

## **Portfolio Holder Decision Report**

---

**Date of Meeting:** 04 February 2019

**Report Title:** Middlewich Neighbourhood Development Plan: Decision to Proceed to Referendum

**Portfolio Holder:** Councillor Ainsley Arnold, Portfolio Holder for Housing, Planning and Regeneration

**Senior Officer:** Sean Hannaby, Director of Planning and Sustainable Development

---

### **1. Report Summary**

- 1.1. The Middlewich Neighbourhood Development Plan (MNDP) was submitted to the Council in October 2018 and, following a statutory publicity period, proceeded to Independent Examination. The Examiner's report has now been received and recommends that, subject to modifications, the Plan should proceed to referendum. The Plan contributes to delivery of sustainable development in Middlewich and through its alignment with the Local Plan Strategy the MNDP also supports the Council's own strategic aims to promote economic prosperity, create sustainable communities, protect and enhance environmental quality and promote sustainable travel.

### **2. Recommendation**

- 2.1. That the Portfolio Holder accepts the Examiner's recommendations to make modifications to the Middlewich Neighbourhood Plan as set out in the Examiner's report (at Appendix 1) and confirms that the Middlewich Neighbourhood Plan will now proceed to referendum in the Middlewich Neighbourhood Plan area. The referendum is proposed to be held on 14<sup>th</sup> March 2019.

### **3. Reasons for Recommendation/s**

- 3.1. 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.
- 3.2. Subject to the modifications set out in the Examiner's Report, the Middlewich Neighbourhood Plan is considered to meet the statutory tests, the 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.
- 3.3. Subjecting the MNDP to referendum will allow the local community to vote on whether it should be used to determine planning applications in the neighbourhood area and bring the plan into statutory effect. The plan, as modified, will contribute to the strategic aims set out in the Cheshire East Local Plan Strategy and upon the outcome of a successful referendum result will be 'made' and form part of the Development Plan for Cheshire East.

#### **4. Other Options Considered**

- 4.1. 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.

#### **5. Background**

- 5.1. The preparation of the Neighbourhood Plan began in late 2014 with the Neighbourhood Area Designation approved in March 2015.
- 5.2. The final Neighbourhood Plan and its supporting documents were submitted to Cheshire East Council on 19<sup>th</sup> October 2018.
- 5.3. The supporting documents included:
  - 5.3.1. The draft Middlewich Neighbourhood Development Plan
  - 5.3.2. A map of the neighbourhood area
  - 5.3.3. A Consultation Statement
  - 5.3.4. A Basic Conditions Statement
  - 5.3.5. A copy of the Screening Opinion on the need to undertake Strategic Environmental Assessment
  - 5.3.6. Electronic links to other supporting information

- 5.4. Cheshire East Council undertook the required publicity between 19.10.18 – 30.11.18. 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.
- 5.5. The Borough Council appointed Andrew Mead BSc (Hons) MRTPI MIQ as the independent examiner of the plan. The examiner is a chartered town planner and former government planning inspector, with wide experience of examining development plans and undertaking large and small scale casework. 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.
- 5.6. A copy of the Examiner's Report is provided at Appendix 1. A copy of the Neighbourhood Plan can be accessed via the Council's [web pages](#) or requested from the report author.
- 5.7. 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.
- 5.8. 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.
- 5.9. Overall it is concluded that the MNDP does comply with the Basic Conditions and other statutory requirements and that, subject to recommended modifications, it can proceed to a referendum.
- 5.10. The Examiner comments that:
- 5.11. *The Neighbourhood Plan is quite obviously the result of a great deal of hard work by the Town Council Steering Group, aided by local residents and others on a voluntary basis. The resulting Plan is comprehensive in its coverage of planning issues and problems facing the town and provides a great deal of constructive suggestions and policies. It is clear that there has been a cooperative approach in partnership with Cheshire East Council leading to CEC remarking that it congratulated the Town Council on preparing a thorough and well considered neighbourhood plan. I add my own congratulations to those responsible for its preparation.*

## **6. Implications of the Recommendations**

### **6.1. Legal Implications**

6.1.1. 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. Proceeding to referendum will enable the MNDP to be made, and legally form part of the Development Plan for Cheshire East.

## **6.2. Finance Implications**

6.2.1. The referendum is estimated to cost circa £20,000. This will be paid for through government grant specific to neighbourhood planning, and the service's revenue budget.

## **6.3. Policy Implications**

6.3.1. Once 'made' neighbourhood plans are afforded the full legal status and policy weight as other Development Plan policies. The policies of the neighbourhood plan will therefore be used to determine decisions on planning applications within the defined neighbourhood area.

## **6.4. Equality Implications**

6.4.1. 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 Middlewich. The policies proposed are not considered to disadvantage those with protected characteristics.

## **6.5. Human Resources Implications**

6.5.1. The administration of the referendum procedure requires staff resource from the Elections Team to organise, promote and carry out the referendum. Following the declaration of the referendum result further activity is undertaken by the Neighbourhood Planning Team to manage publication of the plan, monitor and advise on its use.

## **6.6. Risk Management Implications**

6.6.1. The decision to proceed to referendum and subsequently to 'make' the Middlewich Neighbourhood Development 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.

## **6.7. Rural Communities Implications**

6.7.1. Middlewich falls into the category of 'Key Service Centre' for the purposes of the Cheshire East Local Plan Strategy. As a Key Service Centre Middlewich provides services to a large rural community beyond its parished borders. The policies in the plan have been developed by the

community, with opportunities for the local rural community to participate in the plan making process.

## **6.8. Implications for Children & Young People**

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

## **6.9. Public Health Implications**

6.9.1. Neighbourhood plans are an opportunity to promote public health in the statutory planning framework and the Middlewich Neighbourhood Plan contains policies which support physical wellbeing.

## **7. Ward Members Affected**

7.1. Middlewich Ward: Councillor Simon McGory; Councillor Michael Simons; Councillor Bernice Walmsley

## **8. Consultation & Engagement**

8.1. Consultation is a legal requirement of the neighbourhood planning process and has taken place throughout the preparation of the MNDP with multiple opportunities for the community and interested parties to participate in the development of the plan.

## **9. Access to Information**

9.1. The examiner's report is appended to this report and all relevant background documents can be found via the neighbourhood planning pages of the Council's website:  
<http://www.cheshireeast.gov.uk/planning/neighbourhood-plans/neighbourhood-planning-progress.aspx>

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

## **10. Contact Information**

10.1. Any questions relating to this report should be directed to the following officer:

Name: Tom Evans  
Job Title: Neighbourhood Planning Manager  
Email: [Tom.Evans@Cheshireeast.gov.uk](mailto:Tom.Evans@Cheshireeast.gov.uk)

OFFICIAL

## 11. Appendix 1: Examiners Report



# **Report on Middlewich Neighbourhood Plan 2018 - 2030**

**An Examination undertaken for Cheshire East Council with the support of the Middlewich Town Council on the October submission version of the Plan.**

Independent Examiner: Patrick T Whitehead DipTP (Nott) MRTPI

Date of Report: 25 January 2019

**OFFICIAL**

## Contents

	Page
<b>Main Findings - Executive Summary</b>	3
<b>1. Introduction and Background</b>	3
• Middlewich Neighbourhood Plan 2018 - 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 with or without 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	8
• Excluded Development	8
• Human Rights	8
<b>4. Compliance with the Basic Conditions</b>	9
• EU Obligations	9
• Main Issues	9
• Issue 1: - General compliance of the Plan, as a whole, having regard to national policy and guidance (including sustainable development) and the strategic adopted local planning policies	10
• Issue 2: - The appropriateness of individual policies to support improvements to the Plan area, create a sustainable and inclusive community and support essential facilities and services	11
<b>5. Conclusions</b>	29
• Summary	29
• The Referendum and its Area	30
• Overview	30
<b>Appendix: Modifications</b>	31

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

From my examination of the Middlewich Neighbourhood Plan (the Plan/MNDP) 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 – Middlewich Town Council;
- The Plan has been prepared for an area properly designated – the Middlewich Neighbourhood area shown on Map 1 in the Submission Plan;
- The Plan specifies the period to which it is to take effect – 2018 - 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**

### *Middlewich Neighbourhood Development Plan 2018 - 2030*

- 1.1 Middlewich is located about 22 miles (34 km) east of Chester, 28 miles (45 km) south west of Manchester and 9 miles (14 km) north of Crewe, with the M6 motorway running about 2 miles (4 km) to the east. The River Dane is joined by the Wheelock and Croco Rivers just to the north of the town, whilst the Trent and Mersey Canal also runs through the town and is joined by the Middlewich branch of the Shropshire Union Canal just south of the town centre. The nearest rail stations are at Winsford and Holmes Chapel. The town's history dates back to pre-Roman times, based on the rich salt deposits in the area. As a consequence of its situation, it was on an important trading route, a role which continued through the era of canal transport. The current population is around 14,700 with salt production still a basis for local employment, although the leisure use of the canal system is also a thriving part of the local economy.
- 1.2 The Neighbourhood Plan was prepared by a Steering Group set up in 2014 by Middlewich Town Council (MTC), made up of town councillors, local residents and members of the local community and business groups. The Steering Group engaged with the local community through a wide range of informal consultations, including drop-in sessions at a local vacant shop, a questionnaire to local homes and businesses and other events leading to a consultation on the first draft of the Plan in March and April 2018. The Regulation 14 Consultation followed in the summer of 2018 with drop-in events held during September.

### *The Independent Examiner*

1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the MNDP by Cheshire East Council (CEC), with the agreement of MTC.

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 (as amended)('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 and Schedule 2 to the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017<sup>1</sup>.

## **1. Approach to the Examination**

### *Planning Policy Context*

- 2.1 The Local Development Plan for this part of CEC, not including documents relating to excluded minerals and waste development, comprises the saved policies of the Congleton Local Plan First Review, adopted 2005 and the adopted Cheshire East Local Plan Strategy, 2017, (CELPS). The emerging Site Allocations and Development Policies Document (SADPD) has been subject to public consultation and the MNDP has been prepared taking account of the reasoning and evidence informing its preparation<sup>2</sup>.
- 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. The transitional arrangements for local plans and neighbourhood plans are set out in paragraph 214 of the 2018 NPPF, which provides 'The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019'. A footnote clarifies that for neighbourhood plans, 'submission' in this context means where a qualifying body submits a plan to the local planning authority (LPA) under Regulation 15 of the 2012 Regulations. The MNDP was submitted to CEC in October 2018. Thus, it is the policies in the previous NPPF that are applied to this examination and all references in this report are to the March 2012 NPPF and its accompanying PPG.

---

<sup>1</sup> This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

<sup>2</sup> PPG Ref ID 41-009-20160211.

### *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 Middlewich Neighbourhood Development Plan 2018 -2030, October 2018;
  - Map 1 of the Plan, which identifies the area to which the proposed neighbourhood development plan relates;
  - the Consultation Statement, Autumn 2018;
  - the Basic Conditions Statement, Autumn 2018;
  - 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, July 2018; and
  - responses to my questions set out in the annexes to my letters of 7 and 31 December 2018<sup>3</sup>.

### *Site Visit*

- 2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 20 December 2018 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

### *Written Representations with or without Public Hearing*

- 2.5 This examination has been dealt with by written representations. There were no requests for an appearance amongst the Regulation 16 representations and the responses clearly articulated objections to the Plan, and presented arguments for and against the Plan's suitability to proceed to a referendum. From my initial reading of the MNDP and the consultation responses, I asked CEC and MTC a series of questions. The information contained in the responses dated 31 December 2018 and 10 January 2019 led me to conclude that hearing sessions would be unnecessary.

### *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 MNDP has been prepared and submitted for examination by MTC, which is a qualifying body for an area that was designated by CEC on 21 October 2014.
- 3.2 It is the only neighbourhood plan for the Middlewich Neighbourhood Development Plan Area, and does not relate to land outside the designated Neighbourhood Plan Area.

<sup>3</sup> View at: <https://www.cheshireeast.gov.uk/planning/neighbourhood-plans/neighbourhood-plans-g-m/middlewich-neighbourhood-plan.aspx>

### *Plan Period*

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2018 to 2030.

### *Neighbourhood Plan Preparation and Consultation*

- 3.4 An application for the designation of the neighbourhood area was made by MTC to CEC on 8 August 2014 and the application was approved on 21 October 2014. MTC set up a Steering Group comprising town councillors, local residents and members of the local community and business groups. Terms of reference were provided and the community consultation commenced.
- 3.5 The initial consultation was carried out in November 2014 when the Steering Group took over a vacant shop in the town centre and held drop-in sessions, collecting a total of 75 completed consultation forms. The forms were also printed in the December 2014 issue of 'Go Local', which is delivered to all homes and businesses. Other means of involving the local population included a presence at the Classic Car and Bike event in July, the Makers Market and various other events during the summer of 2017. The First Draft Plan was published for informal public consultation in March-April 2018, followed by the Regulation 14 consultation from 8 August to 26 September 2018, with 18 responses received.
- 3.6 The MNDP submission version October 2018 was subject to Regulation 16 public consultation between 19 October 2018 and 30 November 2018. Fifteen responses were received. I have noted a comment that it was unclear what role the development industry had in the preparation of the MNDP. However, I consider that the consultation and engagement process throughout the Plan period has been thorough, enabling those who live and work in the Parish to comment on and engage with production of the MNDP. The consultation process is described in detail in the Consultation Statement, Autumn 2018, and I am satisfied that it has complied with the publicity and submission requirements in Part 5 of the 2012 Regulations and has had regard for the advice in the PPG pertaining to plan preparation and engagement. I have taken into account the responses to the Regulation 16 consultation in my examination of the MNDP.

### *Development and Use of Land*

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

### *Excluded Development*

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

### *Human Rights*

- 3.9 CEC is satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998), and from my independent assessment I see no reason to disagree.

## 4. Compliance with the Basic Conditions

### *EU Obligations*

- 4.1 The MNDP was screened for SEA by CEC, which found that it was unnecessary to undertake SEA. Having read the SEA Screening Opinion, I support this conclusion.
- 4.2 MNDP was further screened for Habitats Regulations Assessment (HRA), which also was not triggered. There are no European designated nature sites within the Neighbourhood Plan Area. There are four sites within 15km proximity of the Neighbourhood Plan Area but CEC considers the effect of the Plan on these sites to be insignificant. Natural England agreed with this conclusion, indicating that it is not aware of significant populations of protected species which are likely to be affected by the Plan proposals or policies<sup>4</sup>. From my independent assessment of this matter, I have no reason to disagree.

### *Main Issues*

- 4.3 I have approached the assessment of compliance with the Basic Conditions of the Middlewich Neighbourhood Plan as two main matters. These are:

*Issue 1: - General compliance of the Plan, as a whole, having regard to national policy and guidance (including sustainable development) and the strategic adopted local planning policies; and*

*Issue 2: - The appropriateness of individual policies to support improvements to the Plan area, create a sustainable and inclusive community and support essential facilities and services.*

As part of that assessment, I shall consider whether the policies are sufficiently clear and unambiguous, having regard to advice in the PPG that a neighbourhood plan should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence<sup>5</sup>.

*Issue 1: - General compliance of the Plan, as a whole, having regard to national policy and guidance (including sustainable development) and the strategic adopted local planning policies.*

- 4.4 The Plan sets down a comprehensive Vision for Middlewich as a sustainable, vibrant and prosperous town, underpinned by 9 Objectives which provide the basis for the policies. The Vision sets down a clear indication of how the Plan sees the development of the town progressing over the Plan period, whilst the Objectives give equally clear statements of intent on which the individual planning policies are based.
- 4.5 An important consideration for a neighbourhood plan is the question of its contribution to meeting the local planning authority's housing requirement. The CELPS indicates Cheshire East meets a requirement of delivering 36,000 dwellings over the Plan period (2010-2030), with Table 8.2 showing a housing land supply for 39,560 dwellings including a small sites windfall allowance. The Settlement Hierarchy includes Key Service Centres, of which

---

<sup>4</sup> Letter from Natural England, dated 27 March 2018.

<sup>5</sup> PPG Reference ID: 41-041-20140306.

Middlewich is one, where new development needs will be met on the edge of or close to the settlement (CELPS, paragraph 8.33). Policy PG7 indicates that Middlewich should accommodate in the order of 75 hectares of employment land and 1,950 new homes.

- 4.6 Through clarification provided in response to my questions<sup>6</sup>, CEC has advised that the allocations process concluded that there were only a limited number of suitably deliverable sites with only 2 sites considered suitable for allocation. These sites have a capacity to deliver some 120 homes and, together with existing completions, commitments and strategic allocations in the CELPS, provide a supply of some 1831 dwellings, a figure somewhat short of the original target. However, CEC suggests there are mitigating factors, including a '*flexibility factor*' in the overall housing target. This, together with the limited number of suitable and available sites in Middlewich, and the fact that the development target at nearby Sandbach has considerably exceeded its own development target, means that CEC sees no requirement to accommodate exactly 1,950 dwellings in Middlewich. As a consequence of the clarification, there appears no reason why the limited shortfall at Middlewich should prevent the overall delivery of the borough wide objectively assessed need. Accordingly, the decision not to include allocations beyond those proposed by CELPS and detailed in the SADPD is reasonable and will ensure the MNDP contributes towards sustainable development.
- 4.7 A further factor to take into account is that the CEC boundary is drawn tightly around the northern boundaries of Middlewich, so there are very limited opportunities for further development within the town in this direction. However, representations have drawn attention to the proximity of Middlewich to the boundary between Cheshire East and Cheshire West & Chester Councils' areas, and to the reference to Policy STRAT7 in the Cheshire West and Chester Local Plan Part 1. This policy is titled 'Middlewich' and makes specific reference to the longer term potential for further sustainable growth in the mid-Cheshire towns, including Middlewich. It also indicates that the potential for sustainable growth would require journey time improvements along the A54 between Junction 18 of the M6 and Winsford. In this context, I have noted an application has been made to Cheshire West and Chester Council (CW&CC) for the development of a substantial area of housing, adjacent to the MNDP boundary to the north and east of the junction between the A54 and Centurion Way/Pochin Way. These are important considerations affecting the future development of Middlewich and CEC has accepted that it would be appropriate for the MNDP to contain a reference to this strategic context. An appropriate location for the reference would be through the insertion of a new paragraph following paragraph 1.3.26 and proposed modification **PM1** provides an appropriate text.
- 4.8 In respect of Issue 1, I consider that the Plan's Vision and Objectives should contribute to the achievement of sustainable development, having regard to national policy and guidance. I also consider that the MNDP as a whole, and subject to my proposed modifications being incorporated, is in general conformity with the strategic policies set out in the Local Development Plan. For these reasons, and subject to the proposed modifications being made, I conclude that the Plan has regard to national policy and guidance, including the achievement of sustainable development, and is in general conformity with the adopted strategic local planning policies, thus meeting the Basic Conditions.

---

<sup>6</sup> Response by CEC, dated 31 December 2018, to questions from the Examiner.

- 4.9 The final sentence of paragraph 1.3.1 suggests that Junction 18 of the M6 is 4 miles to the west of the town. This is a factual error requiring correction as shown in proposed modification **PM1A** since, in reality, the junction lies 4 kilometres (2 miles) to the east of Middlewich.

*Issue 2: - The appropriateness of individual policies to support improvements to the Plan area, create a sustainable and inclusive community and support essential facilities and services.*

- 4.10 There are a total of 28 policies contributing towards the achievement of the Plan's Vision. The policies are grouped into 6 subject areas: the town centre; design and heritage; housing; transport; employment; and education, communities health and wellbeing. An appendix lists infrastructure proposals to inform developer contributions. The policies will now be considered individually against the Basic Conditions.

### ***The Town Centre***

#### ***Policy TC1: Enhancing Vitality and Viability***

- 4.11 Policy TC1 seeks to enhance vitality and viability within the '*most up to date*' town centre boundary. In themselves, the proposals that find support, or would not be supported, are a sensible approach to ensuring that they will make a contribution to the vitality and viability of the town centre. The Policy is, therefore, in general conformity with the strategic policies of the Local Development Plan and has regard to national policy and advice in the NPPF, paragraph 23.
- 4.12 The main issue with the Policy is that it was amended following comments at Regulation 14 stage, which relied on draft Policy RET7 in the emerging SADPD. This has resulted in the use of terms which are loosely defined or not defined in Policy RET7 in the emerging plan. For example, Key Service Centres, of which Middlewich is one according to CELPS Policy PG2 do not feature in Policy RET7 which refers to '*principal town centres, town centres, local centres and local urban centres*'. The supporting text indicates that these, along with primary and secondary shopping frontages can be seen on the draft adopted policies map. The justification for CELPS Policy EG5 indicates, at paragraph 11.42, that existing boundaries will remain as they are in the 'saved' policies of the Congleton Borough Local Plan First Review, until they are reviewed.
- 4.13 A consequence of the above analysis is that there is insufficient clarity in the term '*most up-to-date Town Centre Boundary*' for the Policy to be applied with any consistency or certainty as set out in the PPG<sup>7</sup>. The text in the first paragraph of the Policy should be amended. Equally importantly, there are two references to the '*primary shopping frontage*'. However, the adopted CBLP does not include defined primary shopping frontages. The emerging SADPD Policy RET7 indicates that primary shopping frontages are defined for principal town centres and town centres. However, in the absence of defined primary shopping frontages

---

<sup>7</sup> PPG Reference ID: 41-041-20140306.

in the adopted CBLP, the use of the term in Policy TC1 lacks clarity and does not allow the Policy to be applied with consistency. The term should be deleted.

- 4.14 Criterion 2 includes a suggestion that certain proposals will not be 'permitted' and in the next paragraph will only be permitted in certain circumstances. The power to grant planning permission lies with the local planning authority and so this should be amended to 'support' for uses.
- 4.15 All of the textual amendments necessary to ensure the Policy meets the Basic Conditions are included in proposed modification **PM2**.

*Policy TC2: Shop Fronts, Security Measures and Advertising*

- 4.16 The Policy seeks to ensure that changes to shop fronts are sympathetic and appropriate to the historic setting of the Middlewich Conservation Area. However, this is not clear from the Policy title or the text which refers to the Conservation Area only in respect of Criterion 2, albeit the measures proposed in all of the criteria involve a level of detail which would be inappropriate and unduly onerous if applied to all properties, including those not located within a conservation area, for example, requiring the use of traditional materials such as cast metal. Nonetheless, it is unclear whether the remaining 7 criteria would apply to properties only within the Conservation Area, or within the Town Centre Boundary. The text suggests the intention is that it is the latter circumstance to which the Policy is intended to be applied, but the justification contained in paragraphs 3.1.16-3.1.19 is entirely focussed on the Conservation Area. I have not been able to locate a map showing the Town Centre Boundary, but Map 2 related to Policy OS1 in the MNDP suggests it is much wider than the Conservation Area boundary and includes many properties to which the provisions of Policy TC2 would not apply.
- 4.17 From the above analysis I have concluded that it is the implicit intention that all of the criteria in Policy TC2 would be applied only to properties within the Middlewich Conservation Area. Accordingly, textual changes to both the Policy title and the text are necessary to ensure clarity of intent. In detail, there are two occurrences of the phrase "*will not be permitted*" – in criterion 7, and in respect of 'A' boards – which should be amended to take account of the fact that it is for the LPA to determine applications in the former case and, additionally in respect of 'A' boards, the highways authority. Proposed modification **PM3** provides appropriate amendments to ensure clarity of intent, to ensure general conformity with the strategic policies of the Local Development Plan, and to take account of Policy RET7 in the emerging SADPD. With the modifications proposed it meets the Basic Conditions.

*Policy TC3: Improving Quality of Place in the Town Centre*

- 4.18 The MNDP acknowledges that the public realm of the town centre is of poor quality and requires investment to provide a more pleasant environment. Policy TC3 aims to encourage and support appropriate improvements. The Policy has regard for the general thrust of national guidance in the NPPF, paragraph 23, and is in general conformity with CELPS Policy EG5.

- 4.19 Proposal 2 seeks to improve existing car parking facilities, but also includes an intention to establish multi-storey car parks at a maximum height of three storeys. No evidence is provided to support the proposal, and no indication is provided of an appropriate location or potential developer for the proposal. There is also no indication of why a height of three storeys has been chosen as an appropriate maximum, nor of how such a structure might be managed and maintained. Furthermore, the suggestion is contrary to national and local objectives for sustainable transport which seek to reduce car travel and give priority to other transport modes. The proposal should be deleted from the Policy and moved to an Annex as a community aspiration as shown in the proposed modifications.
- 4.20 Proposal 5 is problematic in that it is difficult to see how the introduction of emerging technologies such as the example provided (Middlewich App) would be subject to introduction or management through the planning system. In terms of land use within the town centre, it would appear that Proposal 4 is appropriate and Proposal 5 is not a land use planning policy and should be moved to an Annex as a community aspiration as shown in the proposed modification **PM4** to ensure the Policy meets the Basic Conditions.

#### *Policy TC4: Markets*

- 4.21 The Policy supports the operation of existing markets and temporary markets, together with proposals for temporary artisan markets. These are seen as important to the vitality of the town centre through increasing footfall and providing visual interest and diversity. The Policy is in general conformity with CELPS Policy EG5 (sub-paragraph 4), which provides for the retention and enhancement of the borough's markets. It also follows advice in the NPPF, paragraph 23, that existing markets should be retained and enhanced.
- 4.22 The Policy further provides criteria for proposals for farm shops. These would clearly be located outside the town centre and do not fall easily within the portmanteau definition of 'markets'. However, farm shops are retail activities and there is no better location for a policy for their support. For clarity, the policy title should include 'farm shops', and have two distinct and separate parts. Also, for reasons of clarity, the Policy should relate to proposals for small scale farm shops, followed by two criteria for their acceptability. With these changes, as indicated in proposed modification **PM5**, the Policy meets the Basic Conditions.

#### *Policy OS1: Town Centre Opportunity Sites*

- 4.23 The Policy provides two opportunity sites within the town centre where development proposals would be supported. Both are located within, or partly within, the Conservation Areas. In both cases CELPS Policy EG5 supports development for a mix of town centre and other uses, including offices, services, leisure, cultural and residential uses, as appropriate (Item 1(ii) of the Policy). The NPPF, paragraph 23, also advises that planning policies should be positive and allocate sites to meet development needs within the town centre. Accordingly, Policy OS1 is in general conformity with the Local Development Plan and has regard to national advice in the NPPF.
- 4.24 The first criterion indicates a 'suitable' mix of uses and a requirement to enhance town centre vitality and viability. In the context of CELPS Policy EG5, the term 'suitable' lacks

clarity, whilst it is unlikely that all development proposals could lead to enhancement of vitality and viability. The third criterion should also include reference to the design policies for Conservation Areas. Appropriate amendments are included in the proposed modification **PM6** to ensure the Basic Conditions are met.

*Policy OS2: Canalside Development and Marina Opportunity Site*

- 4.25 The Policy provides criteria to be met by proposals for the redevelopment of the Brooks Lane area, a substantial area of land lying within a corridor of industrial infrastructure between the A533, the Trent and Mersey Canal and the railway. CELPS Strategic Location LPS43 provides the context for redevelopment and indicates that a masterplan led approach will determine the nature and quantum of development appropriate to the location. CEC has now, with the assistance of consultants, produced a Brooks Lane (Middlewich) Draft Development Framework (Masterplan), January 2019, as a Supplementary Planning Document (SPD) which, at the time of writing this report, is in the process of public consultation. There has been consultation with MTC and the document identifies the draft MNDP as part of the local planning policy context which will become part of the statutory development plan once adopted, and is capable of being a material consideration ahead of that.
- 4.26 CEC has not raised any issues regarding the Policy, either at Regulation 14 stage, or at Regulation 16, where it indicated that it had no further comments. In general, it appears that the Policy is complementary to CELPS Strategic Location LPS 43 policy and has been taken into account in the development of the masterplan. There are, however, minor inconsistencies in the text which should be resolved through textual amendments in order that the Policy is in general conformity with the Local Development Plan. Firstly, the site is close to but not contiguous with the town centre and the reference to areas for retail uses is not qualified. Whilst there is reference to retail uses in LPS43, this qualifies the use to *'appropriate retail facilities to meet local needs'*. The masterplan does not show retail as a specific land use. Accordingly, the term should be qualified in Policy OS2.
- 4.27 Policy OS2 also includes areas for industrial uses and refers to a managed transition from a mainly industrial area, to one which includes a significant proportion of residential units. Whilst in broad terms this describes the intentions, the text requires some amendment to truly reflect the nature of the proposals emerging through the SPD masterplan.
- 4.28 The proposed modification **PM7** includes appropriate textual amendments to ensure the Policy meets the Basic Conditions.

*Policy TC5: Land off Wheelock Street*

- 4.29 Land off Wheelock Street, which also forms part of the Town Centre Opportunity Site identified by Policy OS1, is allocated for a *'suitable mix of uses comprising retail, residential and community uses'*. The Policy lists a number of features which MTC see as appropriate and/or desirable, based on key issues identified by consultants in cooperation with the MNDP Steering Group. In general, these features provide a clear basis for developing proposals for the site in general conformity with CELPS Policy EG5, particularly Item 1(ii). It also has regard to national policy and advice in the NPPF, paragraph 23.

- 4.30 The second and fourth items within the Policy require amendments to the text to ensure clarity. The amendments contained in the proposed modification **PM8** ensure that the Policy meets the Basic Conditions.

*Policy TC6: Locations Outside the Town Centre*

- 4.31 Two locations outside of the town centre are identified as sub centres having development potential, including retail and commercial development to serve the needs of nearby residents. There is no supporting text justifying the Policy.
- 4.32 From my visit, it is clear that both sites have development potential and that they appear to have the potential to serve the daily or occasional needs of a local population – although the Shell Garage site is located on the opposite side of the very busy A54 to the nearby residential areas. However, CELPS Policy EG5 identifies a retail hierarchy based on a ‘*town centre first*’ approach, providing criteria to be met by edge-of-centre and out-of-centre proposals. The justification for the Policy indicates that it is important that proposals for town centre uses located out of the centres ‘*do not have a significant adverse impact on these existing centres*’. The emerging SADPD Policy RET3 provides further guidance, including impact tests and thresholds for developments, including those outside of local centres. All of this follows Government advice in the NPPF, paragraph 23.
- 4.33 In order for the Policy to be in general conformity with the Local Development Plan and have regard to the national policy and advice, it is necessary to amend the Policy sentence following the two identified locations. An appropriate amendment is provided by proposed modification **PM9** to ensure the Policy meets the Basic Conditions.

***Design and Heritage***

*Policy DH1: General Principles*

- 4.34 The Policy provides general principles for design for all development proposals. In this respect, it follows national guidance requiring good design in the NPPF, paragraphs 56-68, and is in general conformity with CELPS Policy SE 1. The second sentence requires designs to ‘*..conserve and enhance the character of the surrounding area*’ – a requirement normally associated with conservation areas. It is not clear why this requirement should apply to all development proposals in all locations, or how it might be achieved in practice. For this reason, the text should be amended as shown in the proposed modifications to the Policy.
- 4.35 The second paragraph of the Policy requires amendment, since it is for the LPA to grant planning permission – it cannot be a function of the Neighbourhood Plan. The Cheshire East Council Borough Guide (both volumes) have the purpose of providing *residential* design guidance (Volume 1, paragraph 06) rather than general design guidance as implied by Policy DH1. Although paragraph 4.8 of the justification makes this clear, it is also necessary for this to be clarified in the Policy itself, including the Policy title. It is also not possible to require proposals to be strictly and unequivocally compliant with the Design Guide, since it is advisory and the principles included as criteria 1-4 are limited and partial extracts from the Guide. Amended text is provided by the proposed modifications **PM10** in order to ensure the Basic Conditions are met.

*Policy DH2: Sustainable Design*

- 4.36 Sustainable design is an important consideration for all developments and, in the NPPF, paragraph 56, is seen as a key aspect of sustainable development. The policy requires developments to incorporate sustainable drainage systems (SUDS); maximise accessibility; provide electric car charging points; and incorporate secure cycle storage. No text justifying the Policy is provided and there is no supporting evidence included in the MNDP.
- 4.37 There is already considerable advice on sustainable design in the public domain including the guidance within the NPPF (Section 10). CELPS includes policies SD2: Sustainable Development Principles; SE8: Renewable and Low Carbon Energy; SE9: Energy Efficient Development and SE13: Flood Risk and Water Management, all dealing in detail with aspects of sustainable development. Additionally, the emerging SADPD includes Policy ENV7 dealing with mitigation and adaptation to climate change (including reference to SUDS) and ENV15 with guidance on surface water management including SUDS. CELPS Policy CO1 includes provision for requiring priority for walking and cycling and the provision of secure cycle storage in new developments. For all of the above reasons the inclusion of the Policy is not justified and not supported by appropriate evidence<sup>8</sup>. It largely duplicates existing strategic policies in CELPS and does not provide an additional level of detail or a distinct local approach<sup>9</sup>. Although there may be some circumstances where it is helpful to restate and provide detail to local planning policies for clarity in this instance, the Policy does not add detail to the strategic policies listed above and so it should be deleted together with the text at paragraph 4.9 as shown in proposed modification **PM11**.

*Policy DH3: Conservation Area Design*

- 4.38 Unlike the previous Policy DH2, this Policy does add a local dimension to policies for design in conservation areas, including CELPS Policy SE7 concerning the historic environment and Policy HER4 in the emerging SADPD. It is implicitly aimed at the town centre Conservation Area and should state this in the title in order to avoid confusion over its application, for instance in the Canals Conservation Area. There is an absence of Conservation Area Appraisals for the two designated areas in Middleswich to assist in the identification of key characteristics, but Policy DH3 does attempt to fill the gap with its own characterisation of important elements. It is in general conformity with the strategic policies in the Local Development Plan and has regard to the advice in the NPPF, Section 12.
- 4.39 Amendments are provided by proposed modification **PM12**. These will ensure that the Policy has had regard to national advice and is in general conformity with the local planning policies and therefore meets the Basic Conditions.

*Policy DH4: Canalside Development*

- 4.40 As with the previous policy, Policy DH4 is concerned with a specific Conservation Area – the Canal Corridor, but it does not make this explicit in the title, which should be amended as shown in the proposed modifications.
- 4.41 In order to ensure the Policy is focussed on development proposals within the Canal Corridor Conservation Area, the first sub-paragraph requires amendments to the text, as shown in proposed modification **PM13**. The words ‘and enhance’ should be deleted from sub-

---

<sup>8</sup> PPG Reference ID: 41-041-20140306.

<sup>9</sup> PPG Reference ID: 41-074-20140306.

paragraph 4, since new developments are required to respect, which includes the potential to enhance the local vernacular. The text of the final sub-paragraph also requires amendment to indicate support, rather than permission, for development proposals. With these amendments, as shown in the proposed modification, the Policy is in general conformity with the strategic policies of the Local Development Plan, specifically with CELPS Policy SE7, and has regard to national guidance in the NPPF, Section 12. Accordingly, it meets the Basic Conditions.

*Policy DH5: Special Blue and Green Routes and Encouraging Walking and Cycling*

- 4.42 The canals and river system have numerous footpaths and towpaths, a significant attribute to the town and which provide opportunities for walking and cycling between various parts of the town. The network is described as a significant characteristic of the town and Policy DH5 identifies Special Blue and Green routes which the Plan seeks to protect. These essentially follow the routes of the canals. However, the text of sub-paragraph 1 is confusing because, on the one hand, it seeks to protect the routes from new development without qualification, and on the other hand indicates how development proposals should be designed to '*address the routes positively*'. A substantial rewording of this sub-paragraph is necessary to provide clear guidance to prospective developers.
- 4.43 The second sub-paragraph is more straightforward in its intent, but the last phrase seeks contributions from new developments '*to improve routes to encourage walking and cycling*', wherever possible. This is not an effective statement of planning policy: it provides no indication in what circumstances contributions would be sought or how these would relate to the statutory tests for contributions<sup>10</sup>. The phrase should be deleted. A small correction is necessary to the final sub-paragraph to provide the correct title to the Cheshire East Design Guide. All of these amendments are addressed by the proposed modification **PM14**. These will ensure the Policy is in general conformity with the strategic Local Development Plan policies, particularly CELPS Policy CO1 which seeks to encourage walking and cycling, and the improvement of pedestrian facilities. It also has regard to national guidance to make the fullest possible use of walking and cycling (NPPF, paragraph 17) and so meets the Basic Conditions.

**Housing**

*Policy H1: Housing Strategy*

*Policy H2: House Types*

- 4.44 I have considered these policies together, as there is a clear overlap between their provisions which could be confusing to users of the Plan. In particular, Policy H1 provides a housing strategy, but Policy H2 includes a commitment to the sites contained in the CELPS and indicates support for proposals to increase housing capacity.
- 4.45 The Housing Strategy in the MNDP does not seek to allocate sites in addition to those included in the CELPS for the reasons I have referred to in paragraphs 4.5 - 4.7 (above). In the circumstances I have described, this is a reasonable approach. However, the first two paragraphs of Policy H2 are effectively statements of housing strategy and should properly

---

<sup>10</sup> NPPF, paragraph 204.

form part of Policy H1, subject to amended wording as shown in the proposed modification. In particular, the paragraph indicates a commitment to *'other sites still to be identified'*. It is difficult to see how such a commitment can be made with certainty until the nature, location and consequences of a particular site are known and evaluated. Therefore, a blanket commitment of this nature should not form part of a housing strategy for the MNDP. The three criteria to be met in order to gain the support of the MNDP do raise questions, particularly in relation to the potential for delays and additional costs to applicants.

- 4.46 Criterion 1 requires consultation to take place, both with CEC and MTC, on *'design, access and all other matters that affect infrastructure'*. This is not a mandatory requirement for all applications for planning permission, although pre-application engagement is encouraged (but cannot be required) through the provisions of the NPPF (paragraphs 188-189). Paragraph 193 indicates that the information requirements for applicants should *'be proportionate to the nature and scale of development proposals'*. The text of criterion 1 requires amendment to reflect this advice.
- 4.47 The second criterion requires that a Design and Access Statement (DAS) includes an infrastructure evaluation to quantify the likely impact on community infrastructure for proposals for 10 or more dwellings. A DAS is not a requirement for all planning applications and, even where one is a requirement, the advice is that the level of detail should be proportionate to the complexity of the application and that the statement should not be long<sup>11</sup>. For this reason, the reference to DAS is inappropriate and the remainder of the criterion imposes an unduly onerous requirement on applicants through a blanket requirement for an infrastructure evaluation for any proposal of 10 dwellings or more. It should be deleted as indicated in the proposed modifications.
- 4.48 The third criterion also requires amendments to the text in order to have regard to national advice and policy. A requirement to include a contribution towards infrastructure improvements must have regard to the statutory tests for planning obligations and CIL contributions<sup>12</sup>. Appropriate amendments to the text are included in the proposed modifications.
- 4.49 With the amendments covering the above matters as shown in proposed modification **PM15**, Policy H1 is in general conformity with the strategic Local Development Plan policies and has regard to national guidance and policy. It therefore meets the Basic Conditions.
- 4.50 Turning to Policy H2, the first two paragraphs will require deletion to take account of their relocation, as amended, within Policy H1. The remainder of the Policy deals with the issue of house types. The relevant policy in CELPS is Policy SC4 regarding residential mix, advising that new developments should *'maintain, provide or contribute to'* a mix of tenures, types and sizes. Policy H2 identifies 3 specific types of housing to be incorporated in new developments outside the town centre: starter homes of 1 or 2 bedrooms; self-build opportunities; and homes for the elderly. This selection appears to be based, in part, on the results of a market assessment for the Middlewich Sub-Area<sup>13</sup> carried out for CEC. The

---

<sup>11</sup> View at Planning Portal frequently asked questions:

[https://www.planningportal.co.uk/faqs/faq/51/what\\_is\\_a\\_design\\_and\\_access\\_statement](https://www.planningportal.co.uk/faqs/faq/51/what_is_a_design_and_access_statement)

<sup>12</sup> NPPF, paragraphs 203-204 and the Community Infrastructure Levy Regulations 2010.

<sup>13</sup> Cheshire East Strategic Housing Market Assessment, 2013 Update.

reference to self-build opportunities, however, appears to be based on the advice in NPPF paragraph 50 to plan for, amongst others, people wishing to build their own homes.

- 4.51 Although there is very little evidence provided to support the choice of residential mix, it does generally conform to the strategic policy of the Local Development Plan and takes account of Government advice in NPPF. However, in detail, amendments to the text are necessary and these are included in the proposed modification **PM16**. The Policy cannot be a blanket requirement for all developments of whatever size, and must take account of the potential impact on viability. The Policy makes no reference to housing for those who have disabilities, an important category which the NPPF (paragraph 50) identifies.
- 4.52 The final sentence relating to planning permission for houses in multiple occupation (HMOs) indicates that planning permission will not normally be given where the proposal is to house 7 or more unrelated people. The Town and Country Planning (Use Classes) Order 1987 (as amended), treats HMOs as *sui generis* uses, requiring planning permission. Inclusion of this sentence would preclude consideration of any planning application of this nature and does not specify the circumstances which would be treated as '*not normal*'. For these reasons, it is unduly restrictive and, in practice, does not provide a clear and unambiguous statement of policy. The sentence should be deleted.

## **Transport**

### *Policy T1: Middlewich Eastern Bypass*

- 4.53 The Cheshire East Infrastructure Delivery Plan (IDP) includes a Middlewich Eastern Bypass<sup>14</sup>, although Table 4 in the July 2016 Update shows that the status is "*detailed design*" and the timescale of delivery is to be confirmed and linked to development. Nevertheless, the bypass is, as paragraph 6.3 in the MNDP indicates, the single biggest transport issue in the town. My experience of the A54/B5309 roundabout during my visit offers confirmation that this is, indeed, the case. Pochin Way, forming the southern arm of this roundabout provides a partial construction of the bypass route but is currently a cul-de-sac.
- 4.54 Policy T1 provides support for the Eastern Bypass and includes criteria necessary for this support. In this respect, the Policy is in general conformity with the strategic policies of CELPS. It also supports economic regeneration and infrastructure provision which has regard for national guidance in Section 1 of the NPPF on building a strong, competitive economy. The Policy therefore meets the Basic Conditions.
- 4.55 Middlewich adjoins the border with neighbouring CW&CC and Policy STRAT7 in the Council's Local Plan (Part One) Strategic Policies is titled '*Middlewich*'. It refers to an investigation by the two councils into the potential for further sustainable growth coupled with journey time improvements along the A54. It would be appropriate to include reference to this linked policy in the justification to Policy T1 as indicated by CEC in their response to my further questions<sup>15</sup>. Suggested text for inclusion is provided by proposed modification **PM17**.

### *Policy T2: Car parking*

---

<sup>14</sup> CELPS, paragraph 14.18.

<sup>15</sup> Response by CEC, dated 10 January 2019, to further questions from the Examiner.

- 4.56 The Policy seeks to support proposals to increase car parking provision in the town centre. There can be no denying that Middlewich has a relatively small amount of public parking: CEC's website suggests there are 133 free public parking spaces at three locations near to the town centre. The Basic Conditions Statement shows that CELPS policies SD1: Sustainable Development in East Cheshire and CO1: Sustainable Travel and Transport are considered to provide the strategic policy basis for the Policy. However, Policy SD1 indicates only that *"developments should provide safe access and sufficient car parking in accordance with adopted highway standards"*, whilst Policy CO1 includes the objective of delivering a *"..high quality, integrated transport system that encourages a modal shift away from car travel.."*. Neither of these policies indicates an explicit support for the provision of new public car parking to serve the town centre. CELPS Policy SD2 provides a further indication that the thrust of strategic policy is to reduce the need to travel by car, especially in retail/town centre developments (paragraph 4(ii)). The NPPF, paragraph 40 does advise that local authorities should seek to improve the quality of parking in town centres, but this advice is tempered by the overarching requirement of national guidance that plans should exploit opportunities for the use of sustainable transport modes (paragraph 35).
- 4.57 It is also a matter of concern that the Policy includes no indication of location for new parking areas, nor any suggestion how or by whom they might be provided. CELPS Policy CO2, paragraph 2(vii) requires that proposals should adhere to the current adopted parking standards – in other words excluding additional provision above those standards to provide new parking areas. The supporting text suggests that a clear parking strategy is required, and from my visit this became self-evident. However, this Policy does not provide a strategy: in itself, it is not a planning policy but a community aspiration<sup>16</sup>. In summary, the Policy cannot be said to be in general conformity with the strategic policy of the Local Development Plan, nor does it have regard to the thrust of national policy regarding sustainable development. It does not, therefore meet the Basic Conditions and should be deleted in its entirety together with the text providing justification. It should be clearly identified as a community aspiration by its inclusion as an Annex to the Plan that provides details of wider community aspirations than those relating to development and use of land as shown in proposed modification **PM18**.

#### *Policy T3: Rail Station*

- 4.58 There is a rail line running through Middlewich, linking with the main lines at Northwich and Sandbach. Although passenger services ceased in 1960, the line appears to be maintained for freight services and as a bypass route enabling work to be carried out on the West Coast Main Line. Middlewich does not have a passenger station. There has for some time been an active campaign to reopen the line to passenger traffic and provide a station at Middlewich, and a Consultant's Feasibility Report and a Business Case Report have been produced<sup>17</sup>.
- 4.59 The CELPS Policy CO1, concerned with sustainable travel, provides support for rail infrastructure improvements, including through paragraph 4(i)(b) the re-opening of the

<sup>16</sup> PPG Reference ID: 41-004-20170728.

<sup>17</sup> View at Mid Cheshire Rail Users Association website: <http://www.mcrua.org.uk/the-sandbach-middlewich-northwich-railway-line/>

Sandbach-Northwich line to passengers and the provision of a station at Middlewich. Policy CO2 also supports the provision of facilities at railway stations. Strategic Location LPS 43, Brooks Lane, goes further, including (item 7) the provision of land for a new railway station, including infrastructure, access and forecourt parking, with a similar provision provided at Site LPS 44, Midpoint<sup>18</sup>. Policy T3 in the MNDP is in general conformity with these strategic policies and has regard to the national advice concerning sustainable development. The Policy also provides guidance on the detailed requirements for a new railway station in support of the CELPS policies. It follows that the Policy meets the Basic Conditions.

## **Employment**

### *Policy E1: Employment Land Strategy*

- 4.60 The Policy provides support for retail and commercial development provided the policies in the MNDP and specified criteria are met. CEC's Local Development Plan also provides a policy framework within which development proposals are considered, and this should also be referenced in the Policy.
- 4.61 The first criterion encourages pre-application engagement with both CEC and MTC. This is a sensible suggestion which has regard to national guidance in the NPPF, paragraph 189. However, the final part of the statement is imprecise and an amendment to the text is necessary to ensure clarity. The second criterion makes reference to a '*planning justification statement*' and an '*infrastructure evaluation*'. Neither of these is recognised as being a necessary part of the planning application process and a requirement for their submission in respect of all major development proposals would not be in accord with the advice in NPPF, paragraph 193, that supporting information is requested only where it is relevant, necessary and material to the application in question. The criterion should be deleted.
- 4.62 The third criterion sets out a requirement for improvements to infrastructure or a contribution towards such improvements in line with CEC's requirements, where the infrastructure evaluation shows them to be necessary. Paragraph 7.8 provides clarification regarding the nature of the infrastructure for which mitigation is requested. These include, but are not limited to: health/medical facilities, schools, sewers, traffic, pedestrian safety measures, parking and public transport. However, CELPS Policy IN2 provides comprehensive policy guidance at a strategic level regarding developer contributions to mitigate any adverse impacts of development. The criterion does not provide an additional level of detail or a distinct local approach<sup>18</sup> so that it is unnecessary to include the requirement within the Neighbourhood Plan. The criterion should be deleted.
- 4.63 The justification at paragraphs 7.6-7.8 is unnecessary in view of the proposed modifications and should also be deleted. Amended text for the Policy is included in proposed modification **PM19** to ensure the Basic Conditions are met.

### *Policy E2: Employment Land*

---

<sup>18</sup> PPG Reference ID: 41-074-20140306.

- 4.64 The first paragraph of Policy E2 is a general statement of intent for the use allocated employment land. It refers to the fact that '*a variety of building types and sizes*' will be supported to encourage enterprise and inwards investment. The statement is neither clear nor precise and it is difficult to see how a decision maker could apply the Policy with consistency and confidence as indicated in the PPG<sup>19</sup>.
- 4.65 The second part of the Policy indicates support for small business units and start-up office accommodation in appropriate locations such as industrial estates and the town centre. It also states that the release of employment land for residential use will not be supported. This latter statement requires qualification if it is to be shown to have had regard to national guidance in the NPPF that '*planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose*'<sup>20</sup>. The statement is not in general conformity with CELPS Policy EG3 which protects employment sites, except in certain defined circumstances.
- 4.66 In order to ensure the Policy is in general conformity with the strategic policy of the Local Development Plan, has regard for national policy and guidance and meets the Basic Conditions, the amendments provided by proposed modification **PM20** should be incorporated.

#### *Policy E3: Midpoint 18*

- 4.67 The Policy supports the phased delivery of up to 70 hectares of employment land at Midpoint 18, identified in CELPS as a large strategic employment site. The Policy for Site LPS44 in CELPS indicates a requirement for a masterplan led approach to include land set aside for the future construction of a new railway station and contributions to the completion of the Middlewich Eastern Bypass. It also provides a number of site specific principles of development. Policy E3 re-states the thrust of approach provided for by the Site LPS44 policy and so is in general conformity with the strategic policy of the Local Development Plan. To this extent it could be said to duplicate the provisions of the Local Development Plan. However, it is a key component of the local strategy for Middlewich and the MDNP Policy complements the CELPS approach. Regulation 16 representations suggest that the Policy has the support of the prospective developers who control land at Midpoint 18. The Policy meets the Basic Conditions.

#### *Policy E4: Tourism and Visitors*

- 4.68 The Policy provides support for improvements to tourist services and facilities associated with attractions. This is in general conformity with CELPS Policy EG4, which seeks to protect and enhance tourist assets and provide new facilities in sustainable and appropriate locations (criterion iii), with particular support for facilities located within a Local Service Centre. It also has regard to the NPPF core principle of supporting sustainable economic development, and supporting sustainable tourism as an aspect of building a strong economy.

---

<sup>19</sup> PPG Reference ID: 41-041-20140306.

<sup>20</sup> NPPF, paragraph 22.

- 4.69 Significant areas of the town to which facilities and services associated with tourist attractions would be attracted, including the town centre and sections of the canal network, are designated as Conservation Areas. Accordingly, the first criterion of the Policy should have a more positive requirement to take account of the requirements of the MNDP design and heritage policies. An appropriate amendment to the criterion is provided by proposed modification **PM21**, to ensure the Basic Conditions are met.

### ***Education, Communities, Health and Wellbeing***

#### *Policy ECHW1: Education Hub*

- 4.70 The MNDP includes the promotion of health and wellbeing as a core underlying principle which is in accord with one of the core planning principles set down in the NPPF, paragraph 17, and expanded in paragraph 70. The same principle underlies the thrust of CELPS Policy SC3. The MNDP also indicates at paragraph 8.5 that it aims to provide a supportive framework for investment in education provision and, responding to this aim, Policy ECHW1 supports proposals for a new-build Education Hub. The Basic Conditions Statement, page 71, suggests this is in general conformity with the provisions of CELPS Policy SC3 to improve education and skills training and encouraging life-long learning, and the provision of a network of community facilities.
- 4.71 The purposes of the Hub are suggested to be wide-ranging, from Special Educational Needs provision to a state-of-art science, technology, engineering and mathematics (STEM) facility. However, no supporting evidence has been provided to justify the Policy in terms of the programme or potential provider, or the funding for the building, equipping and staffing of such a facility; nor has a potential site been identified. On the face of it, therefore, the provision of such a Hub is essentially a community aspiration: it is not a planning policy and should not be presented as such in the Plan<sup>21</sup>. It should be clearly identified as a community aspiration by its inclusion as an Annex. The Policy should be deleted from the body of the Plan as shown in proposed modification **PM22**.

#### *Policy ECHW2: General Principles*

- 4.72 The Policy seeks to support development proposals that provide for active living and social interaction. This is in general conformity with the provisions of CELPS Policy SC3 (particularly sub-paragraphs 3 and 5) and follows national advice that the planning system can facilitate social interaction and create healthy inclusive communities<sup>22</sup>. The Policy title is 'General Principles', but the text lacks the clarity and precision necessary for it to be applied consistently and with confidence<sup>23</sup>. Accordingly, some amendments to the text are necessary to provide clarity of intent and specific guidance for developers, as shown in proposed modification **PM23**, to ensure that the Basic Conditions are met.

#### *Policy ECHW3: Investment in New and Improved Facilities*

#### *Policy ECHW4: Investment in New and Improved Facilities*

---

<sup>21</sup> PPG Reference ID: 41-004-20140306.

<sup>22</sup> NPPF, paragraph 59.

<sup>23</sup> PPG Reference ID: 41-041-20140306.

- 4.73 I have considered these policies together as there is a clear overlap between their provisions which could be confusing to users of the Plan. Both policies support investment in new and improved facilities: ECHW3 makes specific reference to proposals for health care services whilst ECHW4 refers to combined education, health care and wellbeing facilities. Both policies make reference to proposed community infrastructure improvements set out in Appendix 1. However, the only reference in Appendix 1 is a sub-heading: Healthcare / Surgery extension / improvements. There are no specific entries under the sub-heading, leading to the conclusion that none have been identified.
- 4.74 The justification for the ECHW policies draws heavily on the Cheshire East IDP, including the main points covered in the NHS Five Year Forward View repeated verbatim. Table 5 in the IDP identifies the Social Infrastructure Delivery Schedule, which includes some provision in Middlesbrough such as contributions to the expansion of local schools and a primary health care requirement. The reference in paragraph 8.9 to page 56 of the IDP is actually a reference to the lack of any swimming pool and an under-provision of the local health and fitness offer – neither of which, it would appear – would be addressed through the provisions of these policies. In addition, CELPS includes Policy SC3 concerning health and well-being. This seeks to protect existing community infrastructure and ensure the provision of a network of community facilities, providing essential public services together with private and voluntary sector facilities to meet the needs of the local community (sub-paragraph 5). Additionally, CELPS Policy SC2 includes support for new indoor and outdoor sports facilities.
- 4.75 It is easy to understand the view that the pressure on existing facilities for education at all levels, health, wellbeing and leisure leads to the conclusion that Middlesbrough needs a new centre of excellence to meet all these needs (paragraph 8.12). However, there is no supporting evidence that these perceived needs can or should be met through the strategic proposals for new sites identified for housing and mixed uses as suggested in paragraph 8.12. Indeed, the policies included in the MNDP for the two major sites – the Brooks Lane area (Policy OS2) and the Wheelock Street site (Policy TC5) make no suggestions for the incorporation of such facilities. From the above analysis, there appears to be no support for the policies either through the CELPS or the emerging SADPD, nor is there any suggestion in the IDP that such development opportunities are likely to be forthcoming in the foreseeable future. Additionally, the MNDP itself provides no indication either in the policies or Appendix 1 for how the suggestions might be implemented. Accordingly, neither policy meets the Basic Conditions and so should be deleted, along with the supporting text at paragraphs 8.9-12 and moved to an Annex as community aspirations as shown in proposed modification **PM24**.

*Policy ECHW5: Open Spaces*

- 4.76 The Policy seeks to protect existing areas of open and green spaces, and encourage proposals which would result in their enhancement. In this respect, the Policy is in general conformity with CELPS Policy SC1, which seeks to protect and enhance existing leisure and recreation facilities, and follows national advice in the NPPF, paragraphs 73-74. The justification for the Policy and Map 7 shows a large number of open spaces including

parks/play areas; playing fields; allotments; amenity areas and cemeteries, which contribute to the overall character of the town.

- 4.77 The text of the Policy requires some amendment in order to ensure clarity and precision. In particular, the second paragraph should be amended to clarify the circumstances in which provision of facilities would be sought. The final sentence of the Policy, supporting proposals for a new urban park, is not justified by evidence and gives no indication of the means or agency that would be involved in its implementation. The sentence should be deleted from the Policy and included as a community aspiration in an Annex to the Plan. The proposed modification **PM25** provides appropriate textual amendments to ensure the Basic Conditions are met.

#### *Policy ECHW6: Protecting Local Biodiversity*

- 4.78 Policy ECHW6 has been amended from the Regulation 14 consultation draft by the inclusion of a paragraph concerned with the impact of development on ancient trees, veteran trees and areas of woodland. This appears to have resulted from representations promoting changes to strengthen environmental policies<sup>24</sup>, but is not supported by specific evidence that the change is necessary or reasonable. The first issue is that Map 8 in the MNDP, which identifies areas of wildlife value, does not show any Ancient Woodlands within the Neighbourhood Plan Area; nor does it show areas of woodland of importance. As a result, there is no clear indication of where the Policy would be applied.
- 4.79 The second issue is that the Policy requires a 50m buffer to be applied to any development proposals “*..in close proximity to areas of woodland*”. There is no indication of what is meant by “*close proximity*” or why the distance of 50m has been chosen as significant - as opposed to any other distance. Representations at the Regulation 16 stage have suggested that a more flexible approach would be more appropriate. The suggestion has merit and an appropriate replacement paragraph is provided by proposed modification **PM26**. The final paragraph of the Policy lacks clarity of intent and may be interpreted as implying that refusal of proposals is within the power of the MTC, rather than the local planning authority. A suggested amendment to the text is also provided by the proposed modification. The modifications will ensure the Policy is in general conformity with the Local Development Plan’s strategic aspiration to protect and enhance the environment and has regard to national advice to meet the Basic Conditions.

## **5. Conclusions**

### *Summary*

- 5.1 The Middlewich 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.

---

<sup>24</sup> Consultation Statement, paragraph 5.2 and MNDP, paragraph 8.21.

- 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 Middlewich Neighbourhood Development Plan, as modified, has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

*Overview*

- 5.4 The Neighbourhood Plan is quite obviously the result of a great deal of hard work by the Town Council Steering Group, aided by local residents and others on a voluntary basis. The resulting Plan is comprehensive in its coverage of planning issues and problems facing the town and provides a great deal of constructive suggestions and policies. It is clear that there has been a cooperative approach in partnership with Cheshire East Council leading to CEC remarking that it congratulated the Town Council on preparing a thorough and well considered neighbourhood plan. I add my own congratulations to those responsible for its preparation.

*Patrick T Whitehead DipTP (Nott) MRTPI*

Examiner

## Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 14	<p>The Planning Context of Middlewich</p> <p>Insert a new paragraph following paragraph 1.3.26 as follows:</p> <p><i>“A further important element of the strategic local planning policy framework is the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies which includes Policy STRAT 7: Middlewich. This states that the Council will continue to work closely and effectively with Cheshire East Council to plan for sustainable development in and around the town of Middlewich. This could include the possibility of allocating land in Cheshire West on the edge of the town through the Local Plan (Part Two) Land Allocations and Detailed Policies Plan. The Policy also indicates that ‘the councils will also investigate the longer term potential for further sustainable growth in the mid-Cheshire towns of Northwich, Winsford and Middlewich coupled with journey time improvements along the A54 between Junction 18 of the M6 and Winsford, particularly around Middlewich’.”</i></p> <p>The following paragraph will require renumbering as paragraph 1.3.28.</p>
PM1A	Page 10	<p>Amend the final sentence of paragraph 1.3.1 as follows:</p> <p><i>“Junction 18 of the M6 is only 4 <u>2</u> miles to the <del>west</del> <u>east</u>”</i></p>
PM2	Pages 23-24	<p>Policy TC1</p> <p>Amend the first paragraph as follows:</p> <p><b><i><u>“Proposals for new development or changes of use <u>within the most up-to-date adopted Town Centre boundary defined in the Congleton Borough Local Plan (to be replaced by that defined in the Site Allocations and Development Policies Document on adoption) should demonstrate....”</u></u></i></b></p> <p>Amend the preamble to the criteria as follows:</p> <p><b><i><u>“In <u>Within the Town Centre</u> <del>most up-to-date adopted primary shopping area:</del>”</u></i></b></p> <p>Amend Criterion 2 as follows:</p> <p><b><i><u>“Development proposals involving the loss of retail or main</u></i></b></p>

		<p><b><i>town centre uses will not be permitted <u>supported unless...</u></i></b></p> <p>Amend the following paragraph by deleting “<b><i><u>in a primary shopping frontage</u></i></b>”</p> <p>Amend Criterion 6 by deleting “<b><i><u>of the primary shopping frontage</u></i></b>”.</p>
PM3	Pages 25-26	<p>Policy TC2</p> <p>Amend the Policy title as follows:</p> <p><b><i><u>“Policy TC2: Shop Fronts, Security Measures and Advertising within the Middlewich Conservation Area”</u></i></b></p> <p>Amend the first sentence as follows:</p> <p><b><i><u>“The design of new or alterations to existing shopfronts and advertisements within the Conservation Area should satisfy the following criteria:”</u></i></b></p> <p>Delete the first part of Criterion 2 as follows:</p> <p><b><i><u>“In the conservation area-s Shop fronts should...”</u></i></b></p> <p>The final sentence of Criterion 7 should be amended as follows:</p> <p><b><i><u>“External solid security shutters will not be permitted supported;”</u></i></b></p> <p>Amend the final sentence of the Policy as follows:</p> <p><b><i><u>“A Boards will not be permitted supported on paths or public highways.”</u></i></b></p>
PM4	Pages 27-28	<p>Policy TC3</p> <p>Amend the text of Proposal 2 as follows:</p> <p><b><i><u>“Improvements to existing car parking facilities including establishing multi-storey car parks at a maximum height of three storeys and provision of cycle parking;”</u></i></b></p> <p>The proposal for a mulit storey car park to be moved to an Annex to the Plan.</p> <p>Proposal 5 should be deleted in its entirety and the content moved to an Annex to the Plan.</p>
PM5	Pages 28-29	<p>Policy TC4</p> <p>Amend the Policy Title as follows:</p> <p><b><i><u>“Policy TC4: Markets and Farm Shops”</u></i></b></p>

		<p>Insert new sub-titles:</p> <p><b><u>“Part A: Markets”</u></b></p> <p><b><u>“Part B: Farm Shops”</u></b></p> <p>Amend the text of Part B of the Policy as follows:</p> <p><b><u>“Proposals for <i>small scale</i> farm shops will be supported where provided they are:</u></b></p> <p style="padding-left: 40px;"> <del>1.</del> <b><u>Of a small scale; and</u></b>  <del>2.</del> <b><u>1. Do not create....; and</u></b>  <del>3.</del> <b><u>2. There is no significant....”</u></b> </p>
PM6	Page 29	<p>Policy OS1</p> <p>Amend the text of Criterion 1 as follows:</p> <p><b><u>“Contribute towards a suitable mix of uses in the town centre and enhance <del>contribute towards</del> the town centre vitality and viability. ; Suitable uses may include diversification to other uses such as including smaller units for start-up businesses and offices; and”</u></b></p> <p>Add to the third criterion the following sentence:</p> <p><b><u>“Where appropriate, proposals should also take account of the design guidance for Conservation Areas in policies DH3 and DH4.”</u></b></p>
PM7	Pages 30-31	<p>Policy OS2</p> <p>Amend the second paragraph as follows:</p> <p><b><u>Development will be subject to an approved masterplan which identifies specific areas for a range of development including <del>industrial-a retained and enhanced employment area</del>, residential provision of c.200 homes and retail uses facilities to meet local needs as well as the potential for a canal marina of a suitable size to support Middlewich’s existing and future role as a tourist destination given its location on the canal network.”</u></b></p> <p>Amend the third paragraph as follows:</p> <p><b><u>“Schemes The phasing of the redevelopment should deliver a managed transition <del>from a mainly industrialised area to a vibrant mix of uses including a significant proportion of residential units. This will require securing an acceptable relationship between new homes and existing businesses in the shorter term to ensure they remain in operation.</del>”</u></b></p>
PM8	Page 35	Policy TC5

		<p>Amend the text of the second and fifth paragraphs as follows:</p> <p><b><i><u>“Residential development should <del>provide</del> include an appropriate mix of 2 to 3 bedroom housing, and 1 and 2 bedroom apartments, a suitable proportion of which should be affordable housing in accordance with Policy SC5 of the Cheshire East Local Plan.”</u></i></b></p> <p><b><i><u>“If possible, Proposals which include the restoration of Barclay House should be retained, restored and incorporated into the scheme as an attractive feature of local historical interest will be particularly welcome.”</u></i></b></p>
PM9	Page 37	<p>Policy TC6</p> <p>Amend the second sentence of the Policy to read as follows:</p> <p><b><i><u>“Retail and commercial development to serve the needs of nearby residents will be supported in these sub centres providing there would be no significant adverse impact on the vitality and viability of the town centre and that the requirements of relevant policies in Cheshire East Council’s Local Development Plan are met.”</u></i></b></p>
PM10	Page 41	<p>Policy DH1</p> <p>Amend the Policy title as follows:</p> <p><b><i><u>“Policy DH1: General Principles for Residential Development”</u></i></b></p> <p>Amend the first paragraph as follows:</p> <p><b><i><u>“All residential development will be expected to be of a high standard. Designs should <del>conserve or enhance</del> respond to the character of the surrounding area and should not detract from its environmental quality.”</u></i></b></p> <p>Amend the second paragraph as follows:</p> <p><b><i><u>“Proposals <del>will be supported</del> will only be permitted if considered acceptable in terms of design with which have regard to the Cheshire East Council Borough Design Guide, 2017. In particular applicants are encouraged to have regard to the following design principles which are drawn from the Guide this document;”</u></i></b></p>
PM11	Page 42	<p>Policy DH2</p> <p>The Policy to be deleted in its entirety, together with the text at paragraph 4.9.</p> <p>It will be necessary to renumber subsequent policies and supporting text within the Plan consequent upon these</p>

		modifications.
PM12	Page 43	<p>Policy DH3</p> <p>The Policy title should be clarified as follows:</p> <p><b><i><u>“Policy DH3: Conservation Area Design in the Historic Core”</u></i></b></p> <p>Amend the first sentence of the Policy as follows:</p> <p><b><i><u>“All development proposals within or affecting the setting of the Middlewich Conservation Area will be supported expected to be where they are of a high standard and contribute to the conservation, to conserve or enhancement of the character or appearance of the Conservation Area and maintain its historic environment and distinctiveness surrounding area and not detract from its environment.”</u></i></b></p>
PM13	Pages 44-45	<p>Policy DH4</p> <p>Amend the Policy title as follows:</p> <p><b><i><u>“Policy DH4: Canalside Design of Development in the Canal Corridor Conservation Area”</u></i></b></p> <p>Amend the first sub-paragraph as follows:</p> <p><b><i><u>“1 All development in the Canal Corridor Conservation Area will be expected to be of a high standard of design and should aim to conserve or enhance the character or appearance of the Conservation surrounding a Area and its setting and protect maintain the local environmental quality”</u></i></b></p> <p>Amend sub-paragraph 4 as follows:</p> <p><b><i><u>“4 The design, detailing and materials of new buildings should respect and enhance the local historic vernacular and elements within the landscape.”</u></i></b></p> <p>Amend the final sub-paragraph as follows:</p> <p><b><i><u>“Development adjacent to waterways will not only be permitted unless supported where it can be demonstrated that....”</u></i></b></p>
PM14	Page 46	<p>Policy DH5</p> <p>Amend the first sub-paragraph as follows:</p> <p><b><i><u>“Development will not be supported which would have a significant adverse impact on the character and appearance of the Special Blue and Green Routes as identified on Map 6 will be protected from new development. Proposals for new buildings adjoining the routes will be required encouraged to address the routes positively through design and layout of</u></i></b></p>

		<p><b>schemes.”</b></p> <p>Sub-paragraph 2 should be amended by deletion of the final phrase:</p> <p><b><i>“...and contributions to improve routes to encourage walking and cycling will be sought wherever possible.”</i></b></p> <p>The text of sub-paragraph 3 should be amended as follows:</p> <p><b><i>“...identified in the Cheshire East Council <u>Borough Design Guide</u>..”</i></b></p>
PM15	Pages 49 - 50	<p>Policy H1</p> <p>Insert new first paragraph as follows:</p> <p><b><i>“The site allocations contained in the Cheshire East Local Plan Strategy for Middlewich for the period 2010-2030 will be supported. Other sites which may be identified will be supported subject to evaluation of their suitability for development. Proposals which increase residential capacity within and in close proximity to the town centre and at canalside locations will also be supported.”</i></b></p> <p>Amend the first criterion as follows:</p> <p><b><i>“<del>Consultation takes place</del> <u>Where appropriate, applicants undertake pre-application engagement with Cheshire East Council and Middlewich Town Council on design, access and all other matters that affect likely to have a significant impact on infrastructure, prior to any formal submission of an application; and</u>”</i></b></p> <p>The second criterion should be deleted in its entirety and criterion 3 renumbered as criterion 2.</p> <p>Criterion 3 should be amended as follows:</p> <p><b><i>“Proposals either incorporate the necessary improvements to infrastructure or services <u>directly related to the development proposed</u> or include a contribution towards such improvements <u>through Section 106 agreements where this meets the legal tests as set out in the Community Infrastructure Levy Regulations, or through a Community Infrastructure Levy once a Charging Schedule is in place</u> <del>by whatever charging system CEC has in place, including, where appropriate, proposed community infrastructure improvements set out in Appendix 1.</del>”</i></b></p>
PM16	Page 50	<p>Policy H2</p> <p>The first two paragraphs and the final sentence of the Policy</p>

		<p>should be deleted in their entirety.</p> <p>The third paragraph should be amended as follows:</p> <p><b><i><u>“A suitable mix of house types, sizes and tenures will be sought on Major sites for development outside the town centre will be supported if they. In these locations proposals should include, subject to viability, one or more of the following:</u></i></b></p> <ul style="list-style-type: none"> <li>• <b><i>Starter homes comprising one or two-bedroom properties;</i></b></li> <li>• <b><i>Opportunities for Self-Build housing;</i></b></li> <li>• <b><i>Homes for older people and people with disabilities/Extra Care/ Retirement Housing.”</i></b></li> </ul>
PM17	Page 51	<p>Justification to Policy T1</p> <p>Add the following text following paragraph 6.3:</p> <p><i>“The line of the proposed Eastern Bypass currently links to the A54 to the east of Middlewich town centre. The adjacent local planning authority’s Cheshire West and Chester Council Local Plan (Part One) Strategic Policies includes Policy STRAT 7: Middlewich, which indicates that – together with Cheshire East Council – there will be an investigation of the longer term potential for further growth in the mid-Cheshire towns of Northwich, Winsford and Middlewich. This would be coupled with ‘journey time improvements along the A54 between Junction 18 of the M6 and Winsford, particularly around Middlewich’. Any future scheme resulting from this investigation would have implications for Middlewich and for the Eastern Bypass.”</i></p>
PM18	Page 52	<p>Policy T2</p> <p>The Policy to be deleted in its entirety, together with the supporting text at paragraphs 6.4 – 6.6 and the content removed to an Annex to the Plan.</p> <p>It will be necessary to renumber subsequent policies and supporting text within the Plan consequent upon these modifications.</p>
PM19	Page 55	<p>Policy E1</p> <p>Amend the first sentence of the Policy to read:</p> <p><b><i><u>“Proposals for New retail and commercial developments which meet the policies of this plan and meet the criteria below will be supported where they meet the policies in this Plan and those contained in the Cheshire East Local</u></i></b></p>

		<p><b><u>Development Plan. the following are addressed:</u></b></p> <p><b><i>“Pre-application engagement is encouraged with Cheshire East Council and Middleswich Town Council on design, access and all other matters that affect infrastructure wherever possible, and where it will add value to the planning application process; lead to improved outcomes for the community.”</i></b></p> <p>The second and third criteria should be deleted in their entirety together with the text at paragraphs 7.6 – 7.8.</p> <p>It will be necessary to renumber subsequent supporting text within the Plan consequent upon these modifications.</p>
PM20	Page 55	<p>Policy E2</p> <p>The first paragraph should be deleted.</p> <p>The second paragraph should be amended as follows:</p> <p><b><i>“<del>The building of</del> <u>Proposals for the development of small business units and start-up office accommodation</u> will be supported in appropriate locations such as industrial estates and the town centre. <u>Subject to regular review</u> Any proposals to release employment land for residential use will not be supported.”</i></b></p>
PM21	Page 57	<p>Policy E4</p> <p>Amend the text of the first criterion to read as follows:</p> <p><b><i>“1. <del>Positively respond to</del> <u>Meet the requirements of NDP policies related to design and heritage</u>,”</i></b></p>
PM22	Page 59	<p>Policy ECHW1</p> <p>The Policy should be deleted in its entirety and the content removed to an Annex to the Plan.</p> <p>It will be necessary to renumber subsequent policies consequent upon this modification.</p>
PM23	Page 61	<p>Policy ECHW2</p> <p>Amend the text of the Policy as follows:</p> <p><b><i>“Development proposals will be supported that integrate <u>create opportunities for more active living through provision for walking and cycling in the built environment and which promote physical and mental wellbeing.</u></i></b></p> <p><b><i><u>Wherever possible, Housing schemes should will be encouraged to provide opportunities for informal social interaction, either through the provision of new attractively</u></i></b></p>

		<b><i>designed shared spaces and accessible community facilities, or through access to existing facilities.”</i></b>
PM24	Pages 60-61	<p>Policies ECHW3 and ECHW4</p> <p>The policies to be deleted in their entirety, together with the text at paragraphs 8.9 – 8.12 and the content removed to an Annex to the Plan.</p> <p>It will be necessary to renumber subsequent policies and supporting text within the Plan consequent upon these modifications.</p>
PM25	Page 64	<p>Policy ECHW5</p> <p>Amend the final sentence of the second paragraph as follows:</p> <p><b><i><u>“In particular Development proposals will also be encouraged to contribute towards the provision of outdoor sports facilities, children’s’ play provision, new allotments and community gardens will be sought.”</u></i></b></p> <p>The final sentence of the Policy should be deleted in its entirety and the content removed to an Annex to the Plan.</p>
PM26	Page 66	<p>Policy ECHW6</p> <p>Amend the text of the third paragraph as follows:</p> <p><b><i><u>“Development should not result in harm to or loss of irreplaceable habitats such as ancient trees and veteran trees. Where dDevelopment proposals are in close proximity to sensitive habitats should be supported, where appropriate, by an impact assessment areas of woodland, a 50m buffer should be provided to protect the core of the woodland.”</u></i></b></p> <p>Amend the text of the fourth paragraph as follows:</p> <p><b><i><u>“Development proposals which are likely to have an unavoidable and significant adverse impact on, or result in that cannot avoid (though –sic– locating an alternative site with less harmful impacts), adequately mitigate, or as a last resort, compensate for the loss of a locally or nationally identified site of biodiversity value will not be supported unless adequately mitigated or, as a last resort, compensated for should be refused.”</u></i></b></p>