

## Cabinet Member for Housing and Planning

### Agenda

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<b>Date:</b>	<b>Monday, 10th July, 2017</b>
<b>Time:</b>	<b>10.00 am</b>
<b>Venue:</b>	<b>The Board Room, Town Hall, Macclesfield, SK10 1EA</b>

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

It should be noted that Part 1 items of Cheshire East Council decision making and Overview and Scrutiny meetings are audio recorded and the recordings will be uploaded to the Council's website.

#### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

**1. Apologies for Absence**

**2. Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

**3. Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the body in question. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

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For requests for further information

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4. **Goostrey Neighbourhood Plan - Decision to Proceed to Referendum** (Pages 3 - 36)

To consider the recommendations of the Examiner and the decision to proceed to referendum.

5. **Astbury and Moreton Neighbourhood Plan - Decision to Proceed to Referendum**  
(Pages 37 - 68)

To consider the recommendations of the Examiner and the decision to proceed to referendum.

## Cheshire East Council

### CABINET MEMBER FOR HOUSING AND PLANNING

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<b>Date of Meeting:</b>	10 July 2017
<b>Report of:</b>	Director of Planning and Sustainable Development
<b>Subject/Title:</b>	Goostrey Neighbourhood Plan – Decision to Proceed to Referendum
<b>Portfolio Holder:</b>	Councillor Ainsley Arnold

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#### 1. Report Summary

- 1.1. The Goostrey Neighbourhood Development Plan (GNDP) was submitted to the Council in March 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 minor 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 GNDP as set out in the Examiner's report (at Appendix 1) and confirms that the GNDP will now proceed to referendum in the Goostrey 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. Subject to the modifications set out in the Examiner's Report, the GNDP 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 May 2015.
- 5.2. The location and extent of the Goostrey 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 March 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. A suite of key evidence base documents on subjects including housing, design and character and the natural environment
- 5.5. Cheshire East undertook the required publicity between 06.03.17 – 17.04.17. 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 Patrick T Whitehead DipTP(Nott), MRTPI as the independent Examiner of the Plan. The Examiner is a chartered town planner and former government Planning Inspector, with more than 25 years experience inspecting and examining development plans. 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 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 Patrick'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 there is a list of minor modifications for the purpose of correcting errors or for clarification which are set out at the end of the Report.
- 5.10. Overall it is concluded that the GNDP 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 *“The Goostrey Neighbourhood Plan is a concise, readable document which has a logical structure, relating the policies to local concerns and aspirations. It is supported by a commendably well-constructed Design Statement which provides specific design guidance appropriate to Goostrey. The Plan will provide a good basis on which development in the Parish can be managed.”*

## **6. Wards Affected and Local Ward Members**

- 6.1. Dane Valley; Councillor Les Gilbert; Councillor Andrew Kolker

## **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 Goostrey 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 £5,300. This will be paid for through government grant (£20,000) 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 Goostrey. The policies proposed are not considered to disadvantage those with protected characteristics.

#### **7.5. Rural Community Implications**

7.5.1. Goostrey falls into the category of Local Service Centre for the purposes of the Local Plan Strategy. Goostrey is a largely rural Parish and the GNDP addresses a number of rural issues including policies on the open countryside, environment and heritage. 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 Goostrey neighbourhood plan contains policies on community facilities and recreation which support physical wellbeing.

#### **7.8. Implications for Children and Young People**

7.8.1. Neighbourhood plans are an opportunity to promote the safety, interests and well being of children in the statutory planning framework and the Goostrey Neighbourhood Plan introduces policies to protect access to recreation and amenity facilities which support the wellbeing of children.

#### **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:

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Appendix 1: Examiners Report



## **Report on Goostrey Neighbourhood Plan 2010 - 2030**

**An Examination undertaken for Cheshire East Borough Council with the support of the Goostrey Parish Council on the February 2017 submission version of the Plan.**

Independent Examiner: Patrick T Whitehead DipTP(Nott), MRTPI

Date of Report: 12 June 2017

### **Contents**



	Page
<b>Main Findings - Executive Summary</b>	3
<b>1. Introduction and Background</b>	3
• Goostrey Neighbourhood Plan 2010 – 2030	3
• The Independent Examiner	4
• The Scope of the Examination	4
• The Basic Conditions	5
<b>2. Approach to the Examination</b>	6
• Planning Policy Context	6
• Submitted Documents	6
• Site Visit	7
• Written Representations or Public Hearing	7
• Modifications	7
<b>3. Procedural Compliance and Human Rights</b>	7
• Qualifying Body and Neighbourhood Plan Area	7
• Plan Period	7
• Neighbourhood Plan Preparation and Consultation	7
• Development and Use of Land	9
• Excluded Development	9
• Human Rights	9
<b>4. Compliance with the Basic Conditions</b>	9
• EU Obligations	9
• Main Issues	10
• General Issues of Compliance	10
• Specific Issues of Compliance	10
• Issue 1 - Science	10
• Issue 2 - Housing	12
• Issue 3 - Village Design and Local Character	17
• Issue 4 - Open Countryside, Environment and Heritage	19
• Issue 5 – Transport and Travel	19
• Issue 6 – Community Facilities	21
• Issue 7 – Employment and Business	22
<b>5. Conclusions</b>	23
• Summary	23
• The Referendum and its Area	23
<b>Appendix: Modifications</b>	25

### **Main Findings - Executive Summary**

From my examination of the Goostrey Neighbourhood 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 – the Goostrey Parish Council;
- The Plan has been prepared for an area properly designated – the Parish Council area shown in Fig 1 of the Neighbourhood Plan;
- The Plan specifies the period to which it is to take effect – 2010 - 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**

### *Goostrey Neighbourhood Plan 2010 - 2030*

- 1.1 Goostrey is a rural parish with approximately 2,200 residents. It is located about 19km west of Macclesfield and a little over 22km north-east of Crewe. The recorded history dates back to the 1<sup>st</sup> millennium BC and, through time, Goostrey has remained largely a rural, farming community. More recently, post Second World War housing developments have taken place in small clusters and infill housing resulting in a range of architectural styles. Nevertheless, it remains a rural community, largely reliant on nearby Holmes Chapel for local services, with limited employment opportunities and a relatively high proportion of older residents. The Sir Bernard Lovell Radio Telescope is located at Jodrell Bank within the parish.
- 1.2 Goostrey Parish Council took the decision to sponsor the preparation of a Neighbourhood Development Plan early in 2015. It established a Neighbourhood Plan Committee and agreed to the formation of a Steering Group to engage the community as much as possible. It also sought specialist advice on the planning process, landscape and settlement character assessment and on ecology. The Parish Council worked closely with Cheshire East Borough Council and sought its assistance to ensure the developing policies were aligned with the emerging Cheshire East Local Plan Strategy.

## *The Independent Examiner*

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Goostrey Neighbourhood Plan by Cheshire East Council, with the agreement of the Goostrey Parish Council.
- 1.4 I am a chartered town planner and former government Planning Inspector, with more than 20 years experience inspecting and examining development plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

## *The Scope of the Examination*

- 1.5 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.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the Plan meets the Basic Conditions;
  - Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
    - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the Local Planning Authority;
    - it sets out policies in relation to the development and use of land;
    - it specifies the period during which it has effect;
    - it does not include provisions and policies for 'excluded development';
    - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;

- whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 ('the 2012 Regulations').

1.7 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*

1.8 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

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

## **2. Approach to the Examination**

### *Planning Policy Context*

2.1 The Development Plan for this part of Cheshire East Council, not including documents relating to excluded minerals and waste development, is currently

the Congleton Borough Local Plan First Review [2005] (CBLP). The saved policies from this Local Plan provide the relevant strategic policy back ground for assessing general conformity, although it is now considerably dated as the plan period was 1996 - 2011. The Cheshire East Local Plan Strategy (CELPS) was submitted for Examination in 2014, but the Inspector indicated that certain elements required revisiting, including the overall housing figures. A resumption of the Examination took place in September-October 2016 and the modifications went out for consultation in February-March 2017. The Council hopes that the Plan will be formally adopted later in 2017.

- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. PPG makes clear that whilst a draft neighbourhood plan is not tested against the policies in an emerging Local Plan, the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. It cites, as an example, that up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan contributes to the achievement of sustainable development<sup>1</sup>. On this basis, I make reference to the emerging Local Plan in this report.

### *Submitted Documents*

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Goostrey Neighbourhood Plan 2010-2030, Regulation 15 Version, February 2017;
  - Map Fig 1. of the Plan, which identifies the area to which the proposed neighbourhood development plan relates;
  - the Consultation Statement, February 2017;
  - the Basic Conditions Statement, February 2017;
  - all the representations that have been made in accordance with the Regulation 16 consultation;
  - the Strategic Environmental Assessment (SEA) Screening Opinion prepared by Cheshire East Council, September 2016; and
  - the response received from the Parish Council on 14 May 2017, in reply to questions raised by me concerning aspects of the Plan on 8 May 2017 (both letters have been placed on Cheshire East Council's website).

### *Site Visit*

- 2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 2 May 2017 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

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<sup>1</sup> PPG Reference ID: 41-009-20160211.

## *Written Representations or Public Hearing*

- 2.5 This examination has been dealt with by written representations. A formal request to participate at a hearing session was submitted by Messrs Gladman Developments Ltd in response to the Regulation 16 consultation. However, I considered hearing sessions to be unnecessary as the consultation response, along with all other responses, clearly articulated the objections to the plan, and presented arguments for and against the plan's suitability to proceed to a referendum.

## *Modifications*

- 2.6 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 Goostrey Neighbourhood Plan has been prepared and submitted for examination by Goostrey Parish Council which is a qualifying body. The Neighbourhood Plan Area (NPA) covering the whole of the Parish of Goostrey was designated by Cheshire East Council on 5 May 2015.
- 3.2 It is the only neighbourhood plan for Goostrey 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 2010 to 2030.

### *Neighbourhood Plan Preparation and Consultation*

- 3.4 Goostrey Parish Council (GPC) took the decision to sponsor preparation of a Neighbourhood Plan in January 2015 and established a Neighbourhood Plan Committee. It also agreed to the formation of a Steering Group to engage the community in the development of the Plan. The Steering Group held regular meetings and received professional input and guidance from various bodies, including Cheshire East Council, Cheshire Community Action, Cheshire Wildlife Trust and others. A public consultation commenced in June 2015 with a display at the annual village Goostrey Rose Day event, followed by an explanatory booklet and questionnaire delivered to all households in the Parish. A Drop-in event was held in July 2015. Altogether 226 returns to the

questionnaire were received showing a high level of support for all the items proposed for inclusion in the Plan.

- 3.5 In order to add more information, SWOT (Strengths, Weaknesses, Opportunities and Threats) meetings were held at the Village Hall in September 2015, facilitating discussions on issues including housing, village design and character. These were attended by around 120 residents. Following these meetings, a Main Questionnaire was circulated, together with a 'Young People's Questionnaire' aimed at those between 11-17 years and a picture competition for those under 10 years old. 1061 adult questionnaires were submitted, a response rate of 60%. Additionally, a site selection process was used, generating 17 sites, including 2 sites outside the Plan area.
- 3.6 The national and international importance of the Jodrell Bank Observatory (JBO) was recognised by the Steering Group and consultations on the possible sites and housing developments were held during June – August 2016. As a consequence of these discussions it was determined that any further developments in the Parish would be likely to cause further detriment to operations, leading to the Steering Group deciding not to proceed further with site selections. This rather complex matter is examined more fully under Issues 1 and 2 below.
- 3.7 In addition to these consultations, joint meetings were held with neighbouring parish councils, whilst land owners and developers were contacted at a number of stages throughout the Plan process. An exercise on landscape character and village design was carried out by a group of 25 volunteers and the Steering Group also met with landscape and urban design experts who produced Spatial Policy Maps included in the Plan and a Village Design Statement.
- 3.8 The draft Plan was consulted on under Regulation 14 of the 2012 Regulations for six weeks starting October 2016. A variety of measures was used (online, paper and face-to-face using a further drop-in session at the village hall) to publicise and elicit comments from residents, local organisations and statutory consultees. Responses were received from 31 parties, which were used to produce the 'Final Version' of the Neighbourhood Plan, published in February 2016. This was consulted on under Regulation 16 for six weeks in March and April 2017. I take account of the 11 responses then received in my assessment of the Plan. I confirm that the consultation process has met the legal requirements for procedural compliance on neighbourhood plans.

### *Development and Use of Land*

- 3.9 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act. However, Policy VDLC4 is not fully justified and does not have specific support in local planning policies. It does not comply with national policies and advice in the NPPF so I have recommended its deletion in paragraph 4.33. Policy TTT5 (in part) does not relate to the development of use of land and I have recommended modifications in paragraph 4.41 to make the Policy legally compliant.

### *Excluded Development*

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

### *Human Rights*

3.11 Section 4.9 of the Basic Conditions Statement states that the Plan has had regard for the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. Those commenting on the Plan, including Cheshire East Council, have not alleged that the Plan breaches Human Rights and from my independent assessment I see no reason to disagree.

## **4. Compliance with the Basic Conditions**

### *EU Obligations*

- 4.1 The Goostrey Neighbourhood Plan was screened for SEA in September 2016 by Cheshire East Council, which found that it was unnecessary to undertake SEA. The SEA Screening Opinion concludes that the content and broad approach of the Plan is not considered to have a significant effect on the environment, or a significant adverse effect on designated sites. From my own independent assessment of this matter, I support this conclusion and agree that full SEA is not required.
- 4.2 The Goostrey Neighbourhood Plan was further screened for Habitats Regulations Assessment (HRA), which also was not triggered. The NPA is not in close proximity to a European designated nature site. Natural England agreed with this conclusion. From my independent assessment of this matter, I have no reason to disagree. (In its consultation response, Natural England has noted areas of Ancient Woodland within and adjacent to the Plan area. These are referenced in the justification for Policy OCEH1).

### **Main Issues**

- 4.3 I have approached the assessment of compliance with the Basic Conditions of the Goostrey Neighbourhood Plan as two main matters:
- General issues of compliance of the Plan, as a whole; and
  - Specific issues of compliance of the Plan policies.

#### General issues of compliance.



- 4.4 The Neighbourhood Plan (NP), Section 3, states that Goostrey is a historic, rural settlement with a physical environment that has evolved over centuries. The community wish to maintain the rural and attractive features whilst also recognising the important benefits of developments at JBO. It provides a clear vision for the village which seeks *“to maintain Goostrey as a desirable and attractive rural village in which to live, supporting a high quality of life for all residents and businesses. Any future changes or developments shall be determined for the long term benefit of the whole community.”*
- 4.5 The Vision is developed through seven policy areas, each having its own stated objective. The structure of the Plan is logical with policy sections addressing specific themes and it provides a clear basis for making decisions on individual planning proposals. Government advice anticipates that Neighbourhood Plans can be developed before or at the same time as the Local Planning Authority (LPA) is producing its Local Plan<sup>2</sup> - in this case the CELPS. GPC has worked collaboratively with Cheshire East Council (CEC) to minimise any conflict between the NP and the emerging CELPS. Taking account of the particular circumstances pertaining to the Parish I consider this to be consistent with the pursuit of sustainable development as described in the NPPF, paragraphs 6-10. Subject to the detailed modifications made below, the Plan satisfies the Basic Conditions.

Specific issues of compliance of the Plan policies.

*Issue 1- Science*

- 4.6 Science takes precedence over housing provision in terms of the order in which policies are set out in the Plan, reflecting the important role of the JBO in national and international research. It's presence in the NPA is the single most important constraint on further housing development in Goostrey. It is the third largest fully steerable radio telescope in the world, a Grade I listed building and is also on the UK short list for UNESCO world heritage status. The site is part of the e-Merlin National Facility, an array of seven linked radio telescopes across the UK. It has also been confirmed as the world headquarters for the Square Kilometre Array (SKA) project, the next great science project after the International Space Station and the Large Hadron Collider. Radio emissions from electronic devices, including domestic items, are an erratic source of interference which cannot be fully mitigated causing impairment to the operations at JBO. Potentially, interference can result in loss of scientific capability potentially leading to a loss of economic and educational benefits.
- 4.7 The importance of JBO and its implications for the development potential of the NPA are recognised through an objective to support the facility's capabilities. This is translated into policy through Policy SC1, which provides

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<sup>2</sup> PPG Reference ID: 41-009-20140306.

general support to the development and expansion of the buildings and other facilities in line with support in the NPPF, paragraph 28, for a prosperous rural economy. Investment in UK science is a significant contributor to the economy, regionally and nationally and JBO draws significant funding from various sources and through public fundraising. It is also a source of pride to local residents and I have noted that the responses to the Main Questionnaire indicate that 97% of responses support the ability of JBO to continue its research unimpeded by future building in Goostrey Parish. The Policy is locally distinctive and contributes to sustainable development. It is therefore fully consistent with the NPPF, paragraphs 183-185 and satisfies the Basic Conditions.

- 4.8 The village is within 2.5km of the Sir Bernard Lovell Telescope and entirety of the NPA is within the JBO Inner Consultation Zone as defined in The Town and Country (Jodrell Bank Radio Telescope) Direction 1973. Accordingly, Policy SC2 indicates that *“developments should not be permitted where JBO determines that the efficiency of the radio telescopes would be impaired”*. In general terms the Policy has had regard to saved Policy PS10 of the CBLP, and with Policy SE14 of CELPS, both of which seek to safeguard the Jodrell Bank Radio Telescope from development which would impair the efficiency of the telescope. The CELPS and CBLP policies both make reference to the 1973 Direction.
- 4.9 The justification for the Policy draws on a recent appeal case for 119 dwellings in Goostrey<sup>3</sup> refused permission by the Secretary of State (SoS) in agreement with the appointed Inspector. In arriving at his decision, the SoS indicated that he attached considerable weight to saved Policy PS10 with the international importance of JBO transcending the housing land supply circumstances of the case. However, he also made clear that the appeal decision did not necessarily equate to a moratorium on most forms of development in Goostrey, but that new developments should be assessed by JBO and where impairment would be caused, individually or cumulatively, then this should be given considerable weight.
- 4.10 Nevertheless, the responsibility for determining planning applications rests solely with the relevant LPA and must be determined in accordance with the development plan unless material conditions indicate otherwise. The 1973 Direction does not alter this process except insofar as it requires the LPA to consult with the Victoria University of Manchester before granting planning permission on any application for development within the defined inner zone (save for certain types for development specified in the first schedule to the Direction). As written, the Policy could be interpreted to give JBO a greater involvement with the decision process than provided for in the Direction. Accordingly, in order to meet the requirements of national policies and advice the Policy should be modified to provide clarity and comply with the relevant

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<sup>3</sup> Case reference: APP/R0660/W/15/3129954.

planning legislation as in proposed modification **PM1**. With this modification, the Policy meets the Basic Conditions.

- 4.11 Section 2.6 of the Plan makes reference to the 1973 Direction, referring to it as '*an amendment of the Town and Country Planning Act in 1973*' and to JBO becoming a consultee on planning applications. The sentence could benefit from clarification in that it is a Direction rather than amendment to the 1971 Act, and that it is not strictly true to suggest that JBO became a consultee. The Direction's definitions indicate that '*the radio telescope means the laboratories, radio telescopes, and associated equipment of the Victoria University of Manchester...*'. Whilst in practice consultations may well be undertaken directly with JBO, the requirement is clearly indicated as to '*..consult with the University*'. In the interests of accuracy, I propose that the sentence should be modified as in proposed modification **PM2**.

#### *Issue 2 – Housing*

- 4.12 The objective for housing seeks to balance the delivery of housing to meet current and future needs with the needs of JBO. This is an appropriate objective given the significance of the Observatory and the potential impact of housing developments.
- 4.13 The Parish Council was assisted by a Housing Advice Note prepared by CEC in February 2016 to present demographic and trend data to inform the drafting of housing policies by GPC. Whilst recognising that the CBLP is the adopted Local Plan for Goostrey, CEC has advised that the emerging CELPS is a relevant consideration. The Note therefore seeks to establish an appropriate housing figure based on available evidence, including DCLG household projections and the CELPS evidence base. This is an appropriate basis on which to determine the quantity of housing based on need.
- 4.14 The range of potential housing targets for Goostrey was determined to be 53 – 269 dwellings for the Local Service Centre (LSC) (which is the emerging Local Plan definition of Goostrey and which covers a wider area than the Parish) and 53 – 151 dwellings for the Parish. Some consultees were of the opinion that it is inappropriate to reduce the proportionate housing requirement for the Parish and that the proportionate total for the LSC of 252 dwellings is the most appropriate basis for the Parish housing requirement. This is argued on the basis that other settlements within the LSC, such as Cranage, Twemlow, Swettenham and Rudheath Woods are unlikely to support much growth. That is as maybe, but the justification for Policy PG2, Settlement Hierarchy, in CELPS advises that '*in the case of Goostrey which adjoins Holmes Chapel, a larger Local Service Centre, it is anticipated that development needs will largely be provided for in Holmes Chapel*' (paragraph 8.34).

- 4.15 CEC indicates that the exact distribution of development across the settlements of Goostrey and Holmes Chapel is a matter to be resolved through the preparation of the Site Allocations and Development Policies Document (SADPD) when the quantum of growth and sites for development will be allocated to each settlement. Currently the LPA has no adopted position on the distribution of development and so, currently, it is reasonable for the NP to use available evidence to determine a locally appropriate, minimum, housing target.
- 4.16 As previously noted (paragraph 3.6), the Neighbourhood team have attempted to determine sites acceptable for development purposes by creating a Site Selection and Assessment Methodology (Appendix 6.16). As part of this exercise it compiled a list of all potential sites in Goostrey Parish. However, following a meeting with JBO to discuss the sites it was clear that any new housing or other developments in Goostrey are likely to breach the level of radio frequency emissions defined for radio telescopes and so would be detrimental to the operations at JBO. As JBO have stated that they would deal with planning applications on a case-by-case basis, it was determined that no site allocations should be made in the Plan. In the circumstances, I consider the parish were right to follow this course and I have not accepted arguments raised in Regulation 16 consultation responses that particular sites should be included in the Plan.
- 4.17 Based on the Housing Advice Note's range for the Parish of 53 – 151, the Plan has taken a mid-point of 102, and an assumption has been made that about 50% of the Parish's housing need will be met in Holmes Chapel, leaving a Parish requirement of '*...around 50 dwellings...*' for the Plan period. It is argued that the use of the word 'around' is consistent with proposed wording for various locations in the emerging CELPS. It is also argued in representations that CELPS identifies 13 LSCs which will be expected to deliver at least 3,500 dwellings for the period to 2030 and that, whilst Holmes Chapel will take a proportion of Goostrey's needs, this does not mean it should meet all of those needs. However, Goostrey Parish is located in an area especially sensitive to new development through the presence of JBO so that the total of '*around 50 dwellings*' for the Plan period is a reasonable figure to plan for, based on the evidence provided by the Housing Advice Note and the policy framework provided by the emerging Local Plan. The final sentence of the Policy does provide a limited degree of flexibility by indicating that further development within the Settlement Zone Lines (SZLs) may be supported subject to being in accord with other policies in the Plan.
- 4.18 I have noted that JBO has not been able to state a total number of dwellings which might be acceptable to them and so the determination of a figure for Policy HOU1 has not taken account of the constraints of JBO. This is clearly in line with the consideration of planning applications by JBO on a 'case-by-case' basis. Nevertheless, Policy HOU1 provides the basis for determining

planning applications for residential development and so it should give explicit guidance on the balance between the delivery of development and the need to ensure harm is not caused to the operation of JBO. Having regard to national planning policy and guidance and to ensure alignment with emerging local policies, I consider the Policy needs additional text to meet the Basic Conditions and agree with the suggested amendment offered by CEC in its responses to the Section 16 consultation as shown in proposed modification **PM3**.

- 4.19 Policy HOU2 provides support for the development of suitable brownfield sites and the conversion of existing buildings, subject to sustainability and consideration of environmental quality. These could be both inside and outside the SZLs in order to make beneficial use of such sites. This satisfies the Basic Conditions as it has regard to the advice in the NPPF, paragraphs 17 (bullet point 8) and 111, and aligns with CELPS Policy SE2.
- 4.20 The provision of a mix of housing to meet the requirements of a wide range of households is provided for by Policy HOU3, to include families with particular needs, the disabled and older people. The Policy has regard to the advice in the NPPF, paragraph 50, which encourages the delivery of a wide choice of high quality homes, and CELPS Policy SC4 regarding residential mix, meeting the Basic Conditions.
- 4.21 Policy HOU4 supports development proposals that include the provision of at least 30% affordable dwellings, including shared ownership and social rented housing. The justification indicates that Policy SC5 in CELPS provides that developments of 11 or more dwellings should include at least 30% affordable homes, although Policy HOU4 has no such indication of a lower limit. National policy was changed in December 2014 to exempt development of 10 homes or fewer from planning obligations imposing contributions towards affordable housing. The NP recognises that the CELPS draft Policy SC5 starts at 11 or more dwellings in line with the national policy, but wishes to encourage affordable housing, a stance which the Plan suggests is welcomed by CEC. However, in its response to the Regulation 16 consultation, CEC has advised that Policy HOU4 must comply with the affordable housing allocations set out in Policy SC5. For this reason, I consider the first sentence of the Policy requires clarification. The second sentence indicates that shared ownership homes should initially be restricted for sale to those with a local connection to Goostrey Parish. This is a more restrictive approach than the more general requirement of criterion 3 of Policy SC5 to '*help meet identified housing needs*' and is not justified in the supporting text. It requires amendment as shown in proposed modification **PM4** to be compliant and to satisfy the Basic Conditions.
- 4.22 The requirement in Policy HOU5 for secure storage in addition to a garage, where the latter is counted as a parking space is supported by reference to

'Building for Life 12'. Section 12 of that document recommends alternative storage space but does not specify a particular solution or minimum size. In this context, a minimum floor area of 4 square metres is unnecessarily restrictive and contrary to advice in paragraph 60 of the NPPF which indicates that '*...planning policies should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles*'. Therefore, to satisfy the Basic Conditions I have proposed an amendment in proposed modification **PM5**.

- 4.23 Policy HOU6 requires that all dwellings shall have a front garden with a minimum length of six metres. The justification makes reference to the CEC Design Guide Part 2 and to 'Building for Life 12' as well as to responses to the Main Questionnaire indicating a local preference of between 4 and 8 metres minimum length. The Policy is locally distinctive and there is no doubt that the local open character of Goostrey is to a significant degree a consequence of large, open front gardens to most properties. Accordingly, the Policy does contribute to the Vision for the Parish and generally complies with the NPPF advice in paragraph 184 that NPs should ensure people get the right types of development for their community. Whilst the analysis carried out for the NP indicates a mean length for front gardens of 10.2 metres, from my visit there are properties which have significantly less than 6 metre front gardens. In view of this and to respect immediate surroundings, the minimum length of front gardens should have regard to neighbouring properties. A minimum of 6 metres may be inappropriate for some forms of development, including affordable homes and so flexibility should be built into the Policy to reflect advice in the NPPF, paragraph 59, that design policies should avoid unnecessary prescription. To this end I am making an amendment in proposed modification **PM6** in response to this advice and to ensure that the Policy meets the Basic Conditions.
- 4.24 The NP seeks to preserve the open feel of Goostrey village by including Policy HOU7, requiring a density for new development not exceeding that of adjoining residential development, and in any event not exceeding around 15 dwellings per hectare. It also indicates that houses should be up to two storeys in height. As with Policy HOU6, this Policy is locally distinctive and contributes to the Vision for the Parish. There has been objection to the Policy, although not the objective of the Policy, on the basis that applying a blanket density would prevent the achievement of sustainable development; arguing that development should relate to neighbouring developments. However, the NPPF paragraphs 9 – 10, do not exclude lower densities *per se*. Rather it suggests improving living conditions and widening the choice of high quality homes whilst taking local circumstances into account can contribute to sustainable development.
- 4.25 In its Regulation 16 response, CEC has recommended that flexibility should be built into the Policy, particularly regarding the recommended height of

dwellings. With regard to this, GPC makes reference in the justification to the proof of evidence submitted by Dr Trotta of Imperial College, London to the previously mentioned planning inquiry<sup>4</sup> into the 119 dwellings in Goostrey. This indicates that taller buildings cause greater radio interference for JBO due to lower shielding from other buildings. Having regard to this particular local circumstance I consider the Plan correctly excludes development of houses higher than two storeys and no modification is necessary.

- 4.26 The final housing policy, HOU8, is intended to ensure developments on Greenfield sites are appropriate to the size and scale of the village and its rural characteristics. The limit on size of site has been chosen as no more than 12 dwellings (although the Glossary refers to 10 dwellings as the limit). The actual limit is an arbitrary quantity, a point which has resulted in objections on the basis of an absence of evidence and that it would amount to a blanket restriction on housing development. However, Goostrey is in a unique location in view of its relationship with JBO and the resulting constraints on development. Nevertheless, I consider the limit contained in the Policy should be clarified by reference to the village context and character. I have also noted that CEC's response to the Regulation 16 consultation suggests the Policy should be amended by introducing the word 'new' in the second sentence. This is also a useful clarification. With the amendments in my proposed modification **PM7**, I consider the Policy is compliant with both local and national policies and guidance. As the Plan's overall provision in Policy HOU1 is limited to around 50 dwellings, of which 23 are already committed, it follows the thrust of CBLP Policy PS8 and CELPS Policy PG5; and it contributes to the achievement of the Vision for the village as identified by advice in the NPPF, paragraph 183.
- 4.27 The Policy uses the term 'co-located' which CEC suggests is not a recognised planning term. A definition is included in the Glossary, but CEC has suggested that it would be better located in the justification. The definition takes the form of a justification for the limit rather than a usual glossary definition and helps to address the concern with the arbitrary nature of the limit. For this reason, I consider re-positioning the definition as shown in proposed modification **PM8** would provide clarity and so I concur with CEC's suggestion. The Glossary also refers to 10, rather than 12 dwellings as the limit – a point which should be rectified as shown in proposed modification **PM8**.

### *Issue 3 – Village Design and Local Character*

- 4.28 Policy VDLC1 provides detailed requirements to ensure all new housing developments achieve a high standard of design and maintain and develop the village's unique character. It has been suggested that a criterion concerning mitigation against any impacts upon JBO, involving specialised

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<sup>4</sup> Case reference: APP/R0660/W/15/3129954.

construction techniques and materials, should be added to the Policy. However, I agree with GPC that this is a technical area on which JBO provides guidance according to individual circumstances and it is outside the remit of a NP. Generally, the Policy is in conformity with saved policies GR2 and GR3 of the CBLP (and aligns Policy SE1 in CELPS) satisfying the Basic Conditions.

- 4.29 The NP has identified 'Green Fingers' and 'Settlement Separations' which Policy VDLC2 seeks to preserve. In particular, the Plan seeks to ensure that the two sections of the village should remain separated north and south of the Main Road near Shear Brook to prevent coalescence, and to maintain the break between the village and the isolated development around the railway station. The approach follows a suggestion in a recent issue paper associated with CEC's Site Allocations and Development Policies Document (SADPD); that *'an option may be to leave the designation of Local Green Gaps to Neighbourhood Plans, where they can be justified in the light of appropriate local evidence'*. In general terms, it also follows advice in the NPPF, paragraph 76, that neighbourhood plans should be able to identify for special protection green areas of particular importance to them. The specific areas identified are located outside the SZLs which were defined in the CBLP. The Policy also aligns with emerging Policy PG5 in CELPS, criterion 4, which seeks to retain gaps between settlements *'to maintain the individual characters of such settlements'*. From my visit, I am satisfied that the areas of settlement separation are important features making significant contributions to the particular rural character of Goostrey.
- 4.30 The Policy also identifies green fingers which provide views or 'windows' into the open countryside valued by local residents as particular features of importance. These are shown on the Spatial Policy Maps as wedges linking to the open countryside in a symbolic manner rather than specific designations. I visited these areas and support the GPC view that these locations are important to the rural and historic character of the village which would benefit from specific protection. However, they require specific designations on the Spatial Policy Maps in order to provide the protection sought. In this respect, they are similar in character to the Settlement Separations and would benefit from similar protection through the Policy. In this context, I have noted the GPC has shown willingness to use the term Local Green Gap to cover both designations. This would use the same terminology as that in CELPS.
- 4.31 CEC's response to the Regulation 16 consultation expressed concern that the Policy may be overly restrictive and prevent delivery of the stated housing target in locations which may be least harmful to the operation of JBO. I share that concern and accept that its proposed amendment to the first sentence of the Policy is necessary in order to meet the Basic Conditions. The Policy, amended as shown in proposed modification **PM9**, taking account of the above analysis and re-titled as 'Local Green Gaps',



has regard to national policy and advice and aligns with local emerging planning policy. The Spatial Policy Maps should also be amended to clearly identify the 'green fingers' as designated parcels of land in line with revised maps submitted as additional evidence<sup>5</sup> in response to my aforementioned request for additional justification for the policy (see paragraph 2.3 above). The Steering Group's response is to be found on both the CEC and Parish Council websites.

- 4.32 Policy VDLC3 seeks to protect hedgerows and trees which make a significant contribution to the character of the area and provides for new developments to include tree planting. The Landscape and Settlement Character Assessment report identifies key issues affecting the area, including the on-going decline in traditional woodland management practices and loss of historic field patterns. In this context, the loss of trees and hedgerows is an important consideration in evaluating proposals for new development. The Policy is in general conformity with CBLP, policies NR1 and NR3 and aligns with emerging CELPS Policy SE5. I am satisfied that it meets the Basic Conditions.
- 4.33 The NP seeks to ensure through Policy VDLC4 that solid front boundary treatment does not exceed 1.0 metre in height and that access arrangements should provide for a vehicle to stop off the road. The Policy is intended to retain the open, rural character of the village and ensure safety for highway users. The justification for the Policy relies on the definition of permitted development which requires an application for planning permission for boundary fences, walls and gates adjacent to a highway, and the CEC Design Guide, Part 2, which relates to gated developments. However, these references do not provide sufficient justification for the Policy. There is no specific support for the Policy either in the local and emerging plans, or the NPPF. Indeed, the NPPF, paragraph 59 indicates that design policies should avoid unnecessary prescription or detail. Accordingly, I do not consider the Policy meets the Basic Conditions. In any event, Policy VDLC1, requires proposed development schemes to conform to the Goostrey Design Statement (Section 7 of the NP), referred to as an integral part of the Plan. The Design Statement, page 28, gives detailed guidance on the use of solid boundary fences and the location of gates in relation to the carriageway. For these reasons, the Policy should be deleted as shown in proposed modification **PM10**.

#### *Issue 4 – Open Countryside, Environment and Heritage*

- 4.34 Policies in this section address heritage, biodiversity and landscape, including habitats, green spaces, views and vistas. CEC has indicated in its response to consultation that these policies will contribute to the delivery of Strategic Priority 3 in the emerging CELPS which is concerned with protecting and enhancing environmental quality. Specifically, policies OCEH1 and OCEH3

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<sup>5</sup> Examination ref: 01/PW/GNP.

are in general conformity with CBLP, policies NR3 and GR2, and have regard to national policy and advice regarding the protection of bio-diversity (NPPF, paragraph 109) and the historic environment (NPPF, paragraph 126). Both policies satisfy the Basic Conditions.

- 4.35 Policy OCEH2 seeks to protect locally important views and vistas from public places including footpaths and bridleways. The views and vistas are identified in the Spatial Policy Plans at Appendix 6.6. The Policy has been criticised as not being in accord with the NPPF and for lack of clarity on how it would be implemented. Nevertheless, the Policy generally conforms with CBLP, Policy GR5, which states that development will not be permitted which *'would unacceptably obscure views or unacceptably lessen the visual impact of significant landmarks or landscape features when viewed from areas generally accessible to the public, as a result of the location, design or landscaping of the proposal'*. The CEC Design Guide, Part 2 also supports retention of views. The criticism of the Policy is correct, in so far as there is a lack of clarity about implementation, which can be addressed by amending the text of the second sentence as shown in proposed modification **PM11**, necessary to satisfy the Basic Conditions.

#### *Issue 5 – Transport and Travel*

- 4.36 The purpose of this section of the NP is to promote sustainable transport, promote improvements to highway safety and encourage use of footpaths and bridleways. CEC considers these policies will contribute to delivery of Strategic Priority 4 of CELPS.
- 4.37 The Plan recognises that the reality of Goostrey's location means that residents will have to rely on private cars to reach key services. However, Policy TTT1 encourages the use of sustainable transport where possible and supports new developments which minimise the need for unsustainable travel patterns and supports the provision of facilities to encourage cycling. The Policy is in general conformity with CBLP's saved policies GR13, GR14 and GR15, and aligns with CELPS policies CO1 and SD1. It also has regard to advice in the NPPF Section 4, regarding the promotion of sustainable transport and so satisfies the Basic Conditions.
- 4.38 Further support for sustainable living is provided by Policy TTT2 which seeks to ensure that all new developments are linked to the existing footpath and bridleway network by the provision of new links where possible. The Policy has had regard to CBLP, saved Policy GR16 concerning footpaths and bridleways and Policy SE6 in CELPS which aims to deliver green infrastructure. It is also consistent with advice in the NPPF, paragraph 75 regarding the protection of public rights of way. The Policy also requires all new developments to include at least one footway, other than culs-de-sac of up to 20 dwellings. The GPC has indicated in its response to my letter asking

for robust evidence to justify a figure of 20 dwellings, that it wishes to manage the increased safety risk to pedestrians on sites above this size and that the apparent anomaly between this figure and the 12 dwelling limit for sites in Policy HOU8 is explained by the latter applying only to Greenfield sites. Policy TTT2 also applies to brownfield sites where the possibility exists for a short road to be extended by additional development. The GPC has also pointed to the Holmes Report<sup>6</sup> regarding concerns with shared spaces for vulnerable people. The Policy contributes to the achievement of sustainable development and satisfies the Basic Conditions.

- 4.39 Contributions to highway improvements will be sought through Policy TTT3. These would be sought through planning obligations using funding mechanisms adopted by CEC. The justification suggests instances within the village where existing conditions would benefit from investment. The Policy is in line with CBLP, Policy GR19, and CELPS which requires new development to provide appropriate infrastructure wherever possible. I am satisfied that regard has been had to PPG advice that local communities should be involved in the setting of planning obligations in a neighbourhood plan<sup>7</sup> and that the Policy meets the Basic Conditions.
  
- 4.40 One of the issues affecting the village is car parking. From my visit, I was aware that the alignment and width of Main Road is not conducive to on-street parking and very little public off-street parking is available. I also noticed that the station car park was over-subscribed at the time of my visit. Policy TTT4 seeks to address the issue by supporting development proposals which would assist in alleviating or eliminating the problems. The Policy draws support from policies in CBLP and CELPS, and contributes to the achievement of the NPPF key aim of promoting sustainable development, particularly through encouraging use of the railway. Accordingly, the Policy meets the Basic Conditions.
  
- 4.41 Street lighting is a matter addressed by Policy TTT5. Local planning policy in CBLP, Policy GR7, and the emerging Plan, Policy SE12, seek to control development likely to lead to or increase light pollution whilst the NPPF, paragraph 125, encourages the limitation of the impact of artificial light through good design. Policy TTT5 is in general conformity with these policies, has regard to national advice, and represents an appropriate response at Neighbourhood level. However, the final sentences of the Policy require compliance with a British Standard (or its successor) which provides a code of practice for the design of street lighting, and requirements for replacement or updating of equipment. These are not matters to be addressed through land use policies but operational matters to be addressed by the appropriate

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<sup>6</sup> Accidents by Design, The Holmes Report on Shared Space in the United Kingdom, July 2015.

<sup>7</sup> PPG Reference ID: 23b-003-20150326.

authorities and so to meet the Basic Conditions it should be deleted as in my proposed modification **PM12**.

*Issue 6 – Community Facilities*

- 4.42 This section has the objective of supporting the retention, enhancement and addition of community services including leisure and recreational facilities. Policy CF1 seeks to maintain and protect local green spaces from development. Three locations are designated and listed in Appendix 6.9: The Bog Bean, The Bongs and Racecourse Wood. The NPPF, paragraph 77, indicates that such designations should only be used where the green area is demonstrably special to a local community and holds a particular local significance. The justification for the Policy provides sufficient evidence that these green spaces are special to the community and from my visit they do make significant contributions to the distinctive character of Goostrey. In addition to following specific advice in the NPPF regarding Local Green Space, the Policy generally conforms to local planning policies regarding green infrastructure. It therefore meets the Basic Conditions.
- 4.43 Policy CF2 seeks to maintain public open spaces within the village and provide for their protection and enhancement. Twelve specific locations are identified and designated in Appendix 6.10, including areas of public amenity space and playing fields. Six of the locations were considered by CEC in 2015 as part of their urban potential and edge of settlement sites exercise: all were screened out of the study or were considered not suitable or too small for development. The CBLP, Policy RC2, protects areas of open space and CELPS, Policy SC1, seeks to protect and enhance leisure and recreational facilities. Policy CF2 meets the Basic Conditions since it is in general conformity with the saved RC2 local planning policy (and aligns with SC1 in the emerging CELP) reflecting advice in the NPPF, paragraph 74.
- 4.44 The NP considers the impact of any new development on local services and facilities should be understood, planned for and mitigation measures identified and funded, in line with the requirements of CBLP policies GR19 and GR23. Policy CF3 requires that proposals for housing and employment developments should identify their potential effect on services and facilities and identify mitigation measures. Requirements in relation to sustainable development, including the provision of appropriate infrastructure are also included in CELPS, policies SD1, SD2, IN1 and IN2. The Basic Conditions are therefore met, including following the core planning principles in paragraph 17 of the NPPF.
- 4.45 Goostrey has few local commercial services and those that exist are clearly valued by the community and the GPC is aware that any loss of these facilities would increase the need for travel. The NPPF, paragraph 70, indicates that planning policies should guard against the unnecessary loss of

valued facilities and the reduction in a community's ability to meet its day-to-day needs. Policy CF4 follows this advice in seeking to protect the community against the loss of shops and commercial services, except where it can be demonstrated that the existing use is no longer viable or required. Although neither the CBLP nor the CELPS contain strategic policies which offer specific support to Policy CF4, it does nevertheless seek to contribute to the achievement of sustainable development and so satisfies the Basic Conditions.

#### *Issue 7 – Employment and Business*

- 4.46 Goostrey is a rural settlement with agriculture at its heart and most of the surrounding land is '*best and most versatile*'. Accordingly, GPC seeks to support the local agricultural base and encourage other appropriate small scale economic activity. Policy EB1 provides support for development involving certain specified employment uses, subject to complying with other policies in the Plan. The uses specified include agriculture and equestrian uses, the conversion of existing non-residential buildings and small scale expansion of existing employment premises. It also encourages home working, subject to consideration of the impact on neighbouring residential amenity. The Policy meets the Basic Conditions by encouraging sustainable development and supporting a prosperous rural economy, a key planning aim of the NPPF, paragraph 28. It is also in line with local planning policies relating to employment development in the village, sustainable travel, economic prosperity and the efficient use of land in CBLP and CELPS.
  
- 4.47 Policy EB2 seeks to ensure that new employment development respects the character of its surroundings, and does not harm the surrounding landscape or the operations of JBO. The Policy contributes to the achievement of development which would meet the requirements of Policy GR1 in CBLP and to policies SD1 and SD2 regarding sustainable development in CELPS. It also accords with the core principle to secure high quality design and a good standard of amenity in the NPPF, paragraph 17. As a consequence, it satisfies the Basic Conditions.
  
- 4.48 The final Policy, EB3, supports improvements to digital connectivity and requires all new developments to make infrastructure provision to enable delivery of superfast broadband. The Policy finds support in the NPPF, paragraph 42, which indicates that advanced high quality communications infrastructure is essential for sustainable economic growth. It is particularly important for rural communities where home working forms part of the local economy and there is support for the Policy in CELPS, Policy CO3 which requires developers to deliver the necessary physical infrastructure to accommodate information and digital communications. The Policy will contribute to the achievement of sustainable development and meets the Basic Conditions.

## 5. Conclusions

### *Summary*

- 5.1 The Goostrey 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 Goostrey Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated neighbourhood plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated neighbourhood plan area.
- 5.4 The Goostrey Neighbourhood Plan is a concise, readable document which has a logical structure, relating the policies to local concerns and aspirations. It is supported by a commendably well-constructed Design Statement which provides specific design guidance appropriate to Goostrey. The Plan will provide a good basis on which development in the Parish can be managed. The Parish Council, the Steering Group and working groups have worked closely with CEC which was, itself, involved in preparing the CELP for Examination. I have noted the Council's complementary remarks in its Regulation 16 consultation response which I fully endorse: "*The Borough Council congratulates the Parish Council on preparing a clear and comprehensive Neighbourhood Plan and for the way in which the Plan has been prepared, closely involving the local community*". The Plan is clearly a result of significant hard work by local residents. I would add that the professionalism shown by the Parish Council, including its responses to questions raised during this Examination, is a credit to those involved.

*Patrick T Whitehead Dip TP(Nott), MRTPI*

Examiner

## Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 18	<p>Policy SC2 IMPAIRMENT OF OPERATIONS AT JBO</p> <p><b><i><u>Developments should will not be permitted where JBO determines that the efficiency which can be shown to impair the efficient operation of the radio telescopes would be impaired.</u></i></b></p>
PM2	Page 13	<p>Second paragraph</p> <p>second sentence:</p> <p>The housing developments in Goostrey in the 1960's and early 1970's led to an amendment of the issue in 1973 of a Direction under the Town and Country Planning Act, 1971, in 1973 in which JBO the Victoria University of Manchester became a consultee on all planning applications within defined 'Consultation Zones'.</p>
PM3	Page 20	<p>Policy HOU1 HOUSING DEVELOPMENT, second sentence:</p> <p><b><i><u>These dwellings should be within, or immediately adjacent to, the existing Settlement Zone Lines (SZLs) of Goostrey village, and should not individually or cumulatively harm the operation of Jodrell Bank Radio Telescopes.</u></i></b></p>
PM4	Page 25	<p>Policy HOU4 AFFORDABLE HOUSING,</p> <p>Delete and replace first and second sentences as follows:</p> <p><b><i><u>Provision of at least 30% affordable dwellings, including shared ownership and social rented housing, will be encouraged for all sites. Shared ownership homes should help to meet identified local housing needs and be in accordance with CEC's requirements.</u></i></b></p>
PM5	Page 27	<p>Policy HOU5 STORAGE AND PARKING SPACES</p> <p>second sentence:</p> <p><b><i><u>Where garages are counted as a parking space, additional walk in brick-built secure storage appropriate for the size of the house and with a</u></i></b></p>

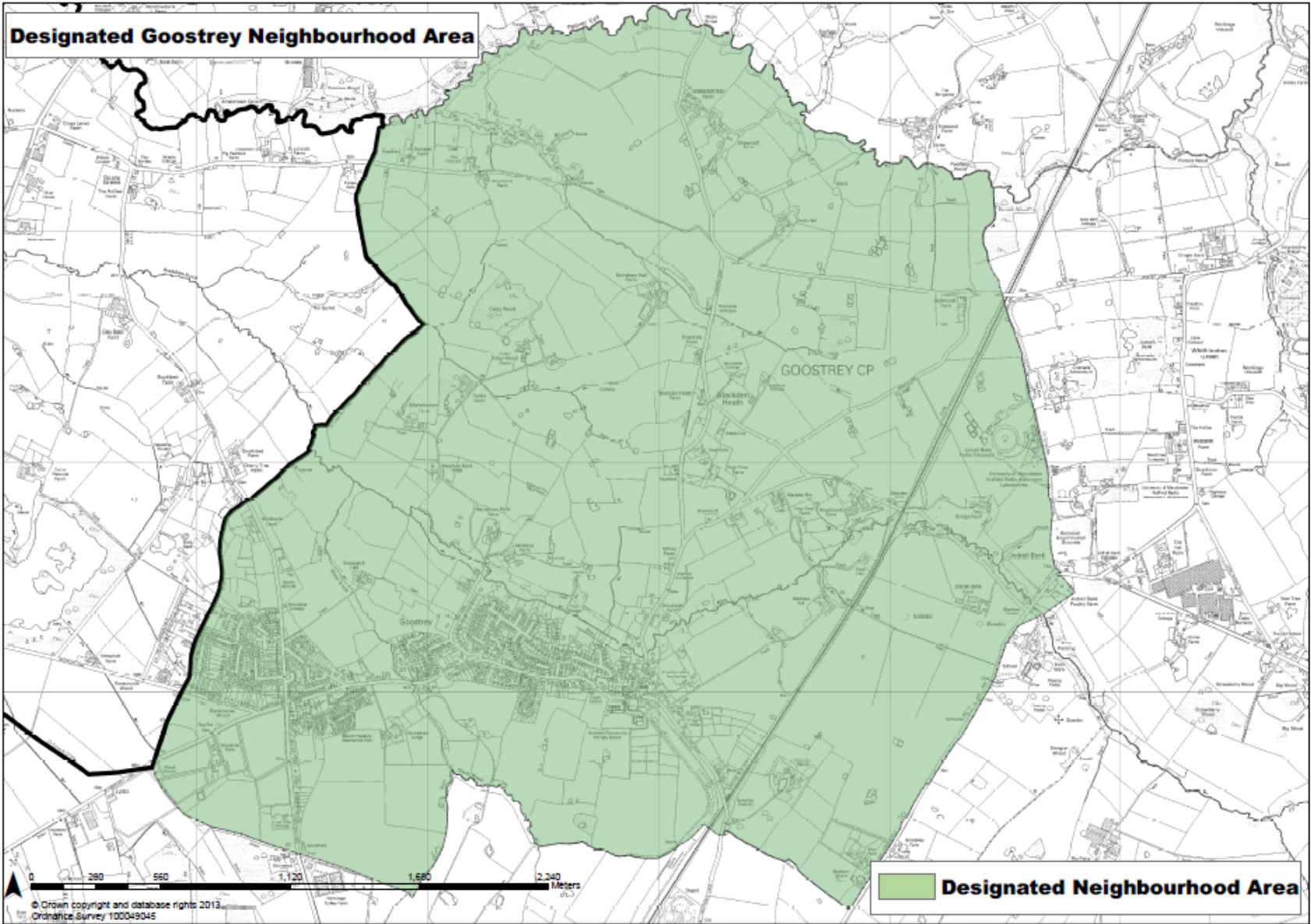
		<del><b><i>floor area of at least 4 square metres must should be provided.</i></b></del>
PM6	Page 29	<p>Policy HOU6 FRONT GARDENS</p> <p>second sentence:</p> <p><b><i>The minimum length of front garden for each dwelling, across its whole frontage, should <u>normally</u> be six metres, measured from the building line to the plot boundary, unless the particular circumstances of the development suggest otherwise.</i></b></p>
PM7	Page 32	<p>Policy HOU8 SIZE OF SITES</p> <p>second sentence:</p> <p><b><i>Such developments should not be co-located with other <u>new</u> housing developments unless there are demonstrable sustainable benefits from doing so.</i></b></p> <p>A definition of 'new' housing, should be added to the Glossary. The entry should read:</p> <p><b><i>New Housing. Housing built in the period of this Neighbourhood Plan.</i></b></p>
PM8	Page 33	<p>The final sentence of the justification to be amended:</p> <p><del>Co-location is defined in the Glossary (Section 5.1) and is identical to <u>based on</u> the definition used in the 'made' Neighbourhood Plan of the Cheshire East LSC village of Bunbury.</del></p> <p>Insert the definition of co-location from the Glossary after the final sentence of the justification, with '10' replaced by '12' to reflect the Policy wording.</p> <p>First sentence of the Glossary definition:</p> <p><del>New housing developments <u>should not be co-located</u>; that is, they</del> should be built in geographically separate parts of the village, in order that existing local communities and infrastructure are not adversely affected by a combination of new developments.</p> <p>Final sentence of the Glossary definition:</p> <p><del>For the purpose of this co-location definition a small development is one of 10</del> <u>12</u> houses or less and this definition applies to all new houses built within the neighbourhood plan period 2010-2030.</p>



PM9	Page 36	<p>Policy VDLC2 AREAS OF SEPARATION</p> <p>Policy title to be changed to:</p> <p><b>LOCAL GREEN GAPS</b></p> <p>first sentence amended:</p> <p><b><i>Development proposals will be supported where <del>it is demonstrated that there is no</del> <u>which minimise</u> adverse impact on the surrounding open countryside or landscape.</i></b></p> <p>second sentence amended:</p> <p><b><i>The <del>'Green Fingers' and 'Settlement Separations'</del> <u>Local Green Gaps</u> shown on the Spatial Policy Maps (Appendix 6.6) should be preserved <u>as open countryside.</u></i></b></p> <p>The Spatial Policy Maps in Appendix 6.6 should be amended to remove the distinction between Green Fingers and Settlement Separations, identifying both as Local Green Gaps. All areas should be identified as specific parcels of land to be protected.</p> <p>Additionally, remove all references to 'Settlement Separation' and 'Green Finger' in the Plan, the Appendix and the Village Design Statement and replace with 'Local Green Gap'.</p> <p>Also, remove the 'Settlement Separation' and 'Green Finger' definitions from the Glossary and add the following definition of 'Local Green Gaps':</p> <p><b><i>Local Green Gaps. Specific parcels of land to be protected. They have similar characteristics to the Strategic Green Gaps defined in the CELPS Policy PG4a. They protect the setting, pattern and identity of the settlement, avoiding the risk of coalescence of the built areas by retaining the undeveloped Open Countryside between them.</i></b></p>
PM10	Page 38	<p>Policy VDLC4 FRONTAGE BOUNDARIES</p> <p>The Policy and its justification should be deleted.</p>
PM11	Page 41	<p>Policy OCEH2 VIEWS AND VISTAS</p> <p>second sentence amended:</p> <p><b><i><u>Proposals for development will not be permitted which unacceptably obscure</u> <del>t</del>The views and vistas identified in the Spatial Policy Plans (Appendix 6.6) will be specifically protected, and adversely affect the visual impact including those of the church and its tower and the iconic,</i></b></p>

		<b><i>Grade 1 listed Sir Bernard Lovell Radio Telescope.</i></b>
PM12	Page 49	<p>Policy TTT5 Lighting</p> <p>Delete final 2 sentences:</p> <p><b><i><del>All lighting shall comply with BS5489-1:2013 (or its successor). As and when existing lighting systems are maintained and replaced they should be updated to meet modern low environmental impact standards.</del></i></b></p>

Appendix 2: Neighbourhood Area



Appendix 3: Goostrey Neighbourhood Plan

[Link to document](#) (full plan to be appended as pdf in final report)

## Cheshire East Council

### CABINET MEMBER FOR HOUSING AND PLANNING

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<b>Date of Meeting:</b>	10 July 2017
<b>Report of:</b>	Director of Planning and Sustainable Development
<b>Subject/Title:</b>	Astbury and Moreton Neighbourhood Plan – Decision to Proceed to Referendum
<b>Portfolio Holder:</b>	Councillor Ainsley Arnold

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#### 1. Report Summary

- 1.1. The Astbury and Moreton Neighbourhood Development Plan (A&MNDP) was submitted to the Council in February 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 minor 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 A&MNDP as set out in the Examiner's report (at Appendix 1) and confirms that the A&MNDP will now proceed to referendum in the Astbury and Moreton 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. Subject to the modifications set out in the Examiner's Report, the A&MNDP 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 2013 with the submission of the Neighbourhood Area Designation which was approved in July 2013. An area of land was excluded from the original designation. Subsequently a further application to extend the neighbourhood area into this excluded land, was approved on 28<sup>th</sup> October 2016.
- 5.2. The location and extent of the Astbury and Moreton 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 February 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. A suite of key evidence base documents on subjects including housing and the natural environment
- 5.5. Cheshire East Council undertook the required publicity between 17.02.17 – 03.04.17. 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 Andrew S Freeman BSc(Hons), DipTP, DipEM, FRTPI as the independent Examiner of the Plan. The Examiner is a chartered town planner and former government Planning Inspector, with more than 20 years experience inspecting and examining development plans. 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 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 Andrew'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 there is a list of minor modifications for the purpose of correcting errors or for clarification which are set out at the end of the Report.
- 5.10. Overall it is concluded that the A&MNDP 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 *"It is evident that a considerable amount of time and effort has been committed to the development and production of this plan and I congratulate all those who have been involved. The plan should prove to be a useful tool for future planning and change in Astbury and Moreton over the coming years."*

## **6. Wards Affected and Local Ward Members**

- 6.1. Odd Rode; Councillor Rhoda Bailey; Councillor Liz Wardlaw

## **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 Astbury and Moreton 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 £3,500. This will be paid for through government grant (£20,000) 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 Astbury and Moreton. The policies proposed are not considered to disadvantage those with protected characteristics.

#### **7.5. Rural Community Implications**

7.5.1. Astbury and Moreton falls into the category of Rural and Other Settlements for the purposes of the Local Plan Strategy. Astbury and Moreton is a rural Parish and the A&MNDP addresses a number of rural issues including policies on new development in the open countryside, the rural economy and the use of rural buildings. 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 Astbury and Moreton neighbourhood plan contains policies on community facilities and contributes to community infrastructure.

#### **7.8. Implications for Children and Young People**

7.8.1. Neighbourhood plans are an opportunity to promote the safety, interests and well being of children in the statutory planning framework and the Astbury and Moreton Neighbourhood Plan introduces policies to protect access to recreation and amenity facilities which support the wellbeing of children..

#### **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:

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Appendix 1: Examiners Report



**Report on the Astbury and Moreton  
Neighbourhood Plan  
2015-2030**

**An Examination undertaken for Cheshire East Council with the support of  
Astbury and Moreton Parish Council on the January 2017 submission version  
of the Plan.**

Independent Examiner: Andrew S Freeman BSc(Hons), DipTP, DipEM, FRTPI

Date of Report: 09 June 2017

## Contents

	Page
<b>Main Findings - Executive Summary</b>	3
<b>1. Introduction and Background</b>	3
• Astbury and Moreton Neighbourhood Plan 2015 – 2030	3
• The Independent Examiner	4
• The Scope of the Examination	4
• The Basic Conditions	5
<b>2. Approach to the Examination</b>	6
• Planning Policy Context	6
• Submitted Documents	7
• Site Visit	7
• Written Representations or Public Hearing	7
• Modifications	7
<b>3. Procedural Compliance and Human Rights</b>	8
• Qualifying Body and Neighbourhood Plan Area	8
• Plan Period	8
• Neighbourhood Plan Preparation and Consultation	9
• Development and Use of Land	9
• Excluded Development	10
• Human Rights	10
<b>4. Compliance with the Basic Conditions</b>	10
• EU Obligations	10
• Main Issues	10
• Issue 1 - Housing	11
• Issue 2 – Landscape, Environment and Local Character	14
• Issue 3 – Communications and Transport	16
• Issue 4 – Backland Development	16
• Other Policies	16
<b>5. Conclusions</b>	18
• Summary	18
• The Referendum and its Area	18
<b>Appendix: Modifications</b>	19

### **Main Findings - Executive Summary**

From my examination of the Astbury and Moreton Neighbourhood 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 – the Newbold Astbury cum Moreton Parish Council;
- The plan has been prepared for an area properly designated – the Astbury and Moreton Neighbourhood Area (Newbold Astbury and Moreton cum Alcumlow Neighbourhood Area) as shown on fig. 3 of the Neighbourhood Plan;
- The plan specifies the period to which it is to take effect – 2015-2030; and
- The policies relate to the development and use of land for a designated neighbourhood area.

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

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

## **1. Introduction and Background**

### *Astbury and Moreton Neighbourhood Plan 2015-2030*

- 1.1 Newbold Astbury and Moreton-cum-Alcumlow are neighbouring parishes generally to the southwest of the town of Congleton in Cheshire. In 1977, they were formally united into one Parish Council - Newbold Astbury cum Moreton Parish Council. Through its Neighbourhood Plan Steering Group, the Parish Council has been responsible for the preparation of the draft Astbury and Moreton Neighbourhood Plan 2015-2030, the subject of this examination.
- 1.2 The area is roughly rectangular in shape. It is traversed from its southwestern border to the northeastern border by the A34, part of the main road between Newcastle-under-Lyme and Manchester; also by the railway line between Stoke-on-Trent and Manchester and by the Macclesfield Canal. The very northwestern corner of the area is crossed by the A534 which links Congleton to the M6 motorway at Junction 17, about 8km to the west.
- 1.3 The railway and canal lie towards the southeast of the area. They run along the bottom of a ridge which rises to a height of about 300m along Congleton Road on the Cheshire-Staffordshire border. From here, there are panoramic views out to the west across the Cheshire Plain. That part within the designated area is gently rolling countryside at a height of about 100m.

- 1.4 The area is fairly sparsely populated with about 650 residents in total. The main village is that of Astbury. There are smaller hamlets at Brownlow, Brownlow Heath and Ackers Crossing as well as many scattered houses and farms. The area is predominantly agricultural but with obvious signs of diversification into other enterprises.
- 1.5 A small part of the area, to the northwest, is classed as open countryside. However, the majority is designated as Green Belt. Much of the southeastern ridge is an Area of Special County Value, also containing Sites of Biological Importance. The village of Astbury and the Macclesfield Canal are conservation areas.
- 1.6 As indicated below, preparation of the plan commenced in the Spring of 2013 following an open meeting, Parish Council meetings and publicity in the Parish Newsletter. The submitted plan represents four years of work by those involved. There is a vision for the area covering the period to 2030; also, six policy themes. For each theme, a summary of the justification and evidence is set out followed by the gist of the community feedback and specific policies on the related topic.

*The Independent Examiner*

- 1.7 The Astbury and Moreton Neighbourhood Plan has now reached the examination stage. With the agreement of the Newbold Astbury cum Moreton Parish Council, I have been appointed as the examiner by Cheshire East Council.
- 1.8 I am a chartered town planner and former government Planning Inspector with over forty years' experience in the planning profession. I have worked in both the public and the private sectors. I am an independent examiner and do not have an interest in any of the land that may be affected by the draft plan.

*The Scope of the Examination*

- 1.9 As the independent examiner, I am required to produce this report and recommend that:
  - (a) the neighbourhood plan is submitted to a referendum without changes; or
  - (b) modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
  - (c) the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.10 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ("the 1990 Act"). The examiner must consider:

- Whether the plan meets the Basic Conditions;
  - Whether the plan complies with provisions under Sections 38A and 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; and
    - whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum;
  - Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (“the 2012 Regulations”).
- 1.11 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the plan is compatible with the Human Rights Convention.

### *The Basic Conditions*

- 1.12 The “Basic Conditions” are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:
- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
  - Contribute to the achievement of sustainable development;
  - Be in general conformity with the strategic policies of the development plan for the area;
  - Be compatible with and not breach European Union (EU) obligations; and
  - Meet prescribed conditions and comply with prescribed matters.

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

## **2. Approach to the Examination**

### *Planning Policy Context*

- 2.1 The Development Plan for this part of Cheshire East Council, not including documents relating to excluded minerals and waste development, is the saved policies of the Congleton Borough Local Plan (adopted January 2005). Also of relevance is the Cheshire East Local Plan Strategy. Upon adoption, this will replace the Congleton Borough Local Plan. The Strategy has reached an advanced stage of preparation with consultation on the proposed main modifications having closed on 20 March 2017. As such, the strategic direction of future planning policy in the Borough is quite clear.
- 2.2 Planning policy for England is set out principally in the National Planning Policy Framework (NPPF). Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. PPG makes clear that whilst a draft neighbourhood plan is not tested against the policies in an emerging Local Plan, the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the Basic Conditions against which a neighbourhood plan is tested. Paragraph 184 of the NPPF also provides, “The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider area”. On this basis, I make reference to Cheshire East’s emerging Local Plan Strategy in this report.

### *Submitted Documents*

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Astbury and Moreton Neighbourhood Plan 2015-2030 dated 24 January 2017;

- a map which identifies the area to which the proposed neighbourhood development plan relates (within the draft neighbourhood plan);
- the Consultation Statement dated 12 October 2016;
- the Basic Conditions Statement dated 12 October 2016;
- all the representations that have been made in accordance with the Regulation 16 consultation; and
- the Strategic Environmental Assessment (SEA) Screening Opinion prepared by Cheshire East Council.

#### *Site Visit*

- 2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 10 May 2017 to familiarise myself with it and to visit relevant sites and areas referenced in the plan and evidential documents.

#### *Written Representations or Public Hearing*

- 2.5 This examination has been dealt with by way of written representations. One of the respondents to the Regulation 16 consultation set out a request to hold a hearing. However, I am satisfied that objections to the plan have been clearly articulated as have arguments for and against the plan's suitability to proceed to a referendum. I do not consider that a public hearing is necessary.

#### *Modifications*

- 2.6 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 Schedule 1 of the Appendix. Whilst not required to meet the Basic Conditions, modifications to correct errors<sup>1</sup> (**PM25 to PM58**), if made, would improve the clarity<sup>2</sup> and accuracy of the document. These are listed in Schedule 2 of the Appendix.

### **3. Procedural Compliance and Human Rights**

#### *Qualifying Body and Neighbourhood Plan Area*

- 3.1 The Astbury and Moreton Neighbourhood Plan has been prepared and submitted for examination by Newbold Astbury cum Moreton Parish Council which is a qualifying body for an area that was designated by Cheshire East

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<sup>1</sup> Modifications for the purpose of correcting errors is provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act.

<sup>2</sup> Regard should be had to advice in PPG Ref ID: 41-041-20140306.



Council on 28 October 2016. The Parish Council formed a Neighbourhood Plan Steering Group in March 2013 and on 10 March 2014 Cheshire East Council registered the two civil parishes of Newbold Astbury and Moreton-cum-Alcumlow as a Neighbourhood Area.

- 3.2 A consultation period on the designation ran for six weeks from 15 July 2013 to 27 August 2013. However, the Neighbourhood Area Designation was objected to by Cheshire East Council and part of the proposed Neighbourhood Area was subject to an exclusion zone in the North West of Newbold Astbury Parish, where the proposed Congleton Link Road would join the A534 Sandbach Road. Consequently, the Council initially approved (on 10 March 2014) a slightly smaller area.
- 3.3 On 28 October 2016, the Cheshire East Neighbourhood Planning Manager issued a revised Decision Notice, which removed the exclusion zone as the Link Road had by now received consent. The new notice re-instated the originally applied for Neighbourhood Area so that it now covers the whole of Newbold-Astbury and Moreton-cum-Alcumlow parishes as originally proposed. Whilst one could argue that the revision to the Neighbourhood Area might have triggered a need to rerun the 2015 Regulation 14 consultation, there were no representations made concerning the designation of the whole of the current Neighbourhood Area made either during the designation consultation of 2013 (other than the Council) or during the Regulation 16 consultation. Given the small extent of the excluded area, I am satisfied that no substantive prejudice has arisen out of the variance to the designated plan area.
- 3.4 The Astbury and Moreton Neighbourhood Plan is the only neighbourhood plan for the plan area. It does not relate to land outside the designated neighbourhood area.

#### *Plan Period*

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

#### *Neighbourhood Plan Preparation and Consultation*

- 3.6 Details of plan preparation and consultation are set out in the Parish Council's Statement of Consultation (Regulation 15 Edition, 2017). Application for designation of a neighbourhood area was made in July 2013 following an open meeting, meetings of the Parish Council and an article in the Parish Newsletter all in the Spring of 2013.
- 3.7 In November 2013, information about the parishes and the potential of a neighbourhood plan was presented to attendees at a second open meeting. Attendees also had the opportunity to complete a questionnaire on options for

the area. The questionnaire was subsequently posted to all households and businesses within the parishes. Ninety responses were received.

- 3.8 Based on responses to the questionnaire, the Neighbourhood Plan Steering Group produced a set of draft policies. These were presented to a third open meeting and revised in the light of the feedback. An informal review by Cheshire East Council led to further changes.
- 3.9 Following circulation of the draft neighbourhood plan to all Parish Members, the Parish Council gave approval to proceed to pre-submission consultation (Regulation 14). Consultation commenced in December 2015 and included circulation to statutory consultees on a list prepared by Cheshire East Council. Within the plan area (see Para 3.1 and 3.3 above), printed copies of the plan were available for inspection at a number of locations and a newsletter concerning the plan was delivered to all households. Ten substantive responses were received to the Regulation 14 consultation. One revision was made as a consequence as well as other minor changes.
- 3.10 Consultation at the Regulation 16 stage was carried out over the period 17 February 2017 to 3 April 2017. Seven representations were made. All in all, I am satisfied that, at both the Regulation 14 and 16 stages, the consultation process has met the legal requirements and that there has been procedural compliance.

### *Development and Use of Land*

- 3.11 In the main, the plan sets out policies in relation to the development and use of land in accordance with Section 38A of the 2004 Act. However, Policy P30 is concerned with marking the boundaries of the area with boundary signs. Although a laudable objective, this is not a matter to be addressed through planning policies and through the determination of decisions on planning applications. The policy should be deleted as provided for under **PM23** but could be added to the Action Plan or Neighbourhood Delivery Plan.

### *Excluded Development*

- 3.12 The plan does not include provisions or policies for “excluded development”.

### *Human Rights*

- 3.13 The Basic Conditions Statement, page 59, states that the Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights, and complies with the Human Rights Act 1998. Cheshire East Council has not suggested that the Plan breaches Human Rights (within the meaning of the 1998 Act). I have considered this matter independently and I have found no reason to disagree with that position.

#### 4. Compliance with the Basic Conditions

##### *EU Obligations*

- 4.1 The Astbury and Moreton Neighbourhood Plan was screened for SEA by Cheshire East Council. It was determined that SEA was not required. The neighbourhood plan was further screened for Habitats Regulations Assessment, which also was not triggered.
- 4.2 I have read the submitted SEA Screening Opinion and 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 Astbury and Moreton Neighbourhood Plan, the consultation responses and other evidence<sup>3</sup>, and the site visit, I consider that there are four main issues relating to the Basic Conditions for this examination. These are:
- *Issue 1: Whether the housing proposals pay appropriate regard to national policies and advice and whether they would contribute to the achievement of sustainable development;*
  - *Issue 2: Whether the proposals with regard to landscape, the environment and local character provide an appropriate basis for the determination of planning applications;*
  - *Issue 3: Whether the proposed requirements regarding communications and transport pay appropriate regard to national policies and advice; and*
  - *Issue 4 – Whether the policy on backland development is sufficiently precise*

Modifications are recommended where necessary.

Issue 1 – Whether the housing proposals pay appropriate regard to national policies and advice and whether they would contribute to the achievement of sustainable development

##### *Code for Sustainable Homes*

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<sup>3</sup> Other evidence includes a list of questions submitted by the Examiner, and the Parish Council's response thereto, all as posted on the Parish Council's web-site.

- 4.4 The first paragraph of Policy P1 (Scale of Housing Development) includes reference to Fabric Energy Efficiency Standards, Building for Life 12 and the Code for Sustainable Homes Level 3 and that incorporation of the latest standards or guidance is required. However, such requirements are contrary to Government policy as set out in a written statement to Parliament by the Secretary of State for Communities and Local Government on 25 March 2015. This said, amongst other things:**

*From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. This includes any policy requiring any level of the Code for Sustainable Homes to be achieved by new development; the government has now withdrawn the code, aside from the management of legacy cases.*

- 4.5 As such, the references should be deleted as set out in proposed modification PM3. The corresponding entry in the Glossary should also be deleted (PM24).**

#### *Redevelopment of Brownfield Land*

- 4.6 Policy P1 a) supports the redevelopment of environmentally sustainable brownfield sites. However, one of the qualifications is that they are neither suitable nor capable of employment development. For my part, I accept that employment development may be a suitable use. However, I do not see the justification for such an employment test in circumstances where housing development for local needs may be equally appropriate.
- 4.7 The provision would also appear to be out of step with the NPPF, certainly with regard to development in the Green Belt. At the same time, it would be important to recognise the restrictions imposed by Government policy. I conclude that the policy should be modified as set out in **PM5** in order to meet the Basic Conditions.

#### *Housing in Settlements*

- 4.8 Under Policy P1 b), infill housing development of up to two dwellings in character with adjoining developments would be supported in principle. In this regard, I saw from my site visit that the development opportunities in the settlements are limited. I also consider that they would not necessarily fall within the usual definition<sup>4</sup> of “infill”. I am further aware that, in the proposed modifications to the Cheshire East Local Plan Strategy, there would be support for an appropriate level of small scale development in “other settlements”. The reference to “infill” in the submission version has been removed.

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<sup>4</sup> There is no formal definition of ‘infill’ in the NPPF or PPG.

- 4.9 In the circumstances, I consider that reference to infill development in Policy P1 should be deleted. However, the reference to up to 2 dwellings would be consistent with my observations across the area. **PM6** and **PM1** refer.

#### *Rural Exception Sites*

- 4.10 Policy P1 b) is supportive of rural exception sites of up to 4 houses where they would meet local needs and would be in character with adjoining developments. The text of the plan similarly refers to a limit of 4 houses; also to the housing adjoining settlement boundaries and not exceeding 50 in aggregate across the parish.
- 4.11 I judged from my site visit that the limit of 4 houses and a total of about 50 over the plan period would help ensure that the character of the area was safeguarded. This is in circumstances where I have no evidence to suggest that local need would be higher. However, I consider that this main provision should, having regard to advice in the PPG, be included for clarity within the policy, as under **PM7**.
- 4.12 On a related note, the first paragraph of Policy P1 indicates that new housing development should be phased over the period of the plan. However, there is no means of monitoring the delivery of housing through the neighbourhood plan process and phasing cannot be regulated. The provision should be deleted as in **PM4**.
- 4.13 I have also considered whether the policy should include a cross-subsidy provision. This could be appropriate where market housing would facilitate the provision of *significant* additional affordable housing to meet local needs. However, the provision at Astbury and Moreton would be comparatively modest. It is appropriate for proposals to be considered on their merits and by reference to the development plan and Government policy and guidance.

#### *Re-use of Buildings*

- 4.14 Part d) of Policy P1 (Scale of Housing Development) indicates that buildings such as redundant farm buildings have to be deemed unsuitable for employment use before residential re-use can be considered. However, the NPPF is accepting of homes in the countryside in certain special circumstances. These include where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. Policy P1 needs to be modified, as in **PM8**, to reflect this national policy.
- 4.15 In similar circumstances, reference to residential use is absent from Policies P8 (Use of Rural Buildings) and P16 (Agricultural Buildings). Appropriate modification would be made under **PM13** and **PM16**.

#### *Housing to Meet Local Needs*

- 4.16 Policy P2 addresses housing to meet local needs. In this regard, the policy indicates that the local community would like to see planning conditions and/or planning obligations governing first occupation. To my mind, this phrasing does not enable confident application of the provision. A more positive and clearer form of wording is set out under **PM9**.
- 4.17 On a second point, I note that the definition of “local need” in Policy P2 is different from that set out in the text (Page 12, fourth bullet point). There is a need for consistency. The most appropriate definition is that contained in the policy. The text should be modified as set out in **PM2**.

#### *Low-cost Market Housing*

- 4.18 Policy P3 (Housing Mix) requires provision to include “an element of low cost market housing”. However, there is no indication of what this means in practice. To add precision, the words “at least one such house in each development” should be added to the policy as provided for under **PM10**.

#### *Design*

- 4.19 Policy P4 (Design) is lacking in clarity in two important respects:

- it is not clear whether the policy just applies to Astbury; and
- the provisions with regard to brownfield sites are unclear.

To address these points, modifications are necessary as set out in **PM11**.

#### *Garden Size*

- 4.20 Amongst other things, Policy P4 (Design) requires provision of sufficient private garden amenity space to meet the household recreational needs. However, this is not sufficiently precise and the requirement could not be applied with consistency and confidence. The policy should be modified as set out in **PM12**.

#### *Other Restrictions on Housing Development*

- 4.21 I have considered whether the restrictions on housing development, imposed by non-housing policies, would be unduly restrictive. Such policies include, but are not limited to, Policies P11 (Countryside and Open Views), P13 (New development in the open countryside or Green Belt) and P26 (Landscape Quality). To my mind, in the rural environment of Astbury and Moreton, such policies are entirely appropriate and give fitting emphasis to the character and appearance of the area. They are also reflective of national policy restrictions that apply to Green Belt and open countryside.

*Contributing to Sustainable Development*

- 4.22 Representors have indicated that the plan gives undue emphasis to environmental sustainability at the expense of economic and social considerations; and also, that sustainable development may be prevented from coming forward as a result of the policies in the plan.
- 4.23 For my part, I consider that an appropriate balance has been struck. It is fitting that, in the rural landscape of this part of Cheshire, environmental considerations should be to the fore. At the same time, the policies of the plan will support sensitive development. I conclude that the plan will contribute to the achievement of sustainable development and hence it meets the Basic Conditions.

Issue 2 – Whether the proposals with regard to landscape, the environment and local character provide an appropriate basis for the determination of planning applications

*Open and Local Views*

- 4.24 Policies P11 (Countryside and Open Views) and P26 (Landscape Quality) refer respectively to the importance of existing open views and local views. However, there are questions of clarity with regard to:
- the extent of the countryside “surrounding Astbury” (Policy P11);
  - the geographical extent of the control to be exercised (Policy P11); and
  - the definition of the views to be safeguarded (Policies P11 and P26).
- 4.25 On the first point, the “countryside around Astbury” is intended to refer to the remainder of the designated area.<sup>5</sup> As to the second point, control cannot be exercised over matters outside the designated area even if they would relate to a view from within the plan area. Clarification would be provided under **PM14**.
- 4.26 On the question of identifying significant views, important views within the Astbury Conservation Area are shown on fig. 4 (Appendix B). However, the photographs within the appendix show a variety of views, not all of which could be regarded as significant. Reference to this material in Policy P26 should be deleted (**PM21** refers). Elsewhere, I would expect the qualifying views to be identified on their merits.

*Extensions and Alterations*

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<sup>5</sup> A point clarified in the Parish Council’s response to the Examiner’s questions (see Footnote 2).

- 4.27 Policy P14 has the title “Extensions and Alterations to existing buildings in the open countryside”. One of the requirements is that extensions and/or alterations should be constructed in traditional materials. However, on my site visit, I noted that many of the successful extensions and alterations reflect the materials used in the original building. A related change of wording has been suggested by Cheshire East Council and accepted by the qualifying body.<sup>6</sup> This change is set out in **PM15** and is recommended.

#### *Buffer Zones and Wildlife Corridors*

- 4.28 Policy P17 states, “The existing protected sites, woodlands, wildlife sites, drainage ditches, brooks and culverts will be maintained and enhanced and, where appropriate, new buffer zones and wildlife corridors will be created to increase the biodiversity of the plan area.” However, the mechanism by which such actions are to be achieved is not stated. There needs to be a link to the grant of planning permission as provided for under **PM17**.

#### *Historic Environment*

- 4.29 Policy P18 (Historic Environment) deals with designated and non-designated heritage assets. However, that part of the policy dealing with designated assets is lacking in clarity and precision. Alternative text has been put forward by Cheshire East Council.<sup>7</sup> This wording, accepted by the qualifying body, is expressed in **PM18** and is recommended.

#### *Footpaths*

- 4.30 Policy P19 (Footpaths) sets out requirements with regard to new paths, tracks or links. However, the policy is not linked to the determination of planning applications. It may be that related matters will be covered in the Action Plan of the qualifying body and in close cooperation with Council officers. However, insofar as the actions are requirements of the grant of planning permission, modification of the policy is necessary. This would be addressed under **PM19**. This, and the other modifications above allow the policies to meet the Basic Conditions.

#### Issue 3 – Whether the proposed requirements regarding communications and transport pay appropriate regard to national policies and advice

- 4.31 Under Policy P20 (Fibre to Premises), and in relation to certain types of development, additional ducting should be provided (where possible and desirable) that would contribute to a local network for the wider community. In

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<sup>6</sup> The suggested wording is set out in Regulation 16 representations and accepted in the Parish Council’s reply to the Examiner’s questions.

<sup>7</sup> As Footnote 5.



addition, major infrastructure development must provide ducting that is available for community owned access or strategic fibre deployment.

- 4.32 No doubt planning conditions or obligations would be used to secure such provision. However, as pointed out in the NPPF (Paras 204 and 206), the provision would have to be relevant to the development to be permitted / directly related to the development in some way. This would not be the case under the terms of Policy 20. The requirements should be deleted as provided for under **PM20**. This, and the other modifications above allow the policies to meet the Basic Conditions.

Issue 4 – Whether the policy on backland development is sufficiently precise

- 4.33 Policy P29 states that, “Backland development will be resisted if it would impact upon existing residential amenity through overlooking, loss of amenity or intrusion of privacy.” In this regard, it is likely that backland development will give rise to *some* impact. What matters is whether that impact is significant or material. Precision would be added under **PM22**.

*Other Policies*

- 4.34 In respect of all other matters, no modifications are necessary. Specifically, the policies discussed below are in my assessment compliant with the Basic Conditions.
- 4.35 Design - Many of the policies are concerned with design in one guise or another. Policy P5 addresses design in parking areas and garaging; Policy P9 requires new employment development to be of a high quality of design; Policy P25 looks to respond to local character in new developments; and Policies P27 and P28 seek appropriate design in extensions and alterations and in replacement dwellings respectively. The importance of design is stressed in many parts of the NPPF. In particular, seeking and securing high quality design is one of the core planning principles as set out in Paragraph 19 of the document.
- 4.36 Local Economy - Other policies are concerned with the local economy. Policy P6 offers support for small scale employment opportunities. The loss of local employment sites and community facilities would be resisted under Policy P7. These policies accord with the NPPF. For example, Para 28 of the NPPF says that planning policies should support economic growth in rural area. In addition, Para 70 indicates that planning policies should guard against the unnecessary loss of valued facilities and services.
- 4.37 Landscape and Environment - Several policies address landscape and environmental matters. Policy P10 seeks to protect valuable open space whilst safeguarding woodland, trees and hedgerows is the object of Policy

P12. In both the open countryside and the Green Belt, development would be restricted under Policy P13. Policy P15 is concerned with environmental sustainability in buildings. Again, the policies have regard to national policy. The core planning principles (Para 19 of the NPPF) indicates that planning should conserve and enhance the natural environment as well as recognise the intrinsic character and beauty of the countryside. Protecting the Green Belt is the subject of a whole section within the NPPF (Section 9). With regard to the environmental sustainability of buildings, support for the qualifying body's policy is to be found in Paras 65 and 95 of the NPPF.

- 4.38 Transport and Communications - The final set of compliant policies are related to transport and communications. Policies P23 and P24 are concerned with mitigating the effects of traffic; Policy P22 seeks sufficient parking in new developments; and Policy P23 supports improvements to rights of way. These policies are consistent with the provisions of the NPPF in Section 4 (Promoting sustainable transport) and at Para 75 (protection and enhancement of public rights of way).

## 5. Conclusions

### *Summary*

- 5.1 The Astbury and Moreton 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 to 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 and is error free. 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 Astbury and Moreton Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated neighbourhood plan boundary, requiring the referendum to extend to areas beyond the plan boundary. I recommend that the boundary for the purposes

of any future referendum on the plan should be the boundary of the designated neighbourhood plan area.

- 5.4 In the interests of completeness, I should mention that the Neighbourhood Planning Act 2017 received Royal Assent on 27 April ie during the course of this examination. Only Sections 1 to 7 are concerned with neighbourhood planning and these provisions will not come into effect for the time being.
- 5.5 It is evident that a considerable amount of time and effort has been committed to the development and production of this plan and I congratulate all those who have been involved. The plan should prove to be a useful tool for future planning and change in Astbury and Moreton over the coming years.

*Andrew S Freeman*

Examiner

## Appendix: Modifications

### Schedule 1: Modifications to meet the Basic Conditions (and other legal requirements)

Proposed modification number (PM)	Page no./ other reference	Modification
<b>PM1</b>	Page 12	At the end of the first bullet point, delete “infilling of a small gap with”; replace with “small scale developments of”.
<b>PM2</b>	Page 12	In the final sentence of the fourth bullet point, delete the words after “local need”; replace with “is that identified in the latest parish housing needs survey or, if out of date, the most appropriate objectively assessed review of housing in the future as carried out by Cheshire East Council.”
<b>PM3</b>	Page 14	Delete the following from the first paragraph of Policy P1: “Development shall incorporate the latest Fabric Energy Efficiency Standards or the equivalent standard in force at the time, follow the guidance in Building for Life 12, and adopt a minimum building standard of Code for Sustainable Homes Level 3.”
<b>PM4</b>	Page 14	Delete the final sentence of the first paragraph of Policy P1.
<b>PM5</b>	Page 14	In Part a) of Policy P1 (Brownfield within the Parishes), delete “, where they are neither suitable or capable of employment development,”; after “neighbourhood plan”, insert “and the NPPF”.
<b>PM6</b>	Page 14	Modify the first paragraph of Policy P1 b) (Greenfield within the Settlement) as follows: <del>Infill Housing development of a small gap in an otherwise built up frontage of</del> up to two dwellings in character with adjoining developments.
<b>PM7</b>	Page 14	Under Policy P1 b) (Greenfield within the Settlements), delete the second paragraph; replace with: “Rural exception sites, adjacent to settlements, with up to 4 houses in keeping with the character and appearance of the settlement and meeting local needs. Subject to a limit of about 50 houses over the plan period.”
<b>PM8</b>	Page 14	In that part of Policy P1 addressing the re-use of buildings (Part d)), delete “, where they are unsuitable for employment use”.

<b>PM9</b>	Page 15	In Policy P2, delete the second and third sentences; replace with "Planning obligations will be used to secure first occupation in the following order of priority: first, residents living in Astbury or with an Astbury connection; second, residents of adjoining parishes; and third, residents elsewhere in Cheshire East. In the case of essential agricultural dwellings, the occupants shall be employed, or last employed, in agriculture."
<b>PM10</b>	Page 15	In Policy P3, add the following words after "low cost market housing": "(at least one such house in each development)".
<b>PM11</b>	Page 16	Modify the first sentence of Policy P4 as follows: All new housing proposals, <u>other than on brownfield sites</u> , should be in small groups, no more than 4, to reflect the historic character of Astbury and <del>will be expected to</del> respect the character and appearance of the surrounding area. <u>Housing on brownfield sites should have regard to the character and appearance of the wider area.</u>
<b>PM12</b>	Page 16	In Policy P4, in the final bullet point, add "(a minimum of 50% of the dwelling's net floor area)" after "in scale with the dwelling".
<b>PM13</b>	Page 18	In the first paragraph of Policy P8, insert "residential use," before "small businesses".
<b>PM14</b>	Page 22	Modify Policy P11 as follows: <u>Beyond Astbury</u> , <u>all</u> new development will be expected to respect and enhance the countryside <u>surrounding Astbury</u> ...  Any development in these <u>the plan</u> areas will only be acceptable...
<b>PM15</b>	Page 24	In Policy P14, delete "traditional materials" and replace with "materials that reflect those used in the original building".
<b>PM16</b>	Page 24	In the first paragraph of Policy P16, insert "residential use," before "small business"; add "P1," before "P8".
<b>PM17</b>	Page 25	In Policy P17, delete "The"; insert "Through the grant of planning permission,"
<b>PM18</b>	Page 25	Delete the first paragraph of Policy P18. Replace with: "Designated heritage assets and their settings will be protected from harmful development. New development shall enhance the asset's contribution to local distinctiveness, character and sense of place."
<b>PM19</b>	Page 25	Delete the second sentence of Policy P19 and replace with "Where new paths, tracks or

		links between existing footpaths are to be provided under planning applications, the construction and appearance shall be appropriate and sensitive to the character of the locality and the surrounding area."
<b>PM20</b>	Page 28	Delete the following from Policy P20: "Where possible and desirable, additional ducting should be provided that also contributes to a local network for the wider community.  "Major infrastructure development must provide ducting that is available for community owned access or strategic fibre deployment. Such developers are encouraged to have early discussions with local broadband groups."
<b>PM21</b>	Page 33	Delete the following from Policy P26: "(See Appendix X for a list and map respectively of important local views and vistas.)"
<b>PM22</b>	Page 33	In Policy P29, insert "significantly" before "impact".
<b>PM23</b>	Page 35	Delete Policy P30 (Neighbourhood Plan Boundary Signs); renumber subsequent policies, or alternatively, add to the Action Plan or Neighbourhood Delivery Plan.
<b>PM24</b>	Page 53	Delete Glossary entries for "Fabric First" and "Fabric First Approach"

## Schedule 2: Further Modifications to Correct Errors and to Improve Clarity and Accuracy

<b>Proposed modification number (PM)</b>	<b>Page no./ other reference</b>	<b>Modification</b>
<b>PM25</b>	Page 3, 3 <sup>rd</sup> para, final line	Delete "adopted"; insert "made"
<b>PM26</b>	Page 4, final para	Delete "Greenbelt"; insert "Green Belt"
<b>PM27</b>	Page 5, 1 <sup>st</sup> sentence	Delete first sentence; insert "The Parishes contain two Sites of Special Scientific Interest (SSSI), five Sites of Biological Importance (SBI) and a large Area of Special County Value (ASCV)."

<b>PM28</b>	Page 7, final two paras	<p>Delete the final two paragraphs; replace with "The starting point for any development proposals in the plan area will be the Neighbourhood Plan and the Congleton Borough Local Plan (Adopted January 2005). The Congleton Borough Local Plan will be replaced shortly by the Cheshire East Local Plan Strategy and, upon adoption, this will become the relevant part of the development plan. Once made, the Neighbourhood Plan will also have the status of the development plan.</p> <p>"The Neighbourhood Plan has been prepared in general conformity with the strategic policies of the adopted Congleton Borough Local Plan and in alignment with the emerging Cheshire East Local Plan Strategy. It will run for the same period as the Strategy, up to 2030."</p>
<b>PM29</b>	Page 9, para wrapping around photo 9	Insert "significantly" between "not encroaching" and "into open countryside."
<b>PM30</b>	Page 10, 1 <sup>st</sup> para, 3 <sup>rd</sup> sentence	Delete third sentence of first paragraph; replace with "The Neighbourhood Plan is in general conformity with the principles and policies contained in the adopted Congleton Borough Local Plan and is aligned with the emerging Cheshire East Local Plan Strategy."
<b>PM31</b>	Page 12, 1 <sup>st</sup> para	Delete "Significant Local Environmental Value,"
<b>PM32</b>	Page 12, 3 <sup>rd</sup> para	Delete "surrounded over"; insert "washed over"
<b>PM33</b>	Bullet points at the bottom of Page 13	<p>After "Cheshire East Local Plan Strategy", delete "Submission Version March 2014";</p> <p>Delete "Congleton Borough Council Local Plan First Review 2005"; insert "Congleton Borough Local Plan";</p> <p>Delete "Building for Life 12" and "Code for Sustainable Homes"</p>
<b>PM34</b>	Page 17, bullet points	<p>After "Cheshire East Local Plan", insert "Strategy";</p> <p>Delete "Congleton Borough Council Local Plan First Review 2005"; insert "Congleton Borough Local Plan"</p>
<b>PM35</b>	Page 18, 4 <sup>th</sup> bullet point	Delete ", including stables,"; insert "stables and" before "agricultural buildings".

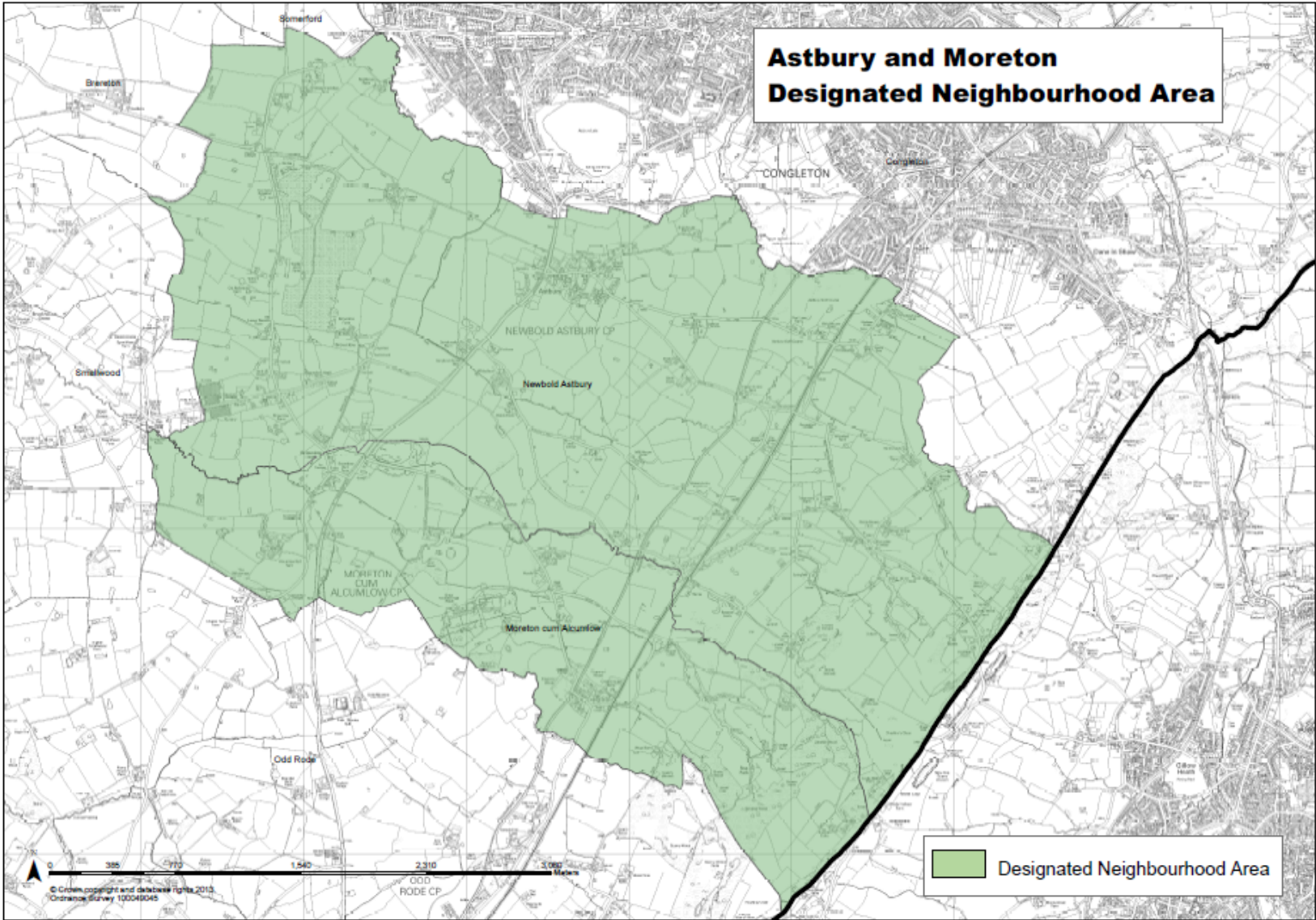
<b>PM36</b>	Page 20, final word of 2 <sup>nd</sup> para	Delete "ganisters"; insert "gannisters"
<b>PM37</b>	Page 20, final word of 3 <sup>rd</sup> para	Delete "ganisters"; insert "gannisters"
<b>PM38</b>	Page 20, footnote one	Delete "Ganister"; insert "Gannister"
<b>PM39</b>	Page 21, bullet points	Delete "Biological Interest"; insert "Biological Importance"; insert bullet point before "To protect views into and out of the plan area and rural skylines"; after "Cheshire East Local Plan Strategy", delete "Submission Version March 2014"; delete "Congleton Borough Council Local Plan First Review 2005"; insert Congleton Borough Local Plan"
<b>PM40</b>	Page 24, 1 <sup>st</sup> full para	Delete "Inappropriate development in the Green Belt will, by definition, be harmful and should not be approved except in very special circumstances."
<b>PM41</b>	Page 24, Policy 16, 3 <sup>rd</sup> para	Delete "including ménage areas"; insert "including to ménage areas"
<b>PM42</b>	Page 27, end of 2 <sup>nd</sup> para	Delete "It is anticipated that the majority of the properties in the plan area will be able to access high speed broadband from 2015."; insert "Broadband/fibre is currently being rolled out through the Parishes, initially to villages/hamlets."
<b>PM43</b>	Page 28, bullet points	After "Cheshire East Local Plan Strategy", delete "Submission Version March 2014"; delete "Congleton Borough Council Local Plan First Review 2005"; insert Congleton Borough Local Plan"
<b>PM44</b>	Page 29, 1 <sup>st</sup> bullet point	Delete "conservation area"; inset "Astbury Conservation Area".
<b>PM45</b>	Page 31, bullet points	After "Cheshire East Local Plan Strategy", delete "Submission Version March 2014"; delete "Congleton Borough Council Local Plan First Review 2005"; insert Congleton Borough Local Plan"
<b>PM46</b>	Page 35, bullet points	Delete "Emerging Cheshire East Local Plan [Strategy Submission Version", March 2014]"; insert "Cheshire East Local Plan Strategy" Delete "Congleton Borough Council Local Plan First Review 2005"; insert



		Congleton Borough Local Plan"
<b>PM47</b>	Page 37, Appendix A	Delete heading "Section 106 Agreements"; insert "Section 106 Obligations"
<b>PM48</b>	Page 37, 1 <sup>st</sup> para	Delete "Section 106 Agreements"; insert "Section 106 Obligations"; Delete "They are legally binding agreements that"; insert "There are two types both of which are legally binding. Planning agreements..."
<b>PM49</b>	Page 37, 2 <sup>nd</sup> para	Delete "Agreements, also sometimes referred to as planning obligations,"; Insert "Obligations..."
<b>PM50</b>	Page 37, above bullet points	Delete "Section 106 Agreements"; insert "Section 106 Obligations"
<b>PM51</b>	Page 37, 1 <sup>st</sup> bullet point	Delete "or provide"; insert "for"
<b>PM52</b>	Page 37, below bullet points	Delete "Section 106 Agreements"; insert "Section 106 Obligations"; delete "These tests are that the obligations in the Section 106 Agreement must be"; insert "These tests are that the obligations must be"
<b>PM53</b>	Page 38, 1 <sup>st</sup> para	Delete "negotiated S106 agreement"; insert "S106 Obligation"
<b>PM54</b>	Page 38, 3 <sup>rd</sup> para	Delete "Section 106 agreements"; insert "Section 106 obligations"
<b>PM55</b>	Page 38, 1 <sup>st</sup> para under Community Infrastructure Levy heading	Insert full stop after "mandatory"
<b>PM56</b>	Page 38, above the bullet points	Delete "What can CIL be spent on?"; insert "On what types of projects and infrastructure can CIL be spent?"
<b>PM57</b>	Page 38, after the final para	Insert new para saying, "Once a CIL scheme is in place, the specific projects and types of infrastructure upon which CIL can be spent (in whole or in part) are identified in a list known as a "Regulation 123 list"."
<b>PM58</b>	Page 43, penultimate row in table of listed buildings	Delete row (Fragment of Plague Cross to South of Number 7 **, Grade II, Newbold Astbury)



Appendix 2: Astbury and Moreton Neighbourhood Area



Appendix 3: Astbury and Moreton Neighbourhood Plan

[Link to neighbourhood plan](#) (full plan to be appended as pdf in final report)