

Portfolio Holder Decision Report

Report Title: Acton, Eddlestone and Henhull Neighbourhood Development Plan: Decision to Proceed to Referendum

Portfolio Holder: Councillor Toni Fox, Portfolio Holder for Planning

Senior Officer: Frank Jordan, Executive Director of Place

1. Report Summary

- 1.1. The Acton, Eddlestone and Henhull Neighbourhood Development Plan (AEHNDP) was submitted to the Council in May 2019 and, following a statutory publicity period, proceeded to independent examination. The examiners 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 Acton, Eddlestone and Henhull, setting out detailed local planning policy on matters important to the community and through its alignment with the Local Plan Strategy the AEHNDP also supports the Councils 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:
 - 2.1.1. Accepts the examiner's recommendations to make modifications to the Acton, Eddlestone and Henhull Neighbourhood Plan as set out in the examiner's report (at Appendix 1); and
 - 2.1.2. Confirms that a referendum will now be held on the AEHNDP, within the Acton, Eddlestone and Henhull Neighbourhood Plan area.

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 AEHNDP is considered to meet the statutory tests, the Basic Conditions and procedural requirements set out in paragraph 8 of Schedule 10 to the Localism Act 2011 and as such it can now proceed to referendum.
- 3.3. Holding a referendum on the AEHNDP will enable the local community to vote on whether the plan should be used to determine planning applications in the neighbourhood area and bring the plan into statutory effect. The Neighbourhood 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 form part of the Development Plan for Cheshire East. Following the referendum the Council is required to 'make' the neighbourhood plan, confirming its status within the development plan for the area.
- 3.4. It should be noted that local planning authorities are normally required to hold a referendum within 8 weeks of deciding to progress a neighbourhood plan to referendum. The exception to this is where an alternative date can be agreed between both parties. In this instance, due to the scheduling of a general election in December and the updating of the electoral role in January, it has been agreed to exceed the usual time limits in this instance, holding a referendum as soon as possible in 2020, likely in the early part of February.

4. Other Options Considered

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

5. Background

- 5.1. The preparation of the AEHNDP began in 2016 with the Neighbourhood Area Designation approved in April 2016.
- 5.2. The final Neighbourhood Plan and its supporting documents were submitted to Cheshire East Council on 20th May 2019.

- 5.3. The supporting documents included:
- 5.3.1. The draft Acton, Eddlestone and Henhull 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
- 5.4. Cheshire East Council undertook the required publicity between 31.05.19 – 12.07.19. 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 Seaman BA (Hons) MA MRTPI, 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, she 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's author.
- 5.7. The examiner's report contains the Examiner'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. The examiner has recommended multiple modifications to the plan but overall it is concluded that the AEHNDP does comply with the Basic Conditions and other statutory requirements and that, subject to recommended modifications, it can proceed to a referendum.
- 5.9. It should be noted that, following the receipt of the examiners report, the examiner clarified via email on the 3rd December 2019, that the terms of reference in regards the Acton settlement boundary should be updated for consistency:

- 5.10. *For consistency, the single use of the following term 'Acton Settlement and Infill Boundary' would aid clarity (including the title of Figure M) and be consistent with the extant development plan and have due regard to the emerging Sites Allocation Plan,*
- 5.11. *The use of the varied terms within Policy Dev 3 reflect a desire to minimise the alterations to the Plan as a whole. There is no intention to maintain a proliferation of different terms for the same thing.*
- 5.12. *It should be noted that a change in the title of the boundary could have knock on implication for other parts of the plan - the use of 'Acton Settlement and Infill Boundary' would mitigate potential issues of consistency in this regard.*
- 5.13. The Examiner comments that:
- 5.14. *"In conducting the examination, I enjoyed absorbing the information about Acton, Eddlestone and Henhull from the Plan and supporting evidence and also visiting the town. The Plan has captured the town's character and I understand the references to a village atmosphere. The thorough Consultation Statement and the equally thorough Statement of Basic Conditions were extremely helpful. The Town Council, the supporting Steering Group and the volunteers are to be commended for their efforts in producing such a comprehensive document which, incorporating the modifications I have recommended, will make a positive contribution to the Development Plan for Acton, Eddlestone and Henhull and will assist in creating sustainable development."*

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 AEHNDP to be 'made', and legally form part of the Development Plan for Cheshire East.
- 6.1.2. The Neighbourhood Planning Act 2017 requires a local planning authority ("LPA") or other planning decision-maker to have regard to a "post examination draft NDP" when dealing with a planning application so far as the plan is material to the application.
- 6.1.3. The AEHNDP will become part of the development plan for that area after it is approved in the referendum. Following the referendum, if

Cheshire East Council decides not to make the Neighbourhood Development Plan, it will cease to become part of the development plan.

6.1.4. Cheshire East Council has considered the Human Rights Act 1998 and has not found that the Plan breaches the Act. The Examiner did not disagree with that position.

6.2. Finance Implications

6.2.1. The referendum is estimated to cost circa £3,700. 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 Acton, Eddlestone and Henhull. 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 Acton, Eddlestone and Henhull 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. Acton, Eddlestone and Henhull falls into the category of 'Other Settlements and Rural Areas' for the purposes of the Cheshire East Local Plan Strategy. As such Acton, Eddlestone and Henhull provide services to a rural community. 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 Acton, Eddlestone and Henhull 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 Acton, Eddlestone and Henhull Neighbourhood Plan contains policies which support physical wellbeing.

6.10. Climate Change Implications

6.10.1. The AEHNDP includes a number of policies that seek to ensure the sustainable development of land and the retention of land in sustainable uses and supporting additional protection of the environment.

6.10.2. In combination with other elements of the Development Plan these measures will help the Council to reduce its carbon footprint and achieve environmental sustainability by reducing energy consumption and promoting healthy lifestyles.

7. Ward Members Affected

7.1. Bunbury Ward: Councillor Sarah Pochin

7.2. Ward members will be informed of the decision to proceed to referendum when this report is published for consideration.

8. Consultation & Engagement

8.1. Consultation is a legal requirement of the neighbourhood planning process and has taken place throughout the preparation of the AEHNDP 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:
- 9.2. <https://www.cheshireeast.gov.uk/planning/neighbourhood-plans/neighbourhood-planning.aspx>
- 9.3. 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
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11. Appendix 1: Examiners Report



Report on Acton, Edleston and Henhull Neighbourhood Plan 2019 - 2030

An Examination undertaken for Cheshire East Council with the support of the Acton, Edleston and Henhull Parish Council on the May 2019 Regulation 15 submission version of the Plan.

Independent Examiner: Andrew Seaman BA (Hons) MA MRTPI

Date of Report: 8 October 2019

OFFICIAL

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Main Findings - Executive Summary

From my examination of the Acton, Edleston and Henhull Neighbourhood Plan 2019-2030 (the Plan) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – Acton, Edleston and Henhull Parish Council;
- The Plan has been prepared for an area properly designated – the Acton, Edleston and Henhull Parish Council area as shown on by Figures B on Page 5 of the submitted Plan;
- The Plan specifies the period to which it is to take effect – 2019 – 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

Acton, Edleston and Henhull Neighbourhood Plan 2019-2030

- 1.1 The Acton, Edleston and Henhull Parish Council administers the three Parishes of its area. They are located to the west and north west of the town of Nantwich which borders the boundary. The area is at the heart of the South Cheshire plain and is rural in nature.
- 1.2 The Plan has been some three years in preparation and follows the successful completion of a Parish Plan in 2005. It was led by a small steering committee and has consistently sought to gain the views of the Parish residents in shaping the objectives and content of the Plan, through the use of public meetings and questionnaires.
- 1.3 The Plan contains¹ a Vision and a set of Objectives for the area. These recognise the value of the natural countryside and heritage assets in conjunction with addressing matters affecting housing, employment, good design and adopting a sustainable approach towards transport. The suite

¹ Chapter 6 of the Plan.

of Plan policies is tailored to ensure appropriate forms of development are delivered.

The Independent Examiner

- 1.4 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Acton, Edleston and Henhull Neighbourhood Plan 2019-2030 by Cheshire East Council, with the agreement of the Acton, Edleston and Henhull Parish Council.
- 1.5 I am a chartered town planner and former government Planning Inspector, with experience of development plan examinations. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

The Scope of the Examination

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

- it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
- whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended)('the 2012 Regulations').

1.8 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

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

1.10 Regulation 32 of 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 2017².

² 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.

2. Approach to the Examination

Planning Policy Context

- 2.1 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. All references in this report are to the February 2019 NPPF and its accompanying PPG³.
- 2.2 The Development Plan for this part of Cheshire East Council, not including documents relating to excluded minerals and waste development, is the Cheshire East Local Plan Strategy 2010-2030 (CELPS) and relevant saved policies from the Borough of Crewe and Nantwich Replacement Local Plan 2011 (adopted 2005). The District Council are consulting⁴ on the Publication Draft Site Allocations and Development Plan Policies Document (SADP) which will form the second part of the Local Plan. It will set non-strategic and detailed planning policies to guide planning decisions and allocate additional sites for development to assist in meeting the overall development requirements set out in the CELPS.

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 Acton, Edleston and Henhull Neighbourhood Plan 2019-2030 [May 2019];
 - Figure B of the Plan which identifies the area to which the proposed Neighbourhood Development Plan relates;
 - the Consultation Statement, May 2019;
 - the Basic Conditions Statement, May 2019 as updated (Sept 2019);
 - all the representations that have been made in accordance with the Regulation 16 consultation;
 - the Strategic Environmental Assessment Screening Opinion prepared by Cheshire East Council; and
 - the clarifications received to my correspondence dated 11th September 2019⁵.

³ See paragraph 214 of the NPPF. The Plan was submitted under Regulation 15 to the local planning authority after 24 January 2019.

⁴ Until 30 September 2019.

⁵ View at: <https://www.acton-parish-council.org.uk/neighbourhood-plan-news/>

Site Visit

- 2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 9 September 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. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum.

Modifications

- 2.6 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 Acton, Edleston and Henhull Neighbourhood Plan 2019-2030 has been prepared and submitted for examination by Acton, Edleston and Henhull Parish Council which is a qualifying body for an area that was designated by Cheshire East Council 8 April 2016.

- 3.2 It is the only neighbourhood plan for Acton, Edleston and Henhull and does not relate to land outside the designated Neighbourhood Plan Area.

Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2019 to 2030.

Neighbourhood Plan Preparation and Consultation

- 3.4 As referenced in the Plan, the supporting Consultation Statement and Basic Conditions Statement, the Parish Council commenced work on the Plan in 2016. The Council has explained its determination to ensure that residents should be kept informed and given every opportunity to inform the process of plan production. A small steering group was established to guide the process and an initial resident questionnaire was sent to all Parish households to be completed by the end of February 2016. The Neighbourhood Plan Area⁶ was designated by Cheshire East Council on 8 April 2016.
- 3.5 A 37% response rate to the initial questionnaire was achieved. The outcomes are summarised in the Consultation Statement (Chapter 4) and a suitably publicised open Neighbourhood Plan meeting was held in October 2016. Whilst turnout for the meeting was modest, the Steering Group was further informed about the issues and concerns affecting the Parishes and was subsequently able to progress the format and content of the emerging Neighbourhood Plan through the commissioning of a number of reports to support its content⁷. The draft Plan was also informed by a separate consultation concerning the Dorfold Estate in June 2017.
- 3.6 As stipulated in the Consultation Statement (paragraph 2.1.1) work continued on the evidence and the production of the draft Plan during 2017 and 2018, including the submission of a draft to Cheshire East Council in April 2018 for comment and for SEA screening. In March 2019 consultation commenced under Regulation 14 for 6 weeks (4 March – 15 April). The consultation included:
- consultation with statutory bodies;
 - notification on where, when and how to view and comment on the Plan;
 - email notification to interested parties;

⁶ Figure B of the Plan.

⁷ See Chapter 2 of the Plan.

- posters inviting attendance at a 'drop in' event;
- a Neighbourhood Plan Survey on the Plan's website; and
- consultation with other Parish councils and bodies.

3.7 Following consideration of the 45 comments (14 consultees) to the Regulation 14 consultation, the Parish Council updated the Plan prior to further consultation under Regulation 16. The subsequent consultation ran from 31 May to 12 July 2019 and 12 further responses were received⁸.

3.8 I am satisfied that a transparent, fair and inclusive consultation process has been followed for the Plan that has had regard to advice in the PPG on plan preparation and is procedurally compliant in accordance with the legal requirements.

Development and Use of Land

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

Excluded Development

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

Human Rights

3.11 The Basic Conditions Statement concludes that the Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention of Human Rights Act 1998 and I note that Cheshire East Council is satisfied that the Plan does not breach Human Rights (within the meaning of the Act). From my independent assessment, I agree.

⁸ See Summary of Regulation 16 Consultation Responses.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The Acton, Edleston and Henhull Neighbourhood Plan 2019-2030 was screened for Strategic Environmental Assessment (SEA) by Cheshire East Council which found that it was unnecessary to undertake SEA. Neither Natural England (NE) nor the Environment Agency (EA), when consulted, disagreed with that assessment. Historic England (HE) raised concerns and suggested alternative wording to some of the policy content which has been taken into account in the submitted Plan; consequently, HE considers the document is appropriately worded. Having read the SEA Screening Opinion, I conclude that SEA is not required.
- 4.2 The Plan was further screened for Habitats Regulations Assessment (HRA) which concluded that HRA was not required. The site is not in close proximity to a European designated nature site. From my independent assessment of this matter and with regard to NE's comments, I agree.

Main Issues

- 4.3 Following the consideration of whether the Plan complies with various procedural and legal requirements, it is now necessary to deal with whether it complies with the Basic Conditions; particularly the regard it pays to national policy and guidance, the contribution it makes to the achievement of sustainable development and whether it is in general conformity with strategic development plan policies. I test the Plan against the Basic Conditions by considering specific issues of compliance with all the Plan's policies.
- 4.4 As part of that assessment, I consider whether the policies in the Plan are sufficiently clear and unambiguous, having regard to advice in the PPG. A policy 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 evidence⁹. I recommend some modifications as a result.

⁹ PPG Reference ID: 41-041-20140306.

4.5 Accordingly, having regard to the Plan, the consultation responses, written evidence and the site visit, I consider that the main issues for this examination are whether the Plan policies

- have regard to national policy and guidance;
- are in general conformity with the adopted strategic planning policies; and
- would contribute to the achievement of sustainable development.

Following the sequence within the Plan, I shall assess these issues on the basis of the Plan's policy chapters: Environment; Heritage; Design; Housing; Economy; Community Infrastructure and Travel, Traffic and Movement.

Environment (Policies ENV1 to 7)

4.6 The designated area is rural in character and it is apparent from the work undertaken by the Parish Council that local residents value the open nature of their Parishes. I am mindful of *The Landscape and Settlement Character Assessment* prepared in support of the Plan which is a useful source of predominantly uncontested evidence.

4.7 Policy ENV1 is drafted so as to protect and enhance the character and setting of the villages and settlements of the area. It details 9 criteria that should be fulfilled by development proposals. The criteria are worded so as to be flexible in their application with cross references to other parts of the Plan. The policy as a whole is framed positively in a manner that is consistent with national policy and the extant Development Plan.

4.8 The policy refers to 'long ranging views' which are identified in Figure D and are supported by the *Landscape and Settlement Character Assessment*. I have no substantive evidence rebutting its content and it is a reasonable assessment for the area. Criterion 'b' will be suitably flexible in its implementation as a result of the phrase 'wherever possible' and I therefore conclude its submitted form is acceptable and not contrary to national policy. I do not find that the Policy would unreasonably fetter justified development proposals.

4.9 The penultimate paragraph of the policy is somewhat repetitive of the foregoing policy requirements and therefore should be amended for conciseness and precision. Furthermore, national policy does not sequentially require the development of brownfield sites before others whilst the provisions of other Plan policies (ie ENV3) will automatically apply without necessitating specific reference. I therefore recommend modifications to the policy to ensure clarity in its operation and consistency with national policy (**PM1**).

- 4.10 Policy ENV2 seeks to avoid harm to valued landscape features and characteristics. A neighbourhood plan policy can only have effect within the designated area and cannot control development beyond the designated boundaries¹⁰. To ensure the precision and clarity of the Plan it is necessary to mitigate against ambiguity in this regard. As currently worded and whilst not the stated intention of the Parish Council, Policy ENV2 could be interpreted to seek to control development outside of the designated area. I therefore recommend a modification to clarify its approach (**PM2**).
- 4.11 Policy ENV3 relates to ‘open countryside’ and appears intended to support Policy PG 6 of the Local Plan Strategy. Unlike PG 6 however, the focus of the policy is upon development which supports equine activities (‘horsiculture’). Plan paragraphs 7.1.10 to 7.1.12 indicate the importance that Parish residents place upon ‘open countryside’ but does not reference why horsiculture is identified as a distinct issue requiring specific management. For the reasons of consistency with the Local Plan and national policy, I consider that the policy would secure its aims by simply being applicable to all forms of development and would be capable of effective implementation if reference is made to the unacceptable effects of proposals rather than simply reference to negative impacts which may prove inflexible to operate reasonably. I recommend a modification accordingly (**PM3**).
- 4.12 Policy ENV4 establishes a Local Green Gap between Acton and the western edge of Nantwich and is adequately supported by the evidence sources cited within Appendix 4 of the Plan. Local Plan Policy PG 6 and Policy ENV3 of the Plan would apply to the designated Gap and the criteria of Policy ENV4 are somewhat repetitive of these other policy aims. Nonetheless, it is clear that the intervening countryside between Acton and Nantwich is valued. As supported by my site inspection and the background evidence¹¹ which takes into account the growth of Nantwich, the proposed new settlement boundary for the town¹², the established nuclear form and setting of Acton village and its surrounding agrarian landscape, a discrete Local Green Gap designation is justified. Due to its limited size and specific location, this would not prevent future proposals for sustainable forms of development elsewhere in and around Nantwich. This will maintain a suitable separation between Acton and Nantwich subject to modifications to the criteria for clarity, flexibility and precision (**PM4**).
- 4.13 The Plan seeks to maintain and enhance the habitats and wildlife value of the Parishes through Policy ENV5 which is supported in particular by the Parish Council’s *Protecting and Enhancing Acton, Edleston and Henhull’s Natural Environment*¹³. This supports the policy approach of the Plan and is consistent with the broad objectives of national policy and the Local Plan. There is no substantive submitted evidence to the contrary. I recognise that the

¹⁰ Section 38A(2) of the 2004 Act.

¹¹ See Appendix 4 of the Plan (and paragraph 4.4).

¹² Emerging Local Plan Site Allocations and Development Policies Document (SADP).

¹³ Cheshire Wildlife Trust 2018.

Council's evidence is predominantly desk based and that further habitat mapping is recommended. Such additional work would enable any site specific matters to be addressed reasonably through the preparation of bespoke field based evidence which has appropriate regard to the ecological and habitat value of any location. Such provision would ensure a proportionate and informed approach by which the potential effects of development proposals can be gauged and, if appropriate, mitigated. Consequently, I recommend modifications to the Policy (**PM5**) to ensure its effective operation which include appropriate references to Plan Figures F and G and to ensure that the policy intention reflects the need for further habitat mapping in certain circumstances.

4.14 Policy ENV6 takes a similarly positive approach towards 'trees, hedgerows and vegetation' and is supported by the above Natural Environment Report and the *Landscape and Settlement Character Assessment*. The policy aims are rather lengthy but nonetheless supported adequately by the available evidence. The reference to exceptional circumstances is unnecessary in the context of the penultimate sentence of the first paragraph and I recommend its omission together with a caveat to the suggested replacement hedgerow requirements to ensure the effective application of policy. I recommend accordingly (**PM6**).

4.15 Policy ENV7 emphasises the value of 'Dark Skies' and is positively worded in a manner that does not contravene the content of national policy or the Local Plan.

4.16 Therefore, overall, on the evidence before me, and with the recommended modifications PM1 – PM6 I consider that the Plan's environmental policies are in general conformity with the strategic policies of the adopted Development Plan, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Heritage (Policies HER1 to 3)

4.17 The Plan recognises the importance of the heritage assets within the Parishes, including those of the Dorfold Estate, and draws suitably upon pre-existing evidence such as the *Character Appraisal Management Plans*. Policy HER1 is consistent with national policy and positively framed.

4.18 Policies HER2 and HER3 relate to the Acton Conservation Area and the Chester Canal Conservation Area. The criteria list of matters to be taken into account needs refinement to

ensure they can be applied clearly and appropriately. I recommend accordingly **(PM7)**. Overall however, they are both positive policies that recognise the importance of these areas to the Parishes and therefore, with modification PM7, the heritage policies of the Plan meet the Basic Conditions.

Design (Policies DEV1 and 2)

- 4.19 It is evident that the issue of design is important to the Parishes and their residents. Policy DEV1 supports good design which is an approach consistent with national policy. Indeed, the policy can be considered to be grounded in an understanding of the neighbourhood area's defining characteristics.
- 4.20 The policy has scope for flexible implementation through the use of the phrase: 'where appropriate'. However, it is both long and prescriptive in its detail to the extent that there is a risk that innovative or appropriate designs which promote high levels of sustainability could be stymied in a manner contrary to national policy; a fact recognised by the penultimate sentence of the policy itself. There is scope to refine the policy to ensure it achieves its objective of securing good design whilst enabling appropriate design solutions for new development. I recommend modifications which include clarity in the use of language to ensure the effective operation of the policy and the omission of the unnecessary reference to Design and Access Statements which, in any event, are required in certain circumstances by regulation. I recommend deletion of criterion 'k' which could be interpreted as seeking to control development for the benefit of private views which is not a public benefit underpinning the purpose of the planning system. I recommend accordingly **(PM8)**.
- 4.21 The suggested text to policy DEV1 from the United Utilities regulation 16 consultation response concerning criterion 'o' should be added to the supporting justification within the Plan for clarity **(PM8)**.
- 4.22 Policy DEV2 is positively worded in support of sustainable design and has suitable regard to national policy and the Local Plan. Therefore, with modification PM8 the Design policies of the Plan meet the Basic Conditions.

Housing (Policies DEV3 to 5)

- 4.23 The Local Plan sets the Development Plan strategy and settlement hierarchy for housing provision across the District and the Neighbourhood Plan Area. The evidence indicates that

currently the District is on course to meet its housing provision requirement with regard to development in 'Other Settlements and Rural Villages' which applies to the Plan area. Consequently, and with regard to commitments and completions, the need for housing provision in the Neighbourhood Plan Area for the Plan period is minimal and there is no justification for any specific housing allocation.

- 4.24 The Plan has been prepared in the knowledge that Cheshire East Council are preparing the SADP. However, this document is yet to be submitted for examination and potential adoption. The Plan needs to be in general conformity with the strategic policies of the existing Development Plan which in this case is the Local Plan and the saved policies from the Borough of Crewe and Nantwich Replacement Local Plan 2011. It is therefore premature for the Plan to reference the SADP in the manner contained in Policy DEV3 'Location of Housing'. Nonetheless, the thrust of the policy, to focus infill housing within Acton remains consistent with the extant Development Plan.
- 4.25 The Local Plan indicates that settlement boundaries may be established through the neighbourhood planning process and therefore I consider that the proposed 'settlement and infill boundary' for Acton, as shown upon a renamed Figure M, Acton Settlement Boundary, of the Plan and whilst tightly drawn around the existing buildings of the village, is a reasonable and justified proposition and that the remainder of the Parish area can justifiably be identified as 'open countryside'. There is no clear need for the defined boundary to accommodate parcels of land for future housing growth. This is consistent with the strategic approach towards housing envisaged by the Local Plan. Whilst the detailed wording of Policy DEV3 necessitates alteration through my recommendations (**PM9**), I find that the objective and core content of the policy to be appropriate to the Development Plan context.
- 4.26 The Plan introduces wording on the residential conversion of farm buildings which references concepts of 'location' and 'value' which are not part of national policy. The issue is appropriately managed in large part by Local Plan Policy PG 6 and I therefore recommend modification to Policy DEV3 to ensure clarity and additional wording that is aligned with national policy (**PM9**).
- 4.27 Policy DEV4 references the 'type and mix of housing' required within the Parishes which is supported adequately by the Council's Housing Need Advice Note drawing on the wider Cheshire East context. This is explained clearly within the Plan's policy justification whereby any future housing requirement may fall within the range of 0-31 dwellings having regard to past completions which in turn may, at the lower end of the range at least, be accommodated through small scale windfall development. Whilst the policy content is justified sufficiently, the restriction on substantial expansion or alteration of original buildings to accommodate subdivision should be more flexibly amended to ensure that only unacceptable alterations are prohibited (**PM10**). There is insufficient justification for

reasons of the 'Basic Conditions' to amend the policy further to reference the intended non-statutory 'Dorfold Development Plan' at this time.

- 4.28 Plan Policy DEV5 reasonably supports initiatives for home working although it references the need to avoid disproportionate additions to the existing home. The concept of a disproportionate extension is frequently associated with the application of Green Belt policy which does not apply to the Neighbourhood Plan Area. There is no definition of what constitutes a disproportionate addition in the policy or in the text and therefore to ensure clarity and effective implementation of the policy aims I recommend an alternative form of words (**PM11**).
- 4.29 Therefore, overall, on the evidence before me, and with the recommended modifications PM9 – PM11 I consider that the Plan's housing policies are in general conformity with the strategic policies of the adopted Development Plan, minimise conflict with the emerging SADP, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Economy (Policies DEV 6 and 7)

- 4.30 The Plan takes a supportive stance towards small scale employment development but limits such development within Policy DEV6 to Use Classes A2 (financial and professional services) and B1 (business) only. In light of the remainder of the policy which, for example, refers to the broader mix of uses found at Basin End Marina, stipulates the criteria to be met for new development and cross references Local Plan policies such as EG 1 and EG 2, such a requirement is too limiting, unwarranted and unnecessary. To ensure the effective operation of Policy DEV6 and to be aligned suitably with national policy, I therefore recommend its modification (**PM12**).
- 4.31 Policy DEV7 relates to the rural economy. It has a positive intention subject to the application of the Plan's other policies and objectives which include obviating significant harm to the area's character which, to limit discussion on what constitutes 'significant' in this context, would be more effectively implemented if phrased as avoiding unacceptable harm. Furthermore, the siting and design of any new development must be assessed against its justification and intended use whilst future uses would fall to be considered under the provisions of the planning process. Consequently, it is unnecessary to incorporate policy wording which seeks to mitigate against possible future uses. I recommend a modification accordingly (**PM13**). Therefore, with modifications PM12-PM13 I consider that the Economic policies of the Plan meet the Basic Conditions.

Community Infrastructure (Policies COMM1 and 2)

- 4.32 The Plan appropriately seeks to ensure that the Parishes are served by suitable telecommunications infrastructure (Policy COMM1) which has due regard to national policy. Policy COMM2 similarly takes a positive approach to maintaining and providing community facilities which responds suitably to the local circumstances of the area. The policies meet the Basic Conditions.

Travel, Traffic and Movement (Policies TRA1 and 2)

- 4.33 The Plan recognises, with due regard to the public consultation, the importance of traffic and accessibility issues within the Parishes. Policy TRA1 maintains an approach that is broadly in line with national policy and makes explicit reference to the Local Plan such that it will be effective in operation. The policy makes reference to ‘very special circumstances’ which is a phrase predominantly used when considering planning matters in the Green Belt and therefore would be better replaced with ‘exceptionally justified circumstances’ to avoid ambiguity of interpretation in implementation. The policy also refers to infrastructure contributions which requires refinement to ensure it is legally compliant in its requirements. I recommend modifications accordingly (**PM14**).
- 4.34 The Plan, in TRA2, identifies ‘gateways’ to Acton and references the desired environmental improvements for the village. This is supported adequately by the available evidence. Therefore, with the proposed modification I consider that the Plan’s policies for Travel, Traffic and Movement meet the Basic Conditions.

5. Conclusions

Summary

- 5.1 The Acton, Edleston and Henhull Neighbourhood Plan 2019-2030 has been duly prepared in compliance with the procedural requirements. My examination has assessed whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies 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 the referendum area should be extended beyond the designated area to which the Plan relates. The Acton, Edleston and Henhull Neighbourhood Plan 2019-2030 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 In conducting the examination, I enjoyed reading the Plan, familiarising myself with the issues affecting the Parishes and visiting Acton, Henhull and Edleston. The Plan is concise and follows a clear structure. The Consultation Statement and especially the updated Basic Conditions Statement were helpful. The Parish Council, the Steering Group and other volunteers are to be commended for their efforts in producing the document which, incorporating the modifications I have recommended, will make a positive contribution to the Development Plan for Cheshire East and will assist in creating sustainable development as envisaged by national policy.

Andrew Seaman

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 18	<p>POLICY ENV1: LANDSCAPE CHARACTER AND SETTING</p> <p>...All development which impacts on landscape character and setting must should demonstrate how it has regard has been had to the policy aims and criteria. regard has been had to the policy aims and criteria. respected and reinforced existing and historic landscapes. Applications, which lead to the unacceptable fragmentation or loss of important landscape features, open space or particular settlement features, will not normally be supported.</p> <p>New development should therefore be prioritised on brownfield sites and/ or within the Acton infill boundary (see Figure C and DEV3). Where exceptions in 'open countryside' are proposed, Policy ENV3 must be followed.</p>
PM2	Page 20	<p>POLICY ENV2: VALUED FEATURES AND CHARACTERISTICS</p> <p>Proposed new development must not significantly harm characteristic features within the local landscape within and visible from the Neighbourhood Area.</p> <p>In particular, the visual prominence of Acton's St. Mary's Church and tower, and views across and to the registered battlefield, should not be significantly compromised by new development.</p> <p>New development should seek to maintain or reinforce these views.</p>
PM3	Page 22	<p>POLICY ENV3: OPEN COUNTRYSIDE</p> <p>Development proposals for horsiculture in the 'open countryside', including those supporting equine activities, will only be supported where it can be demonstrated that there would be no negative unacceptable visual, landscape and ecological impacts. and Proposals are must be of a scale and design appropriate for the site, location and. The design of any new building must be appropriate to its their intended function.</p> <p>and must not be designed to be easily converted or extended to any non-horsiculture use in the future.</p> <p>New development in the 'open countryside' should neither significantly nor cumulatively result in unacceptable harm to the character of the landscape.</p> <p>Development in the 'open countryside' must demonstrate consideration of the Parishes' Landscape Character and Settlement Assessment, should be appropriate to its location and in keeping with its surroundings.</p>
PM4	Page 23	<p>POLICY ENV4: ACTON LOCAL GREEN GAP</p> <p>The land shown on Figure E is designated as a Local Green Gap</p>

		<p>in order to prevent coalescence between the western edge of the permitted Kingsbourne development (Welshmans Lane) and the eastern edge of Acton village and to ensure that the openness which is an important element of the Acton village setting is maintained or enhanced and not harmed.</p> <p>Within the Acton Local Green Gap Cheshire East 'Open Countryside' Policy PG6 will apply. In addition, planning permission will not be supported for the construction of new buildings or the change of use of existing buildings or land which would:</p> <p>a) result in erosion of the physical gap identified in this policy;</p> <p>b) adversely unacceptably affect the visual character of the landscape;</p> <p>c) significantly unacceptably affect the undeveloped character of the Acton Local Green Gap, for example by coalescence between Acton and nearby development, or lead to coalescence between Acton and nearby development.</p>
PM5	Page 25	<p>POLICY ENV5: HABITATS AND WILDLIFE CORRIDORS</p> <p>Development which will have a significant negative unacceptable impacts on wildlife habitats, green infrastructure in the Parishes, and the areas of high value habitat distinctiveness and wildlife corridors identified in Figures F and G will not be supported. In exceptional circumstances, where the reasons for proposed development clearly outweigh the value of the ecological feature adversely affected and there are no appropriate alternatives, suitable mitigation and/ or compensation must be provided to address the adverse impacts of the proposed development.</p> <p>Development proposals should be supported by habitat assessments where areas of High or Medium value are potentially affected.</p> <p>The enhancement of wildlife habitats, green infrastructure, and the areas of high distinctiveness and wildlife corridors identified in Figures F and G will be supported.</p> <p>Small scale development which would meet the other policy requirements of this Neighbourhood Plan and would preserve or enhance existing wildlife habitats, wildlife corridors and green infrastructure around the Parishes, and allow for the creation of new ones, will be supported.</p> <p>Where possible new developments must not create divisions between existing wildlife corridors (Figure G) and where possible should contribute to the creation of new or improved links.</p> <p>Development proposals which are adjacent to the areas of medium value habitat distinctiveness identified on Figure F must identify these areas in the application and where feasible include proposals for connections to restore and/ or create wildlife-friendly habitat connections to the wildlife corridors.</p>
PM6	Page 29	POLICY ENV6: PROTECTING, REPLACING AND PLANTING TREES

		<p>HEDGEROWS AND VEGETATION</p> <p>Trees, hedgerows, watercourses and other vegetation which makes a significant contribution to the amenity, biodiversity and landscape character of the surrounding area must be preserved, and development which would adversely impact upon them will not normally be supported. In exceptional circumstances, Where the benefits of development are considered to clearly outweigh the potential harm to benefit of preserving trees, hedgerows, watercourses and other vegetation, development will only be supported subject to appropriate mitigation. Their retention in situ will always be preferable.</p> <p>Where viable, hedgerows should be integrated into new development as boundary treatments, particularly on the main highway.</p> <p>Hedgerow replacement must be more than the linear length removed. For 'high value hedges' as detailed in the Cheshire Wildlife Trust report 'Protecting and Enhancing Acton, Edleston and Henhull's Natural Environment' (Background Document 1) it should normally be in a ratio of 3:1.</p> <p>New buildings, structures or hard surfaces must be located a sufficient distance away from significant existing trees to protect them from damage during construction in accordance with BS5837 (or any updated, equivalent standard).</p> <p>Layouts must make provision to safeguard the long term preservation of existing trees shown for retention, such as locating them in open space rather than in private gardens.</p> <p>Any replacement trees, hedgerow or other vegetation must be of native species in character with those existing in the Parishes. Details of species, spacing, location for replacement planting must be submitted for approval.</p> <p>Landscape plans must be submitted with planning applications and should demonstrate how proposals have included appropriately sized specimens in planting schemes to support local character. Hedgerow planting should give sufficient space/ width to allow for management as a 'Cheshire hedge'.</p> <p>All landscape proposals must include details for long term management and maintenance.</p>
PM7	Page 35/36	<p>POLICY HER2: ACTON CONSERVATION AREA</p> <p>Development proposals in the Acton Conservation Area (Figure J) must demonstrate how they have considered the Acton Conservation Area Character Appraisal Management Plan (Background Document 10), and should take account of the following:</p> <ul style="list-style-type: none"> • the obvious change between 'open countryside' and built form at the northern end of the village, with a strong gateway provided by the Old School House and Village Farm; • the strong visual links between Dorfold Hall Lodge and main entrance, and Acton, with the intervening field and line of trees making an important contribution to the setting of

		<p>Acton;</p> <ul style="list-style-type: none"> • the line of trees and copse framing the Chester Road cottages which make an important entrance when approaching from the south east; • the rear elevations of the converted Village Farm barns and Glebe House which mark the change between 'open countryside' and settlement when approaching from the west; • the surrounding open land characterised by intermittent tree cover and hedges, which is critical to the setting of the conservation area because of the perspective from which the settlement is viewed and because of their historical and archaeological associations; • approaching Acton along Monks Lane, the oak trees make an important contribution to the western gateway; • the principal architectural characteristics which are of overall harmony and a strong sense of grouping; • the strong architectural elements which are complemented by mature trees throughout and around the settlement, forming a backdrop and creating a strong sense of enclosure. <p>POLICY HER3: CHESTER CANAL CONSERVATION AREA</p> <p>Development proposals in the Chester Canal Conservation Area (Figure J) must demonstrate how they have considered the Chester Canal Conservation Area Appraisal (Background Document 11) and should take account of the following:</p> <ul style="list-style-type: none"> • development should preserve and/or enhance the canal and its wider setting in terms of architectural expression, heritage features and views; • development and conservation should be of the highest possible standard and sensitive to the historic and environmental character of the canal and its environs; • where views of Acton Church tower from the canal are visible they should be retained; • applications which are in the vicinity of Basin End should incorporate proposals for interpretation explaining the origin of the Chester Canal; • the wildlife corridor of the canal should be protected and enhanced; • towpath hedgerows should be protected.
PM8	Page 39	<p>POLICY DEV1: DESIGN FOR NEW DEVELOPMENT</p> <p>All new development, regardless of use, should demonstrate the principles of good design, and must demonstrate consideration of the Cheshire East Design Guide (2016) and the Acton, Edleston and Henhull Landscape and Settlement Character Assessment (2018) or any updated versions. Where appropriate, applications should be accompanied by a Design and Access Statement.</p> <p>Proposed extensions and new builds (including redevelopment) must be of a high quality design, incorporating local materials and detailing. Where proposed</p>

		<p>for Acton village they must complement the built character of Acton village. The proposals must relate closely <i>paying due regard</i> to the form, scale and styles in the immediate vicinity of the proposed site.</p> <p>New development should, where appropriate:</p> <ul style="list-style-type: none"> a) reinforce character and identity through locally distinctive design and locally characteristic features (as described in the Landscape and Settlement Character Assessment), without precluding innovative contemporary architectural design where appropriate <i>justified</i>; b) ensure that developments recognise the importance of the 'South Cheshire' vernacular, such as black and white railings and finger posts, stone kerbs, red brick vernacular, estate paled fences, gable end round 'porthole' openings in brick buildings and the lack of uniformity of adjacent buildings in height, mass, roofscape and materials; c) deliver appropriate densities and plot sizes commensurate with the surroundings and need; d) present a layout for new development which integrates well with surroundings; e) establish a clear hierarchy of streets and spaces that sets out unequivocal function for streets and roads and includes <i>including</i> the prioritisation of pedestrian-friendly routes where it is safe and practicable to do so; f) ensure that boundary treatments are consistent with and appropriate to local conditions, using locally consistent materials and treatments, including height; g) protect and enhance wildlife corridors, ponds and watercourses enhancing biodiversity and retaining important trees and hedgerows and appropriate public and private spaces, including recreation and community spaces; h) when adjoining 'open countryside', provide a sympathetic transition between the rural and village landscapes, through appropriate landscape design and boundary treatments; i) take account of the topography and natural features of the site to maximise the views from the site to the surrounding areas of countryside and to minimise impact on the skyline; j) ensure that views to the important local landmark of the Church of Saint Mary in Acton and to and across the battlefield are maintained; k) ensure that the orientation of new buildings is arranged to maintain as far as it is possible the views from existing buildings; l) ensure that new development is positioned such that it seeks to maximise the amenity for future occupiers, whilst not prejudicing the occupiers of adjacent property, <i>for example</i> by reason of overshadowing, overlooking, visual intrusion, noise and disturbance, odour, or in any other way; m) support features beneficial to wildlife, such as bat and bird boxes, hedgehog friendly fencing and bee bricks.
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		<p>n) support eco-and environmentally sustainable technology and materials;</p> <p>o) incorporate SuDS which avoids all non-permeable surfaces, or delivers a water management system which minimises water run-off and ensures that all surface water is addressed within the site boundary. Every option should be investigated before discharging surface water into a public sewerage network, in line with the surface water hierarchy. None of the above should preclude contemporary design in appropriate locations.</p> <p>The cumulative impact of small changes should be assessed and considered to ensure that they are not detrimental to the character of the area.</p> <p>Additional text to para 7.3.8:</p> <p><i>In line with paragraph 80 of the National Planning Practice Guidance on Flood risk and coastal change, surface water should be discharged in the following order of priority:</i></p> <ul style="list-style-type: none"> • <i>An adequate soakaway or some other form of infiltration system.</i> • <i>An attenuated discharge to surface water body.</i> • <i>An attenuated discharge to public surface water sewer, highway drain or another drainage system.</i> • <i>An attenuated discharge to public combined sewer.</i> <p><i>Proposals wishing to discharge to public sewer will need to submit clear evidence demonstrating why alternative options are not available as part of any planning application.</i></p>
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PM9	Page 42	<p>POLICY DEV3: LOCATION OF HOUSING Housing infill development will be supported within the Acton village infill boundary as defined in the Local Plan Site Allocations and Development Policies Document (see Figure M).</p> <p>Other than the permitted housing sites that abut Nantwich (Figure C) the whole of the Parishes are will be designated considered to be as 'open countryside', and outside of these permitted sites and the Acton infill boundary, new housing will be supported that accords with Policy PG6 of the Cheshire East Local Plan.</p> <p>Proposals for agricultural workers dwellings, or residential properties which support a rural business, must be well related to existing buildings and not have an adverse impact on the openness of the landscape.</p> <p>The conversions of farm Proposals to convert rural buildings to residential properties will be supported if the building is well located and worthy of retention and must if in accord with Policy PG6 of the Cheshire East Local Plan. Proposals should ensure that any important characteristics and features of the original buildings are retained, that the urbanisation of the development is kept to a minimum, and that the development is kept to the footprint of the original buildings as far as possible.</p> <p>Re title Figure M to read Acton Settlement Boundary.</p>
PM10	Page 44	<p>POLICY DEV4: TYPE AND MIX OF HOUSING</p> <p>... Applications that seek the conversion or subdivision of larger dwellings to provide smaller units, which meet the needs identified above, will be supported where they do not result in the substantial unacceptable expansion or alteration of the original building.</p>
PM11	Page 46	<p>POLICY DEV5: WORKING FROM HOME Proposals to provide facilities for home working either by conversion, extension or new build within the curtilage of existing homes, will be supported provided that it is not disproportionate subservient in scale to the existing building. Where planning permission is required to facilitate home working this will be supported subject to ensuring that the final use proposed does not impinge on the amenity of the existing property or neighbouring properties, including consideration of any increase in vehicular comings and goings from the property. Care should be taken to ensure that the intensification of use over time does not result in unacceptable impacts on nearby amenity. Appropriate conditions may be used to ensure that this is achieved through limiting the approved use, the number of vehicular comings and goings or the hours of operation.</p>
PM12	Page 49	<p>Policy DEV6: EMPLOYMENT DEVELOPMENT Small scale development which creates new employment uses, use</p>

		<p>classes A2 and B1 only), will be supported on sites within the Acton infill boundary, on previously developed sites elsewhere within the Parishes, within the Kingsbourne development area and as part of Dorfold Hall's vision for its long term sustainability (the latter subject to other national, Local Plan and Neighbourhood Plan policies regarding heritage assets). Subject to meeting the criteria above, support will be given to the expansion and modernisation of the existing employment site at Basin End, Nantwich Marina in order to retain a range of employment opportunities within the Parishes.</p> <p>Where appropriate, all All new employment development as outlined above should:-</p> <ul style="list-style-type: none"> ☐ not impact adversely on nearby residential amenity as a result of noise, vibration, odour, traffic and other bad neighbour issues; ☐ not result in a net loss of significant green infrastructure, including hedgerows and trees; ☐ provide suitable parking and access arrangements; ☐ be designed to the highest quality, taking account of local character, and avoiding development that is out-of-scale with the village character and rural environment. <p>Any development proposals that are unable to meet the above criteria will not normally be supported.</p>
PM13	Page 48	<p>POLICY DEV7: RURAL ECONOMY</p> <p>Subject to respecting Acton, Edleston and Henhull's built and landscape character, and environmental and residential amenity impacts being acceptable, support will be given for the development of small rural businesses which complement and enhance the rural landscape, particularly on brownfield sites and with low traffic generation.</p> <p>The diversification of farms and rural businesses will be supported, where proposals meet the other relevant policies in this Neighbourhood Plan.</p> <p>New tourism initiatives and visitor accommodation will be supported which are appropriate in scale and location for the development, and which would create no significant avoid unacceptable harm to the existing character of the local area or residential amenity.</p> <p>The design of new buildings for rural businesses must meet the same landscape and design criteria set out in policies in this Neighbourhood Plan. They must be appropriate to their intended function. and must not be designed to be easily converted to any non-rural business use in the future.</p>
PM14	Page 52	<p>POLICY TRA1: IMPROVED PEDESTRIAN, CYCLE AND PUBLIC TRANSPORT ACCESS Access to the countryside will be promoted through protection and maintenance of the existing Public Right of Way (PROW) network (see Figure N), its enhancement where possible, and the safety of users of rural roads and lanes.</p>

		<p>Any development that leads to the loss or degradation of any PROW, canal towpath, or any cycleway, will not be supported in other than very special exceptionally justified circumstances, and then only if a suitable alternative can be provided. Proposals to divert PROWs or cycleways should provide clear and demonstrable benefits for the wider community.</p> <p>Any new development must provide easy, accessible traffic-free routes for non-motorised users (to include pedestrians, disabled people, people with prams or baby-buggies, cyclists and where appropriate equestrians) to shops, parks and open spaces, and nearby countryside. The provision of any such additional routes will be supported.</p> <p>The needs of non-motorised users (as described above) must be taken into account in all traffic planning, but especially in relation to rural lanes and roads. Hazards arising from an increase in vehicle numbers where agricultural buildings are converted to residential or commercial use will need to be taken into consideration. Measures to be taken to ensure this may include, for example, separation of pedestrians/cyclists from vehicular traffic where possible, improvements to signage, or means of speed reduction.</p> <p>Any proposed development that is likely to generate significant amounts of movement should provide a Travel Plan in accordance with the relevant policies of the Cheshire East Local Plan Strategy.</p> <p>In the following areas where developments require necessitate justified contributions to community infrastructure, contributions towards or delivery of the following long-term local sustainable transport projects will may be required (Figure O). Acton to Nantwich cycle lane; Kingsbourne to Canal footpath improvement; Footpath along Marsh Lane (for the Crewe and Nantwich Circular route); Footpath along Cuckoo Lane.</p>
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