

# **BUNBURY NEIGHBOURHOOD PLAN**

Bunbury Neighbourhood Plan Examination,  
A Report to Cheshire East Borough Council

by Independent Examiner, Nigel McGurk BSc(Hons) MCD MBA MRTPI

Nigel McGurk

Erimax Land, Planning and Communities

[erimaxltd.com](http://erimaxltd.com)

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## **1. Introduction**

### **The Neighbourhood Plan**

This Report provides the findings of the examination into the Bunbury Neighbourhood Plan (referred to as the Neighbourhood Plan).

Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

*“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”*  
(Paragraph 183, National Planning Policy Framework)

Bunbury Parish Council is the *qualifying body*<sup>1</sup> responsible for the production of this Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by Cheshire East Borough Council. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Bunbury Neighbourhood Area.

### **Role of the Independent Examiner**

I was appointed by Cheshire East Borough Council to conduct an examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience. I am a chartered town planner and an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

As the Independent Examiner, I must make one of the following recommendations:

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;
- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

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<sup>1</sup>The qualifying body is responsible for the production of the Plan.

If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether or not the Referendum Area should extend beyond the Bunbury Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

Subject to the contents of this Report, I am satisfied that all of the above points have been met.

#### Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The title page of the Neighbourhood Plan refers to “2015” on the front cover, whilst the “Foreword” and the “Scope of the Plan” refer to the Neighbourhood Plan covering the period to 2030. In the Housing Policy section, page 16 of the Neighbourhood Plan refers to the Neighbourhood plan period 2015-2030.

For clarity, I recommend:

- **Title page, change “2015” to “2015-2030”**
- **After the first sentence of “Scope of the Plan” on page 5, add “*The Neighbourhood Plan period runs from 2015 to 2030.*”**

Subject to the above, I confirm that the Neighbourhood Plan satisfies the relevant requirement in this regard.

## Public Hearing

According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.

However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.

Further to consideration of the written representations submitted, I confirmed to Cheshire East Borough Council that I was satisfied that the Bunbury Neighbourhood Plan could be examined without the need for a Public Hearing.

## **2. Basic Conditions and Development Plan Status**

### **Basic Conditions**

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*<sup>2</sup> following the Localism Act 2011. In order to meet the basic conditions, the 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 European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the Neighbourhood Plan against all of the basic conditions above.

I note that the “Scope of the Plan” section on pages 5 and 6 is a little confusing.

Whilst the Basic Conditions Statement, prepared by Bunbury Parish Council and submitted to Cheshire East Borough Council, sets out the basic conditions as above, page 5 of the Neighbourhood Plan states that neighbourhood plans “*should conform with the strategic policies of the adopted local plan.*” This is not quite the case.

Whilst it is not uncommon for neighbourhood plans to seek to paraphrase the basic conditions, the wording of the basic conditions is the result of careful consideration. Paraphrasing them, almost inevitably, results in their misapplication.

I recommend:

- **Page 5 third paragraph, change to “...should *be in general conformity with the strategic...*”**

The second paragraph of the “Scope of the Plan” clearly sets out what the Neighbourhood Plan does and how it will be used. Helpfully, the following paragraph explains that, whilst the Neighbourhood Plan is in general conformity with the Crewe and Nantwich Replacement Local Plan 2011 (Local Plan), account has also been taken of the emerging Cheshire East Local Plan (emerging Local Plan). The consideration of available evidence and information relating to an emerging plan forms part of a sensible and pragmatic approach to neighbourhood planning.

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<sup>2</sup> Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

However, the section then provides an incorrect summary of how the Neighbourhood Plan will be used. I also note above that this has already been considered within the Neighbourhood Plan. I recommend:

- **Page 6, delete paragraphs one and two, “The starting point for any...status of a Development Plan Document.”**

The last paragraph of this section is repetitive and confusing. It refers to the Neighbourhood Plan being in general conformity with an emerging document – which is not a requirement; and goes on to suggest that the Neighbourhood Plan gives “people...a legal status,” which it doesn’t. I recommend:

- **Delete last paragraph**

## European Convention on Human Rights (ECHR) Obligations

I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.

## European Union (EU) Obligations

There is no legal requirement for a neighbourhood plan to have a sustainability appraisal<sup>3</sup>. However, in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a strategic environmental assessment.

Taking the above into account, draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects. This process is referred to as a “screening” assessment. If the screening assessment identifies likely significant effects, then an environmental report must be prepared.

The Basic Conditions Statement confirms that Cheshire East Borough Council undertook a screening assessment further to a request by Bunbury Parish Council. The screening assessment considered whether the Neighbourhood Plan requires a Strategic Environmental Assessment and whether it is likely to have a significant effect on the environment. The screening assessment concluded that the Neighbourhood Plan will not result in any likely significant effects on the environment and that consequently, a full Strategic Environmental Assessment is not required.

A Habitats Regulations Assessment (HRA) is required if the implementation of the Neighbourhood Plan may lead to likely negative significant effects on protected European sites. European sites include Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites.

Cheshire East Borough Council carried out a separate HRA report to assess any potential impact of the Neighbourhood Plan on European sites. This report reached the conclusion that no significant adverse environmental effect will arise as a result of the Neighbourhood Plan either alone, or in combination with other plans and programmes.

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<sup>3</sup> Paragraph 026, Planning Practice Guidance 2014.



The Environment Agency, English Heritage (now, with regards to planning matters, Historic England) and Natural England were all consulted. Each of these bodies supported the conclusion that the Neighbourhood Plan is unlikely to have any significant effects on the environment and that a Strategic Environmental Assessment is not required.

With regards European obligations, national guidance establishes that the ultimate responsibility of determining whether or not a draft neighbourhood plan meets EU obligations is placed on the local authority,

*“the local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations.”* (Planning Practice Guidance 11-031)

With regards this latter point, Cheshire East Borough Council has stated

*“The Borough Council is satisfied that the Neighbourhood Plan does not breach, and is compatible with, EU Obligations and Convention rights (within the meaning of the Human Rights Act 1998). The Borough Council is satisfied that the Plan meets this Basic Condition.”*

Taking all of the above into account, I am satisfied that the Neighbourhood Plan is compatible with EU obligations.

### **3. Background Documents and Bunbury Neighbourhood Area**

#### **Background Documents**

In undertaking this examination, I have considered various information in addition to the Bunbury Neighbourhood Plan. This has included:

- National Planning Policy Framework (The Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning Regulations (2012)
- Crewe and Nantwich Replacement Local Plan 2011 (Local Plan)
- Statement of Basic Conditions
- Statement of Consultation
- Strategic Environmental Assessment Screening Opinion

Also:

- Representations received during the publicity period

In addition, I spent an unaccompanied day visiting the Bunbury Neighbourhood Area.

#### **Bunbury Neighbourhood Area**

The plan showing the Neighbourhood Area has been placed in an Appendix. The Neighbourhood Area is an important designation and consequently, it is appropriate for the plan to form part of the Neighbourhood Plan itself.

I recommend:

- **Move the “*Bunbury Neighbourhood Plan Area*” plan from the Appendices to the introductory section of the Neighbourhood Plan**
- **Page 6, change fourth paragraph to “...is shown *below*.”**

Further to an application made by Bunbury Parish Council, Cheshire East Borough Council approved the designation of Bunbury as a Neighbourhood Area on 24 September 2014.

This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

## **4. Public Consultation**

### **Introduction**

As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.

Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a successful 'Yes' vote at Referendum.

### **Bunbury Neighbourhood Plan Consultation**

Bunbury Parish Council submitted a Consultation Statement to Cheshire East Borough Council. Further to consideration, I can confirm that this sets out who was consulted and how, together with the outcome of the consultation. In this regard, the Consultation Statement meets the requirements of the neighbourhood planning *regulations*<sup>4</sup>.

Following the decision to produce a Neighbourhood Plan, the Parish Council established the Bunbury Neighbourhood Plan Group, the first meeting of which took place in July 2014. A significant publicity period followed, which included leaflet drops, press releases, posters, questionnaires and the creation of a dedicated website.

I'd like to draw particular attention to the posters produced to support public consultation, examples of which are provided in the Consultation Statement. It is clear that significant time and effort was spent on running a poster campaign to genuinely capture people's imagination and to promote engagement with the plan-making process.

Whilst planning decisions often raise emotions and interest, the world of town planning is not always associated with humour and excitement. The thoughtful and imaginative way in which Bunbury Neighbourhood Plan Group sought to gain people's involvement in neighbourhood planning, through the clever use of posters, provides, in my view, a national exemplar.

As well as frequent, regular meetings of the Bunbury Neighbourhood Plan Group, meetings were held with the Governors of Bunbury Aldersey School (November 2014), with Bunbury Heath Action Group (March 2015), with Lower Bunbury Action

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<sup>4</sup>Neighbourhood Planning (General) Regulations 2012.

Group (March 2015) and with developers (invited November 2015/five developers then attended one of the Bunbury Neighbourhood Plan Group's regular meetings).

Public meetings were also held. These ranged from a Drop-In at Tilly's coffee shop in October 2014, which attracted the grand total of one attendee; to a public meeting in November 2015, attended by 42 people; and a Cream Tea Event in April 2015, attended by 75 people. Whether or not this suggests that Bunbury residents prefer a nice cup of tea to coffee, it is relevant to point out that Bunbury Neighbourhood Plan Group was proactive in providing people with opportunities to engage with the plan-making process. Whether or not people took advantage of this at all times is, itself, less significant than the fact that opportunities to engage were provided and publicised.

A draft plan was produced and consulted upon during April and May 2015. This consultation period was supported by a press release; the provision of a "table" at the local Co-op, enabling around 50 people to talk with members of Bunbury Neighbourhood Plan Group; and a public survey. Further, 72 people attended a public meeting, where the survey results were presented.

Planning Guidance requires local planning authorities to be proactive in providing information to communities about neighbourhood planning and to constructively engage with the community throughout the process (Para 080, Neighbourhood Planning, Planning Guidance). In this regard, I note that Cheshire East Borough Council states that

*"The Working Group has worked collaboratively with the Borough Council."*

Such an approach has regard to national advice and helps provide for shared knowledge, skills and experience, helping to provide strong foundations for policy making.

Consultation was widely communicated and well-publicised in a variety of ways. In addition to the poster campaign, there was a dedicated website, on which all relevant documents and information, including minutes and agendas from Bunbury Neighbourhood Planning Group meetings, were made available. In addition, frequent press releases were sent out, especially to village groups and the local magazines; local organisations were provided with information to re-distribute to their members; and plan-makers made use of social media.

Taking all of the above into account, the Consultation Statement presents an audit trail to demonstrate that consultation was wide-ranging, comprehensive and transparent. Comments were pro-actively sought and comments received were duly considered. There is plentiful evidence to demonstrate that the Neighbourhood Plan reflects the views of local people.

I am satisfied that the consultation process was significant and robust.

An objection to the Neighbourhood Plan states that *“the Regulation 14 Consultation undertaken by the Parish Council was not a “qualifying consultation...”* This objection is founded on the viewpoint that the published draft Neighbourhood Plan was not complete.

However, the representation goes on to refer to various appendages to the Neighbourhood Plan rather than to the content of the Neighbourhood Plan itself. The objection does not provide any substantive evidence to demonstrate that there is a legislative requirement for supporting information to be completed at Regulation 14 Consultation stage. I also note in various parts of this Report that appendages to the Neighbourhood Plan do not form part of the Neighbourhood Plan.

Further, an objection alleges that someone was not aware that the submission consultation was underway *“until the week commencing 12<sup>th</sup> October.”* However, no substantive evidence is provided to demonstrate that the submission consultation was inappropriately publicised. The fact that someone wasn’t aware of it does not equate to the same thing as a failure to publicise in an appropriate manner.

As an aside, it is my own view that where an individual or organisation is particularly concerned about matters relating to a Neighbourhood Plan, then it’s quite a good idea to adopt a proactive approach to keeping up to date with progress. Such proactivity may require some effort, but could well result in a reduced reliance on others for being kept up to date on where things are up to.

## **5. The Neighbourhood Plan – Introductory Section**

**Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in italics.**

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner's Report. I have also considered the Introductory Section of the Neighbourhood Plan and make recommendations below which are aimed at making it a clear and user-friendly document.

Whilst the Neighbourhood Plan is generally well presented, the Policies, which comprise the most important part of the Neighbourhood Plan, do not stand out. Rather, to some considerable extent, they appear "lost" in the general text. In the interest of clarity, I recommend:

- **Distinguish the Policies from the rest of the text in the Neighbourhood Plan. This could be achieved through the use of different fonts, colours, bold print, boxes, shading etc**

Eleven separate appendices have been attached to the Neighbourhood Plan. I find that this draws attention away from the the Policies. Some of the Appendices simply comprise background information that, whilst it may have been relevant during the plan-making process, will become out of date as time goes by. Other Appendices should be in the Neighbourhood Plan itself – such as the Neighbourhood Area plan considered earlier. Whilst there would be no harm in removing all of the Appendices, I note that some of them contain useful information.

I recommend:

- **Delete Appendix B, H and K**

Together, the History, Vision and Aims of the Neighbourhood Plan provide a clear, concise and informative introduction to the Policies that follow. No further changes are recommended.

## **6. The Neighbourhood Plan – Neighbourhood Plan Policies**

### **Housing**

Page 10 of the Justification and Evidence for the Housing Policies states that “*Local Housing Need is defined in Appendix A.*” However, Appendix A simply provides some general information relating to local housing need. I recommend:

- **Delete last sentence of third paragraph on page 10**

The rationale behind and strong local support for, the Neighbourhood Plan’s approach to providing for small-scale residential development is clearly set out. I note that evidence has been provided to demonstrate that Bunbury has grown organically, through small-scale development, and that the Neighbourhood Plan provides for this pattern of development to continue, whilst providing for housing growth.

### **Policy H1 – Settlement Boundary**

Policy H1 is vague with regards Bunbury’s settlement boundary. It states that planning permission will be granted for a minimum of 80 new dwellings “*on sites within the carefully extended Settlement Boundary of the village*” and that the Neighbourhood Plan “*proposes a Settlement Boundary for Bunbury based upon*” that in the Local Plan.

However, no settlement boundary is proposed in the Neighbourhood Plan. There is a plan in the Appendices that is simply a copy of the existing settlement boundary in the Local Plan. Policy H1 does not, itself, “*carefully extend*” the settlement boundary, but refers to it being “*moved to allow development.*” No indication is provided to demonstrate in which locations the settlement boundary will be moved, carefully or otherwise.

Essentially, Policy H1 claims to establish a settlement boundary, but does not actually do so. Instead, it effectively allows for houses to be built adjoining, but outside, the existing settlement boundary established in the Local Plan. It is misleading to suggest, as the Policy does, that such an approach is the same thing as establishing a new settlement boundary.

Rather than refer to something that doesn’t exist, it would be more accurate and helpful for the Neighbourhood Plan to simply refer to allowing for growth by directing development to the village of Bunbury. I recommend:

- **Policy H1, end first sentence “...March 2030.” (delete rest of sentence)**

- **Delete the rest of Policy H1 and replace with “*Development in the Neighbourhood Area will be focused on sites within or immediately adjacent to Bunbury village, with the aim of enhancing its role as a sustainable settlement whilst protecting the surrounding countryside.*”**

I note that the above approach does not mean that there is no settlement boundary for Bunbury. Rather, it means that the Neighbourhood Plan no longer suggests that it includes something that it does not.

Policy H1 is a positive, pro-sustainable growth Policy. It effectively supports the development of at least 80 new dwellings during the plan period. The Neighbourhood Plan does not place a cap on new development, but provides for certainty and growth by seeking to ensure that a minimum of 80 new dwellings are delivered during the plan period. In so doing, it contributes to the achievement of sustainable development. It has regard to national policy’s support for sustainable growth.

The Neighbourhood Plan is being brought forward before an up-to-date Local Plan is in place. In such circumstances, Planning Practice Guidance is explicit in stating that neighbourhood plans “*can be developed before or at the same time as the local planning authority is producing its Local Plan*” (41- 009). Indeed, neighbourhood plans provide an important opportunity to give communities “*direct power*” to provide up to date planning policy that may otherwise not exist due to the absence of an up to date Local Plan.

The Neighbourhood Plan and its supporting information clearly sets out how the minimum figure of 80 dwellings was arrived at. Relevant background information was taken into account and importantly, there was collaborative working between the Bunbury Neighbourhood Plan Group and Cheshire East Borough Council. This is a particularly relevant factor as Planning Practice Guidance (Para 41-009) emphasises the importance of minimising any conflicts between policies in a neighbourhood plan and those in an emerging Local Plan.

In the above regard, I am mindful that Cheshire East Borough Council has not raised any concerns with the minimum housing number contained in Policy H1 and has stated that:

*“The Parish Council and the Borough Council has (sic) worked collaboratively. This has included jointly understanding the relationship between the Neighbourhood Plan and the adopted and emerging Local Plans within the wider context of national policy and guidance...The close working between the two Councils was also aimed at minimising any conflict between the Neighbourhood Plan and the emerging Local Plan upon adoption.”*

Whilst I recognise that there is an emerging Local Plan and that housing land matters have not been resolved at the Borough-wide level, it is clear to me that, by providing for the expansion of Bunbury, rather than just for infilling – as per the adopted Local



Plan – and by setting a minimum housing target, rather than seeking to place a cap on development, the Neighbourhood Plan has been positively prepared with the aim of providing for sustainable growth.

Not uniquely, in the context of forward planning, there are landowners and developers who would like to see more land allocated for development. However, in terms of providing for new homes, the Neighbourhood Plan meets the basic conditions. There is no requirement for it to impose a higher minimum housing target than it does.

Planning is dynamic. Housing numbers in adopted land use planning policies will inevitably change in the future. However, it is not the role of the Neighbourhood Plan to predict what might happen with regards Borough-wide housing numbers.

Taking all of the above into account, Policy H1 has regard to national policy and meets the basic conditions.

### **Policy H2 – Scale of Housing Development**

Policy H2 supports small-scale housing development that respects local character. This reflects a positive approach that has regard to national policy, which supports growth and protects local character. It is also in general conformity with Local Plan Policy BE.2, which supports development that respects local character. In this way, Policy H2 contributes to the achievement of sustainable development.

Paragraph a) of the Policy seeks to restrict the size of any one development to a maximum of 15 new dwellings. This reflects the Neighbourhood Plan's stated aims of supporting housing development that is proportionate to the Neighbourhood Area and allowing Bunbury to continue to grow organically, whereby new development can be easily absorbed into the community. I am mindful – with particular regard to Paragraph 183 of the Framework, referred to earlier in this Report - that, further to robust consultation, a vast proportion of the community has endorsed the approach of limiting new residential to no more than 15 new houses on any one site.

Whilst there have been objections to the above approach, there is no substantive evidence to demonstrate that the sustainable growth of Bunbury cannot be achieved without the development of individual sites to provide more than 15 dwellings.

Paragraph a) goes on to prevent housing sites being “*co-located*.” Whilst I recognise that the aim of limiting individual developments to 15 dwellings could be eroded if there was no limitation on developments being built immediately adjacent to one another, I am concerned that such an approach may prevent development that is sustainable from coming forward. It may, for instance, prevent the delivery of significant community benefits, or prevent the most effective use of land.

In the above way, Policy H2, as worded, would fail to contribute to the achievement of sustainable development and I note that there is no substantive evidence to the contrary. It could introduce confusion and fail to provide decision makers with a clear indication of how to respond to a development proposal, contrary to the Framework (paragraph 154). I seek to address these matters in the recommendations below.

Part d) of Policy H2, as worded, encourages the residential use of brownfield sites, so long as they are not suitable for, nor capable of, employment development. This is poor drafting as it places a preference on the redevelopment of brownfield land that is capable of employment use, whether or not it is suitable for employment use. Furthermore, it fails to have regard to the Framework which requires planning policies to avoid the long term protection of sites for employment use where there is no reasonable prospect of a site being used for that purpose (Paragraph 22).

Part e) of Policy H2 seeks to impose an onerous set of criteria on the redevelopment of redundant buildings. This goes well beyond any national or local planning policies and conflicts with permitted development rights. No substantive evidence has been provided to justify the approach set out and I am mindful that national policy and advice is strongly supportive of the redevelopment of redundant buildings

I recommend:

- **Policy H2, re-word a) “...*greenfield site immediately adjacent to the village. Such developments should not be co-located with other new housing developments unless there are demonstrable sustainable benefits from doing so.*” (delete rest of H2a))**
- **Change ending of c) to “...*adjacent to the village.*”**
- **Delete d) and e)**

Subject to the above, Policy H2 meets the basic conditions.

### **Policy H3 – Affordable Housing, Starter Homes and Low Cost Market Housing to meet Local Housing Needs (See Appendix A)**

I note that it is inappropriate for a Policy to be reliant on an Appendix and subject to the comments below, I would have recommended a change to the Policy title.

Policy H3 states that “*Development that meets an objectively assessed Local Housing Need...will be subject to the affordable housing allocations policy as determined by Cheshire East Council.*”

It is not the role of Neighbourhood Plans to seek to impose Policies controlled by other bodies, or to be reliant on other Policies in other documents. Policy H3 then

goes on to state that “*The local community would like to see...*” This is a general statement rather than a land use planning policy.

The Policy H3 then refers to housing being occupied “*by people who meet Local Housing Need criteria as in Appendix A.*” Appendix A provides some general statements about Local Housing Need. It does not define Local Housing Need criteria to the extent that a Policy can be based upon it.

Policy H3 also requires all residential development to include low cost market housing and starter homes in addition to any affordable housing. It is not clear how the development of say one house could meet this requirement. Furthermore, there is no detailed justification for such an onerous requirement.

Taking all of the above into account, Policy H3 does not contribute to the achievement of sustainable development nor have regard to national policy and advice. I recommend:

- **Delete Policy H3**
- **Delete Appendix A**

#### **Policy H4 – Tenure Mix**

Policy H4 states that proposals for affordable homes must “*contribute to a mixed, balanced and inclusive community where people can live independently longer.*” Whilst the aspiration is nice, no indication is provided to demonstrate how – or whether - it can be achieved in all cases, or who might monitor and on what basis, whether or not people will live independently longer. It places an unduly onerous requirement on the provision of affordable housing and there is no evidence to demonstrate that it has regard to national policy, or is in general conformity with the strategic policies of the Local Plan. I recommend:

- **Delete Policy H4**

#### **Policy H5 - Design**

Good design is recognised by national policy as comprising a key aspect of sustainable development. It is indivisible from good planning. National policy requires good design to contribute positively to making places better for people (Para 56, the Framework).

Policy H5 seeks to ensure that design considerations are integral to development in the Neighbourhood Area. In this way, the Policy has regard to national policy and contributes towards the achievement of sustainable development. It is in general conformity with Local Plan policy BE.2, which protects local character.

However, there are elements within the detail of Policy H5 that provide cause for concern. It is not clear how all new housing development can enhance existing development and it is unduly onerous to expect all new housing development to enhance the rural character of the local area. There is no evidence that such an approach meets the basic conditions.

Further to the above, national heritage policy is carefully conceived and set out in Chapter 12 of the Framework, *“Conserving and enhancing the historic environment.”* A sweeping reference to an (unsubstantiated) *“need”* for all residential development to enhance the setting of heritage assets *“and any...historic feature of significance”* does not have regard to national policy.

It is unduly onerous to *“expect”* every house to *“provide for”* the changing needs and life-styles of an ageing population. A group of houses may be developed to meet various needs and there is no substantive evidence to demonstrate that requiring every individual new house in Bunbury to provide for an ageing population meets the basic conditions. Similarly, no evidence has been provided to demonstrate that it is appropriate for every new house to adopt a *“fabric first”* approach.

I recommend:

- **Policy H5, first bullet point, delete “...and enhance where appropriate...”**
- **Second bullet point, change “...general...” to “...noise and...”**
- **Delete third and sixth bullet points**
- **Fifth bullet point, change “Provide for...” to “Consider the changing...”**
- **Penultimate bullet point, change “...expected...” to “...encouraged...”**
- **Last bullet point, change to “...streetscape.”**

Subject to the above, Policy H5 meets the basic conditions.

### **Policy H6 – Phasing of Housing**

Policy H6 is vague in suggesting an *“indicative”* schedule for the phased delivery of when new homes *“should”* be delivered. The Policy states that delivery will be *“reviewed by the Parish Council...and, where necessary, may be updated to adapt to market conditions.”* This suggests that the Parish Council has some kind of statutory power to determine phasing outside the plan-making process, which it does not.

No information is provided to indicate what would happen if an application was submitted that did not meet with the *“indicative”* phasing strategy set out in Policy

H6 and in this way, the Policy fails to provide decision makers with a clear indication of how to respond to a development proposal. The Policy does not have regard to national policy and does not meet the basic conditions.

I recommend:

- **Delete Policy H6**

## **Local Character**

### **Policy LC1 – Built Environment**

As set out above, national policy promotes good design and, together, the Framework and the Local Plan protect local character.

In requiring development to respond positively to local character, Policy LC1 is in general conformity with the Local Plan and has regard to national policy.

Subject to the minor detail addressed in the recommendation below, Policy LC1 contributes to the achievement of sustainable development and meets the basic conditions.

I note that it is slightly unusual to require all new development – for example household extensions – to provide a Design and Access Statement, but the Neighbourhood Plan clearly establishes that Bunbury has a distinctive local character and a significant number of Listed Buildings. In this regard, there is nothing unduly onerous in requiring all planning applications to be accompanied by the submission of a Design and Access Statement, which may, in some cases, comprise a very simple Statement. It is an approach that promotes good design. Further, I note that the Bunbury Village Design Statement 2009 provides prospective applicants with plenty of useful background information.

I recommend:

- **Policy LC1, line one, change “developments” to “*development*”**

### **Policy LC2 – Extensions and Alterations to Existing Buildings**

Many alterations and extensions can take place without the need for planning permission. Policy LC2 seeks to impose a requirement for all residential extensions and alterations to enhance the character and appearance of the host property. There is no evidence to demonstrate that such an onerous requirement has regard to national policy or is in general conformity with local strategic policy.

The Policy requires the extension of farm buildings to be of simple design and of sandstone and brick construction. There is no substantive evidence to demonstrate that such an approach will be appropriate for all farm buildings capable of conversion.

No indication is provided to demonstrate what might happen when a proposal to extend a non-residential building that is not in keeping with surrounding development is submitted. Nor is any detail provided to demonstrate how “*paying attention*” to driveways and gardens can prevent suburbanisation of the landscape.

It is not clear why all extensions and alterations need to identify and protect all underground infrastructure assets adjacent to a development site. No evidence is provided to demonstrate that this is achievable, desirable or legal.

Taking all of the above into account, Policy LC2 does not meet the basic conditions. I recommend:

- **Delete Policy LC2**

### **Policy LC3 – Replacement Development**

Policy LC3 requires replacement dwellings to be “*proportionate to the size of the site.*” This is an odd Policy. No substantive evidence is provided to demonstrate that, say on a massive site, the development of a massive house to replace a house of average proportions would be appropriate and contribute to the achievement of sustainable development.

Similarly, no evidence has been provided to demonstrate that a very large house surrounded by smaller houses can only contribute to sustainable development by being replaced by a small house.

Policy LC3 does not meet the basic conditions. I recommend:

- **Delete Policy LC3**

### **Policy LC4 – Backland Development**

Policy LC4 seeks to protect existing residential amenity. This Policy is in general conformity with Local Plan Policy BE.1, which protects residential amenity.

No changes are recommended

## **Landscape and Environment**

### **Policy ENV1 – Open Space within the Parish**

Policy ENV1 states that locally important open space will be protected. The Policy does not state how such land will be protected, but goes on to state that the importance of open spaces will be tested against various criteria.

Consequently, Policy ENV1 doesn't provide any specific detail on what is being protected or how. I note that Appendix E contains a plan showing "*Locally Important Green Spaces*" and includes lists of amenity areas, open spaces, "*areas to be protected for environmental reasons*" as well as "*Important local views and vistas to be protected*" (which relate to Policy ENV2). However, Appendix E is simply an Appendix. It does not comprise part of the Neighbourhood Plan and it has no Policy status.

I am mindful that the Framework enables local communities to identify, for special protection, green areas of particular importance to them. Paragraph 76 states that

*"By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances."*

Local Green Space is a restrictive and significant policy designation. The Framework requires the managing of development within Local Green Space to be consistent with policy for Green Belts. Effectively, Local Green Spaces, once designated, provide protection that is comparable to that for Green Belt land. Notably, the Framework is explicit in stating that

*"The Local Green Space designation will not be appropriate for most green areas or open space."* (Para 77)

Consequently, when designating Local Green Space, plan-makers must clearly demonstrate that the requirements for its designation are met in full. These requirements are that the green space is in reasonably close proximity to the community it serves; it is demonstrably special to a local community and holds a particular local significance; and it is local in character and is not an extensive tract of land.

However, Policy ENV1 does not designate Local Green Space.

Consequently, it is unclear on what basis Policy ENV1 seeks to protect open space. In this regard, I am mindful that, by simply protecting open space for its own sake, Policy ENV1 could prevent sustainable development from going ahead. This would mean that Policy ENV1 would fail to contribute to the achievement of sustainable development.



To add to the lack of clarity, Policy ENV1 protects open space but then states that the importance of open spaces “*will be tested against*” various criteria. No clarity is provided as to when, or even why, protected open space would, at some future point, be tested against a set of criteria.

In the above regard, I note that the criteria set out in Policy ENV1 are the same as three of the tests in Paragraphs 76-78 of the Framework, but these are tests that should be applied as part of determining whether or not land should be designated as Local Green Space. As above, Policy ENV1 does not designate Local Green Space.

There is no substantive evidence to demonstrate that Policy ENV1 has emerged through the application of the national policy tests for Local Green Space. I am aware that Appendix E refers to sites with some kind of amenity, recreational and environmental value. However, there is nothing to demonstrate why each of the sites named is “*demonstrably special,*” or “*holds a particular local significance.*”

In considering Policy ENV1, I am mindful that the plan in Appendix E does not provide clear, legible, detailed boundaries of all of the sites that might fit into the “*open space*” designation.

Taking all of the above into account I can only conclude that Policy ENV1 does not have regard to national policy and does not meet the basic conditions. I recommend:

- **Delete Policy ENV1, Appendix E page 51 and the first list on page 52.**

I note that the supporting text on pages 21-23 contains general information and I do not recommend its deletion.

### **Policy ENV2 – Landscape Quality, Countryside and Open Views**

It is not clear how all new development will, or even whether it can, enhance landscape quality, the setting of Bunbury and the surrounding countryside. In this regard, Policy ENV2 sets unduly onerous requirements that go well beyond national or local policy and which are not supported by robust justification.

The wording of Policy ENV2 is somewhat confusing. It is not clear, for example, how all new development can ensure that important local views and vistas are maintained. Much new development will not impact on the views identified in the Appendices.

The Policy relies on information not contained in the Neighbourhood Plan, but appended to it, to control development. This is an inappropriate approach. Appendix E provides clear and informative visual detail relating to four specific views. This information should be provided within the Neighbourhood Plan itself. National policy protects local character and the protection of clearly identified tracts of the Neighbourhood Area from inappropriate development has regard to this.

As set out, Policy ENV2 attempts to introduce a “*locally important open spaces*” protection Policy, without any justification or evidence to demonstrate that such an approach has regard to national policy or is in general conformity with strategic Local Plan policies.

Policy ENV2 then goes beyond the requirements of national and local policy by preventing any development in the countryside other than agricultural dwellings, rural exception sites “*and where development clearly enhances these areas...*” No substantive evidence to justify such a departure from national or local policy is provided. Furthermore, there is no evidence to demonstrate how such an approach would contribute to the achievement of sustainable development.

Policy ENV2 ends with a requirement for development to meet the requirements of another plan, not under the control of the Neighbourhood Plan.

Taking all of the above into account, I recommend:

- **Policy ENV2, change first paragraph to “*Development proposals that impact on the important local views and vistas identified below must demonstrate that the local views and vistas will be preserved.*”**
- **Delete the rest of Policy ENV2**
- **Move the list of important views and the accompanying photographs from the Appendices to the end of Policy ENV2**
- **Delete Appendix E**

Subject to the above, Policy ENV2 meets the basic conditions.

### **Policy ENV3 – Woodland, Trees, Hedgerows, Sandstone Banks, Walls, Boundary Treatment and Paving**

Policy ENV3 requires all development to demonstrate the need for the development proposed. This is an unduly onerous approach that has no regard to national policy and is not in general conformity with the strategic policies of the Local Plan.

The wording of the first paragraph of Policy ENV3 is very difficult to understand. It fails to provide decision makers with a clear indication of how to react to a development proposal. For example it refers to *“such development”* after referring to *“all developments.”* Furthermore, for example, it is not clear, as no detailed information is provided, as to why all developments should protect *“sandstone banks...boundary treatment (sic)...existing paving...”* No reason is provided as to why development that protects local woodland, trees and hedgerows *“...will provide for appropriate replacement planting of native species...”* and no evidence is provided to demonstrate that a requirement for the maintenance of walls and paving has regard to national policy or is in general conformity with the strategic policies of the Local Plan.

The remainder of the Policy seeks to protect local character, having regard to national policy and in general conformity with Local Plan Policy BE.2.

As worded, Policy ENV3 could be read as being supportive of the creation of new access points through hedgerows, walls and sandstone banks, subject to protecting visual amenity. However, it fails to take into account a whole range of other factors that relate to the creation of safe points of access. National policy requires the development of safe environments and there is no evidence to demonstrate that this part of Policy ENV3 has regard to national policy in this respect. Furthermore, there is no substantive evidence to demonstrate that the approach set out in Policy ENV3 will *“maintain the appearance and continuity of hedgerows, sandstone banks and walls within the Parish.”* Rather, as worded, it may encourage more and wider gaps and reduce such continuity. There is no evidence to the contrary.

Further, it is not entirely clear what *“close to existing mature trees”* actually means in practice. In addition, a method statement does not identify *“policies”* to be employed during construction.” Consequently, the final part of Policy ENV3 does not provide decision makers with a clear indication of how to respond to a development proposal. I note that some of the matters referred to area already dealt with by standard planning conditions. I recommend:



- **Delete Policy ENV3**

#### **Policy ENV4 – Extensions and Alterations to existing buildings in the open countryside**

Policy ENV4 seeks to protect local character and in the thrust of the Policy has regard to national policy and is in general conformity with Local Plan Policy BE.2.

However, the Policy is unduly onerous in requiring all extensions and proposals to enhance local character. This goes well beyond the requirements of national and local policy and no justification is provided for failing to have regard to national policy, or be in general conformity with local strategic policy.

I recommend:

- **Policy ENV4, delete second sentence**

#### **Policy ENV5 – Environmental Sustainability of buildings**

Paragraph 93 of the Framework supports “*the delivery of renewable and low carbon energy and associated infrastructure.*” Policy ENV5 has regard to this.

The final paragraph of ENV5 requires all new development to provide new wildlife areas as part of sustainable drainage schemes. This is an onerous requirement that will not be relevant to many developments, for example, household extensions.

I recommend:

- **Policy ENV5, change last paragraph to “*...Where appropriate, development providing sustainable urban drainage schemes should incorporate new wildlife areas.*”**

#### **Policy ENV6 – Agricultural Buildings**

Policy ENV6 largely reflects Chapter 3 of the Framework, “*Supporting a prosperous rural economy.*” However, there is no need to provide a cross reference to a single other Policy in the Neighbourhood Plan and the final paragraph seeks to impose sweeping planning policy requirements on development that does not necessarily require planning permission.

I recommend:

- **Policy ENV6, delete “*...subject to the criteria set out in Policy E4.*”**
- **Delete final paragraph**
-

### **Policy ENV7 – Buffer Zones and Wildlife Corridors**

The Neighbourhood Plan does not provide any detail setting out how it will control the maintenance of woodlands, wildlife sites, drainage ditches, brooks and culverts, or how it will resource the enhancement of these features. No information is provided with regards how the Neighbourhood Plan will create new buffer zones and wildlife corridors.

I recommend:

- **Delete Policy ENV7**

### **Policy ENV8 – Historic Environment**

National policy recognises that heritage assets are irreplaceable and sets out a considered approach to their appropriate preservation.

Policy ENV8 sets out a different approach to that established in national policy. It states that heritage assets will be enhanced. No indication is provided with regards how this will be achieved.

The last part of Policy ENV8 does not provide any particular detail or clarity, other than state that proposals for development that affect non-designated heritage assets will be considered on the basis of harm or loss and the significance of the heritage assets. The Policy does not refer to the need to take into account any benefit arising as a result of a development proposal and no indication is provided with regards how the significance of non-designated heritage assets might vary. Policy ENV8 does not have regard to national policy and there is no evidence to demonstrate that it contributes to the achievement of sustainable development.

Policy ENV8 does not meet the basic conditions, I recommend:

- **Delete Policy ENV8**

## **Biodiversity**

### **Policy BIO1 – Bunbury Wildlife Corridor**

The Framework supports the creation of “*coherent ecological networks that are more resilient to current and future pressures*” (Paragraph 109).

Policy BIO1 seeks to designate “*Bunbury Wildlife corridors.*” It does not state what may or may not happen in these corridors. Consequently, the Policy does not provide a decision maker with a clear indication of how to respond to a development proposal and fails to have regard to the Framework.

The Policy refers to a plan appended to the Neighbourhood Plan (Appendix C, Map 1). Notwithstanding the plan not being included within the Neighbourhood Plan, it provides an insufficient level of clarity and detail to provide a clear indication of the precise location of the proposed Wildlife Corridors. Furthermore, the plan is entitled “*Indicative wildlife corridors.*” Consequently, Policy BIO1 seeks to designate land on the basis of a poor quality diagram, which itself is only indicative. Indeed, the background information to the Policy states that further survey work is still required. This combines with the absence of any detail within the Policy itself to fail to provide the appropriate level of clarity to control future development in the Neighbourhood Area.

It is inappropriate to seek to designate land without having first determined which areas of land are to be designated. The plan in the Appendices uses a thick blue line to identify indicative wildlife corridors. The supporting text refers to providing an adjacent non-developable buffer zone alongside the corridors. Whilst it states that the “*...buffer may be in the region of 15 metres...*” no further information is provided. It is not clear whether it is intended to provide a buffer zone alongside the corridors, or if the thick blue line also represents the buffer zone. No indication is provided as to why the thick blue line is exactly the same width in all locations despite it running through parts of the Neighbourhood Area that have a fundamentally different character.

Taking the above into account, I am concerned that Policy BIO1 is not supported by robust evidence.

Biodiversity is incredibly important. There is no doubt whatsoever that the Neighbourhood Area includes important wildlife resources. Together, national and local planning policy strongly support the protection and boosting of biodiversity. The background information provided in the Neighbourhood Plan demonstrates that there is some logic to, and plenty of community support for, the creation of wildlife corridors. However, notwithstanding all of this, Policy BIO1 and the appended Map lack the justification and evidence to provide a meaningful wildlife corridor policy.

There is nothing to demonstrate that Policy BIO1 contributes towards the achievement of sustainable development. Rather, as presented, the Policy has the potential to lead to confusion, to slow down the planning system and to conflict with the delivery of sustainable development. Policy BIO1 does not meet the basic conditions.

I recommend:

- **Delete Policy BIO1**
- **Rather than lose sight of the aspiration to create Wildlife Corridors, change the title on page 27 to “Biodiversity Project” and change “Justification and Evidence” to “Background.” Replace “The following...policies” on page 30 with “Supporting Documents.” Remove the “Justification” subtitle on page 31.**
- **Replace the deleted Policy BIO1 with “Wildlife Corridor Project – Community Action” and support with the following text “The Parish Council supports the creation of Community Wildlife Corridors. It will work with other bodies to promote the creation of detailed, justified wildlife corridors to connect, protect and boost Bunbury’s wildlife resources.”**

I note that the supporting information to Policy BIO1 is rather unusually worded. Phrases like “we advise” and “we strongly recommend” simply read as a background report that should be informing a plan, rather than forming part of it. As I recommend deletion of the Policy, it is not essential to change this text, but in this regard, I recommend:

- **Substitute “the Parish Council” for “we.”**

### **Policy BIO2 - Biodiversity**

National policy strongly supports the protection and enhancement of biodiversity. Paragraph 118 of the Framework states that “opportunities to incorporate biodiversity in and around developments should be encouraged.”

However, as worded, Policy BIO2 seeks to impose requirements that go beyond national policy and guidance to an unduly onerous extent. No justification is provided to explain why all development proposals, including for example, household extensions, must demonstrate no net loss of biodiversity. Such an approach could place an undue burden on all development proposals, without any apparent benefit.

Policy BIO2 also requires any proposals affecting land “identified as having medium or high ecological value” to “require comprehensive survey effort.” Not only is this grammatically confusing, but it is based upon a plan in the Appendices which is

barely legible, let alone sufficiently detailed to base development decisions upon. The final sentence of the Policy is a statement rather than a land use planning policy.

Taking the above into account, I recommend:

- **Re-word Policy BIO2 *“Proposals to conserve or enhance biodiversity will be supported. Development to incorporate biodiversity in and around developments is encouraged, particularly where it forms part of a wider network or wildlife corridor.”***

The recommendation above takes the content of the Biodiversity section into account and meets the basic conditions.



## **Local Economy**

### **Policy E1 – New Business**

Policy E1 has regard to Paragraph 19 of the Framework, which recognises that the planning system should do everything it can to support sustainable economic growth. However, as worded, the Policy only supports new business that provides the opportunity for local employment and training. This is a severely limited approach that may put off investment in business. There is no evidence to demonstrate that such a requirement has regard to national policy, is in general conformity with local strategic policy, or contributes to the achievement of sustainable development.

I recommend:

- **Policy E1, change line 4 to “...or provides the opportunity for local employment or training.”**

### **Policy E2 – Loss of Employment Sites and Community Facilities**

Policy E2 seeks to protect employment sites and community facilities, whilst providing for flexibility. It has regard to Chapter 3 of the Framework, “*Supporting a prosperous rural economy*.” No changes are recommended.

I note that Cheshire East Borough Council has suggested that the proposed marketing period be replaced with “*an appropriate period*.” However, such an approach would be vague and fail to provide either decision makers or potential applicants with any clarity.

### **Policy E3 – Use of Rural Buildings**

The Framework supports “*the sustainable growth and expansion of all types of business and enterprise in rural areas...through the conversion of existing buildings*” (Paragraph 28).

Policy E3 seeks to introduce a range of requirements that go well beyond, and fail to have regard to, Paragraph 28 of the Framework. In addition, the Policy introduces vague, undefined terms, such as “*appropriate to a rural location*,” which provide for confusion rather than clarity or guidance. No justification is provided for the approach set out. The Policy does not meet the basic conditions.

I recommend:

- **Delete Policy E3**

### **Policy E4 – Scale, Design and Amenity**

This Policy sets out a rather generalised tick-list of design-related requirements. No evidence is provided to justify the requirement for all employment development to enhance its surroundings and no explanation is provided with regards how an employment development can complement and enhance the “...*mass, layout, access...*” etc of adjoining development. As such, this is appears as a somewhat a meaningless requirement.



Policies already exist to protect residential amenity and no indication is provided to describe what “*an appropriate level of landscaping*” might be, or why (or how) landscaping must “*enhance*” rural character. Heritage assets are protected and it is unclear why, or how, every employment development must “*assess*” impacts upon heritage assets.

Policy E4 fails to provide decision makers with a clear indication of how to consider a development proposal. There is no evidence to demonstrate that it contributes to the achievement of sustainable development and it does not meet the basic conditions. I recommend:

- **Delete Policy E4**

## **Transport and Communications**

### **Policy T1 – Public Rights of Way**

Policy T1 supports any development that links to and contributes towards improvements to public rights of way. Such an approach may have unintended circumstances. For example, would the development of a nuclear power station or animal waste incinerator in Bunbury that links to and contributes towards improvements to public rights of way be supported ?

Drafting aside, the Framework supports the creation of safe and accessible environments (Paragraph 58) and promotes sustainable patterns of movement (Chapter 4) and healthy communities (Chapter 8). Policy T1 generally has regard to national policy and contributes to the achievement of sustainable development.

I recommend:

- **Policy T1, delete “Development proposals...towards.” (Start the Policy “Improvements to...”)**

### **Policy T2 – Fibre Optic Cabling to Premises**

Policy T2 places a significant and unjustified burden upon all development proposals. For example, no substantive evidence is provided to justify a requirement for a proposal for a household extension to be accompanied with a Connectivity Statement.

However, national policy recognises that advanced, high quality communications infrastructure is essential for sustainable economic growth (Paragraph 42). Given this, I recommend

- **Change Policy T2 to “The development of high speed broadband technology will be supported.”**

### **Policy T3 - Traffic**

Policy T3 seeks to impose a requirement on all development proposals without justification. No substantive evidence is provided to demonstrate that Policy T3 has regard to national policy or is in general conformity with local strategic policy. By placing an onerous requirement upon all development, Policy T3 fails to contribute towards the achievement of sustainable development.

Further to the above, it is unclear how all new development will be encouraged to contribute towards pedestrian facilities or why this would be a relevant and appropriate requirement.

I recommend:

- **Delete Policy T3**

#### **Policy T4 - Parking**

Policy T4 provides little in the way of clarity or detail. It is reliant upon standards that are the responsibility of another organisation. There is no information setting out what the *“implications for off-road parking,”* that need to be fully addressed, actually comprise.

I recommend:

- **Delete Policy T4**

#### **Policy T5 – Pedestrian Footways**

The Framework promotes safe and suitable access for all people (Paragraph 32). Policy T5 has regard to this, although it is unclear how a housing development can *“ensure that residents can walk safely”* to locations that may be well beyond land under control. I recommend:

- **Policy T5, end Policy “or proposed footpaths or footways.” (delete rest of Policy).**

#### **Policy T6 – Sustainable Development**

No evidence is provided to demonstrate how the requirements set out in Policy T6 directly relate to all development of ten or more dwellings, or 500 square metres of employment space; whether they are fairly and reasonably related in scale and kind to such development, or whether they would be necessary to make such development acceptable in planning terms. I note that there is no substantive evidence to demonstrate that the requirements set out in Policy T6 will not harm the viability or deliverability of new development.

Taking all of the above into account, there is a risk that Policy T6 may hinder sustainable development rather than contribute to its achievement and there is no substantive evidence to the contrary. Furthermore, there is no evidence to demonstrate that Policy T6 has regard to national policy or is in general conformity with local strategic policy.

I recommend:

- **Delete Policy T6**

**Policy T7 – Identification of underground utility assets**

Policy T7 concerns matters outside the control and responsibility of the Neighbourhood Plan. I recommend:

- **Delete Policy T7**

## **Community Infrastructure and Tourism Policy**

### **Policy CI1 – Existing and New Facilities**

It is the intention of Policy CI1 to protect existing community facilities and support the provision of new ones. This has regard to the Framework, which requires positive planning for the provision of community facilities (Chapter 8, “*Promoting healthy communities.*”)

However, as worded, the Policy not only requires demonstration that existing facilities are not viable, should a change of use be required, but requires any change of use to provide equal or greater benefits to the community. “*Equal or greater benefits*” is undefined and does not provide appropriate clarity, and in addition, it appears to impose a requirement far more onerous than national or local strategic policy. No justification for failing to meet the basic conditions in this regard is provided.

I recommend:

- **Policy CI1, end middle paragraph “...least 12 months.” (delete rest of paragraph)**
- **First paragraph, second sentence, add “...relocation of *community* services or *community* facilities...”**

### **Policy CI2 – Contributions to Community Infrastructure**

The first sentence of Policy CI2 is unduly onerous. No justification is provided to demonstrate why an onerous burden, which does not have regard to national policy, is placed on all development.

The second and third paragraphs of Policy CI2 refers to a “*Delivery Plan.*” Rather than a detailed, costed Delivery Plan, the “*Delivery Plan*” comprises a list of wide-ranging aspirations, some requiring actions from other organisations, appended to the Neighbourhood Plan.

Given the above, I recommend:

- **Delete Policy CI2**
- **Replace the former Policy with a “*Community Action – Contribution to Community Infrastructure*” with text stating “*The Parish Council will seek to pool developer contributions to deliver the aspirations set out in the “Delivery Plan” appended to this Neighbourhood Plan. This may include the provision of community infrastructure in lieu of financial contributions.*”**

### **Policy CI3 – Tourism**

Rather than a land use planning policy, Policy CI3 sets out Parish Council aspirations. I note that the first part of the Policy is less detailed than national policy. Given this, I recommend:

- **Delete Policy CI3**
- **Replace with a “*Community Action – Tourism.*” Below this, retain the text from the deleted Policy CI3**

### **Policy CI4 – Village Car Parking**

Policy CI4 states that “*careful consideration and encouragement will be given to proposals*” for off-street car parking. This is a statement rather than a land use planning policy. I recommend:

- **Delete Policy CI4 and replace with “*Community Action – Village Car Parking.*” Below this, retain the text from the deleted Policy CI4**

## **7. Neighbourhood Plan – Other Matters**

Page 41 is headed by “*Implementation and Delivery Policy.*” However, this section does not include a Policy, which is confusing. I recommend:

- **Change title on Page 41 to “*Implementation and Delivery*” and delete reference to Appendix D**



## **8. Summary**

I have recommended a number of modifications further to consideration of the Bunbury Neighbourhood Plan against the basic conditions.

Subject to these modifications, the Bunbury Neighbourhood Plan

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- does not breach, and is compatible with European Union obligations and the European Convention of Human Rights.

Taking the above into account, I find that the Bunbury Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

## **9. Referendum**

I recommend to Cheshire East Borough Council that, subject to the modifications proposed, the **Bunbury Neighbourhood Plan should proceed to a Referendum.**

### **Referendum Area**

Neighbourhood Plan Area - I am required to consider whether the Referendum Area should be extended beyond the Bunbury Neighbourhood Area. I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

I recommend that the Plan should proceed to a Referendum based on the Bunbury Neighbourhood Area as approved by Cheshire East Borough Council on 24 September 2014.

**Nigel McGurk, December 2015**  
**Erimax – Land, Planning and Communities**

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