

Report on Beeston, Tiverton and Tilstone Fearnall Neighbourhood Development Plan 2017 - 2030

**An Examination undertaken for Cheshire West and Chester Council with
the support of the Tiverton and Tilstone Fearnall and Beeston Parish
Councils on the January 2017 submission version of the Plan.**

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Main Findings - Executive Summary

From my examination of the Beeston, Tiverton and Tilstone Fearnall Neighbourhood Development Plan 2017-30 and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a Working Group from the Beeston and Tiverton & Tilstone Fearnall Parish Councils which jointly form the qualifying body;
- The Plan has been prepared for an area properly designated – the Beeston and Tiverton & Tilstone Fearnall Parishes as set out in Figure 1, Page 10;
- The Plan specifies the period to which it is to take effect – 2017-30; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Beeston, Tiverton & Tilstone Fearnall Neighbourhood Development Plan 2017 – 2030

- 1.1 The area for the Neighbourhood Development Plan includes the villages of Beeston, Tiverton and Tilstone Fearnall, which are set in the countryside between Chester to the north-west and Nantwich and Crewe to the south-east. The Plan area also contains several hamlets and other scattered dwellings which give a total population for the Plan area of less than 700 in 2011, according to the Census. Agriculture dominates the local economy and the nearest centres for local shops and other services for example, schools, are in Tarporley and Bunbury, which are outside the Plan area. Many residents commute to towns and cities in North West England and Shropshire. Because of the lack of local public transport services, there is heavy reliance on the motor car. The railway line from Crewe to Chester crosses the centre of the area, but the former Beeston station is no longer in use.

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- 1.2 The Neighbourhood Development Plan area (the NP area) has a rich history with references to its villages in the Domesday Book. Beeston Castle, visible from many viewpoints, as it is situated on a crag above the surrounding Cheshire Plain, **is a distinctive reminder of the area's history.** It is a nationally important Scheduled Ancient Monument and an attraction for visitors to the area. The Shropshire Union Canal alongside the River Gowy, extends west-east across the centre of the NP area and dates back to the late eighteenth century. It contains a number of locks including Beeston Iron Lock, which is also designated as a Scheduled Ancient Monument. At my site visit, I saw that the canal is currently well used by narrow boats. The NP area also contains many elegant houses and other buildings, for example, places of worship, which characterise the past, and I note that there are two conservation areas.
- 1.3 The Parishes are predominantly rural with landscapes featuring fields, woodland and many ponds. This environment provides a rich habitat for wildlife. It is also attractive to users of the waterways and the area's many footpaths, notably the Sandstone Trail which runs from Frodsham in the north to Whitchurch in the south, giving views of Beeston Castle and Peckforton Castle to the south of the NP area.

The Independent Examiner

- 1.4 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Beeston, Tiverton and Tilstone Fearnall Neighbourhood Development Plan (the BTTNP) by Cheshire West and Chester Council, with the agreement of Beeston Parish Council and Tiverton & Tilstone Fearnall Parish Council. I am a chartered town planner and former government Planning Inspector, with prior experience examining Neighbourhood Plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

The Scope of the Examination

- 1.5 As the independent examiner I am required to produce this report and recommend either:
- (a) that the Neighbourhood Plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum; or
 - (c) that the Neighbourhood Plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) (**'the 1990 Act'**). The examiner must consider:
- Whether the plan meets the Basic Conditions;
 - Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) (**'the 2004 Act'**). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the Local Planning Authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - **it does not include provisions and policies for 'excluded development'; and**
 - it is the only Neighbourhood Plan for the area and does not relate to land outside the designated neighbourhood area;
 - whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum; and
 - Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (**'the 2012 Regulations'**).
- 1.7 I have considered only matters that fall within paragraph 8(1) of Schedule 4B to the 1990 Act. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

- 1.8 The "Basic Conditions" are set out in paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the Neighbourhood Plan must:
- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - Contribute to the achievement of sustainable development;
 - Be in general conformity with the strategic policies of the development plan for the area;
 - Be compatible with and not breach European Union (EU) obligations; and
 - Meet prescribed conditions and comply with prescribed matters.

- 1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the plan should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007), either alone or in combination with other plans or projects.

2. Approach to the Examination

Modifications

- 2.1 Where necessary, I have recommended modifications to the Plan **(PMs)** in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have also listed these modifications separately in the Appendix.

Planning Policy Context

- 2.2 The Development Plan for the Plan area, not including documents relating to excluded minerals and waste development, is the Cheshire West and Chester Council Local Plan Part 1: Strategic Policies, which was adopted in January 2015. Part 2 of the Local Plan: Land Allocations and Detailed Policies is an emerging plan, and its preparation is still in progress. Until it is adopted, a number of saved policies from the former Chester District Local Plan adopted in May 2006 remain part of the development plan for the Chester area, as explained in the Basic Conditions Statement for the BTTNP, January 2017.
- 2.3 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented.

Submitted Documents

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Beeston, Tiverton and Tilstone Fearnall Neighbourhood Development Plan 2017 -2030, [January 2017];
 - the Consultation Statement, [January 2017];
 - the Basic Conditions Statement, [January 2017];
 - all the representations that have been made in accordance with the Regulation 16 consultation;
 - the Strategic Environmental Assessment (SEA) Screening and Habitats Regulation Assessment (HRA) Screening Determination for

the BTTNP, prepared by Cheshire West and Chester Council, on behalf of the BTTNP Steering Group; and

- the response received from the Parish Council on 1 June 2017, in reply to questions raised by me concerning aspects of the Plan on 23 May 2017 (both the response and my original letter have been placed on Cheshire West and Chester Council's website).

- 2.5 I have also had regard for the map on Page 10 of the Plan which, according to paragraph 3.2, is Figure 1 and identifies the area to which the proposed Neighbourhood Development Plan relates. When compared with other maps of this part of Cheshire, it is apparent that it shows the boundary of the two parishes at the time the Neighbourhood Planning area was designated. However, on its own, the map is difficult to read and the settlements named in paragraph 3.2 cannot all be distinguished. I consider that the map should be modified so that the principal settlements; the Shropshire Canal and River Gowy; Beeston Castle; and main roads (for example, the A49 and A51) can all be seen by interested persons reading the Plan. For clarity, the map should also have a title and a key. In its comments on the Submission Plan, 21 April 2017, Cheshire West and Chester Council also proposed that the map on Page 10 should be replaced. The Local Planning Authority and Parish Councils have helpfully produced an updated map, as I requested in my letter of 23 May. Modification to Figure 1 is necessary to demonstrate clearly that the BTTNP relates to the Neighbourhood Plan area and hence meets the Basic Conditions. **PM1** should be made to substitute the updated map.

Site Visit

- 2.6 I made an unaccompanied site visit to the Neighbourhood Plan Area on 18 May 2017 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

Written Representations or Public Hearing

- 2.7 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan, and presented arguments for and against the Plan's suitability to proceed to a referendum.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The BTTNP has been prepared and submitted for examination by Beeston Parish Council and Tiverton & Tilstone Fearnall Parish Council which jointly comprise the qualifying body. As the Basic Conditions Statement explains (paragraph 2.4), the Parish Councils decided to produce a single

Neighbourhood Plan because they share common interests, with an important corridor that extends along their mutual border. This corridor includes the Chester to Crewe railway line, the Shropshire Union Canal and River Gowy.

- 3.2 It is the only Neighbourhood Plan for Beeston, Tiverton and Tilstone Fearnall, and does not relate to land outside the designated NP area.

Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2017 to 2030. The end date of 2030 coincides with that of the Cheshire West and Chester Council Local Plan.

Neighbourhood Plan Preparation and Consultation

- 3.4 A Parish Plan was produced by Tiverton Parish Council in 2006, which provided the starting-point for Neighbourhood Planning in the wider area. Formal agreements to define a single Neighbourhood Planning area were obtained from Beeston Parish Council on 5 March 2013 and from Tiverton & Tilstone Fearnall Parish Council on 12 March 2013. A Joint Working Group was then formed with five topic groups, and a household (and business) survey was undertaken in August 2013. 134 (55%) of the questionnaires were returned, which is a healthy level.
- 3.5 A Public Launch was made on 1 February 2014 in Tiverton Village Hall with invitations to all residents and businesses, as well as notices on village notice boards and village web sites. Presentations on the Localism Act 2011 and the process of neighbourhood planning were attended by some 60 persons, with 35 signing up to join the topic groups. Following discussion with Cheshire Community Action, a Policy Proposals Survey developing a vision, aims and policy was carried out. Some 115 responses (37% of forms) were retrieved and a Policy Proposals Report issued in March 2015.
- 3.6 I am advised that Parish boundaries were changed in April 2015 following a Community Governance Review. As a consequence, the BTTNP area now includes small parts of the parishes of Tarporley and Rushton, albeit the geographical extent of the NP area approved by Cheshire West and Chester Council on 9 July 2013 remained unaffected. Cheshire West and Chester Council stated that these parishes gave written confirmation for Tiverton and Tilstone Fearnall Parish Council to lead on the BTTNP following these amendments. Minutes of Tarporley and Rushton Parish Councils' meetings can be found on the local authority website.
- 3.7 A revised draft Neighbourhood Plan for Beeston and Tiverton and Tilstone Fearnall was subsequently prepared and approved in April 2016 by both Parish Councils for Regulation 14 consultation. Consultation in August and September 2016 used a number of publicity measures, including

newsletters to all residents and businesses, newsletters on village notice boards and copies of the Plan were sent to statutory consultees. Hard copies were made available of the draft Plan and an electronic copy placed on the Parish Council websites. Nine representations were received, and used to produce the submission version of the BTTNP (January 2017). This was consulted on for just over 6 weeks in March and April 2017 under Regulation 16, and eight representations were made. I have had regard for these representations in my examination of the BTTNP. I am satisfied that consultation has been carried out in accordance with the Neighbourhood Planning Regulations 2012. I confirm that the process has met the legal requirements for procedural compliance.

Development and Use of Land

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

Excluded Development

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

Human Rights

- 3.10 Cheshire West and Chester Council has not alleged that the Plan would breach Human Rights (within the meaning of the Human Rights Act 1998), and from my independent assessment, I am satisfied that it would not.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The submitted Neighbourhood Plan was screened for SEA by Cheshire West and Chester Council, which found that it was unlikely to have a significant adverse effect on a European site, either alone or in combination with other plans and projects. As such, it was found unnecessary to undertake SEA.
- 4.2 The BTTNP was further screened for HRA, which also was not triggered. Having considered the SEA Screening and HRA Screening Determination for the BTTNP (March 2017) and the support from Natural England and Historic England, my own independent assessment of this matter leads me to agree with these conclusions.

Main Issues

- 4.3 Having regard for the BTTNP (January 2017), the consultation responses, other written evidence and the site visit, I consider that there are three main issues relating to the Basic Conditions for this examination. These are:

(1) whether the vision and aims of the Plan, and its policies for the built environment and economic development, will contribute to the achievement of sustainable development having regard for national policy and advice, and will be in general conformity with the strategic policies of the development plan for the area;

(2) whether the **Plan's policies for protecting the natural environment and historic assets**, as well as community assets, have had regard for national policy and advice, are in general conformity with the strategic policies of the development plan for the area, and will contribute to the achievement of sustainable development; and

(3) whether Policy T1 for Beeston Railway Station will contribute to the achievement of sustainable development having regard for national policy and advice, and be in general conformity with the strategic policies of the development plan for the area.

Issue 1 – Vision, Aims, Built Environment and Economic Development

- 4.4 The Vision for BTTNP reflects the responses to public consultation carried **out in the area over a number of years. It seeks to retain the area's rural** character and distinctiveness, with aspiration for small-scale changes to the built environment and other social and economic improvements. I consider it appropriate for this Neighbourhood Plan.
- 4.5 Cheshire West and Chester Council suggested that Aim 4 regarding local retail outlets should be re-worded because it implies that the Plan will make specific proposals for retail outlets. In practice, Policy ED4 supports general proposals to consolidate, expand or add to local retail provision. I agree that, for consistency within the Plan and having regard for national planning policy, Aim 4 should be modified as proposed by the local authority and shown in **PM2**. Aim 2 refers to residential development, and could be read to mean that the Plan would only support new detached or semi-detached dwellings. It could limit the application of Policy BE3 to provide a suitable mix of housing types and sizes to reflect housing needs as sought by Policy SOC3 of the Local Plan, and be at odds with the NPPF, paragraphs 47 and 50. I note that emerging Policy GBC1 in the Cheshire West and Chester Council Local Plan Part 2 requires development in the

countryside to be of appropriate density whilst fully respecting the character of the surrounding area; this policy should guide development in the BTTNP area. I propose changed wording to Aim 2 of the BTTNP to ensure flexibility in the type and mix of new housing, and to meet the Basic Conditions (PM2).

- 4.6 Section 6.1 of the Neighbourhood Plan concerns the built environment, and contains three policies. The first sets out design principles for new development, the second addresses development impacts and the third relates to future housing development. It is noteworthy that this section provides no target for housing numbers and allocates no sites for future development. Policy STRAT2 of the adopted Local Plan Part 1 aims to direct development to the urban areas and key service centres in rural areas. Local service centres suitable to accommodate some new development are to be identified in the forthcoming Cheshire West and **Chester Council's** Local Plan Part 2. These are likely to be the places with good local services, facilities and access to public transport. None of the settlements in the BTTNP area have been identified as key service centres in the Local Plan Part 1 or potential local service centres in Part 2. Therefore, Policy STRAT9 of the Local Plan Part 1: Green Belt and countryside is important for this area. ***That states "The intrinsic character and beauty of the Cheshire countryside will be protected by restricting development to that which requires a countryside location and cannot be accommodated within identified settlements".*** I consider that the approach in section 6.1 of the Neighbourhood Plan, with no targets or site allocations for new housing, is in general conformity with the adopted Local Plan, and aligns with the emerging Part 2 Local Plan.
- 4.7 Cheshire West and Chester Council proposed that Policy BE1 should be **reworded to "enhance clarity and usability of the policy"**. I accept that there is some overlap between the two bullet points, and that it should be modified to be in general conformity with Policies ENV2, ENV5 and ENV6 of the Local Plan Part 1, as well as STRAT9. I also agree that Policy BE1 could usefully refer to the **Council's most recent** Landscape Strategy 2016, so that the design of new development fits the local character areas, as referred to in paragraph 8.21 of the Local Plan. Policy GBC5 of the emerging Local Plan Part 2 sets out criteria with which development in a countryside location must conform. The first criterion is design in line with the most up-to-date landscape guidance. The supporting text to the policy refers to a new landscape strategy undertaken in 2015. **PM3** would secure appropriate amendments in general conformity with the Local Plan, in line with the emerging local plan, and it would help achieve sustainable development.
- 4.8 I have also considered the Council's proposed modification to Policy BE2 and agree that the reference to **"use of new and recycled materials"** is

unnecessary for achieving energy efficiency measures. In addition, the **policy should use the word “should”** rather than **“must”** in its opening sentence. With proposed modification **PM4**, I am satisfied that the policy and its supporting text will set out measures for energy and water efficiency sufficiently clearly and flexibly to achieve sustainable development.

- 4.9 Policy BE3 sets out a number of criteria which future housing proposals should satisfy. The first criterion is to limit development to an appropriate scale which complies with STRAT9 of the Local Plan, which I support. The Local Authority proposed changes to refer to STRAT9 (not Strategy 9), to **separate the supporting text from the policy’s criteria and to omit the fifth criterion** as this repeats Policy BE1. I support these proposed changes which are included in **PM5**, to strengthen Policy BE3 so that sustainable development may be achieved, as well as general conformity with the Local Plan.
- 4.10 Policy SOC1 of the Local Plan Part 1 seeks affordable housing provision in rural areas where sites have a capacity of 3 or more dwellings or an area of 0.1 hectares or more. The supporting text to Policy BE3 correctly refers to the Written Ministerial Statement November 2014 and subsequent changes to PPG, which required the threshold of 3 or more dwellings to be reconsidered. Cheshire West and Chester Council supports the revised threshold of 5 units in Policy BE3 but proposes minor re-wording to refer to 5 units or more. I agree that this should be included in PM5, as well as **the suggested reference to “identified local housing needs” deleting “by the survey results”**. Calculations of housing need usually require careful interpretation of survey results and assessment of supply factors; and **survey results will reflect a specific point in time whereas “need” may change over the Plan period**. With these modifications, Policy BE3 has regard for national planning policy and advice, and will be in general conformity with strategic policies (including those for the Environment) in the Local Plan.
- 4.11 Policies for economic development are broadly supportive of new and existing businesses, and seek to secure good telecommunications services in the area. The approach has had regard for the NPPF, sections 1-3 on Delivering Sustainable Development. It is also in general conformity with Policies ECON1, STRAT8 and STRAT9 in the Local Plan Part 1. Cheshire West and Chester Council has made some helpful suggestions to modify Policies ED1-6, which I have taken into account. I recognise that the reuse of existing rural buildings and the expansion of existing buildings for economic purposes are likely to shape the future of the BTTNP area. I **also agree with the Council that the policy should “support” rather than “encourage” development, enabling businesses to take the initiative**. Therefore, **Policy ED1 of the NP should omit the reference to “new” development and state: “Applications for development generating employment will be supported”**. This should enable a wider range of employment development options, in general conformity with the Local

Plan and in line with the NPPF's paragraphs 21 and 28. **PM6** would secure this.

- 4.12 Policy ED1 supports live/work units, and has had regard for the last bullet point in paragraph 21 of the NPPF. The Plan commendably seeks a growth in local job opportunities, particularly for under 30 year olds, and considers that this approach to live/work units could assist. Again, I agree with the Council that it could be unduly onerous to expect the employment element always to be preserved in perpetuity. The supporting text should be modified, as in **PM6**, to give some flexibility and to help achieve sustainable development. Also in **PM6**, I propose to move the final paragraph of the text from Page 18 to Page 19, so that it follows Policy ED2.
- 4.13 I appreciate the importance to the local community of protecting the character and appearance of the rural landscape and ensuring that any new development adopts good design principles and is respectful of its setting. However, if businesses are to grow and flourish, some acceptance of change to the physical environment is likely to be unavoidable. Warehousing and storage units may be essential to a business's success. Requiring development to have a positive impact on the built environment and historic character, and always to use locally sourced materials, could make the introduction and growth of potentially desirable businesses unviable. Paragraphs 21, 160 and 173 of the NPPF advise that viability and deliverability should be taken into account in plan-making and decision-taking. Sustainable development means that planning requirements should not be overly burdensome. Policy ED2 and the supporting text should be modified, as in **PM7** and based on the suggestion from Cheshire West and Chester Council, having regard for national planning policy, and for general conformity with STRAT9 of the Local Plan.
- 4.14 The thrust of Policy ED3 meets the Basic Conditions, but I support the proposed amendment put forward by the Council to improve the links between the policy and supporting text, and to use language more closely related to the development management process (i.e. permitting or not permitting development). **PM8** should be made to help achieve sustainable development. I also consider that the last paragraph of supporting text between Policy ED3 and ED4 should be moved to Page 20, as it provides justification and explanation for Policy ED4 (**PM9**).
- 4.15 Policy ED4 supports proposals to consolidate, expand or add to local retail provision in the villages. This approach has regard for paragraph 28 of the NPPF and is in general conformity with STRAT8 of the Local Plan Part 1. However, it would be onerous and unreasonable in my opinion to require developers to demonstrate that their business would meet the needs of local people. It seems likely that users of boats on the canal,

walkers along the Sandstone Trail and visitors to Beeston Castle might provide a supportive customer base for some new retail provision. I agree **with the Council that a reference to “small scale” proposals for local retail** provision should ensure that large scale facilities, better suited to an urban environment and potentially harmful to the character and appearance of the countryside, are not attracted to the area. I recommend that Policy ED4 is modified as in PM9, to help secure sustainable development.

- 4.16 Policies ED5 and ED6 concern broadband connections and radio and telecommunications masts. The policies are supportive of improved electronic communications in line with achieving sustainable development, and are in general conformity with Policies STRAT11, ECON1, ENV2 & ENV6 of the Local Plan Part 1. Regard has been had for section 5 of the NPPF, supporting high quality communications infrastructure. Cheshire West and Chester Council proposed that the text following Policy ED6 should refer to its Landscape Strategy 2016, as this provides updated, detailed information on the key characteristics of the landscape, and principles for new development, covering location and built form, views and accessibility. It is also supported by a Landscape Sensitivity Study and Guidance on Wind and Solar Photovoltaic Developments. I consider that the text should be modified as in **PM10** to assist users of the Plan and so that there is general conformity with strategic policies (Policy ENV2) in the Local Plan.
- 4.17 I have some concern that readers may not always appreciate the distinction between policies and supporting text/written justification in the Plan. PPG Reference ID: 41-041-**20140306 provides 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....”**. In the case of Policy ED5, as a minimum, a gap should be made between the single sentence of the policy and the subsequent wording which is supporting text. I have already referred to the need for a specific modification to Policy BE3 and for moving the text following Policy ED3. In addition, I recommend that every policy in the Plan is set in a box so that it is clearly distinguishable from the supporting text. Ideally, the paragraphs in the Plan would have been individually numbered, as in the Cheshire West and Chester Local Plan Part 1, but I accept that such an alteration may be too onerous at this stage. However, to meet the Basic Conditions, **PM11** should be made. Providing all the above modifications are made, I conclude that the vision and aims of the Plan, and its policies for the built environment and economic development, will contribute to the achievement of sustainable development, will have regard for national

policy and advice, and be in general conformity with the strategic policies of the development plan for the area.

Issue 2 - Natural Environment, Historic and Community Assets

- 4.18 Section 6.4 of the Plan includes a brief summary of the natural and historic assets within the Plan area, and emphasises that protection of environmental features is overwhelmingly supported by the local **population. Reference is made to Cheshire Wildlife Trust's report: *Protecting and Enhancing Tiverton, Tilstone Fearnall and Beeston's Natural Environment, 2016***, which is included as Appendix 2 to the Neighbourhood Plan. I consider that it would be more appropriate to describe this section of the Plan: **"Natural and Historic Environment"** rather than **"Natural Environment"**, since **Beeston Castle, the Shropshire Union Canal and other** features are clearly manmade. **PM12** should be made to achieve this, and help achieve sustainable development in the area.
- 4.19 Cheshire Gardens Trust advised that there are no historic designated registered landscapes of national importance in the area. However, the **Trust's preliminary research indicates that there** are locally significant features at Tilstone Lodge and Gardenhurst. I consider it important that the Cheshire Gardens Trust and Neighbourhood Planning Working Group continue to work together to identify locally important landscapes, but see no need to modify the current Neighbourhood Plan and add to existing policies. However, I agree with the Trust that it would assist readers of the Plan if the main environmental and historic features highlighted in this section, including the designated Conservation Areas, were shown clearly on a map in the main body of the Plan. Cheshire West and Chester Council has helpfully provided a new map, Figure 3, which should be included in the Plan. This modification should be secured through PM12, along with changes to the text of paragraph 6.4 to delete the reference to Sites of Special Scientific Interest and confirm that there are four Conservation Areas.
- 4.20 Policies NE1 – Beeston Castle and NE2 – Waterways are clearly expressed and in general conformity with policies in the Local Plan, notably ENV3, ENV5 and STRAT11. Regarding Policy NE3, I support the principle of maintaining the local footpath network but agree with Cheshire West and Chester Council that some re-wording of the policy is needed to ensure that the Neighbourhood Plan does not conflict with the powers of the local highway authority. The policy should state ***"New development should protect and maintain all public footpaths and bridleways in the plan area, including the Sandstone Trail. Proposals to extend and improve access to the local footpath network will be favourably considered"***. In addition, the

plan showing public rights of way in Appendix 3 should be improved so that these are distinguishable from the road network, with the addition of a key. **PM13** would ensure that Policy NE3 and its supporting material are consistent with national planning policy (NPPF section 4, Promoting sustainable transport), and should be made.

- 4.21 Policy NE4 states that new development should not adversely affect key views. From my site visit, I am satisfied that the Plan area has many attractive medium and long-distance views over the countryside and towards unique features such as Beeston Castle, locks along the Canal and old, ornate buildings. These should be protected in the interests of sustainable development in general conformity with Policy ENV2 of the Local Plan. The BTTNP policy refers the reader to key views in Appendix 4, but the Appendix is unclear because the map shows views 2-7, which do not cross-relate to the key viewpoints 1-6 on Page 56. Appendix 4 should be modified as in **PM14** to clarify the numbering and position of key viewpoints and ensure that they will be protected in accordance with sustainable development.
- 4.22 Policies NE5 to NE8 seek to protect and enhance where possible important local assets, namely stone and wooden stiles, trees, hedgerows and ponds. Appendices 5 and 6 provide useful local information for readers of the Plan. The policies have had regard for the NPPF on conserving and enhancing the natural and historic environment, and are in general conformity with a number of policies (notably ENV2-4) in the Local Plan Part 1. I agree with the Council that Policy NE8 – Ponds should be **modified so as to replace the word “must” with “should” to allow for some flexibility**. With **PM15** in place, these policies will meet the Basic Conditions.
- 4.23 I support the aims of Policy NE9 to protect dark skies, recognising that the absence of lights at night is an important characteristic of rural landscapes and can enhance their attractiveness. The approach is in general conformity with Policy ENV6 of the Local Plan Part 1, which promotes sustainable, high quality design, and expects development, where appropriate, to incorporate energy efficiency measures. However, as the Council pointed out, the maintenance and replacement of street lighting systems is not a matter for land use planning. The final sentence of Policy NE9 should be deleted to meet the Basic Conditions, as proposed in **PM16**.
- 4.24 Section 6.5 helpfully identifies important community assets and confirms their importance to the local community, especially to elderly and vulnerable residents who are unable to drive to the larger settlements in the wider area. Policies CP1 and CP2 are in general conformity with Policies STRAT8 and STRAT11 of the Local Plan Part 1 which support the retention of community facilities as well as the enhancement of access to

facilities and amenities that contribute to quality of life. Although Policy CP2 is quite general and is aspirational, I consider that it could be useful to development management, and help achieve sustainable development. As long as the above proposed modifications to the Plan are made, I conclude that its policies for protecting the natural environment and historic assets, as well as community assets, have had regard for national policy and advice, are in general conformity with the strategic policies of the development plan for the area, and should contribute to the achievement of sustainable development.

Issue 3 – Beeston Railway Station

- 4.25 The lack of good public transport services in the Plan area is highlighted in the introduction to the BTTNP. Page 9 states that there is only a once weekly bus service in the area, that goes to Chester and Nantwich. In these circumstances, it is unsurprising that there is strong local support (95% of residents) for reopening Beeston Railway Station. However, even if recent planning permissions for new housing in the wider area described on Page 22 of the Plan are completed, this may not generate sufficient potential passenger numbers to justify the high costs of reopening the railway station.
- 4.26 The NPPF paragraph 22 cautions against the long term protection of employment sites where there is no reasonable prospect of a site being used for that purpose. Whilst the former railway station may differ from most old employment sites, the principle that land uses which do not meet modern and likely future economic and living conditions should not be preserved should be considered. In addition, paragraph 173 of the NPPF states ***"Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened."*** These elements of national policy count against the inclusion of Policy T1 in the BTTNP, in my view.
- 4.27 On the other hand, arguably in support of Policy T1, the NPPF seeks to promote sustainable transport with a transport system balanced in favour of sustainable modes (presumably such as rail), giving people a real choice as to how they travel (paragraphs 29 & 30). I note Cheshire West and Chester Council's observation that, even though there are no plans to reopen Beeston Railway Station, the policy complies with STRAT10 in the Local Plan Part 1, which seeks to safeguard from development current and disused railway lines, sidings and stations. I note that saved Policy TR11 of the Chester Local Plan also sought to protect Beeston Railway Station.

4.28 I recognise that the reopening of Beeston Station is a community aspiration which is widely supported. Notwithstanding my doubts over the viability and deliverability of the policy, the availability of an operating station with local rail services would help the achievement of more sustainable transport in the area. Network Rail commented on the BTTNP at the Regulation 16 Consultation stage. However, it made no explicit comment on Policy T1 either to confirm that it would feature in a forthcoming investment programme or, alternatively, was unrealistic. Since the policy is in general conformity with the Cheshire West & Chester Local Plan and has had regard for national planning policy, I conclude that Policy T1 should be retained. Figure 2 on Page 25 showing land at the former Beeston Railway Station is unclear, and I recommend that it should be replaced with the new map in the Appendix as referenced in PM1.

Other matters

4.29 Network Rail stressed the importance of dealing with any impacts on railway level crossings and protecting rail assets, when planning applications are determined. Since the BTTNP makes no site allocations or proposals for significant development, I am unable to identify any potential impact on railway infrastructure which would be harmful to operations, or necessitate modifications to the Neighbourhood Plan. Network Rail points out that major development proposals should be accompanied by transport assessments, appropriate mitigation measures and support from other stakeholders such as the Local Planning Authority, Rights of Way and Highways Authority, if closure to level crossings or alternative methods of crossing the railway are put forward. Planning applications dealing with such proposals would be dealt with by Cheshire West and Chester Council, and its Local Plan Policy STRAT10 (with reference to transport assessments, travel plans, and safer and secure transport) would be material. This provides the safeguards which Network Rail seeks, in my opinion, and the Neighbourhood Plan need not be modified to repeat this.

4.30 The Health and Safety Executive (HSE) refers to paragraph 172 of the NPPF, which states that planning policies should be based on up-to-date information concerning the location of major hazards and the mitigation of the consequences of major accidents. It names three Consultation Zones of major hazard establishments and major accident hazard pipelines, where there is potential for land allocated in the BTTNP area to encroach. The Plan allocates no sites for development and envisages that development will be restricted to that which requires a countryside location, in accordance with Policy STRAT9 of the Local Plan. I note the importance of alerting the Neighbourhood Planning Working Group to the

potential for encroachment at an early stage, but see no need to modify the current Plan.

5. Conclusions

Summary

- 5.1 The BTTNP has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the neighbourhood plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text, and to improve maps, to ensure that the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the plan relates. The BTTNP as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated neighbourhood plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated NP area.
- 5.4 I appreciate that the local community has been engaged in planning since 2006, when Tiverton Parish Council produced its first Parish Plan. The parishes are to be commended for working in collaboration and reaching formal agreements in 2013, to produce this joint Neighbourhood Development Plan for Beeston, Tiverton and Tilstone Fearnall. It is clear to me that the Working Group and Topic Groups have worked very hard to produce a credible Plan which has the support of local people and businesses, and will provide a strong basis for development management in the Plan area in general conformity with Cheshire West and Chester Council's Local Plan.

Jill Kingaby

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 10, 21	<p>Figure 1</p> <p>Replace the map of the Neighbourhood Plan area with the attached map.</p> <p>Figure 2: Replace the map of Land at former Beeston Railway Station (and coal yards) with the attached map.</p>
PM2	Page 13	<p>1.1 Aims</p> <p>Revise Aims 2 and 4 as follows:</p> <p>2.ensure that residential development is small scale and contributes to the range of housing available in the villages, and is in keeping with adjacent properties;</p> <p>4.support the continued and enhanced provision of local retail outlets;</p>
PM3	Page 14	<p>Policy BE1: NEW BUILT DEVELOPMENT</p> <p>New development will: *be of an appropriate size, height, scale, mass, rural skyline, materials, layout, access and density reflecting the nature of the predominant development type in the area * that respects the character of the local built environment, its history and surrounding natural landscape, <u>including rural skyline</u>, and seeks to reinforce this character through quality design.</p> <p>Regard should be had for the latest Landscape Strategy from CWAC.</p> <p>Extend the supporting text which follows Policy BE1 with the following:</p> <p><u>A Landscape Strategy for Cheshire West and Chester Borough, 2016, provides the latest strategy for managing the landscape and guiding landscape change beyond the built up areas of the Borough to 2030. It supersedes previous landscape character</u></p>

		<u>assessments and landscape guidance.</u>
PM4	Page 15	<p>Policy BE2: DEVELOPMENT IMPACTS</p> <p>New development must <u>should</u>:</p> <p>.....</p> <ul style="list-style-type: none"> incorporate, where practicable, energy efficient measures by the use of new and recycled materials.
PM5	Page 16	<p>Policy BE3: HOUSING DEVELOPMENT</p> <p>Future housing proposals must <u>should</u>, where feasible:</p> <ul style="list-style-type: none"> Limit development to an appropriate scale which complies with Strategy <u>STRAT 9</u> of the CWAC Local Plan; Provide a suitable mix of housing types and sizes to reflect the <u>identified local housing needs</u> identified by the survey results; Provide affordable housing as part of any development of more than 5 houses <u>units or more</u> on a single site; Ensure that developer Respect the built environment with regards to design and historic character; Retain as many..... Provide Provide ... high quality streetscape. <p>The supporting text which follows the second and third bullet points should be relocated to the bottom of Page 15 so that it follows rather than breaks up the policy wording.</p>
PM6	Page 17	<p>Policy ED1: NEW EMPLOYMENT</p> <ul style="list-style-type: none"> Applications for new development STRAT9 of the Local Plan will be encouraged <u>supported</u>. All new employment development Proposals for new employment space will be encouraged <u>supported</u>,

		<p>provided residential areas.</p> <p>Supporting text – modify the final sentence in the second paragraph:</p> <p>"However, Policy ED1 should not be seen as a 'back door' to residential development and it is important is preserved in perpetuity."</p> <p>The third paragraph of the supporting text which begins "Employment development proposals," should be moved to Page 19, so that it follows Policy ED2.</p> <p>The second sentence of the text should be modified to read:</p> <p>Warehouse development, storage uses significant visual impact would <u>could</u> be an unwelcome intrusion <u>in the countryside</u> and every effort</p>
PM7	Page 18	<p>Policy ED2: CHARACTER AND SCALE OF EMPLOYMENT DEVELOPMENTS</p> <p>Development for employment uses will be required to have a positive <u>should not have</u> a harmful impact on the built development and historic character of the locale by design in keeping with existing structures and the use of materials <u>through high quality design. Use of materials</u> such as local sandstone and native wood from sustainable sources <u>should be considered</u>. Overground warehousing/ storage uses would have a <u>will only be permitted where they would not</u> have a negative visual impact on their immediate surroundings and are unlikely to be unacceptable.</p>
PM8	Page 19	<p>Policy ED3: EXISTING BUSINESSES</p> <p>Development that supports the retention of existing businesses will be encouraged <u>supported, subject to it being of an appropriate form and scale</u>. Similarly, proposals will not be discouraged <u>be permitted unless</u></p>

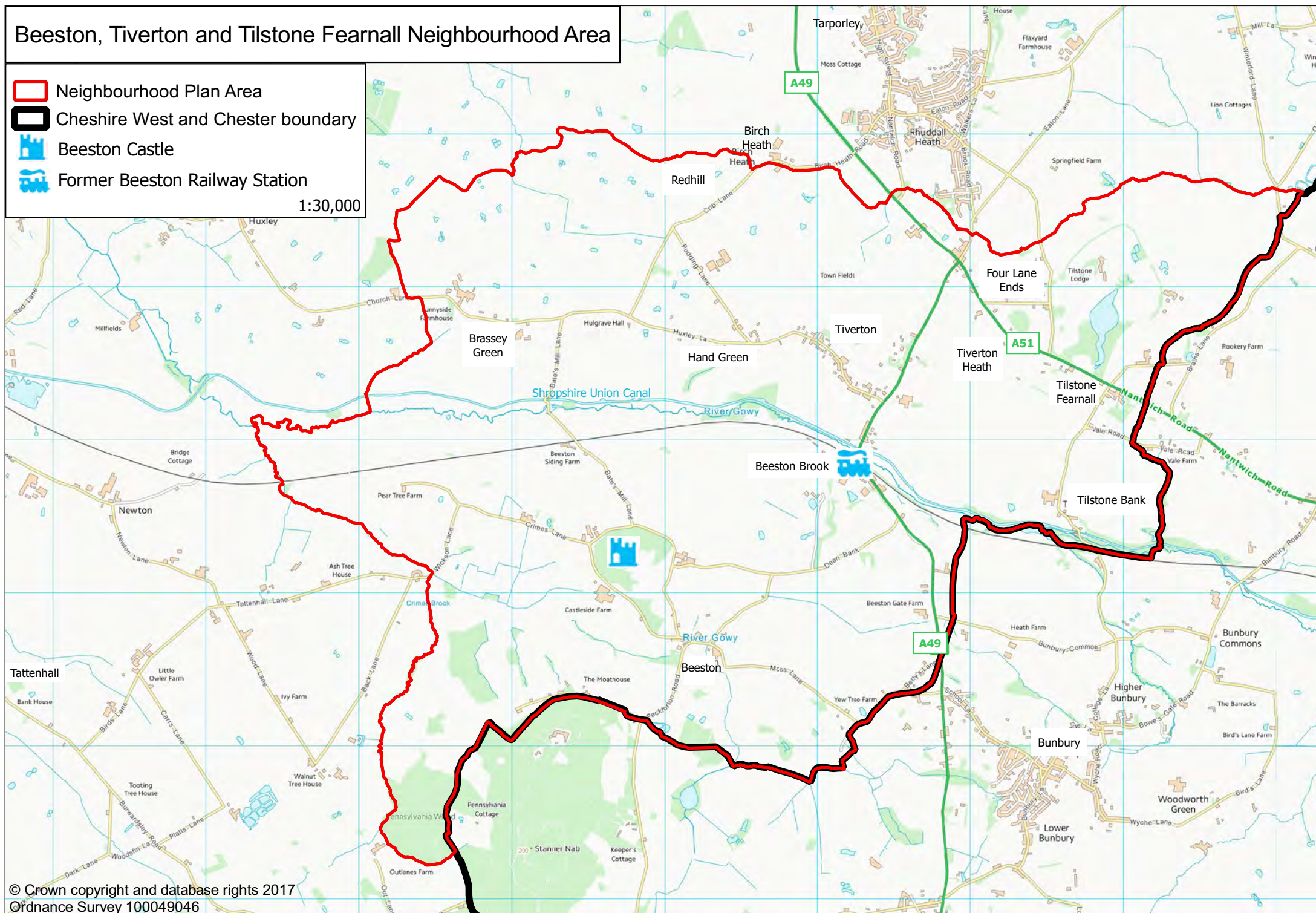
PM9	Pages 19 and 20	<p>The final paragraph of the supporting text to Policy ED3 should be moved to Page 20, immediately following Policy ED4.</p> <p>Policy ED4: RETAIL PREMISES</p> <p><u>Small scale P</u> proposals to consolidate, will be broadly supported provided that they can be demonstrated from outside the area. Such proposals</p>
PM10	Page 20	<p>The supporting text after Policy ED6 should include the following:</p> <p><u>"CWAC's Landscape Strategy 2016, which is supported by a Landscape Sensitivity Study and Guidance on Wind and Solar Photovoltaic Developments, should be referenced when proposals for radio and telecommunication masts are being put forward."</u></p>
PM11	Pages 14-32	<p>All the policies in the Neighbourhood Plan should be in bold and separated from the supporting text (notably Policies BE3, ED5 and CP2). Each policy should be enclosed in a box so that it is clearly distinguishable.</p>
PM12	<p>Pages 22-23</p> <p>Page 31</p>	<p>6.4 Natural Environment</p> <p>Modify this section heading to read: <u>Natural and Historic Environment</u></p> <p>Modify the second sentence:</p> <p>The communities benefit from many The Sandstone Trail, several four Conservation Areas, <u>2 Scheduled Ancient Monuments</u>, listed buildings, Sites of Special Scientific Interest (SSSIs) and the Shropshire Union Canal. <u>These features are shown in Figure 3.</u></p> <p>Add a new map, Figure 3, to show Heritage/community assets, natural features and conservation areas.</p> <p>6.5 Consultation has confirmed</p> <p>Tiverton War Memorial Parish of Tiverton. <u>These features are shown in</u></p>

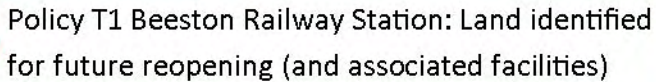
		Figure 3.
PM13	Page 26 & 55	<p>Policy NE3: FOOTPATHS</p> <p><u>New development should protect and maintain all public footpaths and bridleways, and the Sandstone trail should be protected and maintained throughout the parishes. Proposals to improve access to the local footpath network will be favourably considered.</u></p> <p>Appendix 3 – Replace the map with the one shown in this Appendix.</p>
PM14	Pages 56-60	<p>Appendix 4 - Modify the table showing KEY VIEWPOINTS on Page 56, and the View Locations on Page 60 so that the numbering is correct and the descriptions are consistent. Replace Appendix 4 with the new one shown in this Appendix.</p>
PM15	Page 30	<p>Policy NE8: PONDS</p> <p>Proposals for new development ... buildings, must <u>should</u> be designed</p>
PM16	Page 31	<p>Policy NE9: DARK SKIES</p> <p>Dark skies are to be preferred.As and when existing lighting systems are maintained and replaced they should be updated to meet low environmental impact standards.</p>

Beeston, Tiverton and Tilstone Fearnall Neighbourhood Area

- Neighbourhood Plan Area
- Cheshire West and Chester boundary
- 🏰 Beeston Castle
- 🚂 Former Beeston Railway Station

1:30,000

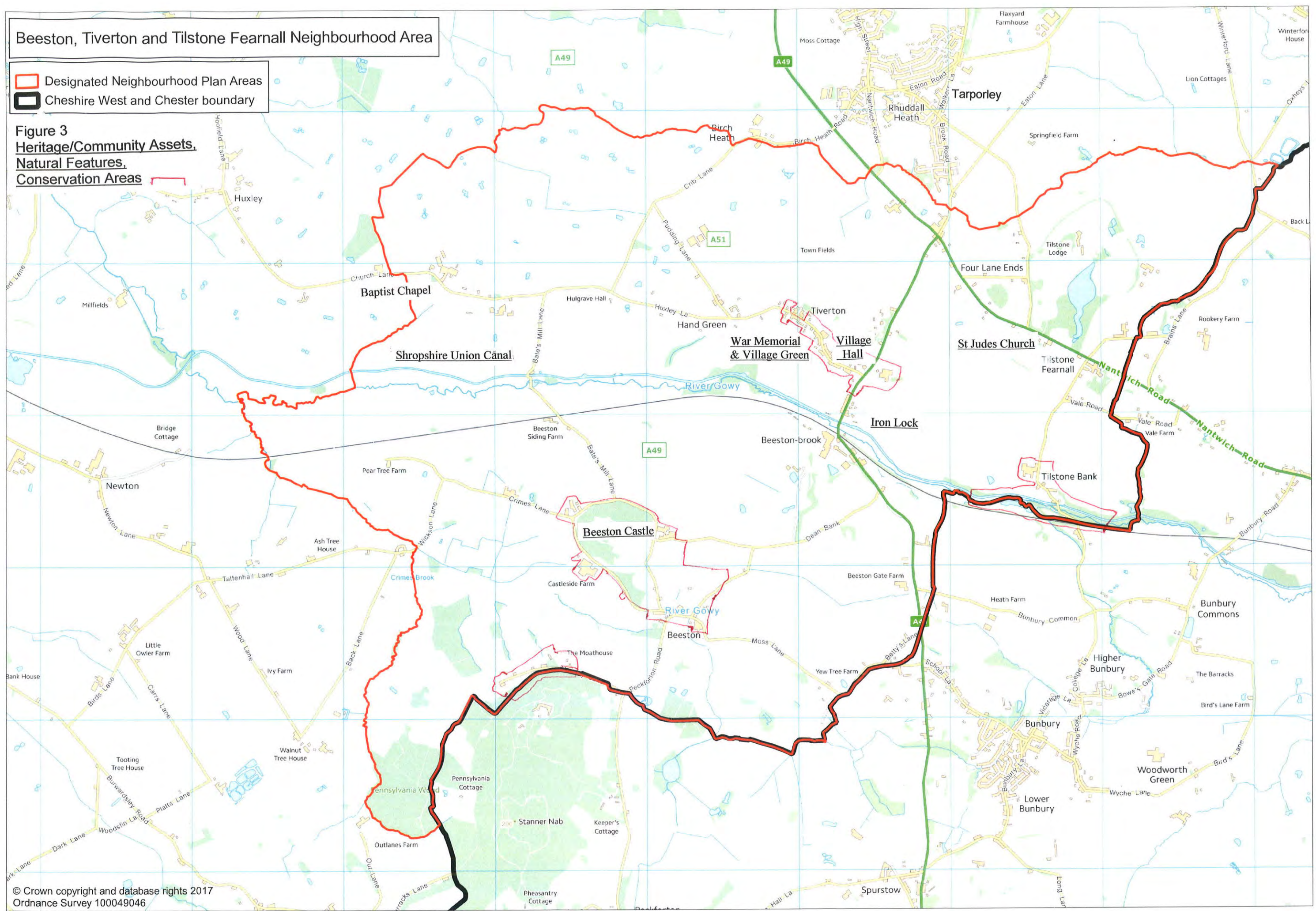




Beeston, Tiverton and Tilstone Fearnall Neighbourhood Area

- Designated Neighbourhood Plan Areas
- Cheshire West and Chester boundary

Figure 3
Heritage/Community Assets,
Natural Features,
Conservation Areas



Public Rights of Way Network in Beeston, Tiverton and
Tilstone Fearnall Neighbourhood Area

Cheshire West and Chester boundary

Neighbourhood Plan Area

Public Rights of Way in Neighbourhood Area

Sandstone Trail

