

DARNHALL NEIGHBOURHOOD PLAN

BASIC CONDITIONS STATEMENT - JUNE 2020

1. INTRODUCTION

1.1 This Statement has been prepared by Darnhall Parish Council (“the Parish Council”) to accompany its submission to the local planning authority, Cheshire West and Chester Council, of the Darnhall Neighbourhood Plan (“the Neighbourhood Plan”) under Regulations 15 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”).

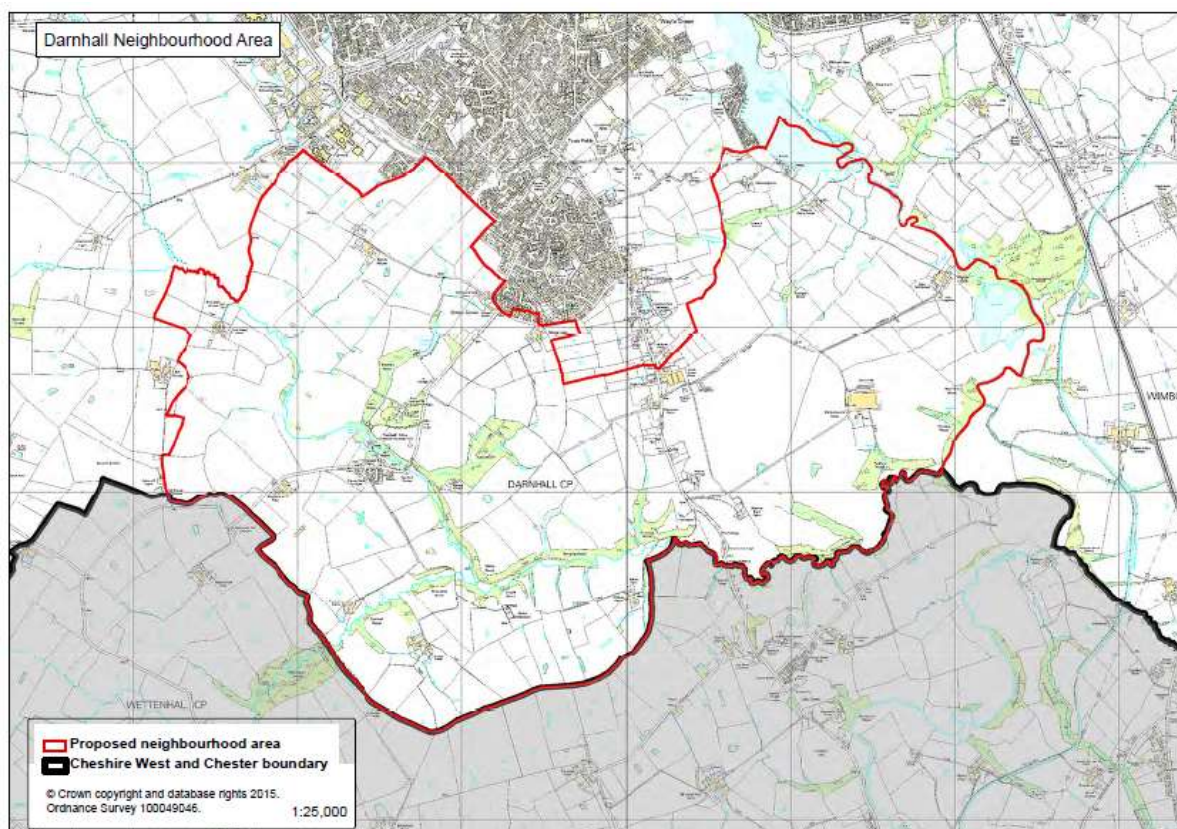
2. BACKGROUND

2.1 The Parish Council commenced preparation of the Neighbourhood Plan in January 2016 in response to the desire of the local community to have a greater say in future planning decisions. The Parish Council was encouraged along this route by positive action from Cheshire West and Chester Council who stressed the importance of Neighbourhood Plans and their support of rural parishes who wanted to play a role in determining local planning policy.

The Parish Council formed a Neighbourhood Plan Steering Committee, which has worked closely with officers of Cheshire West and Chester Council during the preparation of the Neighbourhood Plan.

2.2 DESIGNATED AREA OF THE DARNHALL NEIGHBOURHOOD PLAN

The Neighbourhood Plan has been prepared by Darnhall Parish Council, a qualifying body, for the Neighbourhood Area covering the whole of the Parish of Darnhall, as designated by Cheshire West and Chester Council on 14th June 2016. The Neighbourhood Plan does not relate to more than one neighbourhood area and there are no other neighbourhood development plans in place within the Neighbourhood Area.



Darnhall Designated Area

3. THE PROPOSAL

The policies described in the Neighbourhood Plan relate to planning matters (the development and use of land) in the designated Neighbourhood Area. It has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012

The Neighbourhood Plan is to have effect from 2020 to 2030.

The Neighbourhood Plan does not:

- contain policies relating to excluded development in accordance with the Regulations;
- deal with County matters (mineral extraction and waste development, nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990).

4. BASIC CONDITIONS STATEMENT

This Statement addresses each of the four 'basic conditions' required in the Regulations and explains how the submitted Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act.

The Regulations state that a Neighbourhood Plan will be considered to have met the basic conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan,
- the making of the neighbourhood development plan contributes to the achievement of sustainable development,
- the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations.

4.1 BASIC CONDITION 1 – HAVING REGARD TO NATIONAL POLICY

Darnhall Parish Council believes that this Neighbourhood Plan, as submitted, properly demonstrates due regard to National Policy, specifically that set out in the National Planning Policy Framework (NPPF) 2019. Paragraphs 29-30 of the NPPF describe how Neighbourhood Planning can be used to give communities direct power to deliver a shared vision for their neighbourhood, and deliver the sustainable development that they need. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development that is at the heart of national policy. For planning to deliver sustainable development, the NPPF gives policy guidance in key areas, the following of which, where relevant to the Neighbourhood, the Darnhall Neighbourhood Plan has had close regard:

- Supporting a prosperous rural economy;
- Promoting sustainable transport;
- Requiring good design;
- Promoting healthy communities;
- Conserving and enhancing the natural environment;

The conformity between the policies of the Darnhall Neighbourhood Plan and the guidance given in the National Planning Policy Framework is demonstrated in further detail in Table 1 on the following pages.

4.2 BASIC CONDITION 2 – CONTRIBUTION TO SUSTAINABLE DEVELOPMENT

The NPPF highlights that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. These roles should not be undertaken in isolation as they are mutually dependent.

1. An economic role – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
2. A social role – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural wellbeing.
3. An environmental role – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The pursuit of sustainable development is at the heart of the Darnhall Neighbourhood Plan, as is highlighted by the Neighbourhood Plan's vision and objectives to deliver and achieve the vision:-

Vision - The local character of the area will be preserved as open rural countryside maintained through active farming. Its community facilities and open spaces will benefit people in both our own and neighbouring areas. The environment and wildlife will be conserved and it will be a place where local people can safely live, work, play and enjoy a high quality of life.

OBJECTIVES

- To enhance and protect the countryside and natural environment of Darnhall Parish.
- To ensure that previously developed site opportunities are encouraged for residential, commercial and agricultural development.
- To encourage rural and agricultural development, enterprise, outdoor pursuits and recreation that respects the rural character of Darnhall Parish and supports the welfare of the community.
- To conserve and enhance community assets and make them more accessible.
- To promote safe access for non-vehicle users to all parts of the Parish.
- To deliver improvements to local transport and communications that improve the experience of living in and visiting Darnhall.

Policies seek to protect the valued environment; support the rural economy; encourage good design; support community facilities and encourage sustainable transport. The role of each Neighbourhood Plan policy to the contribution of delivering sustainable development is demonstrated in further detail on the following pages.

4.3 BASIC CONDITION 3 – BE IN CONFORMITY WITH STRATEGIC LOCAL POLICIES

The Cheshire West and Chester Local Plan Part One Strategic Policies was adopted in January 2015, and Local Plan Part Two Land Allocations and Detailed Policies was adopted in July 2019. The Darnhall Neighbourhood Plan has, therefore, been produced taking full consideration of the strategic direction and policies firstly in the Cheshire West and Chester Local Plan Strategic Policies and more recently the adopted Part Two. Cheshire West and Chester Council has been extremely helpful and supportive of the Neighbourhood Plan. This has ensured general conformity and minimised any potential conflict between policies.

This Basic Conditions Statement demonstrates that the Darnhall Neighbourhood Plan does not conflict with the strategic policies of the Cheshire West and Chester Local Plan Parts One and Two. The Neighbourhood Plan seeks to add detail to the overall strategic policy of the Cheshire West and Chester Local Plan, and be flexible enough to work alongside it.

The general conformity of each Darnhall Neighbourhood Plan policy to the strategic policies of the Cheshire West and Chester Local Plan Parts One and Two is highlighted in detail in Table 1 below. Cheshire West and Chester Council have helpfully provided guidance as to which Local Plan policies should be considered strategic. The list can be viewed at http://consult.cheshirewestandchester.gov.uk/portal/cwc_ldf/np/toolkit

DARNHALL NEIGHBOURHOOD PLAN POLICIES

TABLE 1 - General conformity with Local Planning Policies, regard to National Policy Guidance and contribution To Sustainable Development

Darnhall Neighbourhood Plan Policy	<p>Policy CE1 - Biodiversity</p> <p>Development will be supported where there is a net gain of biodiversity resources. The habitats and the wildlife corridor network shown on Figures B and C, along with the ancient woodlands and local wildlife sites shown on Figures C and D, shall be protected from new development unless it can be demonstrated that the benefits of development clearly outweigh the impact it is assessed to have on the site and the wider network of sites.</p> <p>New developments shall demonstrate a net gain in biodiversity using appropriate evaluation methods and avoidance/ mitigation strategies. Compensatory measures (for example biodiversity offsetting) will be required where a net loss of biodiversity is demonstrated.</p>
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	<p>STRAT1 – Sustainable Development highlights that development should protect, enhance and improve the natural environment, seeking improvements for habitat creation.</p> <p>ENV 4 – Biodiversity and Geodiversity indicates that sites and features of international, national and local importance should be safeguarded and enhanced. Development should not result in any net loss of natural assets, and should seek to provide net gains. Where there is unavoidable loss or damage to habitats, sites or features, mitigation and compensation will be required to ensure there is no net loss of environmental value.</p>
Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (2019)	<p>DM 44 - Protecting and Enhancing the Natural Environment highlights that development will be supported where there is no net loss of natural assets, and, wherever possible, it delivers net gains within the borough. Development that makes a positive contribution towards the borough's ecological network will be supported, and proposals should increase the size, quality or quantity of priority habitat within core areas, corridors or stepping stones, improving the connectivity of habitats for the movement of mobile species.</p>
Comments	<p>The Neighbourhood Plan is in general conformity with these local plan policies, as it seeks to protect identified areas of wildlife habitats and corridors valued by the local community, allowing for development should mitigation or compensation be provided.</p>
National Planning Policy Framework	<p>Providing 'net gain' for biodiversity is embedded in the guidance in the NPPF. The NPPF states that planning policies should identify, map and safeguard components of the local wildlife rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat management, enhancement, restoration or creation.</p>
Contribution to the achievement of sustainable development	<p>Neighbourhood Plan policy CE1 contributes to the achievement of sustainable development by performing an environmental role, protecting the natural environment.</p>

Darnhall Neighbourhood Plan Policy	Policy CE2 - Natural Habitat Proposals to protect and enhance all natural habitats will be supported. New developments must seek to provide for greater integration between existing wildlife corridors (Figure C) and where possible should contribute to the creation of new or improved links.
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	STRAT1 – Sustainable Development highlights that development should protect, enhance and improve the natural environment, seeking improvements for habitat creation. ENV 4 – Biodiversity and Geodiversity indicates that sites and features of international, national and local importance should be safeguarded and enhanced. Development should not result in any net loss of natural assets, and should seek to provide net gains. Where there is unavoidable loss or damage to habitats, sites or features, mitigation and compensation will be required to ensure there is no net loss of environmental value. ENV 3 – Green Infrastructure highlights that the creation, enhancement, protection and management of a network of high quality multi-functional Green Infrastructure will be supported, with increased planting of trees and woodlands.
Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (2019)	DM 44 - Protecting and Enhancing the Natural Environment highlights that development that makes a positive contribution towards the borough's ecological network will be supported, and that proposals should increase the size, quality or quantity of priority habitat within core areas, corridors or stepping stones, improving the connectivity of habitats for the movement of mobile species.
Comments	The Neighbourhood Plan is in general conformity with these Local Plan policies, ensuring that natural habitats are protected and enhanced and that wildlife corridors are created and improved.
National Planning Policy Framework	The NPPF states that planning policies should identify, map and safeguard components of the local wildlife rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat management, enhancement, restoration or creation.
Contribution to the achievement of sustainable development	Neighbourhood Plan policy CE2 contributes to the achievement of sustainable development by performing an environmental role, protecting the natural environment.

Darnhall Neighbourhood Plan Policy	Policy CE3 – Hedgerows, Trees, and Watercourses Any development that would result in the loss of, or the deterioration in the quality of an important natural feature, including trees and hedgerows and watercourses will not normally be permitted. Where it is demonstrated that integration of these features into the development is not possible and the assets would be lost, developments may be permitted in line with the requirements of Local Plan (Part Two) policy DM45. The retention of trees, hedgerows and other natural features in situ will always be preferable. Where the loss of such features is unavoidable,
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	replacement provision must be of an equivalent or a greater amount to that which is lost. New tree planting will be supported within new developments, and throughout the Parish in line with The Mersey Forest Plan.
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	<p>STRAT1 – Sustainable Development highlights that development should protect, enhance and improve the natural environment, seeking improvements for habitat creation.</p> <p>ENV 4 – Biodiversity and Geodiversity indicates that development should not result in any net loss of natural assets, and should seek to provide net gains. Where there is unavoidable loss or damage to habitats, sites or features, mitigation and compensation will be required to ensure there is no net loss of environmental value.</p> <p>Policy ENV2 - Landscape highlights that development should take full account of the characteristics of the development site, its relationship with its surroundings, recognising, retaining and incorporating features of landscape quality into the design.</p>
Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (2019)	<p>DM 44 - Protecting and Enhancing the Natural Environment highlights that development that makes a positive contribution towards the borough's ecological network will be supported where there is no loss of natural assets and, wherever possible, it delivers net gains within the borough.</p> <p>GBC2 – Protection of Landscape stresses that where development requires a countryside location it should protect, and wherever possible, enhance landscape character and distinctiveness and integrate into the landscape character of the area.</p>
Comments	The Neighbourhood Plan is in general conformity with these Local Plan policies, ensuring that valued trees and hedgerows and watercourses are protected where possible, and new planting is supported.
National Planning Policy Framework	Neighbourhood Plan policy CE3 helps to deliver one of the key themes of the NPPF of conserving and enhancing the natural environment. The NPPF states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) unless there are wholly exceptional reasons and a suitable compensation strategy exists.
Contribution to the achievement of sustainable development	Neighbourhood Plan policy CE3 contributes to the achievement of sustainable development by performing a social role, creating a high quality environment with access to greenery, an environmental role, protecting and enhancing the natural environment.

Darnhall Neighbourhood Plan Policy	<p>Policy CE4 –Dark Skies</p> <p>The principal of dark skies is supported to minimise the impact on wildlife, ecology and local amenity. Whilst ensuring that new developments are secure in terms of occupier and vehicle safety, dark skies are to be preferred over street lights. Any future outdoor lighting systems should have a minimum impact on the environment, minimising light pollution and adverse effects on wildlife subject to highway safety, the needs of particular individuals or groups, and security.</p> <p>Schemes should reduce the consumption of energy by promoting efficient outdoor lighting technologies, keeping the night-time skies dark and reducing glare. Where there is an overriding functional need for outdoor lighting installations,</p>
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	development will only be supported where applicants demonstrate measures proposed to support dark skies principles.
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	STRAT1 – Sustainable Development highlights that development should protect the natural environment.
Comments	This Neighbourhood Plan policy is in general conformity with the local plan, by seeking to minimise pollution and protect the natural environment. The policy recognises the locally distinctiveness of Darnhall, which currently has minimal street lighting which is a feature characteristic of the Parish, which it is considered important to maintain.
National Planning Policy Framework	The NPPF highlights the importance of minimising pollution. Para 180 highlights that planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
Contribution to the achievement of sustainable development	Neighbourhood Plan policy CE4 contributes to the achievement of sustainable development by performing a social role, creating a high quality environment, and an environmental role, protecting the natural environment and minimizing pollution.

Darnhall Neighbourhood Plan Policy	<p>Policy CE5 – Landscape Character</p> <p>In order to protect the identity of Darnhall Parish within its open countryside and farmland setting, new development must, where appropriate, respect and enhance the landscape character of the area, as defined in the Cheshire West and Chester Landscape Strategy 2016 or any updated versions. Having regard to the criteria of Policy RCLE6, future developments should respond positively to the local landscape character. Development will not be supported if it causes significant harm to the character of the rural setting of the parish.</p> <p>Development should, where appropriate and viable –</p> <ul style="list-style-type: none"> a) Conserve the low density, scattered settlement pattern that results in a quiet, tranquil landscape. b) Seek to ensure that new farm buildings do not threaten the settings of the older farmsteads, particularly the pre-Victorian and distinctive timber framed ‘black and white’ farmsteads. c) Ensure conversion of farm buildings is sensitive to the vernacular style, ensuring that features which accompany the conversion such as driveways and gardens do not ‘suburbanise’ the landscape. d) Ensure riding schools, stables and equestrian development does not accumulate to detract from the rural character of the area – with the sensitive integration of fencing, tracks, jumps and ancillary buildings. e) Maintain the rural character of the narrow, unmarked lanes – resist improvements such as additions of kerbs and lighting that would erode the rural character of the landscape. f) Protect the valley ‘crests’ from large scale built development that would detract from the ‘intimate’, hidden character of the Upper Weaver and Ash Brook valleys.
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	<p>g) Conserve and maintain the mill that is typical of tributaries of the Weaver and provides an indication of the former use of the river.</p> <p>In particular, the visual prominence of the Sandstone Ridge looking west, Jodrell Bank and the Derbyshire Hills looking east should be protected. Other notable vistas include the tree lined avenue of Hall Lane and views from the Darnhall Plain towards the prominence of St John the Evangelist's Church at Over. New development should seek to maintain or reinforce these views.</p>
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	<p>ENV 2 - Landscape highlights that landscape character and local distinctiveness will be protected and, wherever possible, enhanced. Development should take full account of the characteristics of the development site, its relationship with its surroundings and where appropriate views into, over and out of the site. Development should recognise, retain and incorporate features of landscape quality into the design.</p> <p>ENV6 – High Quality Design and Sustainable Construction stresses that development should respect local character and be sympathetic to landscape assets.</p>
Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (2019)	<p>GBC2 – Protection of Landscape indicates that where development requires a countryside location it must protect and wherever possible enhance landscape and distinctiveness; integrate into the landscape character of the area; and be designed to take account of guidance in the Landscape Strategy. Development in or affecting the setting of an Area of Special County Value must preserve their special landscape character and scenic value and enhance landscape quality, character and appearance wherever possible.</p>
Comments	<p>The Neighbourhood Plan is in general conformity with these Local Plan policies, by seeking to encourage appropriate and well-designed development appropriate to the rural character of the parish.</p>
National Planning Policy Framework	<p>The NPPF highlights that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development. Planning policies should ensure that developments are visually attractive as a result of effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting.</p>
Contribution to the achievement of sustainable development	<p>Neighbourhood Plan policy CE5 contributes to the achievement of sustainable development by performing a social role, creating a high quality environment, an environmental role, protecting the natural environment, and an economic role, ensuring that Darnhall remains a valued and attractive place to live, work and invest.</p>

Darnhall Neighbourhood Plan Policy	<p>Policy CE6 –Surface Water Management</p> <p>New development should be designed to manage surface water at source to minimise runoff. The preference is for genuine, above ground sustainable drainage features which provides linkage with policies CE1, CE2 and CE3.</p> <p>The approach to surface water drainage should be considered in liaison with the Local Planning Authority, LLFA, the public sewerage undertaker and where appropriate the Environment Agency. Surface water should be discharged in the following order of priority:</p>
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	<ul style="list-style-type: none"> • An adequate soakaway or some other form of infiltration system. • An attenuated discharge to surface water body. • An attenuated discharge to public surface water sewer, highway drain or another drainage system. • An attenuated discharge to public combined sewer. <p>Applicants wishing to discharge to public sewer will need to submit clear evidence demonstrating why alternative options are not available as part of the determination of their application.</p>
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	ENV1 – Flood Risk and Water Management states that the local plan will reduce flood risk, promote water efficiency measures, and protect and enhance water quality through measures including the implementation of sustainable urban drainage systems.
Comments	The Neighbourhood Plan is in general conformity with this Local Plan policy, ensuring that new developments do not cause or exacerbate drainage and flooding issues.
National Planning Policy Framework	Neighbourhood Plan policy CE6 helps to deliver one of the key aims of the NPPF in meeting the challenge of climate change, flooding and coastal change. Para 150 states that new development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change.
Contribution to the achievement of sustainable development	Neighbourhood Plan policy CE6 contributes to the achievement of sustainable development by performing a social role, creating a high quality environment, an environmental role, protecting the natural environment, and an economic role, ensuring that Darnhall remains a valued and attractive place to live, work and invest, minimising the likelihood of flooding.

Darnhall Neighbourhood Plan Policy	<p>Policy RCLE 1 – Rural Economy</p> <p>Subject to respecting the Parish of Darnhall’s built and landscape character, and environmental, traffic, parking and residential impacts being acceptable, the following will be supported –</p> <ul style="list-style-type: none"> a. Proposals which support the rural economy and agriculture, horticulture, forestry and equestrian enterprises where they contribute positively to the environment and do not cause unacceptable visual or landscape harm b. Proposals that promote or provide facilities for home working, and businesses working from home c. The re-use of existing rural buildings, for business and enterprise, where buildings are of permanent construction and can be reused without major reconstruction d. The diversification of farms and rural businesses where development is sympathetic to their distinctive character, materials and form e. Replacement buildings f. The expansion of existing buildings to facilitate the growth of established businesses, proportionate to the nature and scale of the site and its setting.
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Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	Policy STRAT 9 - Green Belt and Countryside permits development in the countryside including development that has an operational need to be in the countryside, replacement buildings, small scale and low impact farm diversification schemes, the reuse of rural buildings particularly for economic purposes and the expansion of existing buildings to facilitate the growth of established businesses.
Comments	The Neighbourhood Plan is in general conformity with the Local Plan which permits appropriate employment development of an appropriate use, scale and design in the countryside.
National Planning Policy Framework	Neighbourhood Plan policy RCLE1 helps deliver the NPPF's aim of supporting a strong, competitive economy. To support a prosperous, rural economy, planning policies and decisions should enable <ul style="list-style-type: none"> a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses; c) sustainable rural tourism and leisure developments which respect the character of the countryside.
Contribution to the achievement of sustainable development	This policy contributes to the achievement of sustainable development by performing an economic role, providing employment opportunities, an environmental role, protecting the natural environment, and a social role, allowing for more employment opportunities which will lead to greater wellbeing.

Darnhall Neighbourhood Plan Policy	Policy RCLE 2 - Loss of Employment Sites Loss of existing local employment sites (Figure F) will only be supported where it can be demonstrated that the existing use is no longer viable and the premises /site/ business has been actively marketed for at least 12 months at an appropriate market price.
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	Policy ECON1 – Economic Growth, Employment and Enterprise states that the redevelopment of employment sites to non-employment uses will be permitted where the proposed use is compatible with the retained employment uses and it can be demonstrated that the continued use of premises for employment use is no longer commercially viable or environmentally acceptable.
Comments	The Neighbourhood Plan is in general conformity with the Local Plan policy by encouraging the retention of employment development unless it can be demonstrated that it is no longer viable.
National Planning Policy Framework	Neighbourhood Plan policy RCLE2 helps deliver the NPPF's aim of supporting a strong, competitive economy.
Contribution to the achievement of sustainable development	This policy contributes to the achievement of sustainable development, performing an economic role by aiming to secure employment opportunities.

Darnhall Neighbourhood Plan Policy	<p>Policy RCLE 3 – Commercial Development, Scale, Design and Amenity</p> <p>All new employment development must be of a high quality of design which:</p> <ul style="list-style-type: none"> i. Is in keeping with the size, height, scale, mass, materials, layout, access and density of existing adjoining business development; ii. Demonstrates that the amenities of neighbouring dwellings will not be adversely affected through overlooking, loss of light, over-dominance or general disturbance; iii. Provides an appropriate level of landscaping which complements and enhances the rural character of the local area and; iv. Provides adequate parking to the requirements set out in Cheshire West and Chester’s parking standards Supplementary Planning Document.
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	<p>STRAT 10 – Transport and Accessibility highlights that new developments will be expected to provide adequate parking in accordance with the Council’s parking standards.</p> <p>ENV6 – High Quality Design and Sustainable Construction stresses that development should be of high quality design and construction and respect local character and achieve a sense of place through appropriate layout and design, and be sympathetic to environmental and landscape assets.</p>
Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (2019)	<p>T5– Parking and Access highlights that development proposals must ensure appropriate provision for access and parking, not creating unacceptable impacts on amenity or road safety.</p>
Comments	<p>The Neighbourhood Plan is in general conformity with these local plan policies, supporting the economy, whilst ensuring that the countryside is protected from inappropriate development and that developments are of a high quality design, respect the local character and do not lead to adverse parking issues.</p>
National Planning Policy Framework	<p>The NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development. Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.</p>
Contribution to the achievement of sustainable development	<p>This Neighbourhood Plan policy contributes to the achievement of sustainable development by performing a social role, creating a high quality environment, an environmental role, protecting the natural and built environment, and an economic role, ensuring that Darnhall remains a valued and attractive place to live, work and invest.</p>

Darnhall Neighbourhood Plan Policy	<p>Policy RCLE 4 – Housing Development</p> <p>All residential development must accord with the Local Plan (Part One) STRAT1, STRAT 9 and ENV5.</p> <p>Acceptable types of new housing development include:</p> <ul style="list-style-type: none"> • Re-use of existing rural buildings which are of permanent construction and can be reused without major reconstruction that would lead to an enhancement of the immediate area and are in accordance with STRAT9 • Redevelopment of brownfield sites subject to the criteria listed in policies DM1, DM19 and DM22 of the Local Plan (Part Two) • Where fully justified and assessed, a minimal level of enabling development consistent with ensuring an historic building's future in an appropriate viable use, in accordance with ENV5.
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	<p>STRAT 1 –Sustainable Development states that to encourage sustainable development the use and redevelopment of previously developed land should be supported.</p> <p>STRAT 9 – Green Belt and Countryside indicates what type of development will be appropriate in the countryside. This includes the reuse of existing rural buildings, with the policy highlighting that development must be of an appropriate scale and design to not harm the character of the countryside.</p> <p>ENV5 – Historic Environment highlights that enabling development consistent with securing a building's future in an appropriate viable use may be supported where fully justified and assessed.</p>
Comments	The Neighbourhood Plan is in general conformity with these Local Plan policies, as Policy RCLE4 seeks to ensure that new housing is appropriate to the open countryside designation of Darnhall.
National Planning Policy Framework	Para 29 highlights that neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies. Neighbourhood Plan policy RCLE4 supports the strategic spatial distribution of development recognising that Darnhall is designated as open countryside, and allowing development which accords with countryside policies.
Contribution to the achievement of sustainable development	Neighbourhood Plan policy RCLE4 contributes to the achievement of sustainable development by performing a social role, providing for new housing where appropriate, and an environmental role, protecting the natural environment.

Darnhall Neighbourhood Plan Policy	<p>Policy RCLE 5 –Design</p> <p>To ensure that buildings, characteristic features and materials are representative of the settlement character of Darnhall parish, new development will be encouraged, where appropriate and viable, to:</p> <p>a) Complement and enhance the size, height, scale, mass, rural skyline, materials, layout, access and density of existing development in the area</p> <p>b) Use local materials and incorporate features to maintain the local vernacular and enhanced sense of place, as detailed in Appendix 4 (Parish Building Design features). This includes</p> <ul style="list-style-type: none"> • brick, both standard stretcher and Flemish bonds, generally rustic reds using either grey or red mortar • banded or decorative brickwork immediately below rooflines
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	<ul style="list-style-type: none"> • stone or arched brick lintels • small terracotta roof tiles or slate with pitched, open gables or Jerkinhead roofs • gabled dormer windows • gable end walls with timber and render finishes in lieu of brickwork, with painted vertical uprights and white rendered infills. <p>c) Demonstrate that development does not result in a significant adverse impact on the amenities of neighbouring dwellings through overlooking, loss of light or over-dominance</p> <p>d) Provide an appropriate level of landscaping which compliments and enhances the rural character of the area</p> <p>e) Provide garden space commensurate to the size of the proposed dwelling and the prevailing pattern of development in the locality</p> <p>f) Provide boundary treatments which reflect the local character, including hedgerows, Cheshire railings, walls and structured banks</p> <p>g) When adjoining open countryside, provide a sympathetic transition between the rural and village landscapes, through appropriate landscape design and boundary treatments.</p> <p>h) Incorporate SUDS which avoids all non-permeable surfaces and minimises run-off by managing surface water at source. Every option within the surface water hierarchy should be investigated before discharging to the public sewer network.</p>
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	<p>ENV 6 - High Quality Design and Sustainable Construction stresses that development should respect local character and achieve a sense of place through appropriate layout and design, being sympathetic to heritage, environmental and landscape assets and making the best use of high quality materials.</p> <p>ENV1 – Flood Risk and Water Management states that the drainage of new development should be designed to reduce surface water run off rates to include the implementation of sustainable urban drainage systems unless it can be demonstrated that it is not technically feasible or viable.</p>
Comments	The Neighbourhood Plan is in general conformity with these strategic policies, by seeking to encourage good design and ensuring that development will respect and enhance the character and environment of Darnhall.
National Planning Policy Framework	The NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development. Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. They should establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Contribution to the achievement of sustainable development	This Neighbourhood Plan policy contributes to the achievement of sustainable development by performing a social role, creating a high quality environment, an environmental role, protecting the natural and built environment, and an economic role, ensuring that Darnhall remains a valued and attractive place to live and work.
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Darnhall Neighbourhood Plan Policy	<p>Policy RCLE 6 - Renewable Energy Installations</p> <p>Wind Turbines</p> <p>There are areas of the Neighbourhood Plan Area that are of high landscape sensitivity and would not be appropriate for wind turbine development (see map Appendix 7).</p> <p>In all cases proposals for wind turbine installations will be subject to an assessment of their impact on landscape character, residential amenity, and local infrastructure in accordance with the Cheshire West and Chester Local Plan, Cheshire West and Chester Council Landscape Sensitivity Study and Guidance on Wind and Solar Photovoltaic Developments and Environment Agency guidance. In Particular, consideration must be given to the impact on the Merlin Network Radio Telescope and the preservation of the local landscape character and sensitivity in the Neighbourhood Plan area to ensure that there is no adverse impact on the network of fields, hedges, woods and ponds and views across the Darnhall Plain to the Cheshire Sandstone Ridge and Beeston Castle.</p> <p>Solar Generation Installations</p> <p>Small domestic or agricultural solar panels will be supported, especially where they are mounted on buildings. Any negative visual impact should, where possible, be mitigated through siting, layout and design where necessary to include tree and hedge planting.</p> <p>Ground mounted solar energy developments will only be supported where they accord with policy DM52 of the Local Plan (Part Two). In particular, consideration must be given to the preservation of the local landscape character and sensitivity of the NP area, to ensure that there is no adverse impact on the network of fields, hedges, woods and ponds and views across the Darnhall Plain to the Cheshire Sandstone Ridge and Beeston Castle.</p>
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	<p>STRAT1 – Sustainable Development highlights that development should mitigate and adapt to the effects of climate change, ensuring that development makes the best use of opportunities for renewable energy use and generation.</p> <p>ENV7 – Alternative Energy Supplies states that renewable and low carbon energy proposals will be supported where there are no unacceptable impacts on landscape, visual or residential amenity; noise, air, water, highways or health; biodiversity, the natural or historic environment; radar, telecommunications or the safety of aircraft operations.</p>

Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (2019)	<p>DM53 – Energy Generation, Storage and District Heat Networks highlights that proposals will be supported which make maximum use of renewable energy sources and which support the use of intermittent renewable energy sources such as wind and solar. The policy gives criteria which must be met, including that the cumulative impacts of developments on the landscape, natural environment and surrounding users will be acceptable.</p> <p>GBC2 – Protection of the Landscape states that development in or affecting the setting of Areas of Special Landscape Value, including the Weaver Valley, must preserve their special landscape character and scenic value and enhance landscape quality, character and appearance wherever possible.</p> <p>The non-strategic policies DM51 – Wind Energy and DM52 – Solar Energy give criteria which should be met for proposals to be supported. The developments should meet the requirements of Policy ENV7 and for wind energy, be outside Areas of Special County Value. Proposals must have regard to the Landscape Sensitivity Study and will not be supported in areas of high landscape sensitivity.</p>
Comments	The Neighbourhood Plan is in general conformity with these local plan policies, seeking to ensure that renewable energy installations are supported in appropriate locations.
National Planning Policy Framework	The NPPF states that the planning system should support the transition to a low carbon future in a changing climate. It should support renewable and low carbon energy and associated infrastructure, and ensure that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impact).
Contribution to the achievement of sustainable development	Neighbourhood Plan policy RCLE6 contributes to the achievement of sustainable development by performing an environmental role, protecting the natural and built environment and adapting to climate change.

Darnhall Neighbourhood Plan Policy	<p>Policy RSI 1 - Community Facilities</p> <p>The retention, continued use, refurbishment and improvement of community facilities and buildings will be supported in accordance with the CWAC Local Plan Part 2 DM39 and policy STRAT 11 of CWaC's Local Plan (Part 1).</p> <p>Community facilities in the NPA include –</p> <p>Darnhall Village Hall</p> <p>Weaver Methodist Church</p> <p>Winsford Flash Sailing Club</p> <p>The development of new community facilities will be supported, in line with other policies within the Neighbourhood Plan.</p>
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	<p>STRAT 8 - Rural Area states that the retention of community facilities and the provision of new community facilities at an appropriate scale to settlements will be supported.</p> <p>SOC5 – Health and Well-being highlights that proposals will be supported that widen and strengthen the borough's cultural, sport, recreation and leisure offer.</p> <p>STRAT 11 – Infrastructure indicates that the Council will facilitate the provision of additional facilities arising from new developments or existing community need, in locations that are appropriate and accessible.</p>
Comments	The Neighbourhood Plan is in general conformity with these local plan policies,

	reflecting the desire to provide and enhance valued community facilities.
National Planning Policy Framework	The NPPF is clear that in order to promote healthy and safe communities, planning policies and decisions should enable the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.
Contribution to the achievement of sustainable development	Neighbourhood Plan policy RSI 1 contributes to the achievement of sustainable development by performing a social role, seeking the retention and improvement of important village assets that are valued by the community.

Darnhall Neighbourhood Plan Policy	Policy RSI 2 – Heritage Assets Proposals which conserve the significance of and preserve or enhance Darnhall's historic and archaeological assets and their setting will be supported, including the site of the ancient abbey, hall, mill, bridge structures and farm buildings, particularly if the proposals would help retain the assets in active use. Proposals for development must take into account the scale of any possible harm or loss and the significance of any heritage and archaeological assets and will only be supported where it can be demonstrated that substantial benefits will be achieved when weighed against the harm or loss. Measures should be put in place to avoid or minimise impact or mitigate damage.
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	ENV5 – Historic Environment states that designated and non designated heritage assets and their settings will be protected. Developments should safeguard and enhance heritage assets, and avoid loss or harm to their significance.
Comments	By seeking to conserve and enhance the historic environment of Darnhall, Policy RSI 2 is in general conformity with the Local Plan, whilst adding locally distinct detail.
National Planning Policy Framework	The NPPF states that heritage assets should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
Contribution to the achievement of sustainable development	Neighbourhood Plan policy RSI 2 contributes to the achievement of sustainable development by performing a social role, creating a high quality environment, and an environmental role, protecting the natural, built and historic environment.

Darnhall Neighbourhood Plan Policy	POLICY RSI 3 – Access to the Countryside i. Access to the countryside will be promoted through protection and maintenance of the existing Public Right of Way (PROW) network (Appendix 5) its enhancement where possible, and the safety of users of rural roads and lanes. The route, construction and appearance of any new tracks, paths, PROWs or links between existing pedestrian routes must be appropriate and sensitive to the character of the locality and the surrounding area, sensitive to biodiversity. ii. Any development that leads to the loss or degradation of any PROW would need to provide mitigation, such as an alternative replacement. iii. Any new development must provide easy, accessible traffic-free routes for non-motorised users (to include pedestrians, disabled people, people with prams or
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	<p>baby- buggies, cyclists and where appropriate equestrians) to the nearby countryside. The provision of any such additional routes will be supported.</p> <p>iv. The needs of non-motorised users (as described above) must be taken into account in all traffic planning, but especially in relation to rural lanes and roads. Hazards arising from an increase in vehicle numbers where agricultural buildings are converted to residential or commercial use will need to be taken into consideration. Measures to be taken to ensure this may include, for example, separation of pedestrians/cyclists from vehicular traffic where possible, improvements to signage, or means of speed reduction.</p>
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	<p>STRAT 10 –Transport and Accessibility highlights that opportunities will be sought to extend and improve access to local footpath and cycle networks, including greenways, canal towpaths and the Public Rights of Way networks.</p> <p>SOC 5 – Health and Well-being states that proposals will be supported that promote safe and accessible environments and developments with good access by walking, cycling and public transport.</p>
Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (2019)	<p>T5 – Parking and Access highlights that development proposals should be designed to incorporate measures to assist access to and around the site by pedestrians, cyclists and to meet the needs of people with disabilities.</p> <p>GBC2 – Protection of Landscape states that developments in Areas of Special County Value must make suitable provision for improving public access to, and enjoyment of the landscape where appropriate.</p>
Comments	By protecting and enhancing public rights of way, safer routes, and access to the countryside, Policy RSI 3 is in general compliance with Local Plan policies.
National Planning Policy Framework	Neighbourhood plan policy RS1 3 seeks to deliver the NPPF’s planning aims of conserving and enhancing the natural environment, and also of promoting healthy communities. The NPPF highlights that policies should protect and enhance public rights of way and that opportunities should be sought to provide better facilities for users, for example by adding links to existing public rights of way.
Contribution to the achievement of sustainable development	Neighbourhood Plan policy RSI 3 contributes to the achievement of sustainable development by performing an environmental role, protecting countryside routes and green links, and a social role, by protecting and establishing pedestrian routes for the community to use, to meet other people and to exercise and help keep fit and healthy.

Darnhall Neighbourhood Plan Policy	<p>Policy RSI 4 – New Pedestrian and Cycle Routes</p> <p>i) Where new development necessitates justified contributions to community infrastructure, or should other funding sources arise, contributions towards or delivery of the pedestrian and cycleway projects listed below and shown on Figure G will be supported -</p> <ul style="list-style-type: none"> • From Style Farm to the Footpath starting at Primrose Hill • From Hall Lane to the Footpath near Stocker Lane <p>ii) In accordance with objectives and policies set out in the Winsford Neighbourhood Plan Sections 6.3 & 6.4, the provision of a connected network of pedestrian and cycle routes adjacent to the Bottom Flash for the enjoyment of the area South of Winsford and the Station Quarter will be encouraged. To complete such networks land within the Darnhall Neighbourhood Plan Area may have to be</p>
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	accessed. This provision will be supported subject to any impact on biodiversity and the environment being acceptable or successfully mitigated, with measures introduced to protect the local ecology, wildlife habitats and specifically the Nature Reserve at Weaver Dairy House Farm.
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	<p>STRAT 10 –Transport and Accessibility highlights that opportunities will be sought to extend and improve access to local footpath and cycle networks, including greenways, canal towpaths and the Public Rights of Way networks.</p> <p>SOC 5 – Health and Well-being states that proposals will be supported that promote safe and accessible environments and developments with good access by walking, cycling and public transport.</p> <p>STRAT 11 – Infrastructure highlights that the Council will facilitate the provision of additional facilities and infrastructure to meet identified needs in locations that are appropriate and accessible, where appropriate through CIL regulations or successor regulations and other planning obligations.</p>
Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (2019)	T5 – Parking and Access highlights that development proposals should be designed to incorporate measures to assist access to and around the site by pedestrians, cyclists and to meet the needs of people with disabilities.
Comments	By supporting the provision of new pedestrian and cycle routes, Policy RSI 4 is in general compliance with Local Plan policies. The Neighbourhood Plan provides locally distinct information regarding the need for local pedestrian and cycle routes in the designated area.
National Planning Policy Framework	Neighbourhood plan policy RSI 4 seeks to deliver the NPPF's planning aims of conserving and enhancing the natural environment, and also of promoting healthy communities. The NPPF highlights that policies should protect and enhance public rights of way and that opportunities should be sought to provide better facilities for users, for example by adding links to existing public rights of way.
Contribution to the achievement of sustainable development	Neighbourhood Plan policy RSI 4 contributes to the achievement of sustainable development by performing an environmental role, protecting the countryside, and a social role, by supporting the provision of pedestrian and cycle routes for the community to use, to meet other people and to exercise and help keep fit and healthy.

Darnhall Neighbourhood Plan Policy	<p>Policy TC 1 – Telecommunications and Broadband</p> <p>The development of advanced high quality communications infrastructure, including high speed broadband and improved mobile network coverage, will be supported, subject to:</p> <ul style="list-style-type: none"> a) Development being kept to a minimum consistent with the efficient operation of the network. b) Development being sympathetic to its surroundings and camouflaged where appropriate. c) Development must not impair the effective operations of the Merlin site radio telescope.
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	<p>Provision for the installation and maintenance of information connection networks, such as superfast broadband, is required within new developments.</p> <p>New development should be accessed by fibre to the premises (FTTP) or similar technology enabling access to superfast broadband speeds of at least 30 megabits per second (or the most recent Government requirements, if higher). Where this is not possible, adequate ducting should be provided to enable fibre to premises connection at a later date, unless it can be shown that this is not economically viable in this location.</p>
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	ECON 1 – Economic Growth, Employment and Enterprise highlights that the Council will support the delivery of high speed broadband infrastructure across the borough, particularly in the rural area, and the provision of adequate telecommunications.
Comments	By seeking to ensure that Darnhall has access to high quality broadband and telecommunications, Neighbourhood Plan policy TC1 is in general conformity with the local plan.
National Planning Policy Framework	The NPPF states ‘Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.’
Contribution to the achievement of sustainable development	This Neighbourhood Plan policy contributes to the achievement of sustainable development by performing a social role, allowing people access to the internet and reducing social isolation, and an economic role, ensuring that residents and employers have adequate broadband and telecommunications to conduct their business.

Darnhall Neighbourhood Plan Policy	<p>Policy TC 2 – Traffic</p> <p>Development must not create any unacceptable impacts on the local road network, including impacts on pedestrians, cyclists, horse riders, road safety, parking and congestion. Mitigation measures should be incorporated into proposals to minimise any adverse issues. Where appropriate, new developments may be asked to contribute to the delivery of sustainable transport projects in accordance with policy RS14 of the Neighbourhood Plan.</p>
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	<p>STRAT 10 – Transport and Accessibility highlights that new developments must demonstrate that additional traffic can be accommodated safely and satisfactorily within the existing or proposed highway network. Opportunities will be sought to extend and improve access to local footpath and cycle networks. Adequate levels of car and cycle parking should be provided.</p> <p>STRAT 11 – Infrastructure highlights that the Council will facilitate the provision of additional facilities and infrastructure to meet identified needs in locations that are appropriate and accessible, where appropriate through CIL regulations or successor regulations and other planning obligations.</p>
Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (2019)	T5 – Parking and Access highlights that development proposals must not create any unacceptable impacts on amenity or road safety that cannot be satisfactorily mitigated by routeing controls or other highway improvements. Developments should be designed to incorporate measures to assist access to and around the site by pedestrians, cyclists and people with disabilities, and sufficient parking facilities should be provided.

Comments	The Neighbourhood Plan is in general conformity with these local plan policies, seeking to ensure that development does not lead to unacceptable impacts on road safety, and that sustainable transport initiatives are supported.
National Planning Policy Framework	Neighbourhood Plan policy TC2 seeks to help deliver one of the NPPF's aims of promoting sustainable transport. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that opportunities to promote walking, cycling and public transport use are identified and pursued.
Contribution to the achievement of sustainable development	Neighbourhood Plan policy TC2 contributes to the achievement of sustainable development by performing a social role, creating a high quality environment where people feel safe, an environmental role, encouraging the use of sustainable modes of transport, and an economic role, ensuring that Darnhall remains an accessible and attractive place to live, work, and visit.

4.4 BASIC CONDITION 4: BE COMPATIBLE WITH EU OBLIGATIONS

A Strategic Environmental Assessment (SEA) screening was undertaken by Cheshire West and Chester Council. The screening confirms that a Strategic Environmental Assessment is not required for this Plan (see Darnhall SEA Screening Assessment <https://www.darnhallparish.co.uk/darnhall-neighbourhood-plan-statutory-consultation-2020.html>). The screening was submitted to the statutory environmental bodies (English Heritage, Natural England and the Environment Agency). The screening assessment explains why the plan is not subject to the requirements of the Strategic Environmental Assessment Directive.

A Habitat Regulation Assessment (HRA) screening opinion was sought from Cheshire West and Chester Council in order to confirm whether an HRA was required to support the Plan. The screening exercise concluded that no European sites would be significantly affected by the proposals within the Neighbourhood Plan (see Darnhall screening assessment) <https://www.darnhallparish.co.uk/darnhall-neighbourhood-plan-statutory-consultation-2020.html>

As the qualifying body, Darnhall Parish Council has determined that an SEA and a HRA are not required.

The Darnhall Neighbourhood Plan is fully compatible with the European Convention on Human Rights, transposed into UK law by the Human Rights Act 1998. It has been prepared within the existing framework of statute, national planning policy and guidance, and local level strategic planning policies, which are both compatible with the Convention. In accordance with established process, the Plan has been produced in full consultation with the local community and it is subject to independent examination. The Plan does not contain policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national and local levels.

The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights ("The Convention"). The Convention includes provision in the form of Articles, the aim of which is to protect the rights of the individual. Section 6 of the Act prohibits public bodies from acting in a manner, which is incompatible with the Convention. Various rights outlined in the Convention and its First Protocol are to be considered in the process of making and considering planning decisions, namely: Article 6 protects the right to a fair and public hearing before an independent tribunal in determination of an individual's rights and obligations. The process for Neighbourhood Plan production is fully compatible with this Article, allowing for consultation on its proposals at various stages, and an independent examination process to consider representations received.

Article 14 provides that “The enjoyment of the rights and freedoms set forth in ... [the] ... European Convention on Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”

The Neighbourhood Plan Steering Group and Parish Council has developed the policies and proposals within the Plan in full consultation with the community and wider stakeholders to produce as inclusive a document as possible. In general, the policies and proposals will not have a discriminatory impact on any particular group of individuals.

4.5 BASIC CONDITION 5: COMPLIANCE WITH PRECIBED MATTERS

There are no other prescribed matters.

APPENDIX 1 – NOTICE OF DESIGNATION

Cheshire West and Chester Council

Delegated report	Date:14 June 2016
Neighbourhood application area:	Darnhall Parish
Regulation No. 5 of the Neighbourhood Planning (General) Regulations 2012	
Date application first publicised: 20 April 2016	
Area name:	Darnhall Parish
Applicant name:	Darnhall Parish Council
Ward:	Winslow, Swanlow and Dene
Ward Members:	Cllr David Armstrong Cllr Stephen Burns
Case officer:	Rosie Morgan
Recommendation:	Approval

1 Introduction

- 1.1 This delegated report relates to the assessment of the application for the designation of the Darnhall Parish Neighbourhood Area.
- 1.2 The application for the designation of Darnhall Parish Neighbourhood was publicised on 20 April 2016. The application was made under Regulation 5 of The Neighbourhood Planning (General) Regulations 2012. It complied with the requirements of the regulations as it included: a map identifying the area to which the area application relates; a statement explaining why the area is considered appropriate to be designated as a Neighbourhood Plan Area; and a statement that the organisation making the area application is a relevant body for the purposes of section 61G of the Town and Country Planning Act 1990 (as amended).

2 Area description

- 2.1 The proposed Darnhall Parish Neighbourhood Area is the area covered by Darnhall Parish Council and follows the same boundary. It includes the settlement of Darnhall to the south of Winsford. The area is located within the wider Winsford Swanlow and Dene Ward.

2.2 A map of the proposed Darnhall Parish Neighbourhood Area is attached to this report.

3 Publicity

3.1 The application was publicised by public notice in the Winsford Guardian on 20 April 2016.

3.2 Details of the application were also published on the Council's website from 20 April 2016.

<http://www.cheshirewestandchester.gov.uk/neighbourhoodplanning>.

3.3 Copies of a notice advertising the application were placed on public noticeboards outside Darnhall Village Hall and outside Swanlow Lane Post Office, and on the village hall user notice board within the village hall.

3.4 Local Councillors were informed of the application with the call-in cut off date of 30 May 2016. Members were advised that should they wish the application to be considered by Cabinet Member with advice from the Local Plan Working Group, they must notify the case officer by email or letter before the call-in cut off date.

3.5 The four week publicity period ran from 20 April to 23 May 2016.

3.6 The neighbouring parish councils of Little Budworth, Winsford, Church Minshull and Wettenhall, and Cheshire East Borough Council, were notified of the application by email on 25 April 2016.

3.7 The publicity arrangements complied with Regulation 6 of The Neighbourhood Planning (General) Regulations 2012.

3.8 The following internal consultees were notified by email: Housing Policy and Strategy; Legal; Regeneration; Localities; Total Environment; Development Management; Democratic Services; Arts and Festivals; Energy and Carbon Reduction.

3.9 The Council received representations from: the Environment Agency who had no comments; Historic England who provided a list of Listed Buildings within the area and general advice; Natural England who offered advice on preparing a neighbourhood plan; and United Utilities who had no formal comments, but would like to be kept informed and consulted with further during the neighbourhood plan process.

4 Issues and assessment

4.1 The main issues in determining this application are:

- Whether an application for a Neighbourhood Area has already been made covering all or part of this area (as there can only be one Neighbourhood Area in each location and they cannot overlap).
- Confirmation that the applicant is a 'relevant body' to undertake Neighbourhood Planning in that area in accordance with section 61G of the 1990 Act and Regulation 5(c) of the 2012 Regulations (i.e. a parish council or Neighbourhood Forum).
- Assessment of whether the extent of the Neighbourhood Area is appropriate.

4.2 No other application has previously been made covering all or part of this area. The proposed Neighbourhood Area shares boundaries to the north with Winsford Neighbourhood Area and to the south with Church Minshull Neighbourhood Area in Cheshire East.

4.3 Darnhall Parish Council is a relevant body to undertake Neighbourhood Planning in that area in accordance with section 61G of the 1990 Act and Regulation 5(c) of the 2012 Regulations.

4.4 The Neighbourhood Area is considered appropriate as it follows the boundary of the area covered by Darnhall Parish Council.

4.5 It is therefore considered to be an appropriate area in which to prepare a Neighbourhood Plan.

5 Conclusion

5.1 The application for the Darnhall Parish Neighbourhood Area complied with the requirements of the regulations. The application was publicised in accordance with the regulations and no objections were received.

- 5.2 The Darnhall Parish Neighbourhood Area is considered appropriate because: No other applications have been made for Neighbourhood Areas covering all or part of the area.
- Darnhall Parish Council is the relevant body to undertake Neighbourhood Planning.
- The Neighbourhood Plan Area follows the boundary of the area covered by Darnhall Parish Council and it is appropriate for development in this area to be guided by a Neighbourhood Plan.

6 Decision

6.1 That the Darnhall Parish Neighbourhood Area is approved and is formally designated.

6.2 The reasons for this decision are that the Darnhall Parish Neighbourhood Development Plan Area is considered appropriate because:

- No other applications have been made for Neighbourhood Areas covering all or part of the area.
- Darnhall Parish Council is the relevant body to undertake Neighbourhood Planning.
- The Neighbourhood Plan Area follows the boundary of the area covered by Darnhall Parish Council and it is appropriate for development in this area to be guided by a Neighbourhood Plan.

6.3 The Senior Manager -Planning and Strategic Transport hereby exercise their delegated authority to agree the area application.

6.4 A copy of this note will be sent to Darnhall Parish Council and relevant local Councillors.

6.5 In accordance with Regulation 7 of the 2012 Regulations, as soon as possible after the date of the decision the Council will publish the following on its website:
a) Name of the area b) Name of body who applied c) Decision and reasons d) Details of where the decision can be inspected e) Map of Neighbourhood Plan Area

7 Attachments

7.1 Copy of application form and map of Darnhall Parish Neighbourhood Area

Signed **Senior Manager -Planning and Strategic Transport**

Date 14 June 2016