

NORLEY NEIGHBOURHOOD PLAN

Submission Draft Version

**A report to Cheshire West and Chester Council
into the examination of the
Norley Neighbourhood Plan
by Independent Examiner, Rosemary Kidd**

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1.0 Summary

- 1.1 The Norley Neighbourhood Plan has been prepared to set out the community's wishes for the future development of this rural parish close to the heart of the Delamere Forest in the Cheshire Green Belt including housing, businesses and community facilities building on the strong sense of community, quality of life and the flourishing natural environment of the area.
- 1.2 I have made a number of recommendations in this report in order to make the wording of the policies and their application clearer and to ensure that they meet the Basic Conditions. Section 7 of the report sets out a schedule of the recommended modifications.
- 1.3 The main recommendations concern:
- The removal of the settlement boundary from Hatchmere;
 - Clarifications to the wording of the policy on the scale and location of housing development to remove the cap of 4 dwellings, to provide for appropriate consideration of proposals for the re-use of buildings and the redevelopment of previously developed land in accordance with national and local policy on development in the Green Belt;
 - Clarifications to the approach to the delivery of affordable housing and improvements to the wording of the local connections criteria;
 - The deletion of the policies on phasing of housing, infill and replacement dwellings and backland housing development;
 - The deletion of the Green Space policy and the identification of some of the sites as open spaces of amenity value;
 - Inclusion of reference to the Mersey Forest;
 - Improvement of the policy on rights of way and the deletion of the policy on traffic
- 1.4 Subject to these modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that the Norley Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum.

2.0 Introduction

- 2.1 Neighbourhood planning is a relatively new process introduced by the Localism Act 2011 which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to develop a vision to steer the planning of the future of the parish, to prepare the policies and allocate land for development which will be used in the determination of planning applications in the parish.
- 2.2 Neighbourhood development plans that are in general conformity with the strategic policies of the local development plan for the local area (and which together form the local development plan), and have appropriate regard to national policy, have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
- 2.3 Neighbourhood Plans are developed by local people in the localities they understand and as a result each plan will have its own character. I have been appointed to examine whether the submitted Neighbourhood Plan meets the basic conditions and the other statutory requirements. It is not within my role to re-write a plan to conform to a standard approach or terminology. Indeed it is important that Neighbourhood Plans are a reflection of aspirations of the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
- 2.4 The nature of neighbourhood plans varies according to local requirements. A neighbourhood plan can be narrow in scope. There is no requirement for a neighbourhood plan to be holistic, or to include particular types of policies, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan.

Legislative Background

- 2.5 I was appointed as an independent examiner to conduct the examination on the Norley Neighbourhood Plan by Cheshire West and Chester Council in July 2015. My selection has been facilitated by the Neighbourhood Planning Independent Examiner Referral Service.
- 2.6 As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
 - (a) the policies of the Neighbourhood Plan relate to the development and use of land for a designated neighbourhood area;
 - (b) the Neighbourhood Plan meets the requirements to: specify the period to which it has effect; not include provision about excluded development; and not relate to more than one neighbourhood area;

- (c) the Neighbourhood Plan has been prepared for an area that has been properly designated for such plan preparation; and
- (d) the Neighbourhood Plan has been prepared and submitted for examination by a qualifying body.
- 2.7 I am satisfied that the Neighbourhood Plan includes policies that relate to the development and use of land and does not include provision for any excluded development.
- 2.8 The Neighbourhood Plan area is co-terminus with the parish of Norley and was designated by the Cheshire West and Chester Council on 7 March 2013 as a Neighbourhood Area. Section 2 of the Basic Conditions statement states that the Plan relates to the Norley Neighbourhood Area and that there are no other Neighbourhood Plans relating to that area. The boundary of the Parish was amended with effect from 1 April 2015; however, the Neighbourhood Plan relates to the parish boundary at the date of designation of the Neighbourhood Plan area in 2013.
- 2.9 The lifespan of the Neighbourhood Plan is stated to be up to 2030. It would be helpful to users to include the date on the front cover of the Neighbourhood Plan.

Recommendation 1: Include the Plan period “2015 – 2030” on the front cover of the Plan.

- 2.10 The neighbourhood plan making process has been led by Norley Parish Council which is a “qualifying body” under the Neighbourhood Planning legislation which entitles them to lead the plan making process. A Steering Group made up from representatives from the community has been responsible for overseeing the preparation of the Plan.
- 2.11 I am satisfied therefore that the Norley Neighbourhood Plan satisfies all the requirements set out in paragraph 2.6 above.

Conformity with Basic Conditions and other statutory requirements

- 2.12 An Independent Examiner must consider whether a neighbourhood plan meets the “Basic Conditions”. To meet the basic conditions and it be appropriate for a Neighbourhood Plan to be ‘made’, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - be in general conformity with the strategic policies contained in the Development Plan for the area;
 - contribute to the achievement of sustainable development;
 - not breach, and be otherwise compatible with, EU obligations and human rights requirements;
 - not have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

- 2.13 In addition to the basic conditions and Convention rights, I am also required to consider whether the neighbourhood plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 which are made pursuant to the powers given in those sections.

Policy Background

- 2.14 The first basic condition is for the neighbourhood plan “to have regard to national policies and advice contained in guidance issued by the Secretary of State”. The requirement to determine whether it is appropriate that the plan is made includes the words “having regard to”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans which requires plans to be “consistent with national policy”.
- 2.15 The National Planning Policy Framework 2012 (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied. The Planning Practice Guidance provides Government guidance on planning policy.
- 2.16 The second basic condition is for the neighbourhood plan to be in general conformity with the strategic policies contained in the Development Plan for the area. The Development Plan covering the neighbourhood plan area is the Cheshire West and Chester Local Plan Part 1 Strategic Policies (adopted 2015). Work has commenced on Part 2 of the Chester West and Chester Local Plan setting out Allocations and Detailed Policies; this is in its early stages. Until the Local Plan (Part Two) is adopted, a number of policies from the adopted Vale Royal Local Plan (2006) still apply to the Norley area.
- 2.17 The Basic Conditions Statement sets out an assessment of the conformity of each policy with the national and local strategic policies of the adopted Local Plan.
- 2.18 I have considered the policies of the Neighbourhood Plan against the NPPF and PPG and the strategic policies in the adopted Cheshire West and Chester Local Plan Part 1 Strategic Policies (adopted 2015). Where appropriate I have highlighted relevant policies and guidance when considering each policy of the Neighbourhood Plan. I have also considered the Basic Conditions Statement submitted alongside the Neighbourhood Plan.

EU obligations and human rights requirements

- 2.19 A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive, the Environmental Impact Assessment Directive and the Habitats and Wild Birds

Directives. A neighbourhood plan should also take account of the requirements to consider human rights.

- 2.20 Screening Opinions for the Strategic Environmental Assessment and Habitats Regulations Assessment were undertaken on the draft Neighbourhood Plan. A draft screening statement was published and consulted upon between 3rd December 2014 and 16th January 2015. The statutory environmental bodies were consulted and responses were received from Natural England and English Heritage, who agreed with the outcome of the screening exercise that it is considered unlikely there will be any significant environmental effects arising from the Norley Neighbourhood Area Plan. As such a Strategic Environmental Assessment is not required.
- 2.21 Further, the screening opinion on the HRA considered that any proposals coming forward for Norley Neighbourhood Area in accordance with the Neighbourhood Plan would not result in a likely significant effect on a European site than already identified and assessed through the Local Plan Part One Habitats Regulation Assessment Report. It concluded that the Norley Neighbourhood Area Plan is unlikely to have an adverse effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010 (d)), alone or in combination with other plans and projects.
- 2.22 The Basic Conditions statement states that it is considered that the Neighbourhood Plan has met the following Human Rights Articles and does not give rise to any potential impacts on these human rights:
- Article 1 – Protection of Property
 - Article 8 - Right to respect for private and family life
 - Article 14- Prohibition of discrimination
 - Protocol 12 Article 1 - General prohibition of discrimination
- 2.23 No equalities impact assessment has been undertaken of the Neighbourhood Plan. Consultation has been comprehensive. No representations have been received to suggest that the plan may give rise to any equalities impacts.
- 2.24 I consider that the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements and therefore satisfies that Basic Condition.

Contributes to sustainable development

- 2.25 Section 4 of the Basic Conditions Statement includes an assessment of how the Neighbourhood Plan contributes towards delivering sustainable development and considers how each policy contributes to the enhancement of the economic, social and environmental conditions of the area.
- 2.26 I am satisfied that, subject to the modifications proposed, the Norley Neighbourhood Plan will support the delivery of sustainable development and help to meet the social and economic development needs of the parish within the environmental context of the area.

The Neighbourhood Plan Preparation

- 2.27 I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
- 2.28 The preparation of the Neighbourhood Plan commenced in July 2012 with a survey of residents and businesses with added publicity given with a stand at the Norley Garden Show. There followed a number of meetings with community groups and organisations over the next year or so. The Vision and Aims were consulted up on in January 2014 together with a questionnaire on housing need. Consultation on the draft Neighbourhood Plan was undertaken from mid November 2014 for six weeks.
- 2.29 Extensive publicity for the events was carried out with the local community including questionnaires delivered to every home as well as through a dedicated website, the Norley newsletters and posters. Stands were held at community events, drop in sessions and meetings were held with community groups. Businesses and stakeholders were also consulted by letter.
- 2.30 The Consultation Statement sets out a comprehensive summary of the issues raised at each stage of consultation and the action taken to address them as appropriate.
- 2.31 Consultation on the submission draft plan ran from 23 April 2015 until 8 June 2015. This resulted in 23 individual letters of support to the Neighbourhood Plan from local residents and 10 letters from consultees and landowners.
- 2.32 I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulations 14 and 15 in The Neighbourhood Planning (General) Regulations 2012.

The Examination Process

- 2.33 The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or so that a person has a fair chance to put a case.
- 2.34 I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions. I am satisfied that I am in a position to properly examine the plan without the need for a hearing. I had before me background evidence which have assisted me in understanding the background to the matters raised in the Neighbourhood Plan. Furthermore no parties have requested a hearing.
- 2.35 I have considered the Basic Conditions Statement and the Consultation Statement. In my assessment of each policy I have commented on how the policy has had regard to national policies and advice and whether the policy is in general conformity with relevant strategic policies.

- 2.36 This report is the outcome of my examination of the Submission Draft Version of the Norley Neighbourhood Plan 2015. My report makes recommendations based on my findings on whether the Plan meets the Basic Conditions and provided the Plan is modified as recommended it can go forward to a referendum. If the plan then receives the support of over 50% of those voting then the Plan will be made following approval by Cheshire West and Chester Council.
- 2.37 Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:
- That the plan should proceed to referendum on the basis that it meets all the legal requirements;
 - That the plan should proceed to referendum if modified; or
 - That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.
- 2.38 If recommending that the Neighbourhood Plan is submitted to referendum my report must also recommend whether the area for the referendum should extend beyond the neighbourhood area to which the Neighbourhood Plan relates, and if to be extended, the nature of that extension. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.

3.0 Neighbourhood Plan – As a whole

- 3.1 Where modifications are recommended, they are highlighted in bold print, with any proposed new wording in italics.

- 3.2 In considering the policies contained in the Plan, I have been mindful of the guidance in the Planning Practice Guide (PPG) that:

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like.”

- 3.3 In order to ensure that a Neighbourhood Plan can be an effective tool for the decision maker, the PPG advises that

“A policy in a neighbourhood plan should be clear and unambiguous. It 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. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”

- 3.4 In considering the Neighbourhood Plan, consideration has been given to the fact that the whole of the Plan area lies within the Green Belt to which Local Plan policy STRAT9 (Green Belt and Countryside) applies with additional restrictions as set out in the National Planning Policy Framework.

The Neighbourhood Plan’s Vision for Norley

- 3.5 A succinct vision statement is set out that focuses on maintaining, enhancing, evolving and expanding Norley in a way that respects and reflects the views of the community. The vision statement is developed through a summary of the key themes that have emerged through consultation and flow through the plan.

Aims

- 3.6 Ten aims are set out for the plan covering housing, local services and community facilities, economic activity, transport and connectivity, local distinctiveness, open spaces, landscape setting and biodiversity, views and vistas and community involvement in plan making, monitoring and delivery of the plan.
- 3.7 Subject to the modifications set out under each policy, these aims are clearly defined and delivered through the plan’s policies.

Introduction to Norley Today

- 3.8 This section includes a summary of key facts about the parish, the community facilities and development during the last century or so including the characteristics of the village form and building types.
- 3.9 The introduction refers to Hatchmere and Flaxmere being of international importance. They are Sites of Special Scientific Interest and included in the Midland Meres and Mosses Ramsar sites.

General

- 3.10 The Neighbourhood Plan contains the following sections: Housing Growth, Local Character, Landscape and Environment, Biodiversity, Community Infrastructure, Local Economy, Transport and Communications. Each section opens with a section on the justification and evidence followed by the policies.
- 3.11 The following recommendation is made to improve ease of use of the Neighbourhood Plan:

Recommendation 2:

The paragraphs of the plan are numbered.

Sub-points in the policies are numbered rather than listed as bullet points.

Those policies that include a list of criteria to be taken into account in considering development proposals should be punctuated with a semicolon at the end of each criterion with an “and” at the end of the penultimate criterion to ensure that all factors are taken into account. This applies to Policy HOU3, ECON4 and ECON5.

4.0 Neighbourhood Plan – The Policies

Housing Growth

Settlement Hierarchy

- 4.1 The Neighbourhood Plan has considered that the two villages of Norley and Hatchmere are interdependent and should be considered together as a potential local service centre.
- 4.2 Cheshire West and Chester Council has made representations to the approach followed in the Neighbourhood Plan to the identification of both Norley and Hatchmere as a local service centre. The Council has commented on the Local Plan approach to settlement hierarchy and local service centre designation and the level of development that would accord with the Local Plan policies for the countryside and Green Belt.

- 4.3 The overall approach of the Cheshire West and Chester Local Plan is to direct new development to the most sustainable locations primarily to the four main urban centres and then to ten 'key service centres' which have a good range of services and facilities. The third tier of the settlement hierarchy comprises of smaller 'local service centres' which have the potential to accommodate a limited amount of development. In relation to these local service centres, Local Plan (Part One) Policy STRAT8 - Rural Area states:

'New development will also be accommodated at local service centres. These local service centres will be identified in the Local Plan (Part Two) Land Allocations and Detailed Policies Plan. The amount of development in each local service centre will reflect the scale and character of the settlement concerned and the availability of services, facilities and public transport'.

- 4.4 The explanatory text states:

'It is not the intention of the policy to allow development in unsustainable locations therefore for a settlement to be identified as a local service centre there will need to be an adequate level of existing services and some access to public transport'.

- 4.5 Local service centres with settlement boundaries are to be defined through the Local Plan (Part Two). Preparatory work is underway with a paper setting out a suggested methodology and options for candidate local service centres being subject to consultation between 9th March – 24th April 2015. The paper scores each settlement on the availability of key services and accessibility to public transport.
- 4.6 The Council's response states that the potential for any settlement within the neighbourhood area to be designated as a local service centre is a significant issue for the neighbourhood plan. As highlighted above, there will not be certainty on this until the Local Plan (Part Two) reaches an advanced stage. However, the village of Norley has a range of services and access to public transport. In terms of the requirements for local service centres set out in policy STRAT8, Norley is a clear candidate and scores the maximum of 4 points in the assessment. It has a primary school, general convenience store, pub and village hall, as well as access to public transport. The methodology for identifying local service centres identified Norley as having all the facilities required for designation as a local service centre.
- 4.7 The village of Hatchmere is much more limited in terms of services. There is a pub, restaurant and public transport but no school, shop or village hall. For the purposes of policy STRAT8, the Council considers that Hatchmere does not have the potential to be a local service centre. This is reinforced through the local service centres assessment, which gives Hatchmere a score of just one point.
- 4.8 The treatment of Norley as a higher level centre than Hatchmere is consistent with that in the adopted Vale Royal Local Plan, in which Norley was a tier 3 settlement and Hatchmere tier 4 (policy H4 – Housing Development

Hierarchy). Whilst policy H4 has now been deleted, it shows that the two settlements have previously been treated differently in policy terms.

- 4.9 The Council also comments on the Local Plan approach to development within Local Service Centres:

“The policy STRAT8 aims to focus some development in the local service centres but does not stipulate the level or types of development that will be acceptable in individual local service centres (see paras 5.66 and 5.67 of the Local Plan). Policy STRAT 9 specifies the limited types of development that will be accepted within green belt villages (in this case the local service centres): primarily infill development, redevelopment schemes and affordable housing. Local Plan policy SOC2 also allows for rural exception sites adjacent to local service centres, where schemes are supported by an up to date housing needs survey. In countryside locations STRAT policy 9 seeks to restrict development to that which requires a countryside location and cannot be accommodated within identified settlements (including local service centres).

“It is evident that the village of Norley offers a wider range of services than the smaller village of Hatchmere. According to the methodology prepared by the Council, Norley has the potential to be a candidate to be designated as a local service centre whereas Hatchmere does not. It is proposed that Part 2 of the Local Plan will identify settlement boundaries around Local Service Centres whereas smaller, lower order settlements will be classified as countryside and relevant countryside policies applied.”

- 4.10 However the Neighbourhood Plan has taken a different approach and considers that the two villages are interdependent and regards the combined settlements as meeting the potential for a Local Service Centre. The Neighbourhood Plan background report “Rationale for Settlement Boundaries” includes the following justification for the approach taken in the Neighbourhood Plan:

“Norley and Hatchmere are interdependent settlements.... Norley village has a pub, school, shop and public transport. Hatchmere village has a pub, a restaurant with a take-away service, and shares the same public transport as Norley village. Both have community facilities, (at Hatchmere this is an indoor swimming pool) although at Norley village these are more substantial, reflecting its larger size. The respective communities use the facilities at both locations and very much regard themselves as part of a single community.

“The ‘settlement boundary’ concept for both Hatchmere and Norley has been agreed as an appropriate approach to supporting the housing policies in Norley Neighbourhood Plan and will be set to control, contain and accommodate the scale of development proposed in the Norley Neighbourhood Plan having regard to the character of Norley and the policies in the plan.”

- 4.11 I do not disagree that that there is a strong relationship between the two villages and residents from both villages uses the facilities in both. Residents of the small clusters of houses and isolated housing the surrounding countryside will also no doubt use the local facilities in Norley. However I do not consider that this provides sufficient justification for identifying Norley and Hatchmere together as a local service centre.
- 4.12 The Cheshire West and Chester Local Plan proposes that local service centres will be the lowest tier in the settlement hierarchy and will accommodate some new housing development. Outside the local service centres the smallest villages and clusters of housing will be designated as part of the countryside where more restrictive policies on housing development will apply.
- 4.13 Local Plan Policy STRAT8 does not impose levels of development on local service centres as it is considered that the local community is best placed to understand the needs of its communities in terms of supporting local services or meeting a specific housing need. Local communities may bring forward additional development in their areas through mechanisms including Neighbourhood Plans, Community Right to Build Orders and rural exception housing. This approach reflects the National Planning Policy Framework (NPPF) that seeks to empower local people to shape and direct sustainable development in their area. Development which will be allowed in local service centres will be small-scale and allows for redevelopment, conversions and infilling.
- 4.14 The definition of settlement boundaries around a local service centre would identify the extent of the village where development would be acceptable in accordance with Local Plan Policy STRAT 8 which states that “*The amount of development in each local service centre will reflect the scale and character of the settlement concerned and the availability of services, facilities and public transport*” and the Green Belt provisions set out in NPPF paragraph 89 and paragraph 5.77 on the Local Plan. Rural Exceptions Sites under Local Plan Policy SOC2 would only be permitted adjacent to the settlement boundary of the local service centre where there was a demonstrated need for additional affordable housing.
- 4.15 My conclusions are that Norley meets the criteria for identification as a Local Service Centre in accordance with the Cheshire West and Chester methodology and it would be appropriate for the Neighbourhood Plan to identify a settlement boundary around the village within which new housing development would be acceptable in principle in accordance with policy STRAT8. It is noted that as defined in the Neighbourhood Plan there appear to be no sites within the proposed settlement boundary for Norley suitable for housing development other than those that have planning permission, although infill and conversion opportunities may manifest themselves. The Qualifying Body has undertaken an assessment of potential infill sites within the settlement boundary which is reported upon in the “*Provision of sufficient housing to meet demographic needs*” and have concluded that there may be

up to 17 potential plots within the proposed settlement boundary of Norley. No details have been provided of the location of the plots or the assessment and I am unable to comment on it.

- 4.16 Representations have been made by the landowner supporting the potential redevelopment opportunity at the former Delamere School at Hatchmere together with information on two planning appeals for residential development of up to 26 dwellings on the site and objecting to the cap on development of up to 4 dwellings under Neighbourhood Plan Policy HOU1.
- 4.17 It is not in my remit to consider the appropriateness of the proposals for the redevelopment of the former Delamere School site. My task as examiner is to consider whether the Neighbourhood Plan meets the basic conditions and has regard to national policies and advice contained in guidance issued by the Secretary of State and is in general conformity with the strategic policies contained in the Development Plan for the area.
- 4.18 NPPF paragraph 89 sets out the forms of exceptional development in the Green Belt that may be appropriate and these include *“limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development”*.
- 4.19 Cheshire West and Chester Local Plan policy STRAT9 is more restrictive towards development in the countryside and specifies *“The reuse of existing rural buildings, particularly for economic purposes, where buildings are of permanent construction and can be reused without major reconstruction”*. Paragraph 5.77 of the justification to the policy makes reference to the exceptional circumstances set out in the NPPF.
- 4.20 There is provision therefore under national policy for the partial or complete redevelopment of previously developed sites provided that they would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. However, the Local Plan policy applies additional tests that would seek the reuse of the existing buildings in the first instance before redevelopment is considered. Furthermore an economic use would be preferred to housing development.
- 4.21 Neighbourhood Plan Policy HOU1B bullet point 1 supports the redevelopment of brownfield sites within the parish for housing where they are neither suitable for nor capable of employment development subject to satisfying NPPF and Local Plan policies. However, the opening paragraph of the policy seeks to limit the new housing development to small scale sites with a maximum of 4 dwellings, to which I give further consideration below under policy HOU1.
- 4.22 In conclusion, it is considered that national and Local Plan policies make provision for exceptional development of previously developed sites in the

Green Belt subject to certain provisos. The Neighbourhood Plan Policy HOU1(B) applies this to the local circumstances. If no settlement boundary were applied to Hatchmere it is considered that this would not affect or preclude the approval of appropriate proposals on previously developed land in the village. It is recommended that the justification be revised to explain the status of the two villages and highlight the potential opportunity site at Hatchmere.

Recommendation 3: Revise the second paragraph of the justification to the Housing Growth section as follows:

Norley and Hatchmere, (hereafter called the Settlements), are small interdependent rural settlements washed over by Green Belt. *Settlement boundaries were identified around them in the Vale Royal Local Plan. The Norley boundary has been updated in this Plan*, confirmed by consultation and with the support of the Parish Council, to reflect more recent development and provide scope for infill and small scale development within the boundaries in character with the settlement.

Revise the final sentence of the third paragraph and the fourth paragraph of the justification to the Housing Growth Section as follows:

Norley village satisfies the Local Plan criteria to be identified as a potential Local Service Centre under Policy STRAT8. Hatchmere does not meet these criteria and is identified in the Neighbourhood Plan as a small village with scope to potentially deliver a limited amount of new development on a previously developed site.

The Neighbourhood Plan has identified settlement boundaries for Norley which tightly bound around the existing form of the built up settlement. Whilst the Local Plan (STRAT 9) indicates that where there is a need to accommodate development on the edge of a settlement then the boundary will be drawn to reflect this, it also states (para 5.69) that in the Rural Area there will be little if any need for additional allocations to be made because of existing completions and commitments. This is certainly the case in the Norley plan area where, at March 2015 a total of 46 houses had extant planning permission.

The Plan's Housing policies limit small scale development to within the settlement boundary of Norley as there is no justification to allocate additional greenfield land for housing development. The site of the former Delamere School in Hatchmere may offer the opportunity for limited housing development in the future, either through conversion or partial or total redevelopment provided that it is demonstrated that there is no potential for the reuse of the site or buildings for employment development.

Delete the Hatchmere settlement boundary map from Appendix B.

Delete the definition of “Settlements” from the Glossary. Revise the definition of Settlement Boundary to read “This defines the boundary between the built up areas of *Norley* and the Open Countryside”.

What is appropriate level of Housing Growth?

- 4.23 The adopted Cheshire West and Chester Local Plan sets a figure for housing development in the rural area which includes 200 homes in the key service centre nearby at Cuddington and Sandiway but does not specify a figure for local service centres. Part of the role of the Neighbourhood Plan, therefore, is to manage the release of further housing sites in the most sustainable locations (ie close to services and public transport) whilst safeguarding the Green Belt and the countryside.
- 4.24 A background paper has been prepared by the Qualifying Body to support the statements on page 13 of the Neighbourhood Plan to consider the level of housing growth to be planned for in the Neighbourhood Plan entitled “*Norley - Provision of sufficient housing to meet demographic needs*”. The paper states that demographic housing needs have been based on a projected 10 year population growth rate of 3% which is greater than that of Cheshire West and Chester but slightly less than the last 20 years average rate for Norley of 3.7% per 10 years. This suggests an increase of 70 people in the village by 2030 which equates to 30 -33 additional dwellings. The report also notes that there are developments of over 600 dwellings proposed about 2 miles from Norley which has the capacity to meet any additional housing requirement.
- 4.25 Cheshire West and Chester states that at 31 March 2015 there was permission for 46 houses in Norley Parish of which 17 are to be affordable.
- 4.26 It is notoriously difficult to forecast future housing requirement up to 2030 at a parish level as population and housing growth will depend to a large extent on the availability of suitable sites. The forecast figure of 30 -33 dwellings has already been exceeded by the number of dwellings with planning permission at March 2015. I have therefore treated this forecast figure with caution and as a general indication of the level of growth that a community of this size might generate. I am also mindful that a significant new housing is planned for in the Local Plan at the key service centre only two miles away at Cuddington and Sandiway.
- 4.27 The Housing Needs Survey undertaken in 2014 indicated that there is a demand for 12 low cost and affordable homes in the parish in the next 5 years. A total of up to 17 affordable houses have permission at March 2015 including 9 on part of a Rural Exceptions site at School Bank, Norley. Further affordable housing developments may be needed in the future though this will depend on the results of future surveys. The Local Plan Affordable Housing policy SOC1 and the Rural Exceptions Sites policy SOC2 make provision for affordable housing on sites of 3 or more dwellings and on sites on the edge of the local service centre should there be a demonstrated need for additional affordable housing in the parish.

- 4.28 There currently appears to be an adequate supply of housing sites with planning permission within the parish to meet the housing needs of the parish including affordable homes. The 2014 Housing Survey drew conclusions about the types of housing that respondents were seeking by those looking to move house in the next 5 years. No conclusions can be drawn from the survey about the overall number of homes needed during the life of the Neighbourhood Plan.
- 4.29 There are potential brownfield development sites in the parish including the site of the former Delamere School at Hatchmere which is the subject of a planning appeal for 26 dwellings.
- 4.30 The 2015 survey of potential housing sites summarised in the Norley Housing Projections Report identified available brownfield land including unimplemented planning approvals in Norley parish sufficient for more than 93 houses. It is noted that there may be other unidentified brownfield land or buildings. The survey also identified 21 potential infill units. I have treated these figures with caution as no details have been provided about the sites nor has their suitability for housing development been assessed.

Policy Hou1 - Scale and Location of Housing Development

- 4.31 The policy is introduced by a general statement which repeats other parts of policy HOU1 and HOU4 and sets a maximum of 4 dwellings for all development schemes although the number is only referred to under one bullet point. There are two sections to the policy addressing development in settlement boundaries and development throughout the parish.
- 4.32 Within settlement boundaries the policy supports small scale housing development of up to 4 dwellings, including affordable housing sites, and infill developments of up to 2 dwellings provided that the development is in character with adjoining developments.
- 4.33 Throughout the parish, including within settlement boundaries, the policy supports the redevelopment of brownfield sites that are neither suitable for nor capable of employment development with reference to relevant NPPF guidance and Local Plan policies on development in the countryside and Green Belt; encourages the reuse of empty properties, the replacement of dwellings on a one for one basis; and small scale extensions to dwellings that have been created through the conversion of rural buildings.
- 4.34 Cheshire West and Chester Council and the landowner of the former Delamere School have made representations about the limitation of this policy to small scale developments of up to 4 dwellings. Cheshire West and Chester also comments that the policy appears to restrict affordable housing sites to within settlement boundaries, whereas the Local Plan includes provision for Rural Exceptions sites on the edge of settlement boundaries.
- 4.35 The limitation of development to sites of no more than 4 dwellings may be construed to be overly restrictive. No justification has been provided for the

selection of this figure and the Qualifying Body has commented to say that the intention is for the 4 house cap to only apply to small housing sites under Policy HOU1A. Some flexibility may be helpful to enable the development of sites (particularly those involving the reuse of vacant buildings, the redevelopment of previously developed sites and Rural Exceptions Sites) where they will deliver affordable and low cost market housing that meets local housing need as supported by policies HOU2 and HOU3. To ensure consistency with Policy ECON4 the re-use of rural buildings should be limited to those of a permanent construction that are structurally sound and capable of conversion without substantial reconstruction.

- 4.36 Furthermore, the policy does not recognise the role that Rural Exceptions Sites may play in delivering affordable and shared ownership housing to meet local needs as set out in Local Plan policy SOC2. The number of homes delivered on such a site will be limited to the level of demonstrated local needs and it would not therefore be appropriate to limit it to 4 in a policy. Recommendations include revisions to the policy to reflect these points and the strategic approach to the redevelopment of potential sites as set out above in the section on the settlement hierarchy.
- 4.37 A revision to the policy is recommended as a consequence of the recommended deletion of Policy HOU4 on phasing.
- 4.38 A revision is included to Part B3 of this policy as a consequence of the recommended deletion of Policy LC5 on replacement dwellings.

Recommendation 4: Revise Policy HOU1 as follows:

New housing development will be supported in accordance with NPPF paragraphs 88 to 90 and 54 to 55. It should provide a mix of housing meet Norley's housing requirement and be laid out and designed in accordance with Norley Neighbourhood Plan Policy HOU3.

- A) Within the Settlement Boundary, new housing development shall accord with Local Plan Policy STRAT 8:**
- 1) Infill development of up to two dwellings on a small gap in an otherwise built up frontage;**
 - 2) *Small scale sites only where the development is in keeping with the local village character and provides affordable housing or low cost market housing to meet a demonstrated local housing need from those with a Norley Connection.***
- B) Throughout the Parish, new housing development will be supported where it involves:**
- 1) *The re-use of a redundant or disused building of a permanent construction that is structurally sound and capable of conversion without substantial reconstruction;***

- 2) *The partial or total redevelopment of previously developed sites where any buildings are not capable of re-use or conversion and where the buildings are neither suitable for nor capable of employment development;*
 - 3) *The rebuilding and replacement of existing dwellings within their curtilage on a one for one basis provided that they are not materially larger than the existing dwelling.*
- C) *Outside the Settlement Boundary, new housing development will only be permitted exceptionally, where it satisfies the very special circumstances to justify housing in the Green Belt and countryside under Policies STRAT 9 and SOC2 and delivers homes to meet Norley's housing requirement.*

Extensions to dwellings which have been created through the conversion of rural buildings outside settlement boundaries will be supported only where they are small in scale and do not adversely affect the character of the original building.

Revise the second sentence of paragraph 9 of the justification as follows:

The Local Plan (STRAT 8) directs new housing development to within settlements and provides the opportunity for small scale development within Local Service Centres. *The Neighbourhood Plan Policy HOU1 has identified the potential types of housing sites that may be developed in the parish. This policy and Policy HOU3 seek to ensure that new housing is designed to reflect and enhance the character of the local area. Consultations have indicated that*

Revise the justification to refer to

- 1) *The circumstances where small scale sites within the settlement boundary may be justified (eg that the site provides a mix of housing to meet local needs and has a suitable layout in keeping with local character).*
- 2) *The provision of affordable housing through Rural Exceptions Sites under Local Plan Policy SOC2 where there is a demonstrated local need.*
- 3) *The process for considering the suitability of proposals through conversions and on redevelopment sites, including reference to Policy ECON4.*
- 4) *The exceptional types of housing that may be permitted in the countryside.*

Revise the glossary for Rural Exceptions Site to reflect Local Plan Policy SOC2: "A small site adjacent to the settlement boundary used to deliver affordable housing for local people in accordance with Local Plan Policy SOC2. These are sites that would not normally be

considered suitable for housing development. Local people are people who meet the Norley Connection criteria.”

Policy HOU2 – Affordable Housing

- 4.39 This policy aims to ensure that affordable housing is subject to a planning condition requiring occupants to have a Norley Connection. This local connection criteria is defined in the Glossary. The policy goes on to stipulate that any affordable home should be made available on completion and when re-let for people with a Norley Connection for a period of 12 months. Following this period a cascade approach to letting the property should be adopted with next preference being given to those in adjoining parishes before offering it to residents from elsewhere in the Borough.
- 4.40 Representations have been received from Cheshire West and Chester Council and Cheshire West and Chester Housing Partnership concerning the practicalities of operating this policy. The cascade approach is applied in the allocation of affordable housing although it is not currently enshrined in planning policy. It is intended that Part 2 of the Local Plan will incorporate detailed policies on affordable housing and a Supplementary Planning Guidance will be prepared.
- 4.41 The concerns set out in both representations relate to the deliverability of operating a 12 month window to seek to secure occupation by a household meeting the Norley Connection criteria. The Housing Partnership usually work on a 16 week window to get newly built properties sold or let and proposes that the period for seeking households with a local connection should be revised to 12 weeks. In the case of subsequent resales/lets a window of 4 weeks is the usual period offered to residents with a strong local connection to apply for properties.
- 4.42 It is important to ensure that the Neighbourhood Plan policies are clear and deliverable and it is therefore recommended that Policy HOU2 be revised to be clearer and to set a minimum of a 12 week window to secure the occupation of newly built affordable housing including shared ownership housing to people with a Norley connection in the first instance before it is offered to households from adjacent parishes. A period of a minimum of 4 weeks should be set out for resales and relets.
- 4.43 It would be helpful to users of the plan if the justification to the policy included details of the Norley Connection criteria and any measures that the Qualifying Body may wish to introduce to promote the availability of affordable homes to local people.
- 4.44 The Glossary to the Neighbourhood Plan includes the definition of the Norley Connection. It is considered that this is imprecise; the following suggestions are proposed to improve the operation of the local connections criteria. It is usual practice to refer to people residing in the parish for “at least” 2 or 5 years and to refer to people who have “permanent” employment in the local area. Close family members are also usually defined as “children, parents,

brothers and sisters only”. Reference to people who have “previously lived in the parish for a continuous period of at least 10 years” is often included in local connections criteria elsewhere to make provision for people who have had to move away because of the lack of suitable housing in the local area. The definition of the requirements to meet the agricultural occupancy conditions should be set out separately in the Glossary from the Norley condition.

- 4.45 The Local Plan policies SOC1 and SOC2 provide for affordable housing to be provided either as part of market housing schemes or on Rural Exceptions Sites. It may be helpful for future users of the plan to explain how affordable housing is to be delivered in the parish with reference to these strategic policies.

Recommendation 5: Revise Policy HOU2 as follows:

Affordable housing shall be provided to meet a demonstrated local need:

- A) As part of housing development of 3 or more dwellings in accordance with Local Plan policy SOC1.**
- B) On Rural Exceptions sites in accordance with Local Plan policy SOC2.**

Affordable housing shall be made available to people who satisfy the local connections criteria (the Norley Connection) for a minimum period of 12 weeks on completion and a minimum period of 4 weeks on subsequent re-letting or re-sale. After this period, the home shall be offered next to people from an adjoining parish before being offered to people from elsewhere in the Borough.

Revise the local connection criteria (the Norley Connection) in the Glossary and include in the justification to the policy as follows:

Norley Connection - Those who currently live in Norley parish and have been residing in the parish continuously for *at least 2 years*, close family members of Norley residents (*defined as children, parents, brothers and sisters only*) who have been residing in the parish continuously for *at least 5 years* or *people who have previously lived in the parish for a continuous period of at least 10 years*, or those who are in *permanent* employment in Norley parish.

Revise paragraph 11 of the justification to refer to “*12 weeks in the case of new built homes and 4 weeks in the case of subsequent re-lets or re-sales*”.

Policy HOU3 – Design and Layout

- 4.46 The Policy states that it will support a mix of house types including an element of low cost market housing. Housing should be in small groups to

reflect the dispersed character of the settlements and well related in scale, form and character with attention paid to six criteria specified.

- 4.47 Local Plan Policy SOC3 sets out the strategic policy for housing mix and type. Policy ENV6 promotes the delivery of high quality design and sustainable construction in new development.
- 4.48 The glossary includes a definition of low cost market housing which states that it is “Low Cost Market Housing – private sector housing (purchase and/or for rent) that is below the typical local average price for housing and is available for residents who wish to down size and for young people establishing a new home”.
- 4.49 The 2014 survey revealed a need for homes for first time buyers and for pensioners to downsize to. It is recommended that the justification be revised to take account of discounted market housing for sale by stating “*Where discounted market housing for sale is provided, the discount shall be maintained in perpetuity through a legal agreement*”.
- 4.50 The policy seeks to have new housing developed in small groups to reflect the dispersed character of the settlement. Point (f) seeks to avoid sub-urban cul-de-sac estate type schemes which the community considers to be not in keeping with the local character. However, in assessing the aspirations for housing in the Neighbourhood Plan, I have taken the view that difficulties may arise in implementing these aspects of the policy particularly when taking into account the types of sites that may come forward in the parish under Policy HOU1 and the local housing need for affordable and low cost market housing.
- 4.51 Within the settlements the typical character is of ribbon development alongside the roads and small estates around cul-de-sacs. It is evident that the cul-de-sac form of development may not be viewed favourably by the community, however, there are very few alternatives forms of road access for a small scale development in depth. Successful schemes elsewhere depend to a large extent on an imaginative layout, design and placement of the dwellings and the design of the curtilage features and landscaping. It may be more helpful to rephrase point (f) in a positive manner to highlight the design aspects that are to be sought. Reference could be made in the justification to the negative impact of the existing developments. It is also difficult to envisage how a small site within the villages could be developed to reflect the dispersed layout of the clusters of housing in the countryside and provide for the affordable and low cost housing sought under policies HOU3 and HOU4.
- 4.52 Point (e) refers to providing homes for an ageing population by including where appropriate and element of fully compliant Lifetime Homes.
- 4.53 The Housing Partnership has commented that this seems to suggest that all new housing should be built to lifetime homes standard, which would significantly affect viability. The group agrees that the lifetime homes standard is reasonable for property specifically designed for older people or as a small percentage of a larger site where a clear housing need for this type of

accommodation has been identified, but the costs incurred in applying it to all properties in a new development would make most schemes undeliverable. A more general statement needs to be made to support provision to this standard.

- 4.54 I consider that the policy does not require all new housing to be fully compliant as it refers to “including where appropriate an element of”. No changes are recommended in the light of this representation.
- 4.55 Point (e) also refers to new development adopting a minimum buildings standard of the Code for Sustainable Homes Level 3 or the equivalent in force at the time. Following the technical housing standards review, the government has withdrawn the Code for Sustainable Homes, aside from the management of legacy cases. It is recommended therefore that reference to the Code for Sustainable Homes is deleted.
- 4.56 For the sake of clarity it is recommended that punctuation is added to the criteria is added in accordance with recommendation 2.

Recommendation 6: Revise Policy HOU3 as follows:

New housing developments shall provide a mix of houses types including an element of low cost market housing for rent and sale. New housing shall be well designed in scale, form and character, paying particular attention to:

Criteria a) to d) unchanged

Criteria e) delete reference to the Code for Sustainable Homes from the policy, the list of documents on page 14 of the Neighbourhood Plan and the Glossary.

Revise criteria f) to read: *Creating imaginatively designed and landscaped development reflecting the characteristic form of layout of the parish either as ribbon development or of small groups of houses.*

It is recommended that the justification be revised to state that “*Where discounted market housing for sale is provided, the discount shall be maintained in perpetuity through a legal agreement*”.

Policy HOU4 – Phasing

- 4.57 This policy seeks the delivery of a minimum of 30 houses during the plan period which should be phased equally over each 5 year period of the plan. The policy states that this figure is not intended as a cap and that any new housing in excess of this figure will have to demonstrate the exceptional circumstances to justify its approval.
- 4.58 Cheshire West and Chester has made a representation to the policy stating they it is considered to be unclear, potentially in conflict with Local Plan policy STRAT8 and very difficult to implement.

- 4.59 I have considered the evidence concerning the level of growth to be planned for in the parish in paragraphs 4.24 to 4.26 above. I have treated the figures for the proposed housing requirement with caution and have regarded it as an indicative figure only whilst noting that there are already sites for 46 dwellings with planning permission at 31 March 2015.
- 4.60 Neighbourhood Plan Policy HOU3 (as recommended to be amended) includes a number of criteria that will have to be met before any new housing development can be permitted in the plan area. It is unclear what additional “exceptional circumstances” developers would be required to demonstrate under Policy HOU4. It is recommended that as this requirement is unclear it should be deleted.
- 4.61 No justification has been provided for the need to phase future housing development or information about how the policy is to be implemented. Phasing of development that already has planning permission will not be possible. It is considered that this requirement will not be capable of being implemented and should therefore be deleted.
- 4.62 The policy states that it allows for sites to come forward accompanied by the provision of local infrastructure. This statement appears to be written as a justification for the phasing policy and not as a policy requirement. It may be helpful therefore to make reference to the need to make timely provision of community infrastructure in the justification to the housing section with reference to the requirements in Local Plan Policy STRAT11.
- 4.63 The final paragraph of Policy HOU4 refers to the arrangements for monitoring. It is recommended that it is reviewed in the light of the recommendation to delete the policy on phasing along the lines of “the number and type of new homes developed in the parish will be monitored by the Parish Council in partnership with Cheshire West and Chester” and included in the justification to the housing section.

Recommendation 7: Delete Policy HOU4 – Phasing and the final paragraph of the justification relating to Policy HOU4 (on page 14 of the Neighbourhood Plan).

Include reference to the need to make timely provision of community infrastructure in the justification to the housing section with reference to the requirements in Local Plan Policy STRAT11.

Include reference to the monitoring of housing delivery in the justification to the housing section: “*the number and type of new homes developed in the parish will be monitored by the Parish Council in partnership with Cheshire West and Chester Council*”.

Local Character

- 4.64 The justification to this section of the Plan sets out the aims to safeguard the character of the settlements of the parish, to retain trees, hedgerows and ponds, to require the landscaping of new development and to promote high quality environmentally sustainable development in accordance with the Building for Life 12 criteria.

Policy LC1 – Built Environment

- 4.65 Policy LC1 expects new development to respond positively to the local character of its environment and to demonstrate a high quality of design and good standard of amenity.
- 4.66 The Local Plan supports the National Planning Policy Framework (NPPF) guidance which attaches great importance to the design and quality of the built environment, stating that *“it is important to plan positively for the achievement of high quality and inclusive design for all development”*. The Local Plan seeks to protect and, wherever possible, enhance landscape character and local distinctiveness.
- 4.67 Local Plan Policy ENV2 states *“Development should take full account of the characteristics of the development site, its relationship with its surroundings and where appropriate views into, over and out of the site and should recognise, retain and incorporate features of landscape quality into the design”*. Policy ENV 6 sets out 12 criteria to promote sustainable, high quality design and construction.
- 4.68 It is considered that Policy LC1 is in general conformity with these strategic policies.
- 4.69 It is recommended that the second paragraph of policy LC1 be revised to improve its clarity.

Recommendation 8: Revise the second paragraph of Policy LC1 as follows:

The use of local materials such as red Cheshire brick and sandstone with slate or clay tile roofs, whitewashed finishes and Cheshire fencing will be supported to maintain the local vernacular and enhance the sense of place.

Policy LC2 – Landscape Quality

- 4.70 This policy expects all new development to respect and enhance the local landscape quality ensuring that local views and vistas into, out of and across the settlements and the rural skyline are maintained and where possible enhanced and protected.
- 4.71 This policy takes forward the framework set out in Local Plan Policy ENV2 and identifies 8 important vistas around the parish where there are long

distance views and in the case of that across Hatchmere Lake an iconic local view.

- 4.72 No changes are proposed to Policy LC2.

Policy LC3 – Woodland, Trees, Hedgerows and Fencing

- 4.73 The policy aims to protect local woodland, trees, hedgerows and Cheshire fencing from loss or damage. The policy goes on to require new development that would involve the loss of any of these features to demonstrate the need for the development and provide for its replacement.
- 4.74 The policy also covers the formation of new or improved accesses and the requirement for an arboriculture method statement.
- 4.75 Cheshire West and Chester has made a representation that the requirement in the first paragraph to demonstrate the need for the development appears to be onerous.
- 4.76 It is considered that this part of the policy would be less onerous and at the same time clearer and easier to implement if it required the new development to avoid the loss of or damage to the landscape features.

Recommendation 9: Revise the second sentence of the first paragraph of policy LC3 as follows:

New development should be located so as to avoid the loss of or damage to local woodland, trees, hedgerows and Cheshire fencing that contribute to the character, amenity and rural setting of Norley. Where loss or damage is unavoidable the development shall provide for appropriate replacement planting or fencing on site together with a method statement for the ongoing care and maintenance of that planting.

A definition of “Cheshire fencing” should be added to the Glossary.

Policy LC4 – Extensions and Alterations to Existing Buildings

- 4.77 This policy sets out advice on extensions and alterations of various types of buildings. Paragraph one of the policy requires that the proposal for extensions to dwellings should also provide garden space commensurate with the size of the extended or altered dwelling.
- 4.78 Cheshire West and Chester has made a representation to this part of the policy stating that it could be construed to give implicit support for the extension of residential curtilages which would be in conflict with the Vale Royal Local Plan Policy H11.
- 4.79 It is considered that the policy should be clarified so as to avoid over development of the site by ensuring that sufficient garden space remains within the existing curtilage to meet the needs of future residents.

- 4.80 United Utilities has made a representation that policies Policy LC4, LC5 and LC6 should include text to cover the identification and protection of underground utilities. The following text is proposed:

“The design, type, and/or location of any development; [its hardstandings; landscaping; boundary walls etc.] should have consideration for their impact on underground utilities infrastructure assets; their on-going protection; operation and future maintenance.

“This should not be limited to the service they provide to the existing property, but also the service they provide to the surrounding community and environment.

“Checks should be undertaken to identify the location of any underground utility infrastructure assets; a diversion may be required at the developer's expense; these can be expensive and could result in the development becoming unviable.

“The building over and/or construction activities near/adjacent to water mains or critical sewers will not be permitted and therefore may result in an abortive project.”

- 4.81 It is recommended that this helpful advice be included within the justification to the Local Character section.

Recommendation 10: Revise the second sentence of the first paragraph of Policy LC4 as follows:

The design should reflect and enhance the character and appearance of the existing dwelling and *the proposal should retain sufficient garden space to meet the needs of the future residents of the extended or altered dwelling* in accordance with the prevailing pattern of development in the locality. (See Norley Neighbourhood Plan HOU3).

Add the text concerning underground utilities to the justification of the Local Character section.

Policy LC5 – Infill and Replacement Development

- 4.82 The policy requires infill development to be designed to reflect the size and scale of adjoining development and the prevailing character of the locality and secondly for replacement dwellings to be proportionate to the size of the site and the scale of surrounding existing development.
- 4.83 Cheshire West and Chester has made a representation that it would be useful to highlight that infill development will only be acceptable within the settlement boundary and that replacement dwellings should not be materially larger than the one being replaced in accordance with Vale Royal Local Plan Policy H10.
- 4.84 The revised Policy HOU1 makes it clear that infill development will only be acceptable in the settlement boundary. The design of housing development

set out in Policy HOU3 includes the considerations set out in Policy LC5 and it is considered unnecessary to repeat them.

- 4.85 Policy HOU1 sets out the provision for replacement dwellings. It is recommended that the provision that they should not be materially larger than the one being replaced should be included in that policy.

Recommendation 11: Delete Policy LC5.

Revise Policy HOU1 Part B3 concerning replacement dwellings to include “*provided that they are not materially larger than the existing dwelling*”.

Policy LC6 – Backland Development

- 4.86 This policy seeks to resist backland development where it would impact on residential amenity.
- 4.87 This policy repeats factors set out in Policy HOU3 on housing design and layout and adds nothing further. It is recommended that it be deleted.

Recommendation 12: Delete Policy LC6.

Landscape and Environment

Policy ENV1 – Open Space within the Parish

- 4.88 This policy aims to safeguard open spaces with sport, recreation and amenity value from development and to ensure that they are replaced where there is an overriding need for the development.
- 4.89 The policy is in general conformity with Local Plan Policy SOC 6, although it is noted that the Local Plan policy expectation is for any replacement open spaces to be of “equivalent or better value”. It is recommended that Policy ENV1 should be revised to adopt a similar form of wording.
- 4.90 The Neighbourhood Plan has identified 3 areas of open space to be designated under this policy adjacent to the village hall, the school playing field and adjacent to the Tigers Head public house. All three areas appear to be well used sport and recreation areas appropriate for designation under this policy.

Recommendation 13: Revise the second sentence of policy ENV1 as follows:

Where such an overriding need is demonstrated then open space of an equivalent or better size and value shall be provided within the Settlements to replace the space that is lost.

Policy ENV2–Green Space Policy

- 4.91 This policy identifies 10 Green Spaces around Norley village and 4 around Hatchmere to be protected from new development as Local Green Spaces. An assessment of the sites is included in an appendix.
- 4.92 Paragraphs 76 to 78 of the NPPF sets government policy on Local Green Spaces. Paragraph 77 sets out the criteria to be considered in selecting Local Green Spaces. It states that “The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:
- where the green space is in reasonably close proximity to the community it serves;
 - where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
 - where the green area concerned is local in character and is not an extensive tract of land.
- 4.93 Paragraph 78 goes on to say that the policy for managing development within a Local Green Space should be consistent with the policy for Green Belts.
- 4.94 Planning Practice Guidance explains further that if land is already protected by Green Belt policy then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space.
- 4.95 Further advice is that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. Consequently blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a ‘back door’ way to try to achieve what would amount to a new area of Green Belt by another name.
- 4.96 I have examined all the areas of land that have been proposed to be designated under this policy. All the areas are agricultural land on the edge of the villages with the exceptions of:
- NGS3 which is a wide roadside verge associated with the adjacent housing development,
 - NGS11 which is a small triangle of land on the roadside outside the Tigers Head public house with the village stocks and a picnic bench
 - Part of HG2 which contains the sports ground and open ground of the former Delamere School
- 4.97 Site NGS8 has the benefit of planning permission for a private and affordable / shared housing development.
- 4.98 All the sites are outside the proposed Norley settlement boundary except for NGS11. It is considered that the identification of these extensive tracts of

agricultural land is contrary to NPPF Policy. Furthermore the designation of these areas as Local Green Space will afford them little or no added protection above that of the Green Belt Policy. It is recommended therefore that the policy be deleted.

- 4.99 The sites of NGS3 and NGS11 have local amenity value and it would be appropriate to identify them under policy ENV1. The former Delamere School playing field and other open amenity land within the school curtilage to the west of the school buildings (part of HGS2) may also be a candidate for designation under Policy ENV1. Further consideration should be given to its designation depending on the outcome of the current appeals.

Recommendation 14:

Delete Policy ENV2. Identify sites NGS3 and NGS11 under Policy ENV1 as open space of amenity value. Give further consideration to the appropriateness of Identify the playing field and other open amenity land at the former Delamere School under Policy ENV1 as an open space of sport and amenity value.

Delete Appendix E2 and revise Appendix E1 to include additional sites. Revise the maps in Appendix F to accord with the revised policy.

Policy ENV3 – New Development in the Open Countryside

- 4.100 The policy requires that development in open countryside that is in accordance with Local Plan STRAT 9 must demonstrate how it will protect and enhance the countryside and key views.
- 4.101 It is considered that the policy is in general conformity with strategic policy.

Policy ENV 4 – Agricultural Buildings

- 4.102 The policy covers new agricultural buildings, stables and field shelters that require planning permission and requires that they be sited in the least obtrusive location and be of a size, design and appearance appropriate to their intended use and the rural area.
- 4.103 The second part of the policy requires the extension of riding schools, stables and equestrian establishments, including ancillary development, in the countryside to be proportionate to the nature and scale of the site and its setting.
- 4.104 The policy is in general conformity with Cheshire West and Chester Local Plan policy STRAT9. There are two relevant policies in the Vale Royal Local Plan which are considered to be non strategic: Policy RE3 on agricultural buildings to which the first part of the policy is in general conformity and Policy RE9 on equestrian development. The latter policy is a very detailed prescriptive policy. The Neighbourhood Plan Policy ENV4 presents a less

prescriptive approach, but nevertheless sets out the main factors to be considered in the suitability of proposals for equestrian development.

- 4.105 Cheshire West and Chester has commented that it would be useful to add reference to the Green Belt policy to this policy. I concur with this as these developments will be located in the Green Belt and could potentially impact on the landscape and openness of the Green Belt.

Recommendation 15: Revise the first paragraph of Policy ENV4 as follows:

New agricultural buildings, stables and animal field shelters that require planning permission *and that would not amount to inappropriate development in the green belt and would not, either by itself or cumulatively, be detrimental to the character of the landscape* must be sited in the least obtrusive location and be of a size, scale, design and appearance appropriate to their intended use and the rural area.

Policy ENV 5 – Footpaths

- 4.106 The policy supports improvements to the public footpath network in the parish and requires new paths to be sensitively designed. The policy is in general conformity with strategic policies STRAT10 and SOC6.

Mersey Forest

- 4.107 Representations have been made by the Mersey Forest that reference to the Mersey Forest should be made in the Landscape and Environment sections. Background information has been provided which could usefully be included in the justification to the Landscape and Environment section.

Recommendation 16: add the following to the justification to the Landscape and Environment section

Norley is located within The Mersey Forest. The Mersey Forest is a community forest established in 1991 with the vision to “get more from trees” to help make Merseyside and North Cheshire one of the best places in the country to live. The Forest works with partners, communities and landowners across rural and urban areas, to plant trees and woodlands, improve their management and complement other habitats. This will increase woodland cover to 20% of the area. It will revitalise a woodland culture, and bring economic and social benefits through the transformed environment. The Mersey Forest Plan is a long term and strategic guide to the work of the Forest and its partners. It is recognised in the National Planning Policy Framework as a material consideration in preparing development plans and deciding planning applications.”

Heritage Assets

- 4.108 Representations have been made by the Cheshire West and Chester Conservation and Design Officer and by the Council's Archaeologist that the Neighbourhood Plan does not make reference to the heritage assets in the parish or consider how they contribute to the character of the parish.
- 4.109 The Norley Baseline Report lists the heritage assets in the parish. The Neighbourhood Plan addresses those matters that have been highlighted as areas of concern in consultations. There is no requirement for a Neighbourhood Plan to be holistic or to address all planning or environmental matters. The Cheshire West and Chester Local Plan includes strategic policies that address the enhancement of Green Infrastructure and Heritage Assets.

Biodiversity

- 4.110 This section of the Neighbourhood Plan builds on the work undertaken by the Local Wildlife Trust in understanding the importance of the local nature conservation areas in the parish and their assessments of the potential for enhancement of the local areas. There is a list of the Core Sites in Appendix G and a map in Appendix H which is headed Core Sites and Wildlife Opportunity Enhancement Areas. In addition to the Core Sites the map also shows a catchment area for the two meres, priority habitats, potential enhancement buffers to the core sites and wildlife corridors.
- 4.111 It would be helpful if the Glossary explained that the term "Core Sites" referred to the designated sites (the Ramsar/SSSI and Local Wildlife Sites). Policy BIO1 refers to habitats/species of principal importance whereas the map refers to priority habitats.

Recommendation 17: Revise the term Core Sites in the Glossary to read

Core Sites – Core Sites are areas of high nature conservation value. In the Norley Neighbourhood Plan area they are the designated Ramsar / SSSI sites and Local Wildlife Sites.....

Policy BIO 1 – Core Sites, wildlife corridors and habitats/species of principal importance

- 4.112 This policy seeks to protect designated nature conservation sites, termed Core Sites, wildlife corridors and habitats/ species of principal importance unless very special circumstances can be demonstrated.
- 4.113 Cheshire West and Chester has made a representation to this policy and proposed that the wording of the policy be revised to improve compliance with Local Plan policy ENV4: that the policy should require that, where exceptional circumstances can be demonstrated to justify such development, then mitigation and compensation would be required to ensure that there is no net loss of environmental value.

- 4.114 The policy refers to “sustainable development”. There is no definition of this term and it is not clear how this differs from the term development in connection with this policy.
- 4.115 Policy BIO1 also includes an italicised sentence in brackets referring to how negative impacts may occur. It is recommended that this sentence should be included in the justification to the policy.

Recommendation 18: Revise Policy BIO1 as follows:

New development should not result in the loss of or negatively impact upon Core Sites (SSSI and Local Wildlife Sites), identified wildlife corridors and habitats/species of principal importance unless exceptional circumstances can be demonstrated to justify such development, then mitigation and compensation would be required to ensure that there is no net loss of environmental value.

The sentence “(Negative impacts have the potential to occur where watercourses, catchments, habitat linkages and land within a minimum of 15 metres of Core Sites are developed)” should be placed in the justification.

Policy BIO2 - Achieving no net loss of biodiversity

- 4.116 This policy sets out details about how developments should achieve no net loss of biodiversity. New developments are to include proposals to protect and enhance wildlife and to integrate measures for sustainable water management that provide opportunities for biodiversity enhancement.
- 4.117 It is considered that this is in general conformity with Local Plan policy ENV4.

Policy BIO3 - Achieving a net gain in biodiversity

- 4.118 This policy requires developers to seek to provide net gains in biodiversity ideally through the enhancement, restoration and long term management of core sites, wildlife corridors and roadside verges.
- 4.119 Cheshire West and Chester has made a representation to this policy that it goes further than Local Plan Policy ENV4 by insisting that new development proposals ‘must’ seek to provide net gains, rather than ‘should’ seek. I concur with the view expressed.
- 4.120 A local resident has commented that he considers that the policies do not go far enough in achieving the necessary needs of pollinators, for example verges must be managed so that they are havens for wildlife and areas established where apiaries could be sited would be of immense value to the environment. There ought to be better protection of Veteran and Ancient trees once they are identified and also wetland areas and ponds. Comments are also made about the consideration being given to the needs of breeding amphibians and badgers crossing the roads.

- 4.121 I consider that Policy BIO3 provides an adequate framework for the promotion of the enhancement of biodiversity in the parish. The justification explains that it is intended to develop a programme to work with landowners to implement enhancement measures.

Recommendation 19: Revise the first sentence of Policy BIO3 as follows:

New development “*should*” seek to provide net gains in biodiversity

Community Infrastructure

Policy CI 1 – Existing and New Facilities

- 4.122 This policy seeks the retention and improvement of community facilities. It is considered to be in general conformity with Local Plan policy STRAT 11.

Policy CI 2 – Contributions to Community Infrastructure

- 4.123 This policy expects developers to address the impacts and benefits it will have on community infrastructure. Contributions are to be used to deliver priorities identified in the forthcoming Neighbourhood Delivery Plan.
- 4.124 The third paragraph of the policy refers to “the provision of community infrastructure in lieu of financial contributions being supported”. Cheshire West and Chester has commented that it is difficult to envisage a situation where the situation described in the third paragraph would arise. This could be resolved by the deletion of ‘in lieu of financial contributions’. I agree that this revision would help to clarify the policy requirements.
- 4.125 The policy is in general conformity with Local Plan policy STRAT 11.

Recommendation 20: Revise the third paragraph of Policy CI2 to read:

The provision of community infrastructure by developers will be supported where such community infrastructure projects are identified in the Neighbourhood Delivery Plan.

Local Economy

Policy ECON 1 – New Business in the open countryside

- 4.126 This policy supports new or extended small scale employment opportunities in the countryside provided that they have no impact on the Green Belt. Small scale retail facilities to support farm diversification are also supported.

- 4.127 Cheshire West and Chester has made a representation that for the purposes of clarity it may be useful to make reference to policy STRAT9 and guidance in NPPF on green belts in the policy. I agree that this would improve the clarity of the policy to include reference to the NPPF policy on Green Belts in relation to both employment and retail developments.

Recommendation 21: revise Policy ECON1 as follows

Outside the settlement boundary new or extended small scale sustainable employment development, and small scale retail facilities that support farm diversification, will be supported where it can be demonstrated that the development will have no impact on the openness of the Green Belt or the purposes of including land within it in accordance with NPPF paragraphs 88 to 90 and Local Plan Policy STRAT9.

Policy ECON 2 – New Business within the Settlements

- 4.128 This policy supports new or extended small scale employment opportunities in settlements provided that they do not impact on local character or amenity. This policy is in general conformity with Local Plan policy STRAT8.

Policy ECON 3 – Loss of Employment

- 4.129 This policy sets out the requirement for proposals to change the use or redevelop an employment site to demonstrate that the use is no longer viable and that the premises have been actively marketed for at least 12 months. It is considered that the policy is in general conformity with Local Plan policies STRAT8, ECON1 and ENV6.

Policy ECON 4 – Use of Rural Buildings

- 4.130 This policy supports the conversion or reuse of suitable rural buildings for small business, recreation or tourism uses provided that the six criteria specified are met. It is considered that the policy is in general conformity with Local Plan policies STRAT8, ECON1 and ENV6.
- 4.131 For the sake of clarity to show that all the criteria have to be satisfied, it is recommended that punctuation is added to the criteria is added in accordance with recommendation 2.

Policy ECON 5 – Scale, Design and Amenity

- 4.132 This policy sets out the criteria to be considered to achieve high quality design in new employment development. It is considered that the policy is in general conformity with Local Plan policies STRAT8, ECON1 and ENV6.
- 4.133 For the sake of clarity to show that all the criteria have to be satisfied, it is recommended that punctuation is added to the criteria is added in accordance with recommendation 2.

Transport and Communications

Policy TRANS 1 – Public Rights of Way

- 4.134 The policy supports improvements to the existing public rights of way network. It is considered that the policy is in general conformity with Local Plan policy STRAT 10. The final sentence of Policy TRANS3 refers to contributions from developers to improve the rights of way network. For the sake of clarity it is recommended that this should be combined with Policy TRANS1.

Recommendation 22: Revise Policy TRANS1 to read:

New development should provide linkages to the rights of way network where possible. Development will, where appropriate, be required to contribute towards community infrastructure priorities including improved footpaths, cycleways and bridleways and circular routes in accordance with Local Plan policy STRAT 11.

Policy TRANS 2 – Fibre Optics to Premises

- 4.135 This policy aims to encourage new development to contribute to and be compatible with local fibre optics or internet connectivity including the provision of additional ducting where possible and desirable.
- 4.136 It is considered that the policy is in general conformity with Local Plan policy STRAT 11 which supports measures to protect or improve access to services that contribute to the quality of life of residents, businesses and visitors, including access to information and communication technologies (ICT).
- 4.137 United Utilities has made a representation to Policy TRANS2 expressing concern about the possible impact of the third paragraph on their operations. They have commented that where this option is feasible then United Utilities will explore and discuss with the relevant parties as necessary.
- 4.138 It is recommended that some flexibility should be incorporated into the third paragraph of Policy TRANS2.

Recommendation 23: Revise the first sentence of the third paragraph of Policy TRANS2 to read:

Where feasible, major infrastructure development should provide ducting that is available for community owned access or strategic fibre deployment.

Policy TRANS 3 – Traffic

- 4.139 The policy seeks a mitigation statement that provides an objective assessment of the impact of the additional traffic that will be generated by the development for schemes of more than 4 houses and proposals on brownfield sites. It also encourages all new development to contribute towards

enhancement of the existing networks of cycling, equestrian and pedestrian facilities within the parish.

- 4.140 The Cheshire West and Chester Highways Officer has made a representation that the requirement for any development over 4 houses and proposals on brownfield sites needing a form of traffic assessment does not accord with the guidance used within the Council (the CLG/DfT document 'Guidance on Transport Assessment'). He considers that it would be difficult to defend a position of requiring an assessment at the proposed thresholds. Usually the council only insists on a form of transport statement for development of over 50 dwellings, unless there are specific circumstances and existing local problems that needed to be considered. For anything under that threshold, the council's Highways Officers will make the objective assessment, rather than the applicant.
- 4.141 As the first part of the policy is not in accordance with the thresholds set out in Government Guidance, it is recommended that it be deleted from the Neighbourhood Plan.
- 4.142 The second part of the policy seeks to encourage contributions from all new development towards improved footpath, cycleways and bridleways in the parish. This is considered to be onerous and a revised form of wording is recommended in line with Local Plan Policy STRAT11. This part of the policy should be included in Policy TRANS1 on public rights of way

Recommendation 24: Delete Policy TRANS3.

5.0 Referendum

- 5.1 The Norley Neighbourhood Plan reflects the views held by the community as demonstrated through the consultations and, subject to the modifications proposed, sets out a realistic and achievable vision to support the future improvement of community.
- 5.2 I am satisfied that the Neighbourhood Plan meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified, meets the basic conditions namely:
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contributes to the achievement of sustainable development;
 - is in general conformity with the strategic policies contained in the Development Plan for the area;
 - does not breach, and is otherwise compatible with, EU obligations and human rights requirements
- 5.3 **I am pleased to recommend to Cheshire West and Chester Council that the Norley Neighbourhood Plan should, subject to the modifications I have put forward, proceed to referendum.**
- 5.4 I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. In all the matters I have considered I have not seen anything that suggests the referendum area should be extended beyond the boundaries of the plan area as they are currently defined. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area defined by the Cheshire West and Chester Council on 7 March 2013.

6.0 Background Documents

6.1 In undertaking this examination, I have considered the following documents

- Norley Neighbourhood Plan Submission Draft Version 2015
- Norley Neighbourhood Plan Basic Conditions Statement
- Norley Neighbourhood Plan Statement of Public Consultation
- Norley Neighbourhood Plan SEA/ HRA Screening Report
- Norley Baseline Report
- Norley - Provision of sufficient housing to meet demographic needs
- Norley Housing Survey Report
- Rationale for Settlement Boundaries
- Ecological Network for Norley
- Norley RECORD Summary report

- National Planning Policy Framework March 2012
- Planning Practice Guidance March 2014 (as amended)
- The Town and Country Planning Act 1990 (as amended)
- The Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- Chester West and Chester Local Plan Part 1 Strategic Policies (adopted January 2015);
- Vale Royal Local Plan (2006) Saved Policies
- Chester West and Chester Local Service Centre Background Paper - consultation version (March 2015)
- CLG/DfT document Guidance on Transport Assessment

7.0 Summary of Recommendations

Recommendation 1: Include the Plan period “2015 – 2030” on the front cover of the Plan.

Recommendation 2:

The paragraphs of the plan are numbered.

Sub-points in the policies are numbered rather than listed as bullet points.

Those policies that include a list of criteria to be taken into account in considering development proposals should be punctuated with a semicolon at the end of each criterion with an “and” at the end of the penultimate criterion to ensure that all factors are taken into account. This applies to Policy HOU3, ECON4 and ECON5.

Recommendation 3: Revise the second paragraph of the justification to the Housing Growth section as follows:

Norley and Hatchmere, (hereafter called the Settlements), are small interdependent rural settlements washed over by Green Belt. *Settlement boundaries were identified around them in the Vale Royal Local Plan. The Norley boundary has been updated in this Plan*, confirmed by consultation and with the support of the Parish Council, to reflect more recent development and provide scope for infill and small scale development within the boundaries in character with the settlement.

Revise the final sentence of the third paragraph and the fourth paragraph of the justification to the Housing Growth Section as follows:

Norley village satisfies the Local Plan criteria to be identified as a potential Local Service Centre under Policy STRAT8. Hatchmere does not meet these criteria and is identified in the Neighbourhood Plan as a small village with scope to potentially deliver a limited amount of new development on a previously developed site.

The Neighbourhood Plan has identified settlement boundaries for Norley which tightly bound around the existing form of the built up settlement. Whilst the Local Plan (STRAT 9) indicates that where there is a need to accommodate development on the edge of a settlement then the boundary will be drawn to reflect this, it also states (para 5.69) that in the Rural Area there will be little if any need for additional allocations to be made because of existing completions and commitments. This is certainly the case in the Norley plan area where, at March 2015 a total of 46 houses had extant planning permission.

The Plan's Housing policies limit small scale development to within the settlement boundary of Norley as there is no justification to

allocate additional greenfield land for housing development. The site of the former Delamere School in Hatchmere may offer the opportunity for limited housing development in the future, either through conversion or partial or total redevelopment provided that it is demonstrated that there is no potential for the reuse of the site or buildings for employment development.

Delete the Hatchmere settlement boundary map from Appendix B.

Delete the definition of “Settlements” from the Glossary. Revise the definition of Settlement Boundary to read “This defines the boundary between the built up areas of Norley and the Open Countryside”.

Recommendation 4: Revise Policy HOU1 as follows:

New housing development will be supported in accordance with NPPF paragraphs 88 to 90 and 54 to 55. It should provide a mix of housing meet Norley’s housing requirement and be laid out and designed in accordance with Norley Neighbourhood Plan Policy HOU3.

- D) Within the Settlement Boundary, new housing development shall accord with Local Plan Policy STRAT 8:
- 3) Infill development of up to two dwellings on a small gap in an otherwise built up frontage;
 - 4) *Small scale sites only where the development is in keeping with the local village character and provides affordable housing or low cost market housing to meet a demonstrated local housing need from those with a Norley Connection.*
- E) Throughout the Parish, new housing development will be supported where it involves:
- 4) *The re-use of a redundant or disused building of a permanent construction that is structurally sound and capable of conversion without substantial reconstruction;*
 - 5) *The partial or total redevelopment of previously developed sites where any buildings are not capable of re-use or conversion and where the buildings are neither suitable for nor capable of employment development;*
 - 6) *The rebuilding and replacement of existing dwellings within their curtilage on a one for one basis provided that they are not materially larger than the existing dwelling.*
- F) *Outside the Settlement Boundary, new housing development will only be permitted exceptionally, where it satisfies the very special circumstances to justify housing in the Green Belt and countryside under Policies STRAT 9 and SOC2 and delivers homes to meet Norley’s housing requirement.*

Extensions to dwellings which have been created through the conversion of rural buildings outside settlement boundaries will be supported only where they are small in scale and do not adversely affect the character of the original building.

Revise the second sentence of paragraph 9 of the justification as follows:

The Local Plan (STRAT 8) directs new housing development to within settlements and provides the opportunity for small scale development within Local Service Centres. *The Neighbourhood Plan Policy HOU1 has identified the potential types of housing sites that may be developed in the parish. This policy and Policy HOU3 seek to ensure that new housing is designed to reflect and enhance the character of the local area. Consultations have indicated that*

Revise the justification to refer to

- 5) *The circumstances where small scale sites within the settlement boundary may be justified (eg that the site provides a mix of housing to meet local needs and has a suitable layout in keeping with local character).*
- 6) *The provision of affordable housing through Rural Exceptions Sites under Local Plan Policy SOC2 where there is a demonstrated local need.*
- 7) *The process for considering the suitability of proposals through conversions and on redevelopment sites, including reference to Policy ECON4.*
- 8) *The exceptional types of housing that may be permitted in the countryside.*

Revise the glossary for Rural Exceptions Site to reflect Local Plan Policy SOC2: "A small site adjacent to the settlement boundary used to deliver affordable housing for local people in accordance with Local Plan Policy SOC2. These are sites that would not normally be considered suitable for housing development. Local people are people who meet the Norley Connection criteria."

Recommendation 5: Revise Policy HOU2 as follows:

Affordable housing shall be provided to meet a demonstrated local need:

- 1) As part of housing development of 3 or more dwellings in accordance with Local Plan policy SOC1.
- 2) On Rural Exceptions sites in accordance with Local Plan policy SOC2.

Affordable housing shall be made available to people who satisfy the local connections criteria (the Norley Connection) for a minimum period of 12 weeks on completion and a minimum period of 4 weeks on subsequent re-letting or re-sale. After this period, the home shall be offered next to people from an adjoining parish before being offered to people from elsewhere in the Borough.

Revise the local connection criteria (the Norley Connection) in the Glossary and include in the justification to the policy as follows:

Norley Connection - Those who currently live in Norley parish and have been residing in the parish continuously for *at least 2 years*, close family members of Norley residents (*defined as children, parents, brothers and sisters only*) who have been residing in the parish continuously for *at least 5 years* or *people who have previously lived in the parish for a continuous period of at least 10 years*, or those who are in *permanent* employment in Norley parish.

Revise paragraph 11 of the justification to refer to “*12 weeks in the case of new built homes and 4 weeks in the case of subsequent re-lets or re-sales*”.

Recommendation 6: Revise Policy HOU3 as follows:

New housing developments shall provide a mix of houses types including an element of low cost market housing for rent and sale. New housing shall be well designed in scale, form and character, paying particular attention to:

Criteria a) to d) unchanged

Criteria e) delete reference to the Code for Sustainable Homes from the policy, the list of documents on page 14 of the Neighbourhood Plan and the Glossary.

Revise criteria f) to read: *Creating imaginatively designed and landscaped development reflecting the characteristic form of layout of the parish either as ribbon development or of small groups of houses.*

It is recommended that the justification be revised to state that “*Where discounted market housing for sale is provided, the discount shall be maintained in perpetuity through a legal agreement*”.

Recommendation 7: Delete Policy HOU4 – Phasing and the final paragraph of the justification relating to Policy HOU4 (on page 14 of the Neighbourhood Plan).

Include reference to the need to make timely provision of community infrastructure in the justification to the housing section with reference to the requirements in Local Plan Policy STRAT11.

Include reference to the monitoring of housing delivery in the justification to the housing section: *“the number and type of new homes developed in the parish will be monitored by the Parish Council in partnership with Cheshire West and Chester Council”*.

Recommendation 8: Revise the second paragraph of Policy LC1 as follows:

The use of local materials such as red Cheshire brick and sandstone with slate or clay tile roofs, whitewashed finishes and Cheshire fencing will be supported to maintain the local vernacular and enhance the sense of place.

Recommendation 9: Revise the second sentence of the first paragraph of policy LC3 as follows:

New development should be located so as to avoid the loss of or damage to local woodland, trees, hedgerows and Cheshire fencing that contribute to the character, amenity and rural setting of Norley. Where loss or damage is unavoidable the development shall provide for appropriate replacement planting or fencing on site together with a method statement for the ongoing care and maintenance of that planting.

A definition of “Cheshire fencing” should be added to the Glossary.

Recommendation 10: Revise the second sentence of the first paragraph of Policy LC4 as follows:

The design should reflect and enhance the character and appearance of the existing dwelling and the proposal should retain sufficient garden space to meet the needs of the future residents of the extended or altered dwelling in accordance with the prevailing pattern of development in the locality. (See Neighbourhood Plan Policy HOU3).

Add the text concerning underground utilities to the justification of the Local Character section.

Recommendation 11: Delete Policy LC5.

Revise Policy HOU1 Part B3 concerning replacement dwellings to include *“provided that they are not materially larger than the existing dwelling”*.

Recommendation 12: Delete Policy LC6.

Recommendation 13: Revise the second sentence of policy ENV1 as follows:

Where such an overriding need is demonstrated then open space of an equivalent *or better* size and value shall be provided within the Settlements to replace the space that is lost.

Recommendation 14:

Delete Policy ENV2. Identify sites NGS3 and NGS11 under Policy ENV1 as open space of amenity value. Give further consideration to the appropriateness of Identify the playing field and other open amenity land at the former Delamere School under Policy ENV1 as an open space of sport and amenity value.

Delete Appendix E2 and revise Appendix E1 to include additional sites. Revise the maps in Appendix F to accord with the revised policy.

Recommendation 15: Revise the first paragraph of Policy ENV4 as follows:

New agricultural buildings, stables and animal field shelters that require planning permission and that would not amount to inappropriate development in the green belt and would not, either by itself or cumulatively, be detrimental to the character of the landscape must be sited in the least obtrusive location and be of a size, scale, design and appearance appropriate to their intended use and the rural area.

Recommendation 16: add the following to the justification to the Landscape and Environment section

Norley is located within The Mersey Forest. The Mersey Forest is a community forest established in 1991 with the vision to “get more from trees” to help make Merseyside and North Cheshire one of the best places in the country to live. The Forest works with partners, communities and landowners across rural and urban areas, to plant trees and woodlands, improve their management and complement other habitats. This will increase woodland cover to 20% of the area. It will revitalise a woodland culture, and bring economic and social benefits through the transformed environment. The Mersey Forest Plan is a long term and strategic guide to the work of the Forest and its partners. It is recognised in the National Planning Policy Framework as a material consideration in preparing development plans and deciding planning applications.”

Recommendation 17: Revise the term Core Sites in the Glossary to read

Core Sites – Core Sites are areas of high nature conservation value. In the Norley Neighbourhood Plan area they are the designated Ramsar / SSSI sites and Local Wildlife Sites.....

Recommendation 18: Revise Policy BIO1 as follows:

New development should not result in the loss of or negatively impact upon Core Sites (SSSI and Local Wildlife Sites), identified wildlife corridors and habitats/species of principal importance unless exceptional circumstances can be demonstrated to justify such development, then mitigation and compensation would be required to ensure that there is no net loss of environmental value.

The sentence “(Negative impacts have the potential to occur where watercourses, catchments, habitat linkages and land within a minimum of 15 metres of Core Sites are developed)” should be placed in the justification.

Recommendation 19: Revise the first sentence of Policy BIO3 as follows:

New development “*should*” seek to provide net gains in biodiversity

Recommendation 20: Revise the third paragraph of Policy CI2 to read:

The provision of community infrastructure by developers will be supported where such community infrastructure projects are identified in the Neighbourhood Delivery Plan.

Recommendation 21: revise Policy ECON1 as follows

Outside the settlement boundary new or extended small scale sustainable employment development, and small scale retail facilities that support farm diversification, will be supported where it can be demonstrated that the development will have no impact on the openness of the Green Belt or the purposes of including land within it in accordance with NPPF paragraphs 88 to 90 and Local Plan Policy STRAT9.

Recommendation 22: Revise Policy TRANS1 to read:

New development should provide linkages to the rights of way network where possible. Development will, where appropriate, be required to contribute towards community infrastructure priorities including improved footpaths, cycleways and bridleways and circular routes in accordance with Local Plan policy STRAT 11.

Recommendation 23: Revise the first sentence of the third paragraph of Policy TRANS2 to read:

Where feasible, major infrastructure development should provide ducting that is available for community owned access or strategic fibre deployment.

Recommendation 24: Delete Policy TRANS3.