the LPA-wide housing land supply figure.
36. Policy 1 completely fails to acknowledge this significant change in national policy, because effectively, the draft has been prepared with disregard to it.
37. There is no merit in the Parish Council's attempt to justify Policy 1 on the basis of LPP1 and LPP2 policies, Policies SOC2, DM24 and STRAT9, as all of these are now seriously out of date.
38. In addition to this, there are obvious gaps in the evidence base, including a failure to assess whether there are any sites within the settlement boundary that can be delivered, and the absence of any viability assessment for the affordable housing provision are significant additional evidential gaps.

Consequences for the Current Preparation

39. For all these reasons, I consider that if the Neighbourhood Plan were to be submitted in its current form, then the Examiner would then be likely to find that Policy 1 breaches basic condition (a), as it acts as a significant constraint on housing delivery which is radically at odds with the direction of national policy since July 2024, and certainly since December 2024. Given the centrality of Policy 1, it would be appropriate for the whole draft plan to be refused at that stage.
40. CwAC should not permit a plan of this kind to proceed and should advise the Parish Council to withdraw it and await the further progression of the Local Plan.
41. The Local Plan strategy requires substantial revision to meet the increased housing target and Tattenhall will evidently have to make a much larger contribution to housing delivery. A policy that continues to maintain a constrained settlement boundary with no further allocations is not justified, and would not meet basic condition (a), nor basic condition (d) in respect of sustainable development.
42. In the current era, a neighbourhood plan for a settlement of this scale should be subject proper preparation process (including identifying new allocations on the basis of an up-to-date housing requirement) before there is any question of submission.

Representations to the Regulation 14 Consultation on the modified Tattenhall and District Neighbourhood Plan

Landscape and Visual Policy Response to Policy 2 (Local Character)

1 Policy Response

- 1.1.1 *This note provides a response from a Landscape and visual perspective to the representations to the Regulation 14 Consultation on the modified Tattenhall and District Neighbourhood Plan.*
- 1.1.2 On behalf of Taylor Wimpey, Stantec have been asked to respond to Policy 2 (Local Character) which states that development will be supported where it...5. *Respects local landscape quality ensuring that views and vistas are maintained wherever possible (Appendix A).* Appendix A Views and Vistas identifies 16 key views and vistas that are important to the character of Tattenhall and District.
- 1.1.3 Views 7, 15 and 16 were considered as part of the Landscape and Visual Impact Assessment. The National Planning Policy Framework under paragraph 16 (d) states that “*plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*”. However, View and Vista 7 described as “*The views across the fields from Chester Road to Brook Hall*” is in two locations on the supporting map in Appendix A looking in different direction making it ambiguous. It is unclear whether View 7 should be considered and assessed as two separate views or as a collective view.
- 1.1.4 The ‘reason’ for the identified view and vista is “*This view from the heavily used Millennium Mile is across grazed farmland and takes in the vista from Brook Hall to Greaves Farm. It is the only remaining publicly accessible open view from the West side of the village. Views are attractive on the approach to the village across fields towards a prominent house in the history of Tattenhall*”. This description corresponds with the easternmost View and Vista 7 location along Millenium Mile which

looks north in the direction of Greaves Farm. The westernmost View and Vista 7 is situated on Chester Road looking north-west in the direction of Brook Hall and not Millenium Mile.

- 1.1.5 Part 5 of Policy 2 Local Character is restrictive in its nature and outdated as it disregards the influence of existing built form in the immediate context of viewpoint locations detracting from the 'rural' the nature of views. Millenium Mile along Chester Road covers a total length of 125m of which 80m contains built form. Moreover, views of Greaves Farm are oblique and barely perceptible due to being situated along a busy road and existing built form along Chester Road and off Rookery Road in the immediate context of the view.
- 1.1.6 Having visited the Site and undertaken a comprehensive visual appraisal, views towards and into the Site are only obtained from a limited part of Chester Road. Views "*across grazed farmland*" are visible through gaps in the existing hedgerow and through limited sections of the hedgerow where gates are situated; see Site Context Photographs 4 and 5. Receptors travelling along Millenium Mile along Chester Road will experience oblique and partial views "*across grazed farmland*" due to the presence of managed hedgerows and hedgerow trees screening views of the local landscape.
- 1.1.7 The 'reason' for View and Vista 7 states that Millenium Mile "*is the only remaining publicly accessible open view from the West side of the village. Views are attractive on approach to the village across fields towards a prominent house in the history of Tattenhall.*" This disregards public rights of way Tattenhall Footpath 8 situated to the west of the Site and village, where open views of agricultural farmland and Greaves Farm are present compared to the peri-urban context and nature of views in the vicinity of Views and Vista 7. Moreover, public open space along the northern edge of the Site as part of the landscape strategy, results in a 150m gap from the setting of Greaves Farm and Brook Hall thus retaining views of the historic buildings from public rights of way Tattenhall Footpath 8.
- 1.1.8 Reference is also made to views "*towards a prominent house in the history of Tattenhall*" which again is ambiguous with regards to whether it is in regards to built form in Greaves Farm or Brook Hall. Although, there are very limited mid distance views through gaps in hedgerows and hedgerow trees, there are no views Brook Hall due to the presence of dense mature native hedgerows and hedgerow belts along intervening field parcels and surrounding the immediate context of Brook Hall.
- 1.1.9 In reviewing the evidence base, it is clear that part 5 of Policy 2 Local Character in the Tattenhall Neighbourhood Plan is not sound and there is ambiguity with multiple viewpoints for View and Vista 7. Additionally, the 'description' and 'reason' for View and Vista 7 does not correspond with their locations and so, is considered to be ambiguous in nature. In light of the above, the emphasis given on Part 5 of Policy 2 Local Character and Appendix A Views and Vistas is misplaced, and highlights that the plan is not based on the most appropriate strategy as its evidence base is lacking with respect to landscape character and visual matters.
- 1.1.10 As a result of the above, Viewpoint 7 is not required to be protected for the following reasons:
 - Multiple viewpoint locations identified for a single view and vista;
 - Location of viewpoint locations do not match the description in Appendix A of the Tattenhall Neighbourhood Plan;
 - Disregards the presence of public right of way Tattenhall Footpath 8 which provides open views of agricultural farmland on the western side of the village; and
 - Over emphasis and importance placed on historic building/s which are barely perceptible from Millenium Mile.
- 1.1.11 Over and above this Policy 5 point 2 is in conflict with the requirement within NPPF Paragraph 16 (d) which states that plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.

Neighbourhood Plan Consultation



Location: Tattenhall

Area: Cheshire West

Date: February 2025

Document Prepared by:

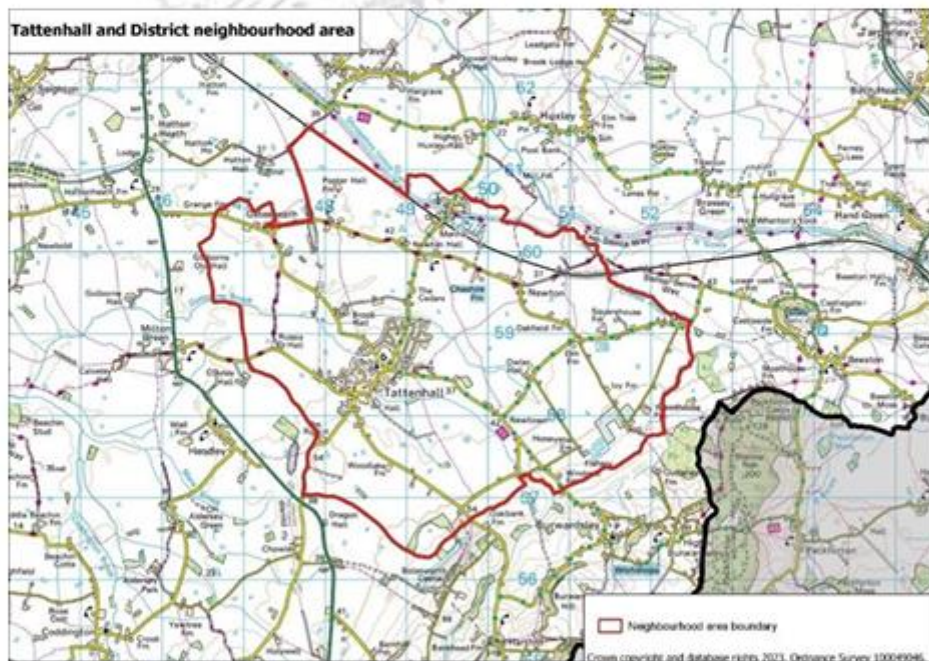
Colin Marples – Designing Out Crime Officer: Tel 07515 573786



1. Introduction.

The consultation period is open for the Tattenhall & District Neighbourhood Plan. The Neighbourhood Plan process enables communities to influence the type, quality and location of development, ensuring that change brings local benefit. As part of my role as Designing Out Crime Officer for Cheshire Constabulary I would like to make comment on the plan.

Tattenhall and District neighbourhood area:



2. Crime – Tattenhall and Malpas ward (January 2024 to December 2024)



Type	Total	Percentage
Anti-social behaviour	33	8.9%
Burglary	20	5.4%
Criminal damage and arson	32	8.7%
Drugs	4	1.1%
Other theft	24	6.5%
Public order	61	16.5%
Vehicle crime	5	1.4%
Violence and sexual offences	173	46.9%
Other crime	8	2.2%
Shoplifting	2	0.5%
Possession of weapons	5	1.4%
Robbery	1	0.3%
Theft from the person	1	0.3%

3. Comments and recommendations:

- The integration of Crime Prevention Through Environmental Design for development and redevelopment.

What is 'Crime Prevention Through Environmental Design'?

'Crime Prevention through Environmental Design' (CPTED) is a crime prevention theory focusing on tactical design and the effective use of the built environment, which when applied, reduces both crime and the fear of crime. A main objective of CPTED is to reduce/remove the opportunity for crime to occur in an environment and promote positive interaction with the space by legitimate users. CPTED is a preventative, pro-active model, and not a reactive one.

The benefits of CPTED are optimal when the strategy is applied in the earliest possible stage of the design process before integral design decisions are set in stone. CPTED however, should not operate alone as the sole crime prevention method; and instead, should work in conjunction with other social, environmental, and community-based strategies.

CPTED comprises of five principles:

- 1) **Physical security:** the measures which are used on individual dwellings to ensure that they are resistant to attack.
- 2) **Surveillance:** design ensuring that residents are able to observe the areas surrounding their home. Surveillance can be facilitated by ensuring that front doors face the street; that areas are well illuminated, and blank elevations are avoided.
- 3) **Movement control:** the restriction of access, egress and through movement. High levels of through movement allow offenders to access and egress an area; permits identification of targets and increases anonymity.
- 4) **Management and maintenance:** the processes are in place to ensure that a development is free from signs of disorder. This signals that the area is cared for.

- 5) Defensible space:** the ownership of space in a neighbourhood should be clearly defined. For example: public (e.g. pavement); semi-public (e.g. front garden); semi-private (e.g. rear garden) and private (e.g. inside the home).

In summary, CPTED focuses on the crime prevention strategies which good design can account for and should be considered for development that takes place.

- **The use of Secured by Design guidance, standards, and principles.**

What is Secured by Design?

Secured by Design (SBD) is the UK Police flagship initiative supporting the principles of “designing out crime” through the use of effective crime prevention and security standards for a range of applications. SBD is owned by the Association of Chief Police Officers (ACPO) and is supported by the Home Office and the Planning Section of Communities and Local Government (CLG), as well as many Local Authorities across the UK.

The Secured by Design award is presented to a building owner or developer in recognition that the development was constructed in accordance with the secure standards of SBD.

www.securedbydesign.com.

A Secured by Design application may be needed for a development which is noteworthy, needs specific security and/or safeguarding measures in place and/or may be vulnerable to crime, this could be a new school or a residential home for example.

Even if a Secured by Design application is not made, advice and standards within Secured by Design guides should be the used where possible.

SBD Guides:

Homes 2024 –

[HOMES GUIDE May 2024.pdf](#)

New Schools 2014 -

https://www.securedbydesign.com/images/downloads/New_Schools_2014.pdf

Commercial 2023 –

[COMMERCIAL GUIDE 2023 NOV 23.pdf \(securedbydesign.com\)](#)

Self-build 2019 –

https://www.securedbydesign.com/images/downloads/SELF_BUILD_2019_BROCHURE_LR.pdf

- **Engagement with the Designing Out Crime Officer at the earliest opportunity.**

Engagement with the Designing out Crime Officer at the earliest opportunity helps to ensure changes can be made to a design and features implemented, which will help to deter crime and anti-social behaviour. Potential vulnerabilities within a development can be identified and measures recommended to help reduce risk. The further along the design and planning process an application is, the less influence the Designing Out Crime Officer can have. A major part of a Designing out Crime Officer's job is attending problem locations which were built without CPTED and Secured by Design principles being considered and suggesting what can be done retrospectively. Measures needed to resolve a problem can often be expensive. This situation can be avoided, if a development has integrated CPTED/SBD principles.

I would also encourage engagement with the Designing out Crime Officer when there are plans for alterations for parks, play areas, public open space etc. Spaces such as this can have a major impact on people who live nearby, if they are attracting crime and anti-social behaviour. This could increase the perception of crime for the local community if

the spaces mentioned become problem locations. They can also create a high demand on local policing units and partners through repeated calls if they are not designed with CPTED/SBD principles in mind.



4. Policy and Legislation to consider.

A design objective of the National Planning Policy Framework [NPPF], **8. Promoting healthy and safe communities – 96. b)** states that the development should;

'are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear, and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas'.

Cheshire West & Chester Local Plan (Part One) Strategic Policies, Adopted 29.01.15 - **Strategic objectives SO8** (social) states that the development should;

'create stronger, safer and healthier communities by enabling access to leisure, recreational and community facilities and promoting walking and cycling.'

Section 17 of the **Crime and Disorder Act 1998** which states that all relevant authorities have a duty to consider the impact of all their functions and decisions on crime and disorder in their local area.

'Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.'

- *Endorsing policies that have a positive effect on the environment, including those that remove or minimise flood risk, mitigate climate change and reduce our carbon footprint.*

- *Maintaining the high-quality natural environment with its protected wildlife interests.*

The integration of CPTED/SBD principles within future developments and engagement with the local Designing Out Crime Officer will help to meet the commitments made in the Neighbourhood Plan Vision. A safe community which is low in crime, will help to encourage a thriving and prosperous community, as well as promote the local economy.



5. Summary.

Integrating CPTED/SBD principles and standards, within future development, will help to ensure Tattenhall is a safe and thriving community for years to come. Engagement with the local Designing out Crime Officer at the earliest opportunity should be sought to help to ensure CPTED and SBD principles are considered, with preventative measures implemented and vulnerabilities within a planning application highlighted. I would like to see a mention of designing out crime and engagement with the local DOCO, written into the neighbourhood plan.



Crime Prevention advice is given free without the intention of creating a contract. Cheshire Constabulary does not take any legal responsibility for the advice given; however, if the advice is implemented, it will help to reduce the opportunity for crimes to be committed. Cheshire Constabulary is unable to recommend specific companies for security products. We do however recommend that you visit www.securedbydesign.com which gives details of products meeting NPCC Approval. If the premises are subject to a Statutory Fire Certificate, then no recommendations are to be implemented if they breach any requirement of the Statutory Fire Certificate.

Produced by Cheshire Police – Neighbourhood plan consultation – Tattenhall, Cheshire.

11 | Page

Cheshire West Climate Plan/Carbon Management Plan

Reported crime, and loss and damage associated with crime, in England and Wales equates to a staggering 5.5 million tonnes of CO₂ per year with unrecorded crime taking this to over 6.5 million tonnes per year. Integrating CPTED and SBD principles within a development can help to lower the carbon cost of crime. Cheshire West and Chester Council declared a climate emergency in 2021, so development which is less vulnerable to crime can play a part in their emergency response plan and carbon management plan.

[Home | Climate Response \(westcheshireclimateplan.co.uk\)](https://www.westcheshireclimateplan.co.uk/)

[carbon-managment-plan-web-version-v8-2022 \(cheshirewestandchester.gov.uk\)](https://www.cheshirewestandchester.gov.uk/carbon-managment-plan-web-version-v8-2022)

Tattenhall & District Neighbourhood Plan Review 2024

3. Neighbourhood Plan Vision for Tattenhall

3.1

'As detailed in the Tattenhall Parish Plan (2006) and Tattenhall Village Design Statement (2009) the community wants Tattenhall to continue to thrive as a vibrant and distinctive village, to continue to respect and reflect the views of its community, to evolve and expand whilst retaining its unique and distinctive character, and to provide an outstanding quality of life for current and future generations of residents.

The Parish Council will do this by:

- *Encouraging a thriving and prosperous community that delivers a high quality of life for all its residents.*
- *Promoting a distinctive and flourishing local economy that exhibits vitality and dynamism.*
- *Supporting measured, proportionate, timely and sustainable development to meet local requirement.*

Produced by Cheshire Police – Neighbourhood plan consultation – Tattenhall, Cheshire.

9 | Page

Our ref: MC6833

Your ref: Planning Application Number: Section 14 Consultations

Date: As postmark (11 March 2025)

Regulation 14 Consultations

Thank you for consulting the Constabulary on this Section 14 Consultation. I have no specific comments to make in relation to the proposal, however I would encourage the best practise use of the below when considering Planning Applications in the community.

Borough Design Guide SPG - Secured by Design

I would encourage the community organisation/parish council to consider the information contained in the Cheshire East Borough Design Guide Vol. 2 Section 124-136 on page 31 "Secured by Design".

Any potential applicants can get more information about Secured by Design (including Design Guides) available at www.securedbydesign.com.

In the case of larger developments: Other crime reduction initiatives are also available for the applicant to consider, for example, Secured Environments (www.securedenvironments.com) and the Park Mark Award (www.parkmark.co.uk). Further information is also available from www.securedbydesign.com.

Detailed security advice concerning any developments can be obtained by contacting myself on the contact information below or one of my DOCO colleagues at doco@cheshire.police.uk

Approved Document Q (ADQ)

ADQ sets out strict requirements for the use of SBD standard (PAS 24 2012 or equivalent or higher) doors and windows. Whilst this aspect of the planning and building lifecycle is inspected by Building Control, I am more than happy to provide the applicants with advice. I would encourage the community organisation/parish council to consider this.

BREEAM

The community organisation/parish council should be aware that if any applicants are applying for BREEAM, then a Security Needs Assessment is required for the development. This can be obtained by a suitably qualified specialist (including myself or one of my DOCO colleagues).

Crime Impact Statements

Depending on the scale (usually major or significant) applications may require a Crime Impact Statement. Again, these can be obtained by a qualified specialist including DOCOs and this may be a separate statement or be included in the Design and Access Statement.

If you need to discuss this matter further, you contact me on 01606 364326 or 07525 9898642.

Yours sincerely

Mark Cotton

Designing Out Crime Officer (DOCO)

Cheshire Constabulary

United Utilities

Date 07-MAR-25

TATTENHALL & DISTRICT NEIGHBOURHOOD PLAN REGULATION 14 CONSULTATION

Thank you for your consultation seeking the views of United Utilities Water Limited (U UW) as part of the preparation of the Neighbourhood Plan (NP) for Tattenhall. U UW wishes to build a strong partnership with neighbourhood groups to aid sustainable development and growth.

We wish to note that U UW is the water undertaker for this area however, please note that there is an alternative wastewater undertaker.

Allocations for New Development

In the event that any future NP seeks to identify additional allocations for development, we would request early dialogue so that we can inform the site selection process and ensure any issues that are a concern to U UW are highlighted to you as early as possible.

Our Assets

It is important to outline the need for our assets to be fully considered in any proposals in the NP area.

U UW will not allow building over or in close proximity to a water main.

Site promoters should not assume that our assets can be diverted.

On occasion, an asset protection matter within the site can preclude delivery of a proposed development. It is critical that site promoters / applicants engage with U UW on the detail of their design and the proposed construction works. All U UW assets will need to be afforded due regard in the design process for a site. This should include careful consideration of landscaping and biodiversity proposals in the vicinity of our assets and any changes in levels and proposed crossing points. Details of any crossing points for access and for any services will need to be agreed. We strongly recommend that the NP / LPA advises future applicants / promoters of the importance of fully understanding site constraints as soon as possible, ideally before any land transaction is negotiated, so that the implications of our assets on development can be fully understood. We ask site promoters to contact U UW to understand any implications using the below details:

Developer Services – Water

Tel: 0345 072 6067

Email: DeveloperServicesWater@uuplc.co.uk

Planting of Trees and Landscaping

U UW wishes to note the reference to landscaping in both the Tattenhall Neighbourhood Plan and Design Code. It is important that any approach to planting new trees and landscaping gives due consideration to the impact on utility services noting the implications that can arise as a result of planting too close to our assets. This can result in root ingress, which in turn increases the risk of drainage system failure and increases flood risk. Further details on suitable trees for planting near our assets can be found in our 'Standard Conditions for Work Adjacent to Pipelines' (Document Ref: 90048 Issue 3.1 July 2015). A copy of this document can be found on our website.

Water Catchment Land

We request that the NP refers to the location of Tattenhall on water catchment land. Development proposals on water catchment land can have an impact on water supply resources. Applicants should seek to locate and design development so that the impact on the water environment and public water supply is minimised. This may necessitate the undertaking of appropriate risk assessments and the inclusion of mitigation measures in the design and construction process. We recommend that you include a policy which identifies the need to consider the impact on the water environment and public water supply.

In cases of wind energy proposals on water catchment land, the applicant should seek to locate development so that the impact on public water supply is minimised through the location of the development and through the undertaking of appropriate risk assessments and inclusion of mitigation measures in the design and construction process. It is particularly important to avoid the location of new wind turbines on deep peat land. We recommend you include the following policy relating to water catchment land.

Recommended Policy

Where proposals are located on catchment land used for public water supply, careful consideration must be given to the location of the proposed development and a risk assessment of the impact on public water supply may be required with the identification and implementation of any required mitigation measures including a management plan.

Asset Protection

We request that the following wording is added to point 2 of 'Policy 4 Local Facilities', within the Tattenhall NP:

2. Where new development proposals bring new utility services to parts of the village that are currently not served by them, this will be seen as a positive benefit. *Where utilities are present, places must be designed with management, maintenance and the upkeep of utilities in mind. Designers must confirm the exact location of existing services in liaison with the relevant statutory undertaker and incorporate them into the design of the development to allow for access, maintenance and repair. Careful consideration must be given to any landscaping proposals in the vicinity of utility assets, including any changes of levels, which may not be acceptable.*

Tattenhall and District Design Code (2023)

Water Efficiency

We request that 'Code 1 Sustainability and Climate Change' of the Design Code identifies the need for new development to accord with Policy DM 4 of the adopted Cheshire West and Chester Local Plan (Part 2). This states: *'In line with the Local Plan (Part One) policy ENV 6, all development proposals (including changes of use) will be expected to achieve the highest levels of energy and water efficiency that is practical and viable, and to maximise opportunities to incorporate sustainable design features where feasible.'*

New dwellings will be required to meet the optional higher National Housing Standard for water consumption of 110 litres per person per day.

Non-domestic buildings will be expected to achieve a BREEAM rating of 'Excellent', unless it can be demonstrated that it is not technically or financially feasible.'

Water efficiency should be a fundamental component of any approach to carbon neutrality, and we request that you clearly set out the need for the design of development to fully embrace water efficiency. A tighter water efficiency standard in new development, of 110 litres of water per person per day, has multiple benefits including a reduction in water and energy use, as well as helping to reduce customer bills. Water efficiency is therefore a key component of the journey to carbon neutrality.

On this basis, we recommend the following wording for the inclusion in Code 1 of the Design Code:

'Applicants should ensure that their proposals comply with policy DM 4 of the adopted Cheshire West and Chester Local Plan (Part 2).'

Utility Services

We request that the following wording is added to 'Code 3 – Building Design':

In respect of all development proposals, including household extensions, the location of all services must be confirmed and considered early in the design process. They must not be built over without prior agreement with the relevant statutory undertaker and access to services must be maintained. Careful consideration will also need to be given to any changes in levels and landscaping on top of, or near to, utilities. Applicants should not assume that the diversion of services will be acceptable.

Summary

Moving forward, we respectfully request that the Parish Council continues to consult with U UW for all future planning documents. In the meantime, if you have any queries or would like to discuss this representation, please do not hesitate to contact me at Planning.Liaison@uuplc.co.uk.

Yours faithfully

Kieta Sandford

Graduate Environmental Planner Planning,

Landscape and Ecology

United Utilities Water Limited

National Gas Transmission

Our Ref: MV/ 15B901605

04 March 2025

Tattenhall and District Neighbourhood Plan Regulation 14 Consultation

January – March 2025

Representations on behalf of National Gas Transmission

National Gas Transmission has appointed Avison Young to review and respond to Neighbourhood Plan consultations on its behalf. We are instructed by our client to submit the following representation with regard to the current consultation on the above document.

About National Gas Transmission

National Gas Transmission owns and operates the high-pressure gas transmission system across the UK. In the UK, gas leaves the transmission system and enters the UK's four gas distribution networks where pressure is reduced for public use.

Proposed sites crossed or in close proximity to National Gas Transmission assets

An assessment has been carried out with respect to National Gas Transmission's assets which include high-pressure gas pipelines and other infrastructure.

National Gas Transmission has identified that it has no record of such assets within the Neighbourhood Plan area.

National Gas Transmission provides information in relation to its assets at the website below.

- <https://www.nationalgas.com/land-and-assets/network-route-maps>

Please also see attached information outlining guidance on development close to National Gas Transmission infrastructure.

Distribution Networks

Information regarding the gas distribution network is available by contacting: plantprotection@cadentgas.com

Further Advice

Please remember to consult National Gas Transmission on any Neighbourhood Plan Documents or site-specific proposals that could affect our assets. We would be grateful if you could add our details shown below to your consultation database, if not already included:

Matt Verlander, Director

nationalgas.uk@avisonyoung.com

Avison Young

Central Square

Forth Street

Newcastle upon Tyne

NE1 3PJ

Kam Liddar, Asset Protection Lead

box.assetprotection@nationalgas.com

National Gas Transmission

National Grid House

Warwick Technology Park

Gallows Hill

Warwick,

CV34 6DA

If you require any further information in respect of this letter, then please contact us.

Yours faithfully,

Matt Verlander MRTPI

Director

0191 269 0094

matt.verlander@avisonyoung.com

For and on behalf of Avison Young

National Highways

Thank you for consulting National Highways regarding the Tattenhall Neighbourhood Plan. Given the scope of the Plan and the distance from the Strategic Road Network (SRN), it is unlikely that there would be any issues regarding safety or congestion on the SRN if this Plan were to be adopted. We will therefore not look to make comment at this time.

Could I please ask that your records are updated and any further consultations are sent to our regional planning inbox at PlanningNW@nationalhighways.co.uk. This will ensure that messages are directed to the correct person and we can respond without delay.

Kind regards

Adam

Adam Johnson | Spatial Planner

Cheshire | Merseyside | Greater Manchester

Spatial Planning Team, North West Operations

National Highways | Piccadilly Gate | Store Street | Manchester | M1 2WD

Tel: +44 (0) 7917 426 500

Web: <http://www.nationalhighways.co.uk/>

For information and guidance on planning and the Strategic Road Network in England, please visit:

<https://nationalhighways.co.uk/our-work/planning-and-the-strategic-road-network-in-england/>

The Coal Authority

7 February 2025

Re: Cheshire West and Chester Council: Tattenhall Neighbourhood Plan

Thank you for your notification of 21 January 2025 seeking the views of the Coal Authority on the above.

The Coal Authority is a non-departmental public body sponsored by the Department for

Energy Security and Net Zero. As a statutory consultee, the Coal Authority has a duty to

respond to planning applications and development plans in order to protect the public and the environment in mining areas.

However, the area to which this consultation relates is not located within the defined coalfield. On this basis we have no specific comments to make.

Yours

The Coal Authority Planning Team

Network Rail

Network Rail response on Neighbourhood Plans.

Network Rail is a statutory consultee for any planning applications within 10 metres of relevant railway land (as the Rail Infrastructure Managers for the railway, set out in Article 16 of the Development Management Procedure Order) and for any development likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway (as the Rail Network Operators, set out in Schedule 4 (J) of the Development Management Procedure Order).

Network Rail is also a statutory undertaker responsible for maintaining and operating the railway infrastructure and associated estate. It owns, operates and develops the main rail network. Network Rail aims to protect and enhance the railway infrastructure, therefore any proposed development which is in close proximity to the railway line or could potentially affect Network Rail's specific land interests will need to be carefully considered.

Network Rail – railway specific advice notice to LPAs/Developers

Please note that whilst Network Rail (NR) is submitting responses via the planning application process, it should be born in mind by the LPA/developer that the operational railway presents risks/issues that are different/unique to the risks posed by works taking place adjacent to non-railway undertaker land. Works on this site therefore must be undertaken with the supervision of NR via the ASPRO (asset protection) team to ensure that the works on site do not impact the safe operation, stability, integrity of the railway & its boundary. The LPA/developer are advised that unauthorised works adjacent to the railway boundary could impact the operation of nationally significant infrastructure & the applicant would be liable for any and all damages & costs caused by any works undertaken in this scenario. Therefore, the developer is requested to ensure that the development meets with NR requirements for works/developments adjacent to the railway boundary which include planning material considerations as well as obligations specific to the railway undertaker. The interface is via a NR BAPA (basic asset protection agreement) – the developer is advised that the works must not commence on site (even if planning permission is granted) until agreed with NR. The applicant will be liable for all costs incurred by NR in facilitating, reviewing this proposal.

Asset Protection Comments:

Developments in the policy area should be notified to Network Rail to ensure that:

- (a) Access points / rights of way belonging to Network Rail are not impacted by developments within the area.
- (b) That any proposal does not impact upon the railway infrastructure / Network Rail land e.g.
 - Drainage works / water features
 - Encroachment of land or air-space
 - Excavation works
 - Siting of structures/buildings less than 2m from the Network Rail boundary / Party Wall Act issues
 - Lighting impacting upon train drivers' ability to perceive signals
 - Landscaping that could impact upon overhead lines or Network Rail boundary treatments
 - Any piling works
 - Any scaffolding works
 - Any public open spaces and proposals where minors and young children may be likely to use a site which could result in trespass upon the railway (which we would remind the council is a criminal offence under s55 British Transport Commission Act 1949)
 - Any use of crane or plant
 - Any fencing works
 - Any demolition works
 - Any hard standing areas

For any proposal adjacent to the railway, Network Rail would request that a developer constructs (at their own expense) a suitable steel palisade trespass proof fence of at least 1.8m in height.

All initial proposals and plans should be flagged up to the Network Rail Town Planning at the following address:

Email: TownPlanningNWC@networkrail.co.uk

Railway Station

Consideration should be given in Transport Assessments to the potential for increased footfall at Railway Stations as a result of proposals for residential development / employment areas within the neighbourhood area. Location of the proposal, accessibility and density of the development, trip generation data should be considered in relation to the station. Where proposals are likely to increase footfall and the need for car parking, the council should include developer contributions (either via CIL, S106) to provide funding for enhancements as part of planning decisions.

Level Crossings

Developments within the neighbourhood area should be accompanied by a TS/TA which includes consideration of the impact of proposals upon any level crossings with mitigation implemented as required. We would encourage the Council to adopt specific policy wording to ensure that the impact of proposed new development (including cumulative impact) on the risk at existing level crossings is assessed by the developer(s), and suitable mitigation incorporated within the development proposals and funded by the developer(s). TS/TAs should be undertaken in conjunction with the local highways authority with advice from Network Rail. Contributions will be sought where proposals impact on level crossings to mitigate the impacts of those developments. Where level crossing closure is the only option, the applicant is advised that closure would be via s257 of the T&CPA, and that closure would be required before the occupation of any dwellings.

Network Rail – railway specific advice notice to LPAs/Developers

Please note that whilst Network Rail (NR) is submitting responses via the planning application process, it should be born in mind by the LPA/developer that the operational railway presents risks/issues that are different/unique to the risks posed by works taking place adjacent to non-railway undertaker land. Works on this site therefore must be undertaken with the supervision of NR via the ASPRO (asset protection) team to ensure that the works on site do not impact the safe operation, stability, integrity of the railway & its boundary. The LPA/developer are advised that unauthorised works adjacent to the railway boundary could impact the operation of nationally significant infrastructure & the applicant would be liable for any and all damages & costs caused by any works undertaken in this scenario. Therefore, the developer is requested to ensure that the development meets with NR requirements for works/developments adjacent to the railway boundary which include planning material considerations as well as obligations specific to the railway undertaker. The interface is via a NR BAPA (basic asset protection agreement) – the developer is advised that the works must not commence on site (even if planning permission is granted) until agreed with NR. The applicant will be liable for all costs incurred by NR in facilitating, reviewing this proposal.

Diane Clarke

Town Planning Technician NW&C

AssocRTPI

Network Rail

Email: TownPlanningNWC@networkrail.co.uk

Office for Nuclear Regulation

With regard to planning application Tattenhall Neighbourhood Plan, ONR makes no comment on this proposed neighbourhood plan as it does not lie within a consultation zone around a GB nuclear site.

You can find information concerning our Land Use Planning consultation process here: (<http://www.onr.org.uk/land-use-planning.htm>).

Kind regards,

Land Use Planning

Office for Nuclear Regulation

ONR-Land.Use-planning@onr.gov.uk

Marine Management Organisation

Thank you for including the Marine Management Organisation (MMO) in your recent consultation submission. The MMO will review your document and respond to you directly should a bespoke response be required. If you do not receive a bespoke response from us within your deadline, please consider the following information as the MMO's formal response.

Kind regards,

The Marine Management Organisation

Marine Management Organisation Functions

The MMO is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are: marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing grants.

Marine Planning and Local Plan development

Under delegation from the Secretary of State for Environment, Food and Rural Affairs (the marine planning authority), the MMO is responsible for preparing marine plans for English inshore and offshore waters. At its landward extent, a marine plan will apply up to the Mean High Water Springs (MHWS) mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of MHWS, there will be an overlap with terrestrial plans, which generally extend to the Mean Low Water Springs (MLWS) mark. To work together in this overlap, the Department of Environment, Food and Rural Affairs (Defra) created the [Coastal Concordat](#). This is a framework enabling decision-makers to co-ordinate processes for coastal development consents. It is designed to streamline the process where multiple consents are required from numerous decision-makers, thereby saving time and resources. Defra encourage coastal authorities to sign up as it provides a road map to simplify the process of consenting a development, which may require both a terrestrial planning consent and a marine licence. Furthermore, marine plans inform and guide decision-makers on development in marine and coastal areas.

Under Section 58(3) of [Marine and Coastal Access Act \(MCAA\) 2009](#) all public authorities making decisions capable of affecting the UK marine area (but which are not for authorisation or enforcement) must have regard to the relevant marine plan and the UK [Marine Policy Statement](#). This includes local authorities developing planning documents for areas with a coastal influence. We advise that all marine plan objectives and policies are taken into consideration by local planning authorities when plan-making. It is important to note that individual marine plan policies do not work in isolation, and decision-makers should consider a whole-plan approach. Local authorities may also wish to refer to our [online guidance](#) and the [Planning Advisory Service: soundness self-assessment checklist](#). We have also produced a [guidance note](#) aimed at local authorities who wish to consider how local plans could have regard to marine plans. For any other information please contact your local marine planning officer. You can find their details on our [gov.uk page](#). See [this map on our website to locate](#) the marine plan areas in England. For further information on how to apply the marine plans and the subsequent policies, please visit our [Explore Marine Plans](#) online digital service.

The adoption of the [North East](#), [North West](#), [South East](#), and [South West Marine Plans](#) in 2021 follows the adoption of the [East Marine Plans](#) in 2014 and the [South Marine Plans](#) in 2018. All marine plans for English waters are a material consideration for public authorities with decision-making functions and provide a framework for integrated plan-led management.

Marine Licensing and consultation requests below MHWS

Activities taking place below MHWS (which includes the tidal influence/limit of any river or estuary) may require a [marine licence](#) in accordance with the MCAA. Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object. Activities between MHWS and MLWS may also require a local authority planning permission. Such permissions would need to be in accordance with the relevant marine plan under section 58(1) of the MCAA. Local authorities may wish to refer to our [marine licensing guide for local planning authorities](#) for more detailed information. We have produced a [guidance note](#) (worked example) on the decision-making process under S58(1) of MCAA, which decision-makers may find useful. The licensing team can be contacted at: marine.consents@marinemanagement.org.uk.

Consultation requests for development above MHWS

If you are requesting a consultee response from the MMO on a planning application, which your authority considers will affect the UK marine area, please consider the following points:

- The UK Marine Policy Statement and relevant marine plan are material considerations for decision-making, but Local Plans may be a more relevant consideration in certain circumstances. This is because a marine plan is not a 'development plan' under the [Planning and Compulsory Purchase Act 2004](#). Local planning authorities will wish to consider this when determining whether a planning application above MHWS should be referred to the MMO for a consultee response.
- It is for the relevant decision-maker to ensure s58 of MCAA has been considered as part of the decision-making process. If a public authority takes a decision under s58(1) of MCAA that is not in accordance with a marine plan, then the authority must state its reasons under s58(2) of the same Act.
- If the MMO does not respond to specific consultation requests then please use the above guidance to assist in making a determination on any planning application.

Minerals and Waste Local Plans and Local Aggregate Assessments

If you are consulting on a minerals and waste local plan or local aggregate assessment, the MMO recommends reference to marine aggregates, and to the documents below, to be included:

- The [Marine Policy Statement \(MPS\)](#), Section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK's) construction industry.
- The [National Planning Policy Framework \(NPPF\)](#), which sets out policies for national (England) construction mineral supply.
- [The minerals planning practice guidance](#) which includes specific references to the role of marine aggregates in the wider portfolio of supply.
- [The national and regional guidelines for aggregates provision in England 2005-2020](#) predict likely aggregate demand over this period, including marine supply.

The minerals planning practice guidance requires local mineral planning authorities to prepare Local Aggregate Assessments. These assessments must consider the opportunities and constraints of all mineral supplies into their planning regions – including marine sources. This means that even land-locked counties may have to consider the role that marine-sourced supplies (delivered by rail or river) have – particularly where land-based resources are becoming increasingly constrained.

If you wish to contact the MMO regarding our response, please email us at consultations@marinemanagement.org.uk or telephone us on 0208 0265 325.

The Marine Management Organisation (MMO) The information contained in this communication is intended for the named recipient(s) only. If you have received this message in error, you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the content is strictly prohibited and may be unlawful. Whilst this email and associated attachments will have been checked for known viruses whilst within MMO systems, we can accept no responsibility once it has left our systems. Communications on the MMO's computer systems may be monitored and/or recorded to secure the effective operation of the system and for other lawful purposes.

HSE

21/01/2025

LOCAL AND NEIGHBOURHOOD PLANS

HSE is not a statutory consultee for local and neighbourhood plans. If there is a nuclear installation within or nearby your local plan area we recommend you contact the Office of Nuclear Regulation.

HSE has provided Local Planning Authorities (LPAs) with access to its LUP Web App <https://pa.hsl.gov.uk/> and downloadable GIS consultation zones. These tools alongside HSE's published methodology (<http://www.hse.gov.uk/landuseplanning/>) can assist you in ensuring that land allocations do not conflict with major hazard sites and pipelines, licenced explosives sites and nuclear installations.

Your attention is drawn to the planning policy guidance provided by your central planning departments in England, Scotland and Wales.

For England: <https://www.gov.uk/guidance/hazardous-substances> in particular paragraphs 65 to 69 which explain an LPAs responsibilities when taking public safety into account in planning decisions and formulating local plans.

For Scotland: <https://www.gov.scot/publications/circular-3-2015-planning-controls-hazardous-substances/pages/2/> Annex F

For Wales: <https://gweddi.gov.wales/about/open-government/publications-catalogue/circular/circulars2001/NAFWC202001?lang=en>

Email: LOCAL.PLAN-CEMHD-5@hse.gov.uk

21 January 2025

LOCAL AND NEIGHBOURHOOD PLANS

HSE is not a statutory consultee for local and neighbourhood plans. However, HSE has provided LPAs with access to its LUP Web App <https://pa.hsl.gov.uk/> and downloadable GIS consultation zones. These tools alongside HSE's published methodology (<http://www.hse.gov.uk/landuseplanning/>) can assist in ensuring that land allocations do not conflict with major hazard sites and pipelines, licenced explosives sites and nuclear installations.

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