

## **Portfolio Holder Decision Report**

---

**Report Title:** Church Minshull 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 Church Minshull Neighbourhood Development Plan (CMNDP) was submitted to the Council in July 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 Church Minshull, setting out detailed local planning policy on matters important to the community and through its alignment with the Local Plan Strategy the CMNDP 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 Church Minshull 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 CMNDP, within the Church Minshull 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 CMNDP 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 CMNDP 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 on the 27<sup>th</sup> February 2020.

### **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 CMNDP began in 2016 with the Neighbourhood Area Designation approved in March 2016.
- 5.2. The final Neighbourhood Plan and its supporting documents were submitted to Cheshire East Council on 5<sup>th</sup> July 2019.
- 5.3. The supporting documents included:

- 5.3.1. The draft Church Minshull 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 12.07.19 – 23.08.19. 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 Patrick Whitehead (DipTP(Nott) 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 CMNDP does comply with the Basic Conditions and other statutory requirements and that, subject to recommended modifications, it can proceed to a referendum.
- 5.9. The Examiner comments that:
- 5.10. *Church Minshull is a very small community with limited resources that has produced a very well structured and logical Plan. Overall, the Plan is easy to read and provides useful locally based land-use policies based on clear and concise aims and supported by well researched evidence and justification. The community is to be congratulated on the resulting Plan and I offer my best wishes for its further progress.*

## **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 CMNDP 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 CMNDP 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 £4,000. 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 Church Minshull. 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 Church Minshull 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. Church Minshull falls into the category of 'Other Settlements and Rural Areas' for the purposes of the Cheshire East Local Plan Strategy. Church Minshull provides limited 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 Church Minshull 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 Church Minshull Neighbourhood Plan contains policies which support physical wellbeing.

## **6.10. Climate Change Implications**

6.10.1. The CMNDP 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. Church Minshull 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 CMNDP 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  
Email: [Tom.Evans@Cheshireeast.gov.uk](mailto:Tom.Evans@Cheshireeast.gov.uk)

11. Appendix 1: Examiners Report



**Report on Church Minshull Neighbourhood Plan  
2019-2030**

**An Examination undertaken for Cheshire East Council with the support of the Church Minshull Parish Council on the June 2019 submission version of the Plan.**

Independent Examiner: Patrick T Whitehead DipTP(Nott) MRTPI

Date of Report: 12 November 2019

OFFICIAL

## Contents

	Page
<b>Main Findings - Executive Summary</b>	4
<b>1. Introduction and Background</b>	4
• Neighbourhood Plan 2019–2030	4
• The Independent Examiner	5
• The Scope of the Examination	5
• The Basic Conditions	6
<b>2. Approach to the Examination</b>	7
• Planning Policy Context	7
• Submitted Documents	7
• Site Visit	8
• Written Representations with or without Public Hearing	8
• Modifications	8
<b>3. Procedural Compliance and Human Rights</b>	8
• Qualifying Body and Neighbourhood Plan Area	8
• Plan Period	8
• Neighbourhood Plan Preparation and Consultation	9
• Development and Use of Land	10
• Excluded Development	10
• Human Rights	10
<b>4. Compliance with the Basic Conditions</b>	10
• EU Obligations	10
• Main Issues	11
• Issue 1: General compliance of the Plan, as a whole, having regard to national policy and guidance (including sustainable development) and the adopted strategic local planning policies	11
- a) Housing	12
- b) Character, Design and Heritage	13
- c) Environment	13
- d) Economy	13
• 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	14
- Policy H1: New Housing	14
- Policy H2: Housing Mix	14
- Policy CDH1: Character and Design	15
- Policy CDH2: Important Local Landscape Characteristics	16
- Policy CDH3: Heritage and Conservation	17
- Policy ENV1: Footpaths and Towpaths	18



- Policy ENV2: Trees and Hedgerows	19
- Policy ECON1: Economy	19
- Policy ECON2: Tourism	20
- Policy ECON3: Community Facilities	20
<b>5. Conclusions</b>	<b>21</b>
• Summary	21
• The Referendum and its Area	21
• Overview	21
<b>Appendix: Modifications</b>	<b>22</b>

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

From my examination of the Church Minshull Neighbourhood Plan (CMNP/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 – the Church Minshull Parish Council;
- The Plan has been prepared for an area properly designated – the Parish Council area shown on Figure A in the Neighbourhood 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**

### *Church Minshull Neighbourhood Plan 2019-2030*

- 1.1 Church Minshull is a small community approximately 8km (5 miles) north west of Crewe and around 17km (10.5 miles) south of Northwich. The village is located adjacent to and to the west of the River Weaver, and the Shropshire Union Canal is a little further to the east of the village. The centre of the village was designated a Conservation Area, originally in 1969, and includes a number of Listed Buildings.
- 1.2 The current population is around 425 people living in 205 households<sup>1</sup>. The population is older than the average for England but with a higher than average weekly income. There is very little employment locally and the majority of economically active people either commute or work from home. Apart from the Church, The Badger Inn and a village hall, there are no local services within the village, although the nearby Aqueduct Marina has a restaurant and chandlery. The Marina also provides local employment opportunities. Also, outside the village there is a substantial park home development contributing some 22% of the total dwellings.

---

<sup>1</sup> 2011 Census.

- 1.3 The Parish Council commenced preparation of the Neighbourhood Plan in January 2016, responding to a desire by the local community to have a greater say in planning decisions. The Neighbourhood Plan Area was designated by Cheshire East Council on 31 March 2016. A Steering Committee was formed to work closely with both the Parish and Cheshire East Councils. Following various consultation events and a household questionnaire, a range of issues relating to the well-being and sustainability of the community were considered and a draft Plan was finalised for a Regulation 14 consultation. This resulted in some changes being made to the Plan prior to submission.

*The Independent Examiner*

- 1.4 As the Plan has now reached the examination stage, I have been appointed as the examiner of the CMNP by Cheshire East Council (CEC), with the agreement of the Church Minshull Parish Council (CMPC).
- 1.5 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*

- 1.6 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 ('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 2017<sup>2</sup>.

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

### *Planning Policy Context*

- 2.1 There are a number of Local Plan documents which form the statutory development plan, which is the basis for deciding planning applications in Cheshire East. Therefore, 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 Borough of Crewe and Nantwich Replacement Local Plan, adopted 2005 and the adopted Cheshire East Local Plan Strategy, 2017 (CELPS). The latter sets out an overall vision and planning strategy for development in the Borough and identifies strategic sites and strategic locations that will accommodate most of the new development needed. An emerging Site Allocations and Development Policies Document (SADPD) will allocate the remaining sites for future development and set out further detailed planning policies. The submission draft has been subject to public consultation in August and September 2019 and the CMNP has been prepared taking account of the reasoning and evidence informing its preparation<sup>3</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. A revised NPPF was published in July 2018, replacing the previous 2012 NPPF, and a further revised NPPF was published on 19 February 2019. All references in this report are to the February 2019 NPPF and its accompanying PPG<sup>4</sup>.

### *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:

---

<sup>2</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>3</sup> PPG Reference ID 41-009-20160211.

<sup>4</sup> See paragraph 214 of the NPPF. The Plan was submitted under Regulation 15 to CEC after 24 January 2019.

- the draft Church Minshull Neighbourhood Plan 2019-2030, June 2019;
- Figure A of the Plan which identifies the area to which the proposed Neighbourhood Development Plan relates;
- the Consultation Statement, June 2019;
- the Basic Conditions Statement, June 2019;
- all the representations that have been made in accordance with the Regulation 16 consultation; and
- the Strategic Environmental Assessment (SEA) prepared by CEC, February 2019;

#### *Site Visit*

- 2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 26 September 2019 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

#### *Written Representations or Public Hearing*

- 2.5 This examination has been dealt with by written representations. There were no formal requests to be heard amongst the Regulation 16 representations and 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 CMNP has been prepared and submitted for examination by CMPC, which is a qualifying body.
- 3.2 It is the only neighbourhood plan for Church Minshull, and does not relate to land outside the designated Neighbourhood Plan Area.

#### *Plan Period*

- 3.3 The front cover of the Plan specifies clearly the period to which it is to take effect, which is from 2019 to 2030. In the interests of clarity and for the avoidance of doubt the Plan period should also be stated within the Plan. I have provided an appropriate proposed modification, **PM1**, to paragraph 1.6.

#### *Neighbourhood Plan Preparation and Consultation*

- 3.4 The CMNP is a community plan and from the outset the Parish Council sought to ensure that the residents were kept informed and given every opportunity to inform the Steering Group of their views. It follows that communication and consultation, in various forms, have played a major role in formulating the Plan. The process was assisted by a relatively small number of residents, which has meant that consultation with members of the community has been at a manageable scale, allowing the community to contribute to its development through various consultation events and a questionnaire.
- 3.5 Key to the process was publicity to gain residents' engagement through public meetings, drop-ins, leaflets, articles in village newsletters, a questionnaire and electronic media using a community website. Consultation versions of the Neighbourhood Plan were placed on the Parish website, along with other documents and reports. CEC Planning department was also consulted throughout the process and has provided support through information and advice. The Neighbourhood Plan Area was consulted upon from 18 February 2016–31 March 2016 and was formally designated by CEC on 31 March 2016.
- 3.6 Initially a leaflet was delivered to every household in the Parish in December 2015, inviting residents to a public meeting. Speakers from Cheshire Community Action and from a neighbouring parish, who were very advanced with their neighbourhood plan, gave advice. Members of the Parish Council were there to answer questions. The meeting resulted in a

decision to have the Neighbourhood Area officially designated, to set up a steering group, and to begin preparation of the Neighbourhood Plan.

- 3.7 A questionnaire was delivered to every household in the Parishes in July 2016 asking a number of questions concerning the draft vision and aims to be drawn up by the steering group, and asking for opinions and comments regarding issues covering housing; housing need; the character of the village; the countryside and environment; the local economy and travel patterns. The results were analysed and a report on the analysis of the questionnaire was prepared, with observations and ideas for the next steps. The results highlighted issues important to local people which formed the basis of the Neighbourhood Plan policies, and helped to determine what evidence was needed to inform the policies.
- 3.8 A drop-in event was held in the Village Hall on 23 May 2017, attended by the members of the steering group. The comments received were used to refine the policies further. The community were very supportive of the emerging policies and the Plan was then finalised ready for its Regulation 14 consultation which took place between December 2018 and January 2019. Seven consultees responded: five statutory bodies, a local church and CEC. Following changes being made to the draft Plan, it was submitted to CEC for consideration on 5 July 2019 and a Regulation 16 consultation took place between 12 July and 23 August 2019. Responses were received from 11 consultees, all from public bodies. None were received from local residents.
- 3.9 The consultation process is described in detail in the Consultation Statement (prior to the Regulation 16 consultation), and I am satisfied that there has been compliance with the publicity and submission requirements in Part 5 of the 2012 Regulations and due regard has been given to 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 CMNP.

#### *Development and Use of Land*

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

#### *Excluded Development*



3.11 The Plan does not include provisions and policies for ‘excluded development’.

#### *Human Rights*

3.12 As indicated in the Basic Conditions Statement, paragraph 4.4, CMPC is satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998) and CEC has endorsed that conclusion in their Regulation 16 representation. From my independent assessment, I see no reason to disagree.

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

#### *EU Obligations*

4.1 The Neighbourhood Plan was screened for SEA by CEC, which found that it was unnecessary to undertake SEA. Having read the Strategic Environmental Assessment Screening Opinion, I support this conclusion.

4.2 The Plan was further screened for Habitats Regulations Assessment (HRA), which also was not triggered. There are no European designated nature sites that would be affected by the proposals within the Neighbourhood Plan Area and Natural England has indicated that they are not aware of significant populations of protected species which are likely to be affected by the Plan’s proposals or policies. 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 CMNP 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 adopted strategic 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.*

- 4.4 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 policy in 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 adopted strategic local planning policies*

- 4.5 The Plan's Vision is for Church Minshull "*..to thrive as a vibrant and distinctive Parish and to evolve and grow in a sustainable way*" whilst continuing "*to provide an outstanding quality of life for current and future residents*". The Vision is supported by a set of 4 Aims on which the Plan's policies seek to deliver. These are:

- *To provide housing which is in keeping with existing properties as local need arises;*
- *To maintain the rural character of Church Minshull;*
- *To maintain and improve the high quality natural environment;*
- *To encourage a thriving and prosperous community that delivers a high quality of life for all its residents and supports a distinctive and a flourishing local economy.*

- 4.6 The policies themselves are grouped under four headings reflecting the Aims: a) Housing; b) Character, Design and Heritage; c) Environment; and d) Economy and Community. In this respect, the Plan is well structured and easy to comprehend.

a) Housing

---

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

- 4.7 The CELPS, Policy PG2, identifies a settlement hierarchy which seeks to locate the major part of new development in the Principal Towns, Key Service Centres and Local Service Centres. Church Minshull is shown as being located in a Rural Area where the policy indicates that *“growth and investment in the other settlements should be confined to proportionate development at a scale commensurate with the function and character of the settlement and confined to locations well related to the existing built-up extent of the settlement”*. The policy is stated to be in the interests of sustainable development and the maintenance of local services. The settlement does not have a defined settlement envelope. CELPS advises that small scale growth may be appropriate where it supports the creation of stronger local communities and where a clear need exists.
- 4.8 Policy for the Open Countryside is provided by CELPS, Policy PG6 (reproduced as Appendix 1 in the CMNP). This indicates that only essential development for identified rural activities will be permitted, with a series of specified exceptions – which include limited infilling in villages, affordable housing (meeting the criteria for rural exceptions housing: Policy SC6), or a dwelling exceptional in design and sustainable development terms.
- 4.9 CEC produced specific advice in October 2016 in the form of a Housing Needs Advice Report (HNAR), in support of the Church Minshull Neighbourhood Plan. This indicated a range of potential housing targets for Church Minshull for the period to 2030 as between 14 – 29 dwellings, using projections based on different assumptions. For example, on the basis of past completions between 2001 and 2011, a figure of 20 dwellings by 2030 is anticipated. The Report advised that a large proportion of the households will become very elderly over the Plan period. It also suggested that the affordable housing need is largely consistent with other rural areas, with the highest need being for 3 – 4 bedroom properties. As a consequence, its recommendations include policies to address issues arising from a growth in the older population with under occupancy of properties and the delivery of a more varied housing stock for families, or to allow downsizing to release family size properties to the market.
- 4.10 In the context of the above considerations, the CMNP includes two housing policies firstly, allowing for small scale development (under 10 dwellings) and secondly, requiring a housing mix to meet the housing needs of the community. The policies are justified on the basis of local evidence collected by questionnaire, and by the HNAR.

b) Character, Design and Heritage

4.11 Policies on character, design and heritage reflect CMPC's aim to ensure new housing is in keeping with existing properties and to maintain the rural character of the Parish. Individual policies seek to provide appropriate criteria which new developments should take into account; protect the setting and characteristic features of the local landscape; and conserve and enhance the Parish's historic assets.

4.12 The policies are supported by evidence, including reference to a Local Character Assessment<sup>6</sup> prepared by the CMPC; the CEC Design Guide, 2017 (Supplementary Planning Document); and a Conservation Area Appraisal and Management Strategy, adopted in 2007. Reference is also made to the NPPF, particularly the aims to secure well designed places, respond to local character and history (paragraph 124 *et seq.*) and to conserve heritage assets in a manner appropriate to their significance (paragraph 184).

c) Environment

4.13 Two policies address environmental issues with the aim to improve the high quality environment. They relate to maintenance and enhancement of footpaths and towpaths, and the protection of trees and hedgerows. In addition to the evidence and justification provided in the CMNP, support for these policies can be found in CELPS, particularly policies SE5 and SE6, and in the NPPF, notably at paragraphs 98 and 170 (b).

d) Economy and Community

4.14 This section of the Plan seeks to encourage a thriving and prosperous community, having a high quality of life. It proposes to achieve this by a local focus on policies supporting the development of new small business, expanding existing businesses, promoting home working and supporting the diversification of farm and rural businesses; encouraging services and facilities associated with tourist attractions; and supporting new community facilities and services, whilst seeking to protect existing facilities.

4.15 The policies take a lead from the NPPF aim of supporting a prosperous rural economy, and particularly paragraph 83 which encourages the sustainable growth of rural businesses, including rural tourism and leisure developments and the retention and development of local services and community facilities. Equally important is strategic Policy EG2 in CELPS, which supports developments providing local rural employment, including rural based tourist attractions and the retention and expansion of existing businesses.

---

<sup>6</sup> Local Character Assessment, October 2018.

4.16 In respect of Issue 1, therefore, I consider that the Plan’s policies are designed to deliver on the stated Aims, Vision and Objectives, and should contribute to the achievement of sustainable development, having regard to national policy and guidance. I also consider that the CMNP, as a whole, is in general conformity with the adopted strategic local policies of the Development Plan for the area. For these reasons, and subject to the proposed modifications detailed in Issue 2 below, I conclude that the Plan meets the Basic Conditions.

*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*

4.17 There are a total of 10 policies contributing towards the achievement of the Plan’s Aims, Vision and Objectives. These policies will now be considered individually against the Basic Conditions.

#### Policy H1: New Housing

4.18 Policy PG6 in CELPS provides a generally restrictive approach to development in the open countryside, in line with national advice in the NPPF, paragraph 71. However, it provides for exceptions to this general approach, through paragraph 3, including for example, where there is the opportunity for limited infilling in villages, the infill of a small gap with one or two dwellings or to provide Rural Exceptions Housing for Local Needs. Policy H1 provides a local interpretation of the circumstances where an exception to Policy PG6 would be supported. In this respect, the policy is in general conformity with the local strategic policy.

4.19 The second paragraph of the policy does appear confusing by referring to circumstances where Policy PG6 cannot be applied, in contrast to the strategic policy which refers to exceptions that may be made. The distinction may be seen as subtle, but nevertheless it introduces an element of unnecessary obfuscation contrary to PPG advice<sup>7</sup>. The matter is addressed through my proposed modification **PM2** to ensure the Basic Conditions are met.

#### Policy H2: Housing Mix

4.20 The policy seeks to influence the mix of house types and sizes to be provided on any development involving 3 or more dwellings. It draws on the HNAR, which used a range of

---

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

secondary information to build a profile of the local population, type and quantum of housing need in the Parish. Amongst key points, the report suggested there would be a predominantly ageing and elderly population across the plan period whilst housing stock is limited to larger family size dwellings with limited provision of smaller properties. Amongst the possible policy responses, the report suggested policies on the provision of older persons' accommodation, together with an emphasis on smaller, more affordable, market housing to balance the stock profile<sup>8</sup>.

- 4.21 The justification for Policy H2 acknowledges the need to consider carefully the provision of specialist housing for the elderly but, in line with the HNAR, suggests such accommodation might be better provided for in larger settlements (paragraph 5.12). It also acknowledges the need for smaller houses, both to allow for an older population to downsize, and to provide more opportunities for younger residents and first time buyers. All of this does have regard for Government advice that *"the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies"* – NPPF, paragraph 61.
- 4.22 However, Policy H2 does not indicate the emphasis on smaller houses suggested by the HNAR: rather, it simply suggests local housing needs of the community should be met by ensuring that *"developments of 3 or more should include a mix of house size and type - including where possible detached, semi-detached, terraced properties and bungalows"*. As a consequence, the policy adds nothing to the thrust of CEC, Policy SC4 which also advises that *"new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes"*. The omission of a local dimension to the policy, as suggested by the HNAR, is important and should be addressed by an amendment. References to the Report in paragraphs 5.11 and 5.12 omit the word 'Need' and refer to a Note rather than Report. The error is repeated at paragraph 5.15 and should be remedied by an amendment.
- 4.23 The policy duplicates caveats to its application and the text lacks the clarity and precision required by PPG, Paragraph: 041 Reference ID: 41-041-20140306. My proposed modification **PM3** addresses these issues and ensures that the policy meets the Basic Conditions.

#### Policy CDH1: Character and Design

---

<sup>8</sup> CEC Housing Needs Advice Report 2016, Section 18.

- 4.24 The justification for this policy relies on the Cheshire Design Guide and the Church Minshull Character Assessment, effectively requiring all development proposals to take account of identified features and characteristics. Within this context the policy provides locally derived criteria which new development should take into account as appropriate. The policy complements, rather than duplicates the CELPS sustainable environment policies. It also has regard to the NPPF indication at paragraph 124, that *“good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*.
- 4.25 There are points of clarification to be addressed. Criterion (i) refers to development within close proximity of the Character Buildings defined in the Character Assessment. Paragraph 6.7 in the justification indicates that the defined Character Buildings include 22 buildings recorded as listed buildings. This raises problems in that Figure C in the Plan – reproduced from the Character Assessment - shows only 10 buildings as Character Buildings, whilst the Character Assessment refers only to *“feature buildings”* designated as heritage assets located in the central area of the village (paragraph 12.5). In order to resolve the apparent ambiguities, the best course of action would be to re-word the criterion, making specific reference to Figure C, and delete the second sentence of paragraph 6.7 in its entirety (in any event, the same information is given at paragraphs 2.8 and again at 6.27 in the context of the Heritage and Conservation Policy). Map C is not, in itself, sufficiently clear to identify the specific Character Buildings, and should be replaced with a map using an OS base to clearly identify to which buildings criterion (i) should be applied.
- 4.26 In a similar manner, there is ambiguity contained within criterion (k) which refers to *“the heart of the village”*, a nebulous term which does not refer to a defined area or locality. CEC referred to the matter in its Regulation 16 comment, suggesting that it would be better to use the term *“core village”*, which is an area defined on Figure C. This appears to me to be a sensible suggestion. I have incorporated appropriate textual changes in proposed modification **PM4** to ensure the policy meets the Basic Conditions.

#### Policy CDH2: Important Local Landscape Characteristics

- 4.27 The heading to this section of the Plan, at paragraph 6.18 is *“Important Views and Vistas”*. The policy, immediately below the heading makes no reference to views and vistas. This creates a sense of confusion to the Plan’s potential users. Paragraph 6.21, giving justification for the policy, refers to the Character Assessment prepared by the CMPC which *“assesses the spatial character of the village, including local design vernacular, elements of the landscape and significant local features”* (paragraph 1.4). The report does make general reference to views, as for example in paragraph 8.4: *“Within the wider area, there are many*

*views and vistas, loved and cherished by residents and visitors*". However, no specific views or vistas are identified in the report's text, or on maps. Accordingly, for reasons of clarity and to reflect the policy intent, the heading should be replaced by "*Landscape character*".

- 4.28 Apart from the general reference to the Character Assessment, paragraphs 6.22 and 6.23 of the justification elaborate on two significant matters addressed by the Character Assessment: character buildings and key gateways. The Assessment recommends special requirements for development in close proximity, and at the key gateways. However, the policy to which the justification relates is general in its tone and content, making no specific reference to these features identified as significant and important to the setting and character of the settlement, but refers generally to "characteristic features". The result is a weak policy which does not provide clarity of intent or precision to meet the PPG requirements<sup>9</sup>. This is not the only problem with relating the reasoned justification to the policy's intentions.
- 4.29 The policy focuses on the setting of Church Minshull and characteristic features within the local landscape, whilst paragraphs 6.22 and 6.23 concentrate on the character buildings and the gateways which are aspects and features of the village itself. The final paragraph of the justification does not relate to Policy CDH2 and its content can be found in more detail in paragraphs 6.33 – 6.34, relating to development within the Conservation Area. However, those matters are the subject of policies CDH1 (criteria i) – character buildings and j) - gateways), and CDH3 (relating to proposals in the Conservation Area). In any event, paragraph 6.22 largely duplicates paragraph 6.7, whilst paragraph 6.23 mirrors paragraph 6.10.
- 4.30 The NPPF, Section 15 indicates that planning policies should recognise the intrinsic character and beauty of the countryside (paragraph 170). The CELPS, Policy SE4: The Landscape, has regard to this national advice, recognising the quality of the Borough's landscape and providing broad criteria which apply to development proposals. Policy SE4 also makes reference to the Cheshire East Landscape Character Assessment 2008 and to Local Landscape Designation Areas which, I understand, carry forward the previously identified Areas of Special County Value. Church Minshull is located within one of these areas.
- 4.31 Taking into account all of the above, the policy's shortcomings could be addressed by expanding the text to include reference to the landscape and character assessments, and to ensure that regard has been had to the national guidance. My proposed modifications include an expanded text for the policy to clarify its purpose to provide clear guidance for

---

<sup>9</sup> PPG Reference ID: 41-041-20140306.



developers; the deletion of unnecessary evidence and justification, paragraphs 6.22 – 6.24, and expanding paragraph 6.21 to refer to the East Cheshire Landscape Character Assessment. These modifications, included in **PM5** will ensure that the policy has had regard to national advice and that it is in general conformity with strategic policies in the Local Plan and will, therefore, meet the Basic Conditions.

#### Policy CDH3: Heritage and Conservation

- 4.32 From my site visit, the village core has a particular and special character which justifies its status as a Conservation Area and deserves the special attention afforded through the Planning (Listed Buildings and Conservation Areas) Act 1990. Policy CDH3 seeks to ensure that special attention is given to proposals within the Conservation Area. It provides a local emphasis within the context provided by CELPS Policy SE7 and Government advice in the NPPF, Section 16. As such, it is in general conformity with local strategic policy and has regard to national guidance.
- 4.33 There are two points of detail to consider. Criterion (b) indicates that proposals will be supported where substantial benefits are achieved. The NPPF, paragraph 195 refers to “*substantial public benefits*”, whilst CELPS Policy SE7 refers to the “*public benefits that may be gained*”. In the interest of consistency, the term “*public benefits*” should be used in Policy CDH3. Criterion (c) requires that proposals should enhance the character of Conservation Areas. This is a more stringent requirement than provided by the 1990 Act, Section 72, which places a general duty on authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Again, for reasons of consistency “*preserve or enhance*” should be used in Policy CDH3.
- 4.34 Whilst Figure D, based on an aerial image, gives an appreciation of the extent of the Church Minshull Conservation Area, it does not provide a sufficiently clear boundary for the purposes of applying Policy CDH3. It should be supplemented by a boundary drawn onto a map base.
- 4.35 Proposed modification **PM6** provides appropriate amendments to the text, with which the policy will meet the Basic Conditions.

#### Policy ENV1: Footpaths and Towpaths

- 4.36 The first of the policies aimed at maintaining and improving the local environment seeks firstly, to maintain, improve and add to the existing network and secondly, to prevent the loss or degradation of any footpaths and towpaths. This follows Government advice to *“support healthy lifestyles.. for example through the provision of safe and accessible green infrastructure.. and layouts that encourage walking and cycling”*<sup>10</sup>. The NPPF also advises that planning policies and decisions *should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users*<sup>11</sup>.
- 4.37 The policy is also in general conformity with CELPS, and in particular Policy CO1, which through criterion 2(v) supports *“work to improve canal towpaths and public rights of way where they can provide key linkages from developments to local facilities”*. For these reasons, the policy meets the Basic Conditions.

#### Policy ENV2: Trees and Hedgerows

- 4.38 The second environmental policy seeks to protect trees and hedgerows that make a significant contribution to the amenity, biodiversity and character of the area and requires new developments to include suitable landscaping. This is in general conformity with the CELPS, Policy SE5 which seeks to ensure protection for trees, hedgerows and woodland. It is also in line with the advice in the NPPF, that planning policies should contribute to and enhance the natural and local environment including by recognising the intrinsic character and beauty of the countryside, and *“..of trees and woodland”*<sup>12</sup>.
- 4.39 The policy is justified by reference to the Landscape Character Assessment and the Conservation Area Appraisal and pays particular attention to the vital role played by mature roadside tree planting and to the importance of hedgerows. This gives a distinctive local approach to the policy’s intent. For all of these reasons I consider the policy meets the Basic Conditions.

---

<sup>10</sup> NPPF, paragraph 91.

<sup>11</sup> NPPF, paragraph 98.

<sup>12</sup> NPPF, paragraph 170.

### Policy ECON1: Economy

- 4.40 The sub-heading to paragraph 8.2 is ‘employment’ and Policy ECON1 is intended to support the development of new, and provide support for existing, small businesses. The justification for the policy makes the purpose clear and provides an indication of support from the local community. In particular the justification indicates a hope that the policy will ensure the local economy can grow sustainably, providing support for existing and new businesses. This is in line with Government advice that planning policies should enable the sustainable growth and expansion of the rural economy<sup>13</sup>. The policy’s intent is also in general conformity with CELPS, particularly in terms of Strategic Priority 1 (points 4 and 7) and Policy EG2. CEC has usefully suggested in its Regulation 16 responses that the reference to farm diversification should also include other uses appropriate to the countryside, as indicated by CELPS, Policy PG6.
- 4.41 As I have already indicated the Government advises that policies in neighbourhood plans should be clear and unambiguous and should be “*drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications*”<sup>14</sup>. The problem with Policy ECON1 is that it does not give a clear and precise indication of which proposals would find support, such that it could be applied consistently and with confidence. In particular, the repetition of the need to take account of the character of the area is confusing, and reference to small business developments being capable of being sustained for future prosperity is setting a requirement which cannot realistically be answered. Including ‘local’ both within the title and the policy text would help to distinguish the policy as responding to the planning context of the Neighbourhood Plan Area. I have proposed modifications at **PM7** to address these matters, with which the Basic Conditions will be met.

### Policy ECON2: Tourism

- 4.42 The CELPS, Policy CE4, provides strategic guidance for tourism related developments, including the protection and enhancement of the area’s unique features. It includes reference to “*the waterways that support appropriate sustainable tourist related development*” and to encouraging the enhancement and expansion of existing visitor attractions. Policy ECON2 provides guidance for tourist related developments specific to the Church Minshull area, and particularly centred on the Shropshire Union Canal. The policy is, therefore, in general conformity with the strategic CELPS policies, and follows Government

---

<sup>13</sup> NPPF, paragraph 83.

<sup>14</sup> PPG Reference ID: 41-041-20140306.

advice in the NPPF, paragraph 83, which encourages planning policies to enable sustainable rural tourism and leisure developments “*which respect the countryside*”. The policy therefore meets the Basic Conditions.

- 4.43 In its present form the policy wording is not sufficiently clear or precise that a decision maker could apply it consistently and with confidence when determining planning applications. This is largely due to the policy requirements being located at the end of the first paragraph between the caveats and provisos. Re-ordering the text as shown in my proposed modification **PM8** will ensure the policy has had regard to the advice in the PPG<sup>15</sup>.

#### Policy ECON3: Community Facilities

- 4.44 There are few community facilities in Church Minshull, other than the church, public house and village hall. Policy ECON3 seeks to protect those facilities from loss, and encourage the provision of new facilities, either as developments in themselves, or through new provision associated with new residential developments. The policy is broadly in line with the provisions of CELPS infrastructure policies IN1 and IN2, and follows Government advice in the NPPF which seeks to promote healthy communities through, *inter alia*, the provision of community facilities to enhance the sustainability of communities<sup>16</sup>.
- 4.45 The policy lacks clarity of intent such that it could be applied consistently and with confidence when determining planning applications. In this context CEC has suggested, at Regulation 16 stage, that the final paragraph of the policy requires clarification and could be regarded as too onerous in respect of requiring a wide ranging evaluation of impact. I have suggested proposed modifications, **PM9**, to the policy text to address the issue of clarity generally, and in particular relating to the final paragraph. With these modifications, the policy meets the Basic Conditions.

## 5. Conclusions

### *Summary*

- 5.1 The Church Minshull 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

---

<sup>15</sup> PPG Reference ID: 41-041-20140306.

<sup>16</sup> NPPF, paragraph 92.

for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.

- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

#### *The Referendum and its Area*

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

#### *Overview*

- 5.4 Church Minshull is a very small community with limited resources that has produced a very well structured and logical Plan. Overall, the Plan is easy to read and provides useful locally based land-use policies based on clear and concise aims and supported by well researched evidence and justification. The community is to be congratulated on the resulting Plan and I offer my best wishes for its further progress.

*Patrick T Whitehead*

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 3	<p>Paragraph 1.6</p> <p>The following sentence should be added following the existing text:</p> <p>“The Neighbourhood Plan will cover the period 2019 until 2030.”</p>
PM2	Page 17	<p>Amend the second paragraph of Policy H1 as follows:</p> <p><b><i>“In circumstances w <u>Where the restrictive approach set out in exceptions may be made to the generally restrictive approach of Policy PG6 cannot be applied, then small scale development (under ten dwellings) that does not significantly harm the landscape or character of the area will be supported, where s <u>Such schemes should adjoin the main settlement of Church Minshull.—Any such developments and must be appropriate in scale, design and character of the locality”</u></u></i></b></p>
PM3	Page 18	<p>Amend Policy H2 as follows:</p> <p><b><i>“Having regard to viability and/or other material considerations, in order to meet the housing needs of the community of Church Minshull new homes on d <u>Developments of 3 or more dwellings should include a mix of house size and type – including where possible detached, semi- detached, terraced properties and bungalows - with an emphasis on the provision of smaller homes to meet the needs of the community, and have regard subject to viability and/or other material considerations”</u></i></b></p> <p>In paragraphs 5.11, 5.12 and 5.15 references to the “Housing Advice Note” should be amended to read “Housing Need Advice Report”.</p>
PM4	Pages 20 - 21	<p>Amend criteria (i) and (k) of Policy CDH1 as follows:</p> <p><b><i>“i) Development of, and within close proximity of the <u>defined Character Buildings, identified on Figure C, should be sensitively designed with special regard to design, setting, materials and street scene.</u></i></b></p>

		<p><b><i>k) New development should be focussed within and adjacent to the heart of the settlement <u>core village identified on Figure C</u></i></b>.</p> <p>Delete the second sentence of paragraph 6.7 which reads:  “These include 22 buildings....and four being Grade II listed (see section 2.8)”.</p> <p>Delete “the Assessment recommends that” from the third sentence of paragraph 6.7.</p> <p>Replace Map C with a map using an OS base to clearly identify the location of the Character Buildings to which criterion (i) applies.</p>
PM5	Page 26	<p>Replace “Important Views and Vistas” with “Landscape Characteristics” in paragraph 6.18.</p> <p>The text of Policy CDH2 should be expanded as follows:</p> <p><b><i>“1. Development Proposals <u>must should:</u></i></b></p> <ul style="list-style-type: none"> <li>• <b><i><u>contribute to the protection and enhancement of the local natural environment;</u></i></b></li> <li>• <b><i><u>not have a significant adverse effect on the character and appearance of the Local Landscape Designation Area; and</u></i></b></li> <li>• <b><i><u>not significantly harm, individually or cumulatively, the setting of Church Minshull or characteristic features within the local landscape.</u></i></b></li> </ul> <p><b><i>2. Development proposals should be informed by the Cheshire East Landscape Character Assessment and the Church Minshull Character Assessment.”</i></b></p> <p>Paragraph 6.21 should be amended as follows:</p> <p>“The <del>report</del> <u>Church Minshull Character Assessment</u> assesses the character of the village, including the local design vernacular, elements of the landscape, and significant local features. The Character Assessment can be viewed at</p> <p><a href="https://www.villagearena.org/information/cm-np.html">https://www.villagearena.org/information/cm-np.html</a>  <u>The Cheshire East Landscape Character Assessment 2008 (updated 2018), aims to provide an objective description of the landscape and a strategy for managing the landscapes of Cheshire East and guiding landscape change in the Borough. It can be viewed at:</u></p>

		<p><a href="https://www.cheshireeast.gov.uk/environment/heritage_natural_environment/landscape/landscape_character_assessment.aspx">https://www.cheshireeast.gov.uk/environment/heritage_natural_environment/landscape/landscape_character_assessment.aspx</a></p> <p>Paragraphs 6.22 – 6.24 of the evidence and justification should be deleted in their entirety.</p>
PM6	Pages 29 - 30	<p>Amend Policy CDH3, criteria (b) and (c) as follows:</p> <p><b><i>“b) Proposals for development must take into account the scale of any possible harm or loss and the significance of any heritage assets and <u>they</u> will only be supported where it can be demonstrated that substantial <u>public</u> benefits will be achieved when weighed against the harm or loss.</i></b></p> <p><b><i>c) Any proposal for a new building or external modification to any existing building within the Conservation Area shall be designed to ensure a truly contextual and harmonising change that will <u>preserve or enhance the character of the Conservation Area.</u>”</i></b></p> <p>A map should be provided within the Neighbourhood Plan showing the Conservation Area boundary.</p>
PM7	Page 37	<p>Amend Policy ECON1 as follows:</p> <p><b><i>“POLICY ECON1 – <u>LOCAL ECONOMY</u></i></b></p> <p><b><i><del>Subject to respecting Church Minshull’s built and landscape character, and environmental, highway and residential amenity impacts being acceptable, Church Minshull’s local economy the following will be supported by encouraging –</del></i></b></p> <p><b><i>a) The development of new small businesses and the expansion of existing thriving businesses; <del>provided that there is no detrimental impact to the character of the area and can be sustained for future prosperity</del></i></b></p> <p><b><i>b) Proposals that promote or provide facilities for homeworking, and businesses operating from home;</i></b></p> <p><b><i>c) The sympathetic conversion of existing buildings for business and enterprise;</i></b></p> <p><b><i>d) The diversification of farms, <u>and rural businesses or other uses appropriate to the countryside.</u></i></b></p> <p><b><i><u>All proposals should respect the built and landscape character, and there should be no significant impact on the environment, the local highways or residential</u></i></b></p>



		<b><u>amenity.”</u></b>
PM8	Page 38	<p>Amend Policy ECON2 as follows:</p> <p><b><i><del>“Subject to respecting Church Minshull’s built and landscape character, and environmental, highway and residential amenity impacts being acceptable, i</del></i></b>  <b><i><u>Improvements to services and facilities associated with tourist attractions will be supported, particularly those centred around the Shropshire Union Canal.</u></i></b></p> <p><b><i><del>Development Proposals should be appropriate in scale, character and location for the development., and there</del></i></b>  <b><i><u>should be no significant adverse impact on the local highways and residential amenity.</u></i></b></p>
PM9	Page 39	<p>Amend Policy ECON3 as follows:</p> <p><b><i><del>“Subject to respecting Church Minshull’s built and landscape character, and environmental, highway and residential amenity impacts being acceptable, t</del></i></b>  <b><i><u>The provision of new community facilities and services will be supported provided that the impact on environmental, highway and residential amenity is acceptable, and there is no detriment to the built and landscape character.</u></i></b></p> <p><b><i><del>The loss of community facilities will not be supported, unless the facility is to be replaced at another suitable location in the Parish or it has been demonstrated that an appropriate marketing exercise has been made to secure its over a period of at least twelve months to secure its continued use.</del></i></b></p> <p><b><i><del>Proposals for new residential properties developments will be expected to mitigate address any adverse impacts and benefits it will have on community the local community infrastructure and facilities. To the extent that this evaluation indicates improvements to the existing infrastructure, the proposal shall either incorporate the necessary improvements or include</del></i></b>  <b><i><u>Alternatively, a contribution will be sought through a S106 agreement, as designated by Cheshire East Council towards such improvement.”</u></i></b></p>