

Cheshire East Council

Portfolio holder – Housing Planning and Regeneration

Date of Meeting: 18th December 2017

Report of: Director of Planning and Sustainable Development

Subject>Title: Somerford Neighbourhood Development Plan – Decision to Proceed to Referendum

Portfolio Holder: Councillor Ainsley Arnold

1. Report Summary

- 1.1. The Somerford Neighbourhood Development Plan (SNDP) was submitted to the Council in July 2017 and, following a statutory publicity period, proceeded to Independent Examination. The Examiner's report has now been received and recommends that, subject to some modifications, the Plan should proceed to referendum.
- 1.2. The Council must now consider the recommendations of the Examiner and decide how to proceed.

2. Recommendation

- 2.1. That the Portfolio Holder accepts the Examiner's recommendations to make modifications to the SNDP as set out in the Examiner's report (at Appendix 1) and confirms that the SNDP will now proceed to referendum in the Somerford Neighbourhood Plan area.

3. Other Options Considered

- 3.1. Not to proceed to referendum – the examiner has found that subject to modification, the plan meets the relevant tests and therefore there is no reason a referendum should not be held.

4. Reasons for Recommendation

- 4.1. The Council is committed to supporting neighbourhood planning in Cheshire East. It has a legal duty to provide advice and assistance on neighbourhood plans, to hold an independent examination on neighbourhood plans submitted to the Council and to make arrangements for a referendum following a favourable Examiner's Report.

- 4.2. The Council accepts the examiner's recommendations and subject to the modifications set out in the Examiner's Report, the SNDP is considered to meet the statutory basic conditions and procedural requirements set out in Schedule 10, paragraph 8, of the Localism Act and as such it can now proceed to referendum.

5. Background/Chronology

- 5.1. The preparation of the Neighbourhood Plan began in 2015 with the submission of the Neighbourhood Area Designation which was approved in July 2015.
- 5.2. The location and extent of the Somerford Neighbourhood Area is shown on the map in Appendix 2.
- 5.3. The final Neighbourhood Plan and its supporting documents were submitted to Cheshire East Council in July 2017.
- 5.4. The supporting documents included:
- 5.4.1. Plan of the neighbourhood area
 - 5.4.2. Consultation Statement
 - 5.4.3. Basic Conditions Statement
 - 5.4.4. Screening Opinion on the need to undertake Strategic Environmental Assessment
 - 5.4.5. Links to supporting documents and reports
- 5.5. Cheshire East undertook the required publicity between 25.07.17 – 22.09.17 and from 12.10.17 – 23.11.17. Relevant consultees, residents and other interested parties were provided with information about the submitted Plan and were given the opportunity to submit comments to the Examiner.
- 5.6. The Borough Council appointed Mary O'Rourke BA(Hons) DipTP MRTPI, to examine whether the Plan meets the necessary basic conditions and legal requirements and recommend whether the plan should proceed to referendum. On reviewing the content of the Plan and the representations received as part of the publication process, he decided not to hold a public hearing.
- 5.7. A copy of the Examiner's Report is provided at Appendix 1. A link to a copy of the Neighbourhood Plan (as submitted to the Council prior to examination) is included at Appendix 3.
- 5.8. The Examiner's Report contains Mary's findings on legal and procedural matters and his assessment of the Plan against the Basic Conditions. It recommends that a number of modifications be made to the Plan. These

are contained within the body of the Report and summarised in a table at the end.

- 5.9. In addition, minor modifications for the purpose of correcting errors or for clarification are also set out at the end of the Report.
- 5.10. Overall it is concluded that the SNDP does comply with the Basic Conditions and other statutory requirements and that, subject to recommended modifications, it can proceed to a referendum.
- 5.11. The Examiner comments that “I appreciate the significant amount of hard work which the Parish Council and its Steering Group have undertaken in preparing the Neighbourhood Plan. The local community has been closely involved and their engagement has clearly shaped the content of the Plan..”

6. Wards Affected and Local Ward Members

- 6.1. Brereton Rural Ward; Councillor John Wray

7. Implications of Recommendation

7.1. Policy Implications

7.1.1. Neighbourhood planning allows communities to establish land-use planning policy to shape new development. This is achieved through the formation of a vision and the development of objectives and policies to achieve this vision. If a neighbourhood plan is supported through a referendum and is ‘made’ it then forms part of the statutory development plan and becomes, with the adopted Local Plan, the starting point for determining relevant planning applications in that area.

7.1.2. The Somerford Neighbourhood Plan therefore contributes to the Councils corporate objectives to deliver high quality of place within a plan led framework and the strategic objectives of the Local Plan Strategy for Cheshire East.

7.2. Legal Implications

7.2.1. The Neighbourhood Plan is considered to meet the basic conditions and all relevant legal and procedural requirements and this is supported in the Examiner’s Report.

7.3. Financial Implications

7.3.1. The referendum is estimated to cost circa £3,000. This will be paid for through government grant and the service’s revenue budget.

7.4. Equality Implications

7.4.1. The neighbourhood plan has been prepared in a manner which has been inclusive and open to all to participate in policy making and establish a shared vision for future development in Somerford. The policies proposed are not considered to disadvantage those with protected characteristics.

7.5. Rural Community Implications

7.5.1. Somerford is a largely rural area to the west of Congleton and the Plan addresses a number of rural issues including policies on rural character, wildlife corridors and the rural economy. The policies in the plan have been developed by the community, with opportunities for the rural community to participate in the plan making process.

7.6. Human Resources Implications

7.6.1. None

7.7. Public Health Implications

7.7.1. Neighbourhood plans are an opportunity to promote public health in the statutory planning framework and the Somerford neighbourhood plan contains policies on infrastructure and community infrastructure which support physical wellbeing.

7.8. Implications for Children and Young People

7.8.1. None.

7.9. Other Implications (Please Specify)

7.9.1. None.

8. Risk Management

8.1. The decision to proceed to referendum and subsequently to 'make' the Neighbourhood Plan is, like all decisions of a public authority, open to challenge by Judicial Review. The risk of any legal challenge to the Plan being successful has been minimised by the thorough and robust way in which it has been prepared and tested.

9. Access to Information/Bibliography

9.1. The background papers relating to this report can be inspected by contacting the report writer

10. Contact Information

Contact details for this report are as follows:

Name: >Tom Evans
Designation: >Neighbourhood Planning Manager
Tel. No.: >01260 383709
Email: >Tom.Evans@Cheshireeast.gov.uk



Report on Somerford Neighbourhood Plan 2015 - 2030

**An Examination undertaken for Cheshire East Council with the support of the
Somerford Parish Council on the July 2017 submission version of the Plan.**

Independent Examiner: Mary O'Rourke BA(Hons) DipTP MRTPI

Date of Report: Fact Check Version 4 December 2017

Contents

	Page
Main Findings - Executive Summary	3
1. Introduction and Background	3
• Somerford Neighbourhood Plan 2015 – 2030	3
• The Independent Examiner	4
• The Scope of the Examination	4
• The Basic Conditions	5
2. Approach to the Examination	6
• Planning Policy Context	6
• Submitted Documents	6
• Site Visit	7
• Written Representations with or without Public Hearing	7
• Modifications	7
3. Procedural Compliance and Human Rights	7
• Qualifying Body and Neighbourhood Plan Area	7
• Plan Period	7
• Neighbourhood Plan Preparation and Consultation	8
• Development and Use of Land	9
• Excluded Development	9
• Human Rights	9
4. Compliance with the Basic Conditions	10
• EU Obligations	10
• Main Issues	10
• Introduction	11
• Issue 1 - local green space	12
• Issue 2 - new housing development	14
• Issue 3 - employment, community facilities, design, nature conservation and transport policies	18
• Issue 4 - heritage assets	22
5. Conclusions	23
• Summary	23
• The Referendum and its Area	24
• Overview	24
Appendix: Modifications	25

Main Findings - Executive Summary

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

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – Somerford Parish Council;
- The Plan has been prepared for an area properly designated – the Parish Council area as shown on the map at page 3 of the Plan;
- The Plan specifies the period to which it is to take effect – 2015 to 2030; and
- The policies relate to the development and use of land for a designated neighbourhood area.

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

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

1. Introduction and Background

Somerford Neighbourhood Plan 2015 - 2030

- 1.1 Somerford is a small rural parish on the north-west side of the historic market town of Congleton and stretches out along the A54, south east of Holmes Chapel. The character of the parish is defined by concentrated linear development extending out from Congleton along Holmes Chapel Road, and around the Black Firs Plantation. Beyond this, within open countryside, there are large houses and farms, agricultural and equestrian uses, and a large holiday caravan park near the River Dane. In 2011, the parish had a population of 430, living in 143 dwellings.
- 1.2 More recently, new houses have been built at Loachbrook and in 2016 planning permission was granted for a new Link Road to the north of Congleton, through Somerford parish, along with permissions for new housing developments, as part of the Congleton Urban Extension. I saw on my site visit that building work is taking place along Black Firs Lane and to the south of Holmes Chapel Road. I deal with these strategic sites in more detail below.
- 1.3 Work on the Plan began in November 2014, in response to a desire by the local community to have a greater say in future planning decisions, with the Parish Council forming a Neighbourhood Plan Steering Committee, comprising councillors and residents. The application for designation as a

Neighbourhood Plan area, covering the whole of the parish, was approved by the Cheshire East Council (CEC) in July 2015. The Consultation Statement, which accompanied the submission version of the Plan, details the stages in the Plan preparation process and the results of consultation with residents, businesses and strategic stakeholders.

The Independent Examiner

- 1.4 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Somerford Neighbourhood Plan by CEC, with the agreement of the Somerford Parish Council.
- 1.5 I am a chartered town planner and former government Planning Inspector, with some 40 years of experience in the public and private sector, latterly dealing with major planning appeals and examining development plan and national infrastructure projects. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft plan.

The Scope of the Examination

- 1.6 As the independent examiner I am required to produce this report and recommend either:
 - (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.7 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
 - Whether the Plan meets the Basic Conditions;
 - Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;

- it does not include provisions and policies for 'excluded development';
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
 - whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').
- 1.8 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

- 1.9 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, a neighbourhood plan must:
- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - Contribute to the achievement of sustainable development;
 - Be in general conformity with the strategic policies of the development plan for the area;
 - Be compatible with and not breach European Union (EU) obligations; and
 - Meet prescribed conditions and comply with prescribed matters.
- 1.10 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the neighbourhood plan should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2017) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007), either alone or in combination with other plans or projects.

2. Approach to the Examination

Planning Policy Context

- 2.1 The Development Plan for this part of Cheshire East, not including documents relating to excluded minerals and waste development, is the Cheshire East Local Plan Strategy 2010-2030, adopted on 27 July 2017 (CELPS). It is up to date and provides the relevant strategic background for assessing general conformity. Work is progressing on the second part of the Local Plan, the Site Allocations and Development Policies document (SADPD). Until that document has been adopted, the Development Plan for the Neighbourhood Plan area still includes, where relevant, the saved policies of the Congleton Borough Local Plan First Review (2005) (CBLPFR).
- 2.2 Congleton is a Key Service Centre for Cheshire East and the CELPS identifies a number of strategic sites in and around the town for future growth. At the heart of the adopted development strategy is the construction of the Congleton Link Road to the north of the town connecting the A534 Sandbach Road to the A536 Macclesfield Road, for which permission was granted in 2016. The Link Road unlocks various strategic development sites identified in the CELPS and the North Congleton Masterplan and which include land within the Neighbourhood Plan area.
- 2.3 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented.

Submitted Documents

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Somerford Neighbourhood Plan 2015 - 2030, July 2017;
 - the map on page 3 of the Plan which identifies the area to which the proposed neighbourhood development plan relates;
 - the Consultation Statement, July 2017;
 - the Basic Conditions Statement, July 2017;
 - all the representations that have been made in accordance with the Regulation 16 consultation (including those representations received as a result of an extended consultation period¹); and
 - the Strategic Environmental Assessment (SEA) Screening Opinion prepared by CEC, May 2017.

Site Visit

¹ See paragraph 3.8 of this report.

- 2.5 I made an unaccompanied site visit to the Neighbourhood Plan Area on 11 October 2017 to familiarise myself with it, and to visit relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

- 2.6 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan, and presented arguments for and against the Plan's suitability to proceed to a referendum.

Modifications

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

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Plan has been prepared and submitted for examination by Somerford Parish Council which is a qualifying body for an area designated by CEC on 20 July 2015.
- 3.2 It is the only neighbourhood plan for the parish of Somerford, and does not relate to land outside the designated neighbourhood area.

Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2015 to 2030.

Neighbourhood Plan Preparation and Consultation

- 3.4 The decision to prepare a Neighbourhood Plan was agreed by the Parish Council in October 2014, in part in response to the significant amount of development planned for the south-eastern part of the parish. Consultation on the Plan area took place in the early part of 2015. Whilst objection was made to the inclusion of two sites in the Plan area², CEC considered, having regard to advice in the PPG, that there was no planning reason to exclude

² Land known as the 'Somerford Triangle' and with planning permission for development, and a proposed strategic site at Back Lane, Radnor Park.

either site. Accordingly, the proposed Somerford Neighbourhood Plan area was designated on 20 July 2015.

- 3.5 The Consultation Statement describes the range of methods and media used to engage with the local community including newsletters, surveys, the local press, the display of information on noticeboards and on the Parish Council and Neighbourhood Plan website, banner displays around the parish, an art competition, public meetings and drop-in sessions with display boards inviting community input. Consultation with the local community began in February 2015 with the delivery of the first of 8 newsletters to every household in the Parish, giving information on neighbourhood planning, informing readers that a plan was underway and asking for people to get involved. A short initial questionnaire elicited 26 responses, highlighting issues of concern to local residents. A subsequent community drop in event, held on 25 April 2015, was well attended by 50 residents, with 9 local businesses represented.
- 3.6 A second questionnaire was sent to each household in May 2015, of which 82 of the 172 sent were returned, confirming issues of importance to the local community and on which policies in the Plan should focus. In addition, business and youth surveys were undertaken and local schools and landowners contacted. Community events were held in June and August 2015 and later that year residents were asked to complete a housing needs survey. A schedule of the community engagement process is outlined in the Plan at pages 22 to 25 and in more detail in sections 1 to 13 of the Consultation Statement.
- 3.7 The Regulation 14 consultation on the emerging Somerford Neighbourhood Plan was held from 2 May to 13 June 2017. A newsletter was circulated to every resident in the parish, and local groups, interested organisations and statutory consultees were informed by letter or email. The Plan could be viewed online with copies available at various places in the parish. A total of 147 comments were made, from 12 residents, 6 statutory bodies, 3 developers/landowners and CEC, and these are summarised in the Consultation Statement at Appendix 1 alongside the action to be taken.
- 3.8 Consultation in accordance with Regulation 16, when the Plan was submitted to CEC, was undertaken between 25 July 2017 and 22 September 2017 and 21 responses received. This was for a longer period than the 6 weeks specified in the 2012 Regulations. However, it was not until near the end of that 8-week period that the Council identified a problem with its online notification system which resulted in those who had previously asked to be kept informed in this way having only 3 days to comment on the submitted Plan. In order to give sufficient time for anyone who might have been disadvantaged by that to comment on the Plan, I asked the Council to give a further period of 3 weeks for representations to be submitted (from 12 October to 2 November 2017). This was subject to a caveat that if anyone was unable to meet this timeframe, an extension could be provided. Subsequently, in view of a query raised about this pragmatic approach, and in order to mitigate against the possibility of a later legal challenge, I extended that initial 3-week consultation period by a further 3 weeks (that is 6 weeks in total from 12

October to 23 November 2017), and asked CEC to communicate that to those who relied upon the authority's electronic notifications. At the end of this extended period, a further 3 representations had been made.

- 3.9 I consider that, with the extended consultation period, overall the process of consultation has been transparent, fair and inclusive and anyone interested in the Plan would have had sufficient opportunity to make their representations on the Plan. I am satisfied that the consultation process followed for this Neighbourhood Plan has had regard to the advice in the PPG on plan preparation and that the process is procedurally compliant in accordance with legal requirements.

Development and Use of Land

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

Excluded Development

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

Human Rights

- 3.12 The Basic Conditions Statement advises that the Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. CEC has not alleged that Human Rights might be breached. I have considered the matter independently and I have found no reason to disagree with that position.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The Plan was screened for Strategic Environmental Assessment (SEA) by CEC. This is a legal requirement and accords with Regulation 15(e)(1) of the 2012 Regulations. The Council found it was unnecessary to undertake SEA and neither Historic England, the Environment Agency or Natural England disagreed with that assessment. Having read the SEA Screening Opinion and considered the matter independently, I agree with that conclusion.
- 4.2 The Plan was further screened for Habitats Regulations Assessment (HRA). Although there are no European designated sites within the Neighbourhood Plan area, there are two RAMSAR sites and one Special Protection Area

within a 15km radius³. The assessment undertaken by CEC is that the Plan is unlikely to have a significant effect on the environment or on the designated sites. Having reviewed the Plan, Natural England considered that there were unlikely to be any significant environmental effects on sensitive sites or on significant populations of protected species. On the basis of the information provided and my independent consideration, I am satisfied that the Plan is compatible with EU obligations.

Main Issues

- 4.3 Having regard for the Submission Version of the Somerford Neighbourhood Plan, the consultation responses and other evidence, and the site visit, I consider that there are four main issues relating to the Basic Conditions for this examination. These are:
- whether the Plan appropriately provides for the designation and protection of local green spaces, having regard to national planning policy and guidance and the need to be consistent with the local planning of sustainable development;
 - whether the Plan makes appropriate provision for new housing development and has regard to national planning policy and guidance and the need to be in general conformity with the CELPS strategic policies for housing;
 - whether the policies on employment, community facilities, design, nature conservation, and transport provide an appropriate framework to shape and direct sustainable development, having regard to national policy and guidance and are in general conformity with the CELPS strategic policies; and
 - whether the policy on heritage assets meets the Basic Conditions, with particular reference to national policy and guidance and local strategic policies.

Introduction

- 4.4 The Introduction to the Plan gives a brief explanation of neighbourhood planning and the relationship of the Plan to higher level planning policy. The Plan was prepared in the context of the then emerging CELPS 2010-2030. This has meant that the Plan, to a large extent, anticipated the adoption (27 July 2017) of the new CELPS policies against which I must now test the Plan for general conformity. In order to avoid a lengthy list of minor modifications, I recommend **PM1** as a general Plan-wide requirement to update and amend the Plan throughout to reflect the adoption of the CELPS (27 July 2017) and to remove references to earlier stages of that Plan.
- 4.5 The Vision, Aims and Objectives, which were arrived at following community consultation, are set out on pages 4, 5 and 6 of the Plan, and envisage that

³ Appendix C of the SEA Screening Opinion May 2017.

Somerford should remain as an identifiable attractive rural village community which enjoys the peace associated with being part of the countryside whilst still contributing to the wider geographical community. Subsequent sections provide context and general data and information on land use, the natural environment, the area's character, heritage assets and distinctive features.

- 4.6 To improve the Plan's readability and usability, I strongly advise that consideration is given to numbering the paragraphs and figures in the Plan. However, having regard to the generally clear way the Plan is laid out and the policies highlighted in bold text, the omission of paragraph numbers is not significant enough to compromise the clarity of the document. As such, I recognise it goes beyond my remit to set out a recommended modification in this regard. Turning to Appendix A, this is a list of evidence and sources. However, it does not relate back to the superscript references found throughout the Plan. To find the background documents and supporting evidence, the interested reader has to search on the Somerford Plan website under the Regulation 14 tab, where some are inaccurately named. Whilst not required to meet the Basic Conditions, modifications to correct errors would improve the accuracy of the document and such modifications are provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act. I am therefore recommending **PM2** as a general Plan-wide requirement that details of the supporting documents referenced in the Plan are added as footnotes, in a similar manner to that in the CELPS.
- 4.7 The Plan includes 20 policies that fall to be considered against the Basic Conditions. When made the Plan will form part of the development plan and the PPG advises that Neighbourhood Plan policy should be drafted with sufficient clarity such that a decision maker can apply it consistently and with confidence when determining planning applications. Policies should be concise, precise and supported by appropriate evidence⁴. With this in mind, I now turn, in the following paragraphs, to address each of my four main issues.

Issue 1 – local green space

- 4.8 The NPPF provides that local communities through local plans and neighbourhood plans can identify for special protection green areas of particular importance to them. By designating land as Local Green Spaces (LGSs), paragraph 76 advises that local communities will be able to rule out new development other than in very special circumstances. Identifying land as LGS should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Policy SE6 of the CELPS refers to the importance of green infrastructure and the aim of CEC to deliver a good quality, and accessible, network of green spaces for people to enjoy.
- 4.9 It is an objective of the Plan to protect and enhance the natural assets of the parish and with careful management to preserve the valued environmental assets and uphold the rural character of the parish. Currently there are few

⁴ PPG Reference ID: 41-041-20140306.

designated recreational or green spaces in the parish. The Plan provides at page 27 what is described as rationale for LGS designation and summarises the three requirements set out in paragraph 77 of the NPPF. It then goes on to list and describe four areas '*deemed to constitute a Local Green Space designation in Somerford*'. These are shown on the plan on page 28. They are listed again on pages 41/42 as '*community facilities of particular value*'. However, whilst policy NE1 part 2 states that there should be no encroaching onto these areas, there is no specific policy in the Plan which designates them as LGSs. To rectify this omission, I propose to modify the Plan by the inclusion of a new policy CF2 on Local Green Spaces (**PM3**) and for the rationale for LGS designation, at pages 27 and 28 of the Plan, to be moved and included as explanatory text after the new policy (**PM4**). The descriptions of the 4 LGSs should be listed in the order 1 to 4, as indicated on the LGS plan at page 65, and on page 64. It appears to me that there is some missing text in the first line of the first bullet point on page 27 after '*Somerford and*', and in the last paragraph on page 28 between the word '*considered*' and '*the site allocations and development policies*'; this should be corrected (**PM5**).

- 4.10 Turning then to consider the 4 areas proposed to be designated in the Plan, I am satisfied that Goodwins Pool (LGS 2) and the Blackfirs Nature Reserve (LGS 3) meet the NPPF's requirements for LGS designation. Both are in close proximity to the community they serve, are local in character and hold a particular local significance in terms of their tranquillity, recreational value and wildlife interest. Neither are extensive tracts of land.
- 4.11 As to LGS 4, described as north of Black Firs Lane but more accurately located to its east, it is shown in the CELPS at Figure 15.31 as part of the public open space within allocation site LPS26 (Back Lane/Radnor Park). I understand that this land is currently owned by the RSPB⁵, has been farmed, but is intended to be transferred to the Parish Council to be made into a Country Park. In terms of its local character, proximity to the existing community and to the future community it will serve, and its current and potential enhanced recreational value, I consider that it is appropriate to designate it as a LGS. However, as designation rules out new development other than in very special circumstances, I am modifying the extent of the LGS so as to exclude a small part, the subject of a planning application by Richborough Estates for residential development⁶, and for which CEC has resolved to grant permission as part of the CELPS allocation LPS26 (**PM6**). To do otherwise would not be consistent with the local planning of sustainable development and thus would conflict with the NPPF and so would not meet the Basic Conditions.
- 4.12 The final area is the Longbarrow at Loachbrook (LGS 1), a mound topped by a copse of trees within farmland to the east of Sandy Lane and close to new housing being built to the south of Holmes Chapel Road. It is identified in the CBLPFR as a Neolithic long barrow and scheduled monument, although the 2010 geophysical evidence on this is inconclusive. In respect of paragraph

⁵ Royal Society for the Protection of Birds.

⁶ Application 16/1922C.

77 of the NPPF, whilst the area is not publicly accessible, this is no bar to designation as an LGS⁷, it is near to new housing and is not an extensive tract of land. It is a recognisable feature in the local landscape that consultation questionnaire responses indicated is valued by local people. Although there is no specific ecological evidence, as an isolated area of woodland within a farmed landscape, it will support local wildlife and contribute to biodiversity. I find that, having regard to the NPPF criteria, the Longbarrow is demonstrably special to the local community and holds a particular local significance, because of its distinctive appearance suggesting a possible historic significance, and its value for local wildlife. I am satisfied that identifying the land as LGS would not be inconsistent with the local planning of sustainable development and for all these reasons, I consider that designation of the Longbarrow as LGS is appropriate.

- 4.13 Subject to the recommended modifications being made, I am satisfied the designation of four LGSs in the Plan has regard to national policy, is in general conformity with the strategic policies of the development plan for Cheshire East, and would contribute to the achievement of sustainable development, thus meeting the Basic Conditions.

Issue 2 - whether the Plan makes appropriate provision for new housing development

- 4.14 Within the Plan area, development is concentrated on its eastern side where it has a close physical and functional relationship with the market town of Congleton. Elsewhere in the parish, development is more scattered with large houses, farmsteads and equestrian uses set within the open countryside but there are no settlements as defined in the CBLPFR. Saved CBLPFR policy PG8 and CELPS policy PG6 deal with development in the open countryside outside of any defined settlement boundary, which is only permitted in specific limited circumstances.
- 4.15 The recently adopted CELPS identifies Congleton as one of the Key Service Centres for Cheshire East and plans for a number of strategic sites in and around the town for growth in the future. At the heart of this development strategy is the construction of the Congleton Link Road which will unlock opportunities to release land for development to the north of the town, including land at Back Lane/Radnor Park within Somerford parish.
- 4.16 CELPS site LPS26 lies to the northwest of Congleton and is described in the CELPS as significant in scale extending from Black Firs Lane and Chelford Road to the River Dane, and capable of delivering around 750 new homes along with 7ha of employment land, commercial development and associated infrastructure. Development is already taking place in anticipation of the construction of the Link Road and new houses are being built at Loachbrook, at Holmes Chapel Road and on the Triangle Land between Black Firs Lane

⁷ PPG Reference ID: 37-017-20140306.

and Chelford Road and the Plan refers on page 7 to submitted applications taking the total number '*to somewhere in the region of 1200 homes*'.

- 4.17 The NPPF states that neighbourhood plans should reflect strategic policies in the up-to-date Local Plan, plan positively to support them and should not undermine them (paragraph 184). It goes on in paragraph 185 to advise that outside strategic elements (my underlining), neighbourhood plans will be able to shape and direct sustainable development in their area. Policies CUE1 and CUE2 deal with Site PS400/CS44 but which is now known as Site LPS26 in the adopted CELPS. Policy CUE1 addresses the provision of adequate local infrastructure and the consideration of cumulative impacts whilst policy CUE2 sets out various requirements for the development to respond to its context and be sustainable.
- 4.18 However, many of these detailed planning issues are already addressed in the CELPS, in particular from page 271 where site specific principles of development are set out for the allocated site. I also have concerns at the lack of justification for certain of the policy requirements. For example, the first bullet point of policy CUE2 requires the proposal to '*be developed in accordance with a masterplan, developed alongside the local community*'. There is already an agreed North Congleton Masterplan, referred to in the CELPS, and there is nothing in policy CUE2 or its explanatory text to indicate why another masterplan is needed, who would do it or how it would fit with adopted strategic policy. Nor why new development should reflect the size, scale and character of existing housing opposite, when the NPPF explicitly cautions in paragraph 60 about unsubstantiated requirements to conform to certain development forms or styles.
- 4.19 I am not satisfied by the evidence that a case has been made in the Plan for the inclusion of policies relating to the strategic site LPS2. They do not add anything to the already detailed requirements for the site set out in the North Congleton Masterplan, in the site-specific principles of development for site LPS26, and in the other detailed policies in the CELPS. I conclude that policies CUE1 and CUE2 do not meet the Basic Conditions in that they do not have regard to national policy in the NPPF that neighbourhood plans should not undermine strategic policies, are not in general conformity with the strategic policies of the Local Plan and would not contribute to the achievement of sustainable development. Regrettably, I am compelled to recommend that the chapter entitled Site PCS400/CS44 and policies CUE1 and CUE2 should be deleted from the Plan (**PM7**).
- 4.20 Representations have been made that the Neighbourhood Plan should include additional residential allocations on certain parcels of land outside LPS26 but which lie within the line of the new Link Road. The PPG does not preclude neighbourhood plans making allocations. However, if a qualifying body proposes to do so, it should carry out an appraisal of options and assess individual sites against clearly identified criteria⁸. In this case, the Plan does not allocate any housing sites and there has been no appraisal and

⁸ PPG Reference ID: 41-042-20170728.

assessment of alternatives. CEC is currently preparing its SADPD and has issued a ‘call for sites’. Having regard to the PPG advice to avoid duplicating planning processes, it seems to me appropriate for any further allocations in Somerford to fall to be considered by the local planning authority in the context of that work. To do otherwise would, in my view, be inconsistent with the achievement of sustainable development and would conflict with national guidance.

- 4.21 I am also not persuaded that the Plan should define any settlement boundaries. Whilst paragraph 8.34 of the CELPS indicates that the designation of settlement boundaries can be addressed in Neighbourhood Plans, that is in relation to Local Service Centres and other settlements and rural areas. Planned development in Somerford is in what is currently designated open countryside. However, it is allocated as part of the Local Plan strategy for Congleton, which is a Key Service Centre. I consider that any change to the town’s settlement boundary, to incorporate the strategic land allocations, would be more appropriately done as part of the SADPD. Defining a settlement boundary in the Neighbourhood Plan risks undermining the strategy and strategic policies of the Local Plan, contrary to paragraph 184 of the NPPF.

Housing policies H1, H2 and H3

- 4.22 In the period to 2030, taking account of completions, commitments and the Alderley Park site, the Local Plan expects the other settlements and rural areas in Cheshire East to accommodate around 1,250 new homes. Neighbourhood planning provides the opportunity for communities to set out a positive vision for how they want their community to develop in ways that meet identified local needs and make sense to local people⁹. Housing policy H1 in the Plan addresses proposals for new housing which ‘will be approved in sustainable locations’, but states these include only the strategic sites and small-scale infill development that meets the requirements of policy H3. The policy then sets out 5 requirements if development is to be sustainable. In confusing sustainable locations with sustainable development, I find the policy, as drafted, lacks the necessary clarity for a decision maker to be able to apply it consistently and with confidence. It fails to have regard to paragraph 6 of the NPPF in so far as it is all the policies in paragraphs 18 to 219 of the NPPF, taken as a whole, that constitute the Government’s view of what sustainable development means in practice for the planning system. Nor is it in general conformity with the sustainable development principles set out in CELPS policy SD2.
- 4.23 There is also a contradiction in the policy in identifying infill development as a sustainable location but then requiring that infill development should adjoin the existing built-up area, which I take to mean the settlement boundary, but which is not itself defined or described. A proposal for infill development thus could comply with policy H3 but if it does not adjoin the settlement boundary would not comply with policy H1. This imprecision is contrary to advice in the PPG, and is not in general conformity with policy PG6 of the Local Plan.

⁹ PPG reference ID: 41-003-20140306.

- 4.24 I am modifying policy H1 to delete the references to sustainable locations and to strategic sites and infill development. As a policy setting out general principles for new housing, parts 2, 3, 4 and 5 are consistent with national and strategic policy, subject to clarification in part 3 that development should avoid significant visual impact on locally sensitive landscapes. As to part 1, I am not satisfied that new housing must adjoin the existing built up area. Subject to these modifications (**PM8**), I consider that policy H1 would be in general conformity with the strategic policies of the development plan, have regard to national policy and contribute to the achievement of sustainable development.
- 4.25 CELPS policy SC4 requires that new housing developments provide for a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities, including provision for the elderly, whilst policy SC5 sets out the requirements for affordable housing. The Plan quotes from the Somerford Housing Needs Assessment (April 2016) and from the January 2016 Housing Needs Survey. However, whilst they refer to the projected increase in the numbers of elderly people in the Plan area, there is little substantive local evidence in the Assessment or Survey to support the requirement in policy H2 for 10% of housing to be suitable for the elderly. I have not seen anything to explain why this should apply to schemes of more than 5 houses, nor how the figure of 5 units was derived, particularly when CELPS policy SC5 refers outside the Key Service Centres to the provision of affordable housing on developments of 11 or more dwellings. Having regard to CELPS policy SC4 which recognises that housing for the elderly is best provided close to services and facilities in the larger settlements, I am not satisfied that policy H2 is in general conformity with the strategic policies of the development plan and I am recommending its deletion from the Plan (**PM9**).
- 4.26 Outside the strategic site, Somerford is generally characterised by small scale low density housing development in open countryside where CELPS policy PG6 resists development unless essential for various activities, operations and uses appropriate to a rural area. It provides for certain exceptions including limited infilling in villages and '*the infill of a small gap with one or two dwellings in an otherwise built up frontage elsewhere*', as well as the re-use of rural buildings and the extension and replacement of buildings. I do not consider it necessary for policy H3 to address all the exceptions listed in CELPS policy PG6, only those considered to be relevant by the local community. Part 1 is unduly onerous in resisting the loss of commercial equestrian and agricultural uses, unless it can be proved that the use is no longer commercially viable or is to be provided elsewhere, which goes beyond the protection of existing employment uses/sites provided by CELPS policy EG3.
- 4.27 I am satisfied that policy H3 strikes an appropriate balance between allowing appropriate small-scale development, including infill development of up to 3 dwellings, whilst ensuring the rural character of the area is not harmed. However, I am not persuaded that there is any need in part 4 to refer to any original buildings and I have clarified the wording of part 2. Subject to the

modifications set out in the Appendix (**PM10**), I consider that the policy is sufficiently flexible such that it would not unreasonably prevent sustainable development coming forward on appropriate sites. I conclude that in terms of the Basic Conditions, policy H3 has regard to national policy and guidance, is in general conformity with the strategic policies of the CELPS and would contribute to the achievement of sustainable development.

- 4.28 Subject to the recommended modifications being made, I am satisfied that the Neighbourhood Plan policies for housing have regard to national policy and guidance, are in general conformity with the strategic policies of the development plan for Cheshire East, and would contribute to the achievement of sustainable development, thus meeting the Basic Conditions.

Issue 3 – whether the employment, community facilities, design, nature conservation, and transport policies provide an appropriate framework to shape and direct sustainable development

Employment

- 4.29 Somerford is a rural community where the consultation responses identified there are many local businesses of varying sizes. It is an objective of the Plan to sustain and encourage a range of employment opportunities in the parish. In supporting the creation of new enterprise and employment development and setting out design requirements for employment sites, policies E1 and E2 are in accord with paragraph 28 of the NPPF and with policy EG2 of the CELPS.
- 4.30 CEC has referred to the recent adoption of its cycling strategy and the benefits of considering cycling and pedestrian access early on in the development process. Policy T1 in the Plan addresses sustainable transport, safety and accessibility including the promotion of cycling and walking. However, policy E2 could also usefully require the provision of adequate cycling infrastructure on new employment sites (**PM11**).
- 4.31 In rural areas, broadband speeds are a major concern to businesses and those who work from home as well as local residents. Government policy supports the provision of high quality communications infrastructure as essential to sustainable economic growth as well as playing a vital role in enhancing the provision of local community facilities and services¹⁰. The importance of high quality leading edge digital connections is emphasised in policy CO3 of the CELPS. Policy E3 requires new development to incorporate superfast internet connectivity and not impact on the functionality of the existing telecommunications infrastructure. As this may require some further small-scale infrastructure, I am modifying the policy by the inclusion of a new sentence to say that such development, to meet the needs and priorities identified in the Plan, will be supported (**PM12**).

¹⁰ NPPF paragraph 42.

- 4.32 Increasing numbers of people work from home, either working remotely for businesses or organisations based elsewhere, or in their own businesses. Policy E4 is concerned that if the latter develop and grow, there should be no harm to those living nearby by way of unacceptable noise, excessive traffic movements, visual impacts or open storage. It is a matter of fact and degree as to whether home based working requires planning permission, and I am modifying the Plan to clarify that it is in those circumstances where planning permission is required, that policy E4 will apply and the impacts, currently set out in the explanatory text, which are of concern. Subject to these modifications (**PM13**), policy E4 is in general conformity with the strategic policies of the CELPS and will contribute to the achievement of sustainable development.

Community facilities

- 4.33 The NPPF at paragraph 69 notes the important role of the planning system in facilitating social interaction and creating healthy, inclusive communities, and to plan positively for the provision and use of shared space, community facilities and local services to enhance the sustainability of communities and residential environments (paragraph 70). Chapter 12 of the CELPS on Stronger Communities, includes policies on leisure and recreation, sports facilities and health and well-being that promote new facilities and protect existing facilities that serve local communities, in accord with policy SD1 which requires development, wherever possible, to contribute to the creation of sustainable communities.
- 4.34 The Plan identifies community facilities in the parish that are valued by the local community and it is an objective of the Plan to maintain them and, using funds secured as a result of new developments, to improve local community and recreational facilities and services. Important community facilities include the four LGSs and I am recommending modifications to the Plan (PM3 and PM4) to include a specific policy CF2 for their designation. Policy CF1 is supportive of new community facilities, subject to there being no detrimental impact on nearby residents, and the development of existing facilities, providing there is no loss of their community value. Subject to the insertion of the word '*significant*' before '*detrimental impact*' (**PM14**), I am satisfied that it has regard to national policy and guidance, is in general conformity with the strategic policies of the Local Plan and would contribute to the achievement of sustainable development, thus meeting the Basic Conditions.

Design

- 4.35 The Government attaches great importance to the design of the built environment. Good design is seen as a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people¹¹. The CELPS has a specific policy SE1 on design which requires development to make a positive contribution to their surroundings in terms of sense of place; managing design

¹¹ NPPF paragraph 56.

quality; sustainable urban, architectural and landscape design; liveability/workability; and designing in safety. In consultation responses, design, and particularly that of new housing within the Link Road, was a concern and it is an objective of the Plan to ensure that all new development is sustainable, demonstrates high standards of design and reflects the local context and character. The January 2016 Landscape and Character Assessment of Somerford parish made character assessment recommendations which are set out in full on page 56 of the Plan.

- 4.36 In May 2017 CEC adopted the Cheshire East Borough Design Guide as Supplementary Planning Document to the Local Plan. Whilst it is geared towards large scale development, it is also intended to be applied to smaller scale development proposals. Representations have been made that it is unnecessary for the Plan to include design policies, given the recent adoption of the Design Guide. However, the CELPS at paragraph 13.10 states '*in rural areas, particular attention should be paid to landscape character, the local vernacular and the peculiar characteristics of the locality*'. Local features in Somerford particularly mentioned in the Plan are the wide grass verges and Cheshire railings. Given the significant amount of new development proposed in the parish, which has given rise to understandable concerns locally as its impact on the existing character and appearance of the area, I consider it is appropriate for the Plan to include design policies to advise and guide those proposing to build in the parish. I am satisfied that the policies are not unduly onerous such as to render development unviable. Indeed, the NPPF expects local and neighbourhood plans to develop robust and comprehensive policies setting out the quality of development expected for the area.
- 4.37 Congleton Town Council has suggested that policy D1 should be reworded along the lines of its own Neighbourhood Plan policies. However, I see no reason in itself why the policies of adjoining neighbourhood plan areas need to have the same wording, as they should be a reflection of the vision and aspirations of each local community and the character of that area. Further, it may well be that the Congleton Neighbourhood Plan policies are themselves changed given that it has only recently been subject to its Regulation 14 consultation.
- 4.37 Subject to minor clarifications to the wording of policy D1 (**PM15**), I find that the Plan's design policies D1, D2 and D3 would contribute to the achievement of sustainable development, have regard to national policy and guidance and are in general conformity with the strategic policies of the Local Plan.

Nature conservation

- 4.38 It is Government policy to conserve and enhance the natural environment and the planning system should work to minimise impacts on biodiversity and provide net gains where possible¹². In accord with paragraph 117 of the NPPF, the CELPS through policy SE3 seeks to minimise impacts on biodiversity and geodiversity. In addition to protecting designated sites, it

¹² NPPF paragraph 109.

requires that proposals likely to have a significant impact on a non-designated asset or a site valued by the local community identified in a Neighbourhood Plan will only be permitted where suitable mitigation and/or compensation is provided to address the adverse impacts of the proposed development, or where any residual harm following mitigation/compensation, along with any other harm, is clearly outweighed by the benefits of the development.

- 4.39 The rural landscape of the parish is valued by the local community, as well as those who visit. The River Dane forms a natural boundary to the north of the parish and part within the Plan area is a Site of Special Scientific Interest. Supporting evidence for the Plan includes a Landscape and Character Assessment which identifies particular local landscape character areas in the parish and detailed features. There are 4 nature conservation policies in the Plan aimed at protecting and enhancing the area's natural assets, and ensuring that any change is carefully managed. That part of the parish next to the boundary with Congleton is going to change significantly with new housing already being built and the construction of the new Link Road. Policy N1 accords with both national and strategic policy in seeking to ensure that new development adjacent to existing footpaths and open spaces takes account of its setting, avoiding negative impacts on safety, visual appearance, surveillance and functionality, and not encroaching on the designated LGSSs. However, as it is unclear what is being referred to as '*green links*', I am deleting those words from the policy in the interests of clarity (**PM16**).
- 4.40 The explanatory text to policy N1 on page 65 refers to wide grass verges being in keeping with the existing character of the area and that they should be incorporated into new development. However, I note that the Landscape and Character Assessment does not highlight them as a special or unusual attribute of the parish. Having said that, design policy D1 does require that new development demonstrates high standards of design including the retention of trees, hedgerows, wide grass verges and other landscape features. Thus, if wide grass verges were to be a notable feature of a particular road, it seems to me that sufficient protection is already provided in the Plan through policy D1. I conclude that the third paragraph on page 65 should be deleted as contrary to paragraph 60 of the NPPF as an unsubstantiated requirement to conform to a certain development form (**PM17**).
- 4.41 Where the removal of existing trees or hedgerows is unavoidable as the result of development proposals, policy N2 requires that an equivalent replacement is provided, in accord with CELPS policy SE3 and with the NPPF¹³. Similarly, policy N3 requires that where a loss of biodiversity cannot be avoided, effective mitigation or compensation measures should be provided. It is Government policy that compensation should only be sought '*as a last resort*', and I am recommending that these words should be included in policy N3. Whilst part 2 of the policy seeks to keep an undeveloped area of 50 metres around Black Firs Nature Reserve, it seems to me that with the grant of permission in 2014 for up to 170 houses on the adjoining farmland, events

¹³ NPPF paragraph 118 first bullet point.

have overtaken the ecological report from which the idea of a buffer zone came originally. In these circumstances, the policy requirement is effectively redundant and should be deleted. Subject to these modifications, I am satisfied that policies N2 and N3 would meet the Basic Conditions (**PM18**).

- 4.42 Policy N4 requires that new development should not have a significant adverse impact on '*sensitive landscapes or statutory designations*'. However, it is unclear as to where these landscapes are and what exactly makes them sensitive, or what statutory designations are being referred to. Although the policy is headed Landscape Character, the parish is not in an Area of Outstanding Natural Beauty or a National Park and thus it cannot mean statutory landscape designations. I am satisfied that housing policy H1, as proposed to be modified, offers sufficient protection to avoid significant visual impact on locally sensitive landscapes. As I do not consider that policy N4 is adequately supported by appropriate evidence or drafted with sufficient clarity such that a decision maker could apply it consistently and with confidence, I am deleting it from the Plan (**PM19**).
- 4.43 Subject to the recommended modifications being made, I consider that the Plan's nature conservation policies would contribute to the achievement of sustainable development, have regard to national policy and guidance and are in general conformity with the strategic policies of the Local Plan.

Transport

- 4.44 As a rural parish with limited public transport and community facilities, those living and working in Somerford are heavily reliant on using cars. The Plan identifies particular pressure points in the highway network and there are local concerns that with new development and more traffic these hazards will intensify. Policy T1 requires proposals for new development to address sustainable transport, safety and accessibility issues. It accords with the NPPF, which promotes sustainable transport and identifies that transport policies have an important role to play in facilitating sustainable development¹⁴. I am also satisfied that it is in general conformity with CELPS policy CO1 on sustainable travel and transport. As it would contribute towards the achievement of sustainable development, the Basic Conditions would be met.

Issue 4 – heritage assets

- 4.45 The Plan acknowledges the strong national policies in the NPPF to protect heritage assets and has, in drafting heritage policies, focused on conserving what is described as the distinctive local character of the area. This accords with the CELPS at paragraph 13.65 which refers to the wealth of locally important heritage assets in the area which are not formally designated but which are equally valued and cherished by local communities, ranging from smaller assets such as boundary markers and railings to large buildings and structures, historic landscapes, veteran trees and ancient woodland. Policy HA1 addresses local heritage assets and seeks to retain three particular local

¹⁴ NPPF paragraphs 29 to 41.

features. I am satisfied that there is a case to be made to retain an undeveloped setting around the Grade II Listed Chapel and to retain the existing Cheshire railings which are noted in the Plan as a typical characteristic of the Cheshire landscape and which are found in places along Holmes Chapel Road. As to the dressed stone wall along Holmes Chapel Road and Chelford, it is an attractive feature but it is neither listed nor located in a Conservation Area and has been modified in places quite substantially. Moreover, it seems likely parts of the wall will have to be demolished as part of the Link Road works. For these reasons, I am modifying part 2 of policy HA1 to clarify that the wall should be retained in new development '*where that is feasible*' (**PM20**).

- 4.46 As drafted, policy HA2 on archaeology seeks to ensure conditions are imposed requiring archaeological investigations to be carried out if the site being permitted has an archaeological interest. However, it seems to me that such an approach has the potential for permissions to be granted which, if they were to be implemented, could result in harm to heritage assets that are subsequently found as a result of post permission investigations. There can be scope for some types of archaeological investigations to be carried out post permission. However, in recognising that much of the area's local heritage remains unrecorded, the approach taken by CELPS policy SE7 is that it is essential when assessing development proposal (that is pre-decision), that the impact of proposals upon these non-designated assets is properly considered. As I am not satisfied that policy HA2 has sufficient regard to national policy on the historic environment, nor that it would contribute to the achievement of sustainable development, I am modifying the Plan to delete policy HA2 (**PM21**).
- 4.47 Subject to the recommended modifications being made, I consider that the Plan's residual policy for heritage assets has regard to national policy, is in general conformity with the strategic policies of the development plan and would contribute to the achievement of sustainable development, thus meeting the Basic Conditions.

5. Conclusions

Summary

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

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Somerford Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated neighbourhood plan boundary, requiring the referendum to extend to areas beyond the plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated neighbourhood plan area.

Overview

- a. I appreciate the significant amount of hard work which the Parish Council and its Steering Group have undertaken in preparing the Neighbourhood Plan. The local community has been closely involved and their engagement has clearly shaped the content of the Plan. At a time when the Local Plan Strategy was going through its own stringent examination, the Steering Group worked collaboratively with the CEC to understand the relationship between the Neighbourhood Plan and the emerging CELPS and to produce a complementary Plan addressing key issues in relation to the Link Road and the strategic development sites. I commend the Parish Council for producing the Neighbourhood Plan which, subject to some modification, should facilitate sustainable development over the next 13 years.

Mary O'Rourke

Examiner

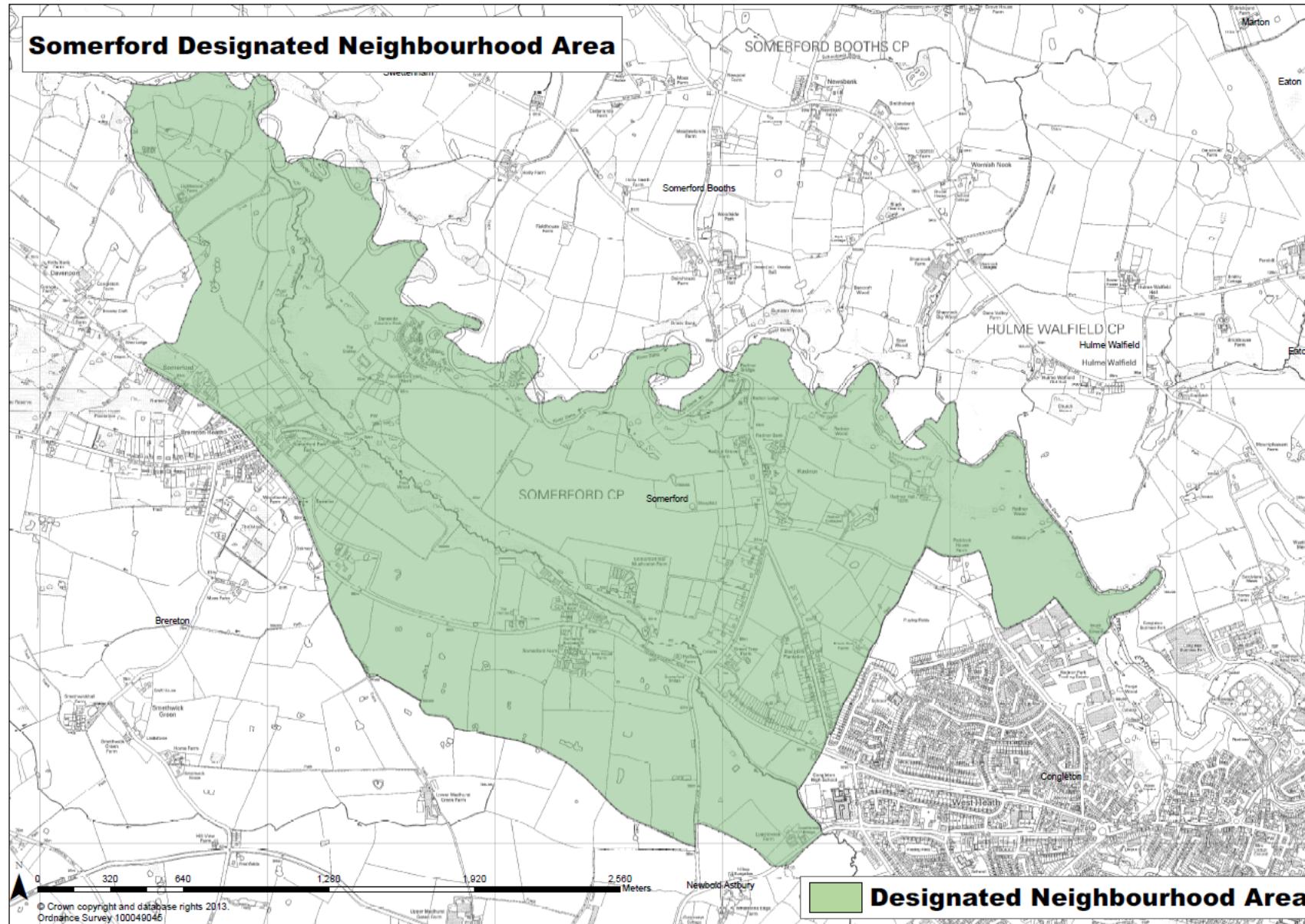
Appendix: Modifications

Proposed modification number (PM)	Page no./other reference	Modification
PM1	Plan wide	Delete references in policy and text to earlier stages in the preparation of the Cheshire East Local Plan Strategy (CELPS) and refer to the Adopted CELPS (July 2017), where appropriate.
PM2	Plan wide	Add footnotes throughout the Plan to the supporting documents, and provide an index of those documents in Appendix A.
PM3	Page 65	<p>Include new policy CF2 on Local Green Space as follows:</p> <p><i>The following areas are designated as Local Green Space:</i></p> <ol style="list-style-type: none"> <i>1. Longbarrow to the south of Holmes Chapel Road</i> <i>2. Goodwins Pool</i> <i>3. Blackfirs Nature Reserve</i> <i>4. Proposed country park (Royal Society for the Protection of Birds' land), adjacent to Back Lane Playing Fields.</i> <p><i>Proposals for development will be resisted unless they are ancillary to the use of the land as Local Green Space.</i></p>
PM4	Pages 27 and 28	Move pages 27 and 28 (under the heading Local Green Space Rationale) and include in the Plan as explanatory text to new policy CF2.
PM5	Pages 27 and 28	Add text missing to the 1 st line of the 1 st bullet point on page 27 after the words 'Somerford and', and in the last paragraph on page 28 between the word 'considered' and 'the site allocations and development policies'.
PM6	Pages 28 and 65	Amend the boundary of LGS4 to exclude all land the subject of planning application 16/1922C.
PM7	Pages 81-84	Delete the Site PS400/CS44 chapter including policies CUE1 and CUE2.
PM8	Page 49	<p>Modify policy H1 to read:</p> <p><i>New housing development should:</i></p> <ol style="list-style-type: none"> <i>1. minimise encroachment into the open countryside;</i>

		<p>2. not involve the loss of high grade agricultural land;</p> <p>3. avoid significant visual impact on locally sensitive landscapes;</p> <p>4. maintain the rural character and setting of Somerford; and</p> <p>5. be supported by adequate infrastructure, or provide any necessary infrastructure improvements as part of the development.</p>
PM9	Page 50	Delete policy H2.
PM10	Page 51	<p>Modify policy H3 to read:</p> <p><i>Development of small infill sites, the redevelopment of existing sites and the refurbishment or replacement of existing buildings and conversions will be supported, providing that:</i></p> <p>1. it does not lead to the loss of employment uses, unless it can be robustly demonstrated that the use is no longer commercially viable or is to be provided elsewhere;</p> <p>2. the character and appearance of the immediate neighbourhood is maintained including, where appropriate, the spacing and set back of buildings;</p> <p>3. infill development of 3 dwellings or less should relate to the size of the site so as to avoid overdevelopment;</p> <p>4. conversions and replacement dwellings or redevelopments of existing sites should respect the character of the surrounding area; and</p> <p>5. applications are supported by a visual impact assessment.</p>
PM11	Page 37	<p>Modify policy E2 by adding as part 3:</p> <p><i>The provision of conveniently located and adequate cycling infrastructure on site.</i></p>
PM12	Page 38	<p>Modify policy E3 by adding at the end of the policy the following sentence:</p> <p><i>The development of small scale infrastructure, to meet the needs and priorities identified in 1.</i></p>

		<i>and 2. above, will be supported.</i>
PM13	Page 38	<p>Modify policy E4 to read:</p> <p><i>Where planning permission is required for businesses operating from home, there should be no significant adverse impacts on the amenity of nearby residents in terms of noise, traffic movements, open storage or visual impacts.</i></p>
PM14	Page 42	<p>Modify policy CF1 as follows:</p> <p><i>In line 2 insert the word ‘significant’ before ‘detrimental impact’</i></p>
PM15	Page 57	<p>Modify policy D1 as follows:</p> <p><i>In part 5 replace ‘large’ with ‘wide’ and after ‘features’ add ‘where possible’</i></p> <p><i>Reword part 8 to read: ‘ensuring that permeable surfaces are incorporated in hard landscape areas where possible’.</i></p> <p><i>In part 12 delete the words in brackets.</i></p> <p><i>In part 15 change ‘village’ to ‘development’.</i></p>
PM16	Page 64	<p>Modify policy N1 as follows:</p> <p><i>In the 1st line delete the words ‘green links’</i></p>
PM17	Page 65	Delete the 3 rd paragraph of the explanatory text on page 65.
PM18	Page 66	<p>Modify policy N3 as follows:</p> <p>Amend the second sentence of part 1 to read:</p> <p><i>Where loss of biodiversity cannot be avoided, effective mitigation will be provided, or as a last resort, compensation measures provided in appropriate locations within the Parish.</i></p>
PM19	Page 66	Delete policy N4
PM20	Page 73	<p>Modify policy HA1 as follows:</p> <p><i>In part 2 add after ‘Chelford Road’ the words ‘where that is feasible’</i></p>
PM21	Page 74	Delete policy HA2

Appendix 2: Neighbourhood Area



Appendix 3: Somerford Neighbourhood Plan

[Link to Regulation 15 Neighbourhood Development Plan](#)