

Report on the Draft Clotton Hoofield Neighbourhood Plan 2015 – 2030

An Examination undertaken for Cheshire West and Chester Council with the support of the Clotton Hoofield Parish Council on the submission version of the Plan.

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Main Findings - Executive Summary

From my examination of the Draft Clotton Hoofield Neighbourhood Plan (CHNP/the Plan) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the Clotton Hoofield Parish Council;
- The Plan has been prepared for an area properly designated – the Parish of Clotton Hoofield as shown on the map at page 6 of the submitted Plan;
- The Plan, as recommended to be modified, specifies the period during which it is to take effect: 2015 – 2030; and
- The policies relate to the development and use of land for a designated neighbourhood area.

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

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

1. Introduction and Background

Draft Clotton Hoofield Neighbourhood Plan 2015-2030

- 1.1 The Parish of Clotton Hoofield contains the small settlements of Clotton, Clotton Common and Hoofield. Clotton, located on the A51, lies about 14km south east of the centre of Chester and three kilometres north west of Tarporley. The current population of the parish is 425.¹ In addition to the three small settlements, the CHNP area comprises a very gently undulating, agricultural landscape of scattered farms, winding lanes, with well-established mixed hedgerows and isolated dwellings.
- 1.2 Preparation of the CHNP began in late 2016 by a discussion within the Parish Council, quickly followed in 2017 by a series of events held to explain the neighbourhood planning process to local residents and the formation of a Steering Group. The CHNP represents nearly three years work by those involved.

¹ See page 46 of the Plan Appendix B: History of Clotton Hoofield.

The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the CHNP by Cheshire West and Chester Council (CWaCC), with the agreement of the Clotton Hoofield Parish Council.
- 1.4 I am a chartered town planner and former government Planning Inspector and have experience of 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 Plan.

The Scope of the Examination

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

- whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

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

The Basic Conditions

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

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Plan does not breach the requirement of Chapter 8 Part 6 of the Conservation of Habitats and Species Regulations 2017 ('the 2017 Regulations').²

2. Approach to the Examination

Planning Policy Context

2.1 The Development Plan for this part of CWaCC, excluding policies relating to minerals and waste development, includes the Cheshire West and Chester Local Plan (CWaCLP). The CWaCLP (Part One) deals with Strategic Policies and was adopted in January 2015. The CWaCLP (Part Two) covers Land Allocations and Detailed Policies and was adopted in July 2019.

² This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published on 19 February 2019 and all references in this report are to the February 2019 NPPF and its accompanying PPG.³

Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the Draft Clotton Hoofield Neighbourhood Plan 2015-2030 (October 2019);
 - the map on page 6 of the Plan which identifies the area to which the proposed Neighbourhood Plan relates;
 - the Consultation Statement (October 2019);
 - the Statement of Basic Conditions (July 2019);
 - all the representations that have been made in accordance with the Regulation 16 consultation; and
 - the Strategic Environmental Assessment Sustainability Appraisal and Habitats Regulations Assessment Screening Determination prepared by CWaCC (September 2019).⁴

Site Visit

- 2.4 I made an unaccompanied site visit to the CHNP Area on 26 February 2020 to familiarise myself with it and visit relevant locations referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

- 2.5 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum. No requests for a hearing session were received.

Modifications

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

³ NPPF: paragraph 214. The Plan was submitted under Regulation 15 to CWaCC after 24 January 2019.

⁴ View at:

https://consult.cheshirewestandchester.gov.uk/portal/cwc_ldf/np/clottonhoofield_pub

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Clotton Hoofield Neighbourhood Plan has been prepared and submitted for examination by Clotton Hoofield Parish Council, which is a qualifying body. The CHNP extends over all the Clotton Hoofield Parish. This constitutes the area of the Plan designated by CWaCC on 14 July 2017. The CHNP includes a map on page 6 on which the area of the Plan is delineated.

Plan Period

- 3.2 The Statement of Basic Conditions states that the Plan period is from 2015 to 2030, but this is not clear from the text of the Plan which only refers to the 2030 end date. Therefore, I recommend that the cover of the Plan should include the period 2015–2030. **(PM1)**

Neighbourhood Plan Preparation and Consultation

- 3.3 The comprehensive Consultation Statement indicates a process of several stages from November 2015 to submission to CWaCC in October 2019. Following the initial meeting in 2016 to consider whether to prepare a neighbourhood plan, a public meeting was held in February 2017 to discuss the preparation process. A Steering Group was formed and met in March 2017 and which, in the following month, identified key issues to be addressed. A website for the Plan was also set up linked to the Parish Council website and regular items were included in the Parish Council newsletter as well as in the local Tarporley News.
- 3.4 A survey of local residents was undertaken in September 2017 together with public consultations at two venues. Working groups were set up in October 2017 to look at specific issues raised by the local community. In May 2018, a Road Report was produced which considered issues raised by the A51 road which bisects the Parish. A Housing Survey was circulated to all households in the Plan area, also in May, which resulted in a 20% return rate. A further questionnaire on affordable housing was sent out in October. In June 2018, interviews were conducted with the 20 businesses in the Plan area, 14 of whom responded in detail.
- 3.5 The Draft Plan was published for consultation under Regulation 14 of the 2012 Regulations on 25 February 2019. The consultation period ran for nearly 7 weeks until 11 April 2019. The Plan was available on the Parish Council website. Hard copies of the Plan were also available to be collected from two locations in the Parish. Direct consultation was undertaken with relevant organisations, groups and others who might have had an interest in the Plan. 11 responses were received, including two from members of the public. 20 organisations failed to respond despite being consulted. The key issues which were raised are summarised in Appendix 3 of the Consultation Statement. Throughout the

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preparation of the Plan, including the period after the Regulation 14 consultation, there was a dialogue between the CHNP Steering Group and CWaCC.

- 3.6 Consultation in accordance with Regulation 16, when the Plan was submitted to CWaCC, was carried out for a period of 7 weeks from 16 December 2019 to 3 February 2020. 14 responses were received. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the CHNP, that has had regard to advice in the PPG on plan preparation and is procedurally compliant in accordance with the legal requirements.

Development and Use of Land

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

Excluded Development

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

Human Rights

- 3.9 The Statement of Basic Conditions advises that the CHNP has been positively prepared to ensure that none of the policies infringe on any human rights protected by the Human Rights Act 1998. CWaCC has not alleged that Human Rights might be breached. I have considered this matter independently and I have found no reason to disagree with that position.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The CHNP was screened for Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) by CWaCC. The report was submitted with the Plan in accordance with the legal requirement under Regulation 15(e)(i) of the 2012 Regulations. The Council found that it was unnecessary to undertake SEA. Natural England (NE) and Natural Resources Wales, when consulted, agreed with that assessment. Cadw⁵ and the Environment Agency were consulted, but no response was submitted.
- 4.2 Historic England (HE) provided comments on the draft Plan and recommended changes to ensure that potentially negative effects on the historic environment would be avoided or mitigated and that, provided

⁵ The Historic Environment division of the Welsh Government.

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these changes were made, SEA would not be required.⁶ The Plan was amended to address the comments from HE, with an Appendix which includes the history of Clotton and Hoofield and information on designated and non-designated heritage assets.⁷ Following a further consultation in September 2019, HE confirmed that, on the basis of information provided, SEA would not be required. HE had no further comments to make in their Regulation 16 consultation response.

- 4.3 CWaCC also considered that the Plan would be 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. Accordingly, Appropriate Assessment was not considered to be required. NE confirmed that, based on the information provided, the proposals contained within the Plan will not have significant effects on sensitive sites which it has a duty to protect. When consulted under Regulation 16, NE did not have any specific comments to make about the Plan.
- 4.4 Having read the SEA Sustainability Appraisal, the HRA Screening Opinion, the other information provided, and considered the matter independently, I agree with those conclusions. Therefore, I am satisfied that the CHNP is compatible with EU obligations.

Main Issues

- 4.5 Having considered whether the Plan complies with various procedural and legal requirements, it is now necessary to deal with whether it complies with the remaining Basic Conditions, particularly the regard it pays to national policy and guidance, the contribution it makes to the achievement of sustainable development and whether it is in general conformity with strategic development plan policies. I test the Plan against the Basic Conditions by considering specific issues of compliance of all the Plan's policies.
- 4.6 As part of that assessment, I consider whether the policies are sufficiently clear and unambiguous, having regard to advice in the PPG. A neighbourhood plan policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.⁸
- 4.7 Accordingly, having regard to the Clotton Hoofield Neighbourhood Plan, the consultation responses, other evidence and the site visit, I consider that the main issues in this examination are whether the CHNP policies (i) have regard to national policy and guidance, (ii) are in general conformity with the adopted strategic planning policies and (iii) would contribute to

⁶ Received on 26 February 2019.

⁷ However, see paragraph 4.32 of this report.

⁸ PPG Reference ID: 41-041-20140306.

the achievement of sustainable development? I shall assess these issues by considering the policies within the topics in the sequence in which they appear in the Plan.

- 4.8 CWaCC has submitted an extremely comprehensive and constructive representation in response to the Regulation 16 consultation in which there are many suggested improvements to the Plan. My remit is to assess the Plan against the Basic Conditions and not to consider how it could be improved. Nevertheless, most of the suggestions by CWaCC are positive and helpful and would assist in removing ambiguity and clarifying the presentation within the Plan, all of which is useful in creating a valuable document which will form part of the Development Plan. One such improvement which is required to meet the Basic Conditions is the format change suggested by CWaCC, in order to clearly distinguish the policies from the Justification and Evidence. I recommend this should be implemented in order to achieve clarity and remove ambiguity. **(PM2)**

Vision and Objectives

- 4.9 The vision for Clotton Hoofield is described in paragraph 3.1 of the Plan, the gist of which is that by 2030 it will be a vibrant community encouraging prosperity for residents and businesses and supporting infrastructure improvements to mitigate the severe impact of through traffic along the A51. Policies which protect and enhance the natural and historic assets within the area will be supported and agriculture will remain a valued feature of local life. Good quality housing to support local needs will be supported. The health and well being of the community will benefit from access to local community facilities and the countryside. The Plan then lists nine objectives, which provide the context for the subsequent nineteen policies.

Roads and Transport (Policies RT1, RT2, RT3 and RT4)

- 4.10 Policy RT1 aims to minimise the impact of traffic on the environment. Policy RT2 deals with footpaths, cycleways and bridleways. Policy RT3 seeks improvements in air quality in relation to traffic. Policy RT4 considers the creation of new accesses. Subject to one reservation, I consider that each policy has regard to national guidance⁹ and each policy generally conforms with Policy STRAT 10 of the adopted CWaCLP (Part One). My reservation is that the maintenance of public rights of way in Policy RT2 is outside the scope of planning policy. Therefore, I recommend that the Policy should be modified as in **PM3**.

Housing (Policies H1, H2 and H3)

- 4.11 Policy H1 considers the scale of new housing development and is supportive in certain circumstances which are listed in the policy as infill development, rural exception sites, brownfield land, redundant buildings

⁹ NPPF: paragraph 102.

and essential agricultural workers dwellings. The policy states that the development must be small scale (one or two houses maximum).

- 4.12 Clotton, Clotton Common and Hoofield are not identified in Policy STRAT 8 of the CWaCLP (Part One) or in the CWaCLP (Part Two) as key service centres or local service centres. Following Policy STRAT 9 of the CWaCLP (Part One), the Plan area is defined as countryside in which infill development for housing is not supported. Therefore, this element of Policy H1 is not in general conformity with either Policy STRAT 9 of the CWaCLP (Part One) or Policy R 1 of the CWaCLP (Part Two). As paragraph 6.11 of the CWaCLP (Part Two) states: *"Infill development is only supported in the identified settlements that are set out in Local Plan (Part One) policy STRAT 8. Beyond the boundaries of the identified settlements, development, including infill proposals in villages and hamlets located in the countryside is not in accordance with the overarching sustainable strategy as set out in the Local Plan (Part One)".*
- 4.13 Similarly, under Policy SOC 2 of the CWaCLP (Part One), rural exception sites are permitted only adjacent to key service centres and local service centres. Clotton, Clotton Common and Hoofield are not within either category. Therefore, this element of the policy, together with infill development, do not generally conform with strategic policies and I shall recommend deleting them from Policy H1.
- 4.14 Policy SOC 9 of the CWaCLP (Part One) encourages the use of formerly developed land, but Policy STRAT 9 of the CWaCLP (Part One) restricts new development to that which requires a rural location and which is listed in the policy. Unfortunately, Clotton, Clotton Common and Hoofield are not defined as key or local service centres. Therefore, the redevelopment of previously development sites in the Plan area would not be in general conformity with Policy STRAT 9 of the CWaCLP (Part One) and I shall recommend the deletion of paragraph 6.2.4. The re-use of redundant buildings as described in Policy H1 would generally conform with Policy STRAT 9 of the CWaCLP (Part One) and would have regard to national guidance.¹⁰
- 4.15 Policy H1 also supports essential agricultural workers dwellings. CWaCC considered that additional text was missing for this section of the policy.¹¹ Indeed, in order to have regard to national guidance and generally conform with Policy STRAT 9 of the CWaCLP (Part One), Policy H1 should also support other housing which has an operational need for a countryside location, such as forestry. I shall recommend a modification to the policy.
- 4.16 Policy H1 includes an unnecessary cross reference to Policy DM 2 of the CWaCLP (Part Two), which I shall recommend should be deleted following the guidance in NPPF paragraph 16 f). In addition, there is no evidence

¹⁰ NPPF: paragraph 79 c).

¹¹ Regulation 16 response from CWaCC.

justifying the limit of any new housing to one or two units and it is possible that a barn conversion resulting in more than one or two dwellings, could be acceptable. Therefore, I agree with the suggestion by CWaCC that the phrase "... appropriate in scale and design ..." should be preferred to the limitation "... one or two houses ..." and I shall recommend such a modification to Policy H1, together with the others discussed above. **(PM4)**

- 4.17 Policy H2 considers the type and size of new housing and, in order to generally conform with Policy SOC 3 of the CWaCLP (Part One), should refer to local housing needs. I shall recommend an appropriate modification. **(PM5)** The policy has regard to national guidance.¹² Policy H3 deals with extensions and alteration to existing dwellings. The policy conforms generally with CWaCLP (Part One) Policy ENV 6 which seeks high quality design. The policy also has regard to national policy in NPPF Section 12: Achieving Well Designed Places.
- 4.18 As a consequence of my recommended modifications, paragraphs 6.5.5., 6.5.6. and 6.5.7. of the justification will need to be deleted because of the references to infilling, and especially to the limit of ten units over the life of the Plan for which there is no supporting evidence. The justification within the Plan claims that the CWaCLP (Part One) allows infill development. However, paragraph 5.77 of the Local Plan specifically refers to Green Belt and not to countryside outside the Green Belt.

Design (Policies D1 and D2)

- 4.19 Policy D1 considers the design of new development. The policy conforms generally with CWaCLP (Part One) Policy ENV 6 which seeks high quality design. The policy also has regard to national policy in NPPF Section 12: Achieving Well Designed Places. Although CWaCC sought the deletion of the reference to enhancement from the policy, such enhancement would only apply in appropriate cases. Therefore, I consider the term is acceptable.
- 4.20 Policy D2 states that all new development should seek to achieve a high standard of sustainability. The policy generally conforms with Policy ENV 6 of the CWaCLP (Part One) and has regard to national guidance.¹³ Nevertheless, the reference to 10 houses or more is not justified in any evidence and the additional reference to "more commercial development" is unacceptably ambiguous. Therefore, in order to provide clarity for development management purposes, I shall recommend the policy is modified. In addition, paragraph 7.3.3. reads as justification and evidence, rather than policy, and should be moved to that section. **(PM6)**

¹² NPPF: paragraph 61.

¹³ NPPF: paragraph 148.

Local Economy (Policies LE1, LE2 and LE3)

- 4.21 Policy LE1 supports proposals to extend existing or promote new small scale employment and tourism opportunities in the Plan area. Unfortunately, CWaCLP (Part One) Policy STRAT 9 does not normally support new development for employment purposes in the Plan area. Policy STRAT 9 provides for the expansion of existing buildings to facilitate the growth of established businesses proportionate to the nature and scale of the site and its setting and also provides for farm diversification schemes. In order to enable paragraph 8.2.1. of Policy LE1 to generally conform with Policy STRAT 9 and have regard to national guidance,¹⁴ I shall recommend appropriate modifications to it.
- 4.22 In addition, within paragraph 8.2.2. of Policy LE1, an adverse effect should be qualified by the test of significance to enable development management to be carried out effectively. The inclusion of the final sections from Policy ECON 3 of the CWaCLP (Part One) in paragraph 8.2.3. of Policy LE1 is unnecessary and should be relocated to the justification. **(PM7)**
- 4.23 Policy LE2 on the use of rural buildings generally conforms with Policy STRAT 9 of the CWaCLP (Part One) and has regard to national guidance.¹⁵ However the statement in paragraph 8.3.6. that proposals will be supported subject to compliance with other relevant policies in the Plan is unnecessary and possibly misleading in that this caveat should apply throughout. Therefore, I shall recommend that paragraph 8.3.6. is deleted and integrated in The Scope of the Plan, either at paragraph 2.2 or 2.3 and to include the statement that the Plan should be read as a whole. **(PM8)**
- 4.24 Policy LE3 considers the loss of employment sites and generally confirms with Policy ECON 1 of the CWaCLP (Part One) and has regard to national guidance.¹⁶ However, to avoid ambiguity and enable effective development management, the heading should be altered by the omission of "community facilities", which are dealt with in Policy C2 of the Plan. In addition, the definitions of "employment land" and "community facilities" in the Glossary of the Plan should be expanded to include "retail uses" and "retail" respectively. I accept that retail uses in small villages in the countryside could be legitimately described as community facilities and this should be reflected in the Glossary of the Plan. **(PM9)**

Landscape and the Historic Environment (Policies LHE1, LHE2, LHE3, LHE4 and LHE5)

- 4.25 Policy LHE1 considers landscape quality and open countryside and I have serious reservations about some aspects of the policy. The policy seeks to

¹⁴ NPPF: paragraph 83.

¹⁵ NPPF: paragraph 83.

¹⁶ NPPF: paragraph 83.

avoid damage to “existing local views” and to maintain “existing visual connections with unobstructed lines of sight”. Furthermore, “Proposals will be supported which provide or retain views along existing roads and open spaces into the open countryside from the new development”. There is no evidence to justify which views are of such significance that they should be protected. However, in any event, the diffused nature of the three small settlements and the scatter of other buildings would mean that virtually any new building development would interrupt a view. The details of the policy quoted above are so general that they would not constitute an effective means of development management.

- 4.26 The reference to rural exception sites is inappropriate because, as stated in paragraph 4.13 above, none of the settlements would qualify for such development under the strategic policies of the Local Plan (Parts One and Two). The reference to village character should be landscape character, which is the subject of the policy. In addition, the references to open countryside are unhelpful. The whole of the Plan area is defined as countryside following Policies STRAT 8 and STRAT 9 of the CWaCLP (Part One) and it seems to me that Policy LHE1 policy could apply equally to all of it, including the villages. I shall recommend merging paragraphs 9.2.1., 9.2.2. and 9.2.3. to incorporate the modifications which I consider are necessary, so that the policy generally conforms with CWaCLP Policy ENV 2 and has regard to national guidance.¹⁷ **(PM10)**
- 4.27 The aim of Policy LHE2 is to protect woodland, trees, hedgerows and walls. The policy generally conforms with Policy ENV 2 of the CWaCLP (Part One) and has regard to national guidance.¹⁸
- 4.28 Policy LHE3 provides for wildlife corridors and buffer zones and, other than the need to refer to a net gain in biodiversity and compensation, generally conforms with Policy ENV 4 of the CWaCLP (Part One) and has regard to national guidance.¹⁹ I shall recommend rewording the policy to take my comments into account and also to reduce the duplication with CHNP Policies LHE4 and D2. **(PM11)**
- 4.29 Policy LHE4 considers biodiversity. The Regulation 16 representations submitted by CWaCC make significant comments about the Justification and Evidence in paragraphs 9.7.1. – 9.7.5., effectively highlighting the weakness in using the Cheshire Wildlife Trust (CWT) Study as the main evidence base. Further evidence is also available in the Ecological Network for Cheshire West and Chester (2016), referenced in paragraph 16.9 of the CWaCLP (Part Two), and the Cheshire West and Chester Landscape Strategy (2016).
- 4.30 I shall recommend modifications to Policy LHE4 to include the need to provide a net gain in biodiversity where appropriate and to use the phrase

¹⁷ NPPF: paragraph 170.

¹⁸ NPPF: paragraph 170.

¹⁹ NPPF: paragraph 175.

priority habitats in place of “areas of high or medium habitat distinctiveness”. The justification should also be amended consistent with the alterations to the policy. With the recommended modifications, Policy LHE4 would generally conform with Policy ENV 4 of the CWaCLP (Part One) and Policy DM 44 of the CWaCLP (Part Two) and have regard to national guidance.²⁰ In addition, the boundary of the Plan area shown on the maps within the biodiversity section is significantly inaccurate and should be corrected. **(PM12)**

- 4.31 Policy LHE5 describes the policy for the historic environment. The policy generally conforms with Policy ENV 5 of the CWaCLP (Part One) and has regard to national guidance, subject to the recognition of the significance of a non-designated heritage asset.²¹ **(PM13)** However, the policy refers to Appendix B and implies that the appendix includes all heritage assets. The only list in the appendix is of listed buildings. The Glossary of the NPPF includes a definition of a heritage asset which is: *A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).* This definition includes listed buildings, conservation areas and non-designated heritage assets.
- 4.32 There has been a dialogue between EH and CWaCC in the consideration of the need for SEA and in the Regulation 14 consultation about the pre-submission Plan, which suggested that the submitted Plan had been amended to include references to the non-designated heritage assets in Appendix B. Indeed, EH had no comments to make at the Regulation 16 consultation stage. It seems to me that, if the subheading within Appendix B is to remain as titled, it should be expanded to include reference to the Conservation Area and the non-designated heritage assets, as well as the listed buildings. I also consider that a new map should be included in Appendix B to show the boundary of the Conservation Area and the locations of the designated and non-designated heritage assets. **(PM14)**

Community Facilities (Policies C1 and C2)

- 4.33 Policy C1 supports the retention and enhancement of community facilities. Policy C2 seeks to resist the loss of community facilities. Each policy generally conforms with Policy STRAT 11 of the CWaCLP (Part One) and has regard to national guidance.²² However, Policy C2 includes a final phrase which is ambiguous and would hinder effective development management. Therefore, I shall recommend that it should be deleted. **(PM15)**

²⁰ NPPF: paragraph 177.

²¹ NPPF: paragraphs 185 and 197.

²² NPPF: paragraphs 91 and 92.

Overview

- 4.34 Accordingly, on the evidence before me, with the recommended modifications, I consider that the policies within the CHNP are in general conformity with the strategic policies of the Local Plan (Parts One and Two), have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

5. Conclusions

Summary

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

The Referendum and its Area

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

Concluding Comments

- 5.4 The Parish Council is to be commended for its efforts in producing a clear and relatively concise plan which is extremely well supported by the accompanying documentation. It is very informative and I enjoyed reading it, especially the details of the history of the area. Incorporating the modifications I have recommended, the CHNP will make a positive contribution to the Development Plan for the area and should enable the rural character and appearance of Clotton Hoofield to be maintained whilst enabling sustainable development to proceed.

Andrew Mead

Examiner

Appendix: Modifications

Proposed modification no. (PM)	Page no./ other reference	Modification
PM1	Front cover	Include: "2015 – 2030" .
PM2	All Policies	Write the policy text within a separate box or in bold without paragraph numbering.
PM3	Policy RT2	<p>Delete the first section of the policy as far as the first bullet point and insert:</p> <p>"Proposals to ensure that existing and new footpaths and bridleways are safe, accessible and signposted will be supported."</p> <p>Amend the first bullet point to:</p> <p>"Proposals for development should protect and enhance the character of existing public rights of way (PROW) in terms of safety, directness, attractiveness and convenience."</p>
PM4	Policy H1	<p>Delete paragraph 6.2.1. and substitute:</p> <p>"New development will be supported in principle provided each development is appropriate in scale and design and falling in the following categories:"</p> <p>Delete paragraphs 6.2.2., 6.2.3. and 6.2.4.</p> <p>Paragraph 6.2.6. Amend sub-heading to: "Essential rural workers dwellings".</p> <p>Add beneath the sub-heading:</p> <p>" Development that has an operational need for a countryside location such as for agricultural or forestry purposes."</p>
PM5	Policy H2	Amend the first phrase to: "Any new housing proposals in the area should

		reflect the identified local housing needs and contribute to ... ”.
PM6	Policy D2	<p>Paragraph 7.3.2. Amend the first sentence to: “All major developments should use sustainable drainage schemes and, where surface water is disposed on site, take opportunities to create new wildlife areas.”</p> <p>Transfer paragraph 7.3.3. to the Justification and Evidence.</p>
PM7	Policy LE1	<p>Delete paragraph 8.2.1. and substitute:</p> <p>“Proposals which extend or promote new small scale employment, farm diversification and tourism opportunities will be supported in appropriate locations. The development should positively benefit the local economy, provide opportunities for local employment and training and not harm the character of the countryside.”</p> <p>Paragraph 8.2.2. Amend to: “... should not have a significant adverse effect ...”.</p> <p>Paragraph 8.2.3. Transfer the paragraph to the Justification and Evidence.</p>
PM8	Policy LE2	Paragraph 8.3.6. Transfer the paragraph to either paragraph 2.2 or 2.3 and refer to the need to read the Plan as a whole.
PM9	Policy LE3	<p>8.4 Delete: “... and Community Facilities”.</p> <p>Amend the Glossary to include “retail” in 11.12 Community Facilities; and “retail uses” in 11.24 Employment land.</p>
PM10	Policy LHE1	<p>Delete: “... and Open Countryside” from the heading.</p> <p>Delete the text of paragraphs 9.2.1.,</p>

		<p>9.2.2. and 9.2.3. and substitute:</p> <p>“Development proposals, whether for new buildings or extensions to existing buildings, should protect and enhance the landscape character of the area and contribute to local distinctiveness through sensitive siting, planting, landscaping and good design.”</p>
PM11	Policy LHE3	<p>Delete paragraph 9.4.1. and substitute:</p> <p>“The existing woodlands, wildlife sites, drainage ditches, brooks and culverts in the Plan area will be maintained and enhanced and, where appropriate, new buffer zones and wildlife corridors will be created to provide a net gain on the biodiversity of the Plan area.</p> <p>Development proposals should not adversely affect the wildlife corridors shown in Figure 16, Local Wildlife Sites, UK Priority Habitats or protected/priority species within the Plan area.</p> <p>Development should demonstrate appropriate mitigation and avoidance/compensation measures to lessen any impact on wildlife, based on the findings of an ecological survey submitted with planning applications where appropriate.”</p> <p>Transfer from the policy to the Justification: “The wildlife corridor network shown on the plan at Figure 16 includes a buffer zone up to 15 metres wide to protect the notable habitats.”</p>
PM12	Policy LHE4	<p>Delete paragraph 9.4.1. and substitute:</p> <p>“Proposals for development which affect priority habitats will require</p>

		<p>comprehensive ecological surveys to assess the importance of the area to fully evaluate biodiversity present at the site.</p> <p>Development proposals should be designed to retain existing areas of wildlife value and provide a net gain in biodiversity. Where appropriate, mitigation measures should be used to facilitate the enhancement of the wider area in addition to any on site enhancements.</p> <p>Measures such as installing bat/otter sensitive lighting schemes, installing bat/bird boxes and hedgehog friendly fencing and ensuring surface water is directed away from sensitive areas and into SUDS schemes will be supported where appropriate."</p> <p>Delete Figure 17.</p> <p>Amend the Justification to be consistent with the alterations to the policy.</p> <p>Amend Figures 16, 18, 19 and 20 to show the correct boundary of the area of the Plan.</p>
PM13	Policy LHE5	<p>Amend the final sentence to:</p> <p>"Any proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss of the heritage asset and the significance of the asset."</p>
PM14	Appendix B	<p>Beneath the subheading "Heritage Assets", refer to the Conservation Area and the non-designated heritage assets, in addition to the listed buildings.</p> <p>Include a map on which is shown the Conservation Area boundary and the designated and non-designated</p>

		heritage assets.
PM15	Policy C2	Paragraph 10.3.2. Delete: "..., including benefits from other sites within the Plan area."