

# **Report on the Frodsham Neighbourhood Plan 2024 – 2030**

**An Examination undertaken for Cheshire West and Chester Council with the support of Frodsham Town Council on the Regulation 15 submission version of the Plan.**

Independent Examiner: Andrew Mead BSc (Hons) MRTPI MIQ

Date of Report: 12 August 2024

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## **Main Findings - Executive Summary**

From my examination of the Frodsham Neighbourhood Plan (FNP/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 Frodsham Town Council;
- The Plan has been prepared for an area properly designated – the Frodsham Neighbourhood Area as shown on Fig 0.2 on page 3 of the Neighbourhood Plan;
- The Plan specifies the period during which it is to take effect: 2024 - 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**

### **Frodsham Neighbourhood Plan 2024–2030**

- 1.1 Frodsham is located about 18km north east of Chester, 5km south of Runcorn, 26km south of Liverpool and 45km south west of Manchester. The Mersey Estuary adjoins the parish to the north west. The A56 connecting Chester with Manchester passes through the town centre. In 2021, the population of Frodsham parish was just over 9,300.<sup>1</sup>
- 1.2 The preparation of a neighbourhood plan for Frodsham began in 2014 following a resolution by Frodsham Town Council (FTC) and the formation of a Steering Group. Evidence was collected and consultations were held during the subsequent years. The final version of the Plan was submitted to Cheshire West and Chester Council (CWaCC) on 28 March 2024, representing nearly 10 years' work for those involved.

### **The Independent Examiner**

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the FNP by CWaCC with the agreement of FTC.

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<sup>1</sup> 2021 Census.

- 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'; and
    - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.
  - Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
  - 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.

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## 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 (under retained EU law)<sup>2</sup>; 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 of Part 6 of the Conservation of Habitats and Species Regulations 2017.<sup>3</sup>

## 2. Approach to the Examination

### Planning Policy Context

- 2.1 The current Development Plan for the Frodsham area, excluding policies relating to minerals and waste development, principally comprises 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.
- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF).<sup>4</sup> In addition, the Planning Practice Guidance (PPG) offers advice on how the NPPF should be implemented.

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<sup>2</sup> The existing body of environmental regulation is retained in UK law.

<sup>3</sup> This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

<sup>4</sup> A new version of the NPPF was published in December 2023. All references in this report read across to the latest December 2023 version.

## Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, as well as those submitted which include:
- the draft Frodsham Neighbourhood Plan 2024 –2030 (Regulation 15 submission version) - Part 1 - Vision and Policies; Part 2 - Supporting Documents and Sources; Part 3 - Evidence;
  - the map on page 3 of the Plan (Part 1) which identifies the area to which the proposed Neighbourhood Plan relates;
  - the Consultation Statement (March 2024);
  - the Basic Conditions Statement (March 2024);
  - the Strategic Environmental Assessment (SEA) (September 2023);
  - the Habitats Regulation Assessment (HRA) (September 2023);
  - all the representations that have been made in accordance with the Regulation 16 consultation; and
  - the responses to the questions of clarification in my letter of 4 July 2024, from FTC dated 15 July 2024 and from CWaCC dated 16 July 2024.<sup>5</sup>

## Site Visit

- 2.4 I made an unaccompanied site inspection to the FNP area on 27 and 28 June 2024 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 to this report.

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<sup>5</sup> View all the documents at:

<https://consult.cheshirewestandchester.gov.uk/kse/event/37969>

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### 3. Procedural Compliance and Human Rights

#### Qualifying Body and Neighbourhood Plan Area

- 3.1 The FNP has been prepared and submitted for examination by the FTC, which is a qualifying body. The FNP extends over all the Town Council area designated by Cheshire West and Chester Council in June 2015.

#### Plan Period

- 3.2 The Plan period is from 2024 to 2030 as clearly stated on the front cover.

#### Neighbourhood Development Plan Preparation and Consultation

- 3.3 The comprehensive Consultation Statement (CS) describes the thorough preparation of the Plan with involvement of the public and various stakeholders at the stages of the process. FTC decided in late 2014 to commission the preparation of the Plan and the CS describes the many events at which the Plan was publicised, covering the period from 2015, when a Steering Group was formed, until 2022 when the pre-submission consultation took place.
- 3.4 The pre-submission Plan was published for consultation under Regulation 14 of the 2012 Regulations from 23 October until 4 December 2022. An overview of the analysis of many comments made by statutory consultees and members of the public and the consequent responses of the Neighbourhood Plan Steering Group are summarised on pages 22 to 199 of the CS.
- 3.5 The final version of the Plan was submitted to CWaCC on 28 March 2024. Consultation in accordance with Regulation 16 was carried out from 2 May until 14 June 2024. 16 responses were received including those from CWaCC about the Plan. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the FNP, that has had regard to advice in the PPG on plan preparation and engagement and is procedurally compliant in accordance with the legal requirements.

#### Development and Use of Land

- 3.6 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

- 3.7 The Plan does not include provisions and policies for 'excluded development'.<sup>6</sup>

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<sup>6</sup> See section 61K of the 1990 Act.



## Human Rights

- 3.8 I have read the Basic Conditions Statement (BCS). No issues have been raised in relation to the possible contravention of Human Rights. These are fundamental rights and freedoms guaranteed under the European Convention on Human Rights. I am aware from the CS that considerable emphasis was placed throughout the consultation process to ensure that no sections of the community were isolated or excluded. I have considered this matter independently and I am satisfied that the policies will not have a discriminatory impact on any particular group of individuals.

## 4. Compliance with the Basic Conditions

### EU Obligations

- 4.1 The BCS noted that a Strategic Environmental Assessment (SEA) and a subsequent Habitats Regulations Assessment (HRA) were prepared which included the conclusion that significant adverse effects could not be ruled out on the Mersey Estuary Ramsar and Special Protection Area (SPA) due to recreational pressure, air quality and loss of functionally linked habitat. Six potential site allocations to provide net new residential development were then subject to Appropriate Assessment which could result in adverse effects on the integrity of the international site in combination with other projects and plans. However, ultimately, a conclusion of no adverse effect on integrity was reached for them all, except for recreational pressure related to the Mersey Estuary Ramsar and SPA.
- 4.2 Following Appropriate Assessment, it was concluded that, provided the recommended changes were made, the policies of the Plan should ensure that no adverse effects on the integrity of international designated sites would occur in isolation or in combination with other projects and plans. Statutory consultees did not dissent from these conclusions. Policy EDVE2 was then amended to include additional measures sought and, during the examination, an amendment was also suggested by FTC and CWaCC to Policy H1.<sup>7</sup> I have read the SEA and the HRA report and the other information provided, including the comments in the BCS (page 50) on the impact of the Plan on the North West Marine Plan and, having considered the matter independently, I also agree with the overall conclusions. Therefore (and subject to **PM1** below), I am satisfied that the FNP is compatible with EU obligations as retained in UK law.

### Main Issues

- 4.3 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

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<sup>7</sup> See paragraph 4.9 below and PM1.

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.

- 4.4 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.<sup>8</sup>
- 4.5 Accordingly, having regard to the Frodsham Neighbourhood Plan, the consultation responses, other evidence and the site visit, I consider that the main issues in this examination are whether the FNP 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 the achievement of sustainable development?

## Vision and Objectives

- 4.6 The vision and objectives for the FNP are based on responses made by local people during the initial stages of the consultation process. The vision is described in Section 2 on page 10 of the Plan. The vision is then used to develop a series of objectives listed in four separate sections covering 18 land use policies: Housing; Economic Development and the Visitor Economy; Green Spaces, Recreation and Leisure; and Connectivity and Access.

## Housing

### Policy H1: Location of Housing Development

- 4.7 Policy H1 supports residential development in certain circumstances, for example, on sites allocated in the Plan, within the settlement boundary and on sites to provide affordable housing. One stated circumstance is "preferably on brownfield sites", where I find the use of "preferably" is superfluous and confusing and which implies a precise sequential test which is not justified in the Plan. Therefore, I shall recommend the deletion of the word.
- 4.8 Similarly, I find that the bullet point preferring dwellings within 800m of the junction of Church St and Main St to be too ambiguous for effective development management and could mean 800m on foot or cycle or directly "as the crow flies". I consider it is also unrealistic. For example, I would be surprised if a proposal for affordable housing on a brownfield site within the settlement boundary would be viewed as unacceptable if it

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<sup>8</sup> PPG Reference ID: 41-041-20140306.

was located more than 800m from the junction quoted. Therefore, I shall recommend the deletion of the bullet point.

- 4.9 I shall also recommend the amendment of the bullet point considering Policy DM19 of the Local Plan which allows for sustainable development under certain criteria for out of settlement sites and which follows the suggestion by CWaCC in the Regulation 16 response. I shall recommend the addition of the phrase suggested by FTC and supported by CWaCC to encourage developers to provide a Homeowners Pack to include information about the sensitive environment of Frodsham Marshes and which enables the terms of the recommendations of the HRA Appropriate Assessment to be met.<sup>9</sup>
- 4.10 I shall also recommend that the six sites identified for housing on Fig 3.2 are delineated on larger scale maps to enable effective development management and to help other stakeholders and users of the Plan to understand precisely the location of the allocated sites. I agree with the FTC that the AECOM Masterplan is a useful document, but I do not consider that further details of the individual sites should be imported into the Plan, other than their delineation. There is already detailed guidance in the Site Specifics of each allocation and in Policies H2 and H5 of the Plan.
- 4.11 In answer to one of my questions of clarification, FTC usefully supplied updated details of housing completions and planning commitments in Frodsham which demonstrated that the shortfall in housing requirements in the Plan period should be met if all the sites were built on. CWaCC did not dissent from the FTC answers. I note the helpful comments on the housing densities from FTC and have no comments on the individual allocations, other than that they appear suitable, subject to development management considerations.
- 4.12 Accordingly, subject to the acceptance of the above recommendations **(PM1)**, I consider that Policy H1 would have regard to national guidance<sup>10</sup>, would generally conform with Policies STRAT 1, STRAT 2 and STRAT 8 of the CWaCLP (Part One) and would meet the Basic Conditions.

## Policy H2: Housing Layout and Design

- 4.13 Policy H2 considers housing layout and design. However, the first clause of the policy refers to “other views” which are not defined in the FNP or the Design Code. A developer, or any other stakeholder, would therefore have difficulty in knowing where the policy would apply and, accordingly, I recommend the deletion of the second part of the sentence. **(PM2)** The policy would then have regard to national guidance<sup>11</sup>, and would generally

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<sup>9</sup> I am aware that it is the practice for some Councils, rather than developers, to provide a similar “Welcome Pack” for all newcomers, not just those moving into new build dwellings, thereby conveying the information to a wider audience.

<sup>10</sup> NPPF: paragraph 29.

<sup>11</sup> NPPF: paragraphs 131 & 180.

conform with Policies STRAT 1, ENV 2, ENV 3, ENV 5, ENV 6, and SOC 5 of the CWaCLP (Part One) and meets the Basic Conditions.

### Policy H3: Housing Mix and Types

- 4.14 Policy H3 seeks to ensure a wide range of housing types, sizes and tenure with appropriate communal spaces. The policy has regard to national guidance<sup>12</sup>, and generally conforms with Policies SOC 3 and SOC 6 of the CWaCLP (Part One) and would meet the Basic Conditions. A small syntax error in the policy at the first bullet point identified by CWaCC could be addressed as a minor non-material change.<sup>13</sup>

### Policy H4: Affordable Housing – The Local Connection Test

- 4.15 Policy H4 aims to ensure that housing is provided for local residents with affordable housing needs. In response to a query from CWaCC in its Regulation 16 comments, FTC clarified that the intention is to provide affordable housing in perpetuity for both rented and purchased properties and suggested an amendment to the policy which I shall recommend. **(PM3)** Subject to that modification, the policy would have regard to national guidance<sup>14</sup>, generally conform with Policy SOC 1 of the CWaCLP (Part One) and meet the Basic Conditions.

### Policy H5: Design and Character

- 4.16 Policy H5 aims to ensure that new development fits in with the local character of Frodsham. The policy has regard to national guidance<sup>15</sup>, generally conforms with Policies ENV 6 and SOC 5 of the CWaCLP (Part One) and meets the Basic Conditions.

### Policy H6: Heritage Assets

- 4.17 Policy H6 considers the desirability of preserving or enhancing designated and non-designated heritage assets and their settings, features of special architectural or historic interest, together with archaeological remains and landscapes. In order to ensure the policy has regard to national guidance, I shall recommend a modification to separate non-designated assets from the second bullet point and include them as a distinct category which takes into account the balanced approach advised in paragraph 209 of the NPPF. **(PM4)** Subject to the acceptance of the above recommendation, I consider that Policy H6 would have regard to national guidance<sup>16</sup>, would generally conform with Policy ENV 5 of the CWaCLP (Part One) and would meet the Basic Conditions.

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<sup>12</sup> NPPF: paragraph 63.

<sup>13</sup> PPG Reference ID: 41-106-20190509.

<sup>14</sup> NPPF: paragraphs 63 & 64.

<sup>15</sup> NPPF: paragraphs 131 – 135.

<sup>16</sup> NPPF: paragraphs 195, 196, 205 & 209.

## Economic Development and the Visitor Economy

### Policy EDVE1: Business and Employment

- 4.18 Policy EDVE1 seeks to preserve, protect and promote the growth of existing employment and to support new business opportunities. As implied by CWaCC in their Regulation 16 response, the development of flexible workspace should also be subject to the criteria in the policy. Therefore, I shall recommend a modification to re-order the phrasing in the policy. I shall also recommend the deletion of the final bullet point in the policy which supports diverse activities on farmland. It is an ambiguous phrase which attempts to deal with similar issues to those covered in Policy STRAT 9 of the CWaCLP (Part One) but without the necessary subtleties.<sup>17</sup> **(PM5)**
- 4.19 Subject to the above modifications, I consider that Policy EDVE1 would have regard to national guidance<sup>18</sup>, would generally conform with Policy ECON 1 of the CWaCLP (Part One) and would meet the Basic Conditions.

### Policy EDVE2: Tourism and the Visitor Economy

- 4.20 Policy EDVE2 aims to promote Frodsham as a visitor and a green tourist destination. The policy also applies to development in the Green Belt and therefore, I shall recommend that reference should also be made to Policy STRAT 9 of the CWaCLP. **(PM6)** Policy EDVE2 would then have regard to national guidance<sup>19</sup>, generally conform with Policies STRAT 9 and ECON 3 of the CWaCLP (Part One) and would meet the Basic Conditions.

### Policy EDVE3: Retail and Services

- 4.21 Policy EDVE3 seeks to preserve and protect all types of retailers and service providers. The policy has regard to national guidance<sup>20</sup>, generally conforms with Policies ECON 2 and SOC 5 of the CWaCLP (Part One) and meets the Basic Conditions.

## Green Spaces, Recreation and Leisure

### Policy GSRL1: To Designate Local Green Spaces

- 4.22 Policy GSRL1 designates local green spaces (LGS) identified in the Table in Fig 5.1 and on the Map at Fig 5.2. LGS designation should only be used where the green space is:
- a) in reasonably close proximity to the community it serves;
  - b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic

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<sup>17</sup> NPPF: paragraph 16 f).

<sup>18</sup> NPPF: paragraph 85.

<sup>19</sup> NPPF: paragraphs 88 & 89.

<sup>20</sup> NPPF: paragraph 90.

- significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and  
c) local in character and is not an extensive tract of land.<sup>21</sup>

LGS should also be capable of enduring beyond the end of the Plan period.<sup>22</sup>

- 4.23 I visited each LGS on my inspection of the area and I agree that each LGS meets the designation criteria. National guidance (NPPF paragraph 107) states that for managing development, policy in LGS should be the same as in the Green Belt and which allows for development in very special circumstances. Therefore, even though there is a reference to NPPF paragraph 107 in the policy, I shall recommend a modification to Policy GSRL1 which explicitly records that advice, so that there is no misunderstanding and readers of the Plan are left in no doubt about the development management implications of land defined as LGS. In order to avoid any ambiguity, I shall recommend including a reference to the Table in Fig 5.1 in the policy. **(PM7)** The policy would then have regard to national guidance as referenced above, generally conform with Policies SOC 5 and SOC 6 of the CWaCLP (Part One) and meet the Basic Conditions.

Policy GSRL2: Protecting and Enhancing Green and Open Spaces

Policy GSRL3: Maintaining our Green and Open Spaces

Policy GSRL4: Creating New Green/Open Spaces

Policy GSRL5: Enhancing Health and Well-Being in the Community

- 4.24 Policies GSRL2, GSRL3 and GSRL4 seek to protect and enhance, maintain and create green and open spaces. Policy GSRL5 encourages development which would maximise opportunities for activities enhancing recreation, sport, leisure, health and well-being. With one exception, each policy has regard to national guidance and generally conforms with strategic policies of the CWaCLP (Part One) as listed in Table 1 below. The exception is that Policy GSRL4 should take into account the possible adverse impact that any proposed leisure facilities or activities could have on Frodsham Marshes. CWaCC suggested either deleting the marshes from the list of locations in the second bullet point where such development would be supported or inserting a clause aiming at avoiding any adverse impacts.
- 4.25 It seems to me that both options would be appropriate. Frodsham Marshes would be an acceptable place for low key sustainable development consistent with its wildlife status as described in the Explanation of Policy in the Plan. Therefore, I shall not recommend the deletion of the location from the list in the second bullet point. However, any such development should not have any adverse impact on the ecological value and function of the marshes and so I shall recommend the addition of the phrase suggested by CWaCC. **(PM8)** Policy GSRL4

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<sup>21</sup> NPPF: paragraph 106.

<sup>22</sup> NPPF: paragraph 105.

would then have regard to national guidance, generally conform with strategic policies of the CWaCLP (Part One), be consistent with Policies GSRL2, GSRL3 and GSRL5, and meet the Basic Conditions.

*Table 1.*

| Policy | Subject                                          | National guidance (NPPF paragraph number) | CWaCLP Policy                               |
|--------|--------------------------------------------------|-------------------------------------------|---------------------------------------------|
| GSRL2  | Protecting and Enhancing Green and Open Spaces   | 96, 97, 102 & 103.                        | SOC 5 & SOC 6.                              |
| GSRL3  | Maintaining our Green and Open Spaces            | 102 & 103.                                | SOC 5, SOC 6, STRAT 10 & ENV 3.             |
| GSRL4  | Creating New Green/Open Spaces                   | 96 & 102.                                 | ENV 2, ENV 4, ENV 5, ECON 3, SOC 5 & SOC 6. |
| GSRL5  | Enhancing Health and Well-Being in the Community | 96 & 97.                                  | SOC 5, SOC 6, STRAT 10 & ENV 3.             |

## Connectivity and Access

### Policy CA1: Footpaths and Cycle Paths

- 4.26 Policy CA1 aims to ensure development provides infrastructure, footpaths and cycle paths fit for the future. The policy has regard to national guidance<sup>23</sup>, generally conforms with Policies STRAT 10, STRAT 11, SOC 5 and ENV 6 of the CWaCLP (Part One) and meets the Basic Conditions.

### Policy CA2: Electric Vehicles

- 4.27 Policy CA2 provides for certain measures to support the use of electric vehicles. I agree with the comment of CWaCC that reference should be made in the policy to the Council's Parking Standards. Subject to that modification, which I shall recommend, the policy would have regard to national guidance<sup>24</sup>, would generally conform with Policies STRAT 10, SOC 5 and ENV 6 of the CWaCLP (Part One) and meet the Basic Conditions.  
**(PM9)**

### Policy CA3: Parking

- 4.28 Policy CA3 seeks to ensure that adequate vehicle and cycle parking is provided. CWaCC noted that it may not be possible to accommodate all the parking requirements of development off road along primary traffic routes. However, the policy allows for flexibility by implying that parking

<sup>23</sup> NPPF: paragraphs 104, 108 & 116.

<sup>24</sup> NPPF: paragraph 108.



along a primary route may be possible unless it would cause severe congestion or raise a highway safety issue. Accordingly, I consider that the policy has regard to national guidance<sup>25</sup>, generally conforms with Policies STRAT 10, STRAT 11 and SOC 5 of the CWaCLP and meets the Basic Conditions.

#### Policy CA4: Application of Community Infrastructure Levy (CIL) and Section 106 Agreements

- 4.29 Policy CA4 seeks to utilise funds to improve pedestrian and cyclist facilities, together with social and green infrastructure. The policy refers generally to infrastructure issues and then lists specific schemes in a subsequent series of paragraphs. Whereas it is reasonable to identify issues in the policy, the detailed schemes have not been the subject of technical scrutiny for deliverability or viability. Therefore, I shall recommend the policy is modified by qualifying the schemes as aspirational. **(PM10)** Subject to that modification, the policy would have regard to national guidance<sup>26</sup>, generally conform with Policies STRAT 10, STRAT 11 and SOC 5 of the CWaCLP (Part One) and meet the Basic Conditions.

#### Overview

- 4.30 Therefore, on the evidence before me, with the recommended modifications, I consider that the policies within the FNP are in general conformity with the strategic policies of the CWaCLP (Part One), have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.
- 4.31 A consequence of the acceptance of the recommended modifications would be that amendments will have to be made to the explanation within the Plan in order to make it logical and suitable for the referendum. Further amendments might also include incorporating factual updates, such as housebuilding completions, correcting minor inaccuracies, any text improvements suggested helpfully by CWaCC in their Regulation 16 consultation response and any paragraph renumbering. None of these alterations would affect the ability of the Plan to meet the Basic Conditions and could be undertaken as minor, non-material changes.<sup>27</sup>

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<sup>25</sup> NPPF: paragraphs 108 & 115.

<sup>26</sup> NPPF: paragraph 108.

<sup>27</sup> PPG Reference ID: 41-106-20190509.



## 5. Conclusions

### Summary

- 5.1 The Frodsham 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 FNP and the documentation which accompanied it.
- 5.2 I have made recommendations to modify 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 FNP, 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 FTC, the Steering Group and other voluntary contributors are to be commended for their efforts in producing an extremely comprehensive Plan. The Plan is logical, informative, well-illustrated and supported by a wealth of useful and interesting background documentation. I enjoyed examining it and visiting the area. The Consultation Statement and the Basic Conditions Statement were extremely helpful. The Plan also benefitted from the comprehensive and constructive Regulation 16 comments from CWaCC (along with others) and the positive responses from FTC and CWaCC to my questions.
- 5.5 Subject to the recommended modifications, the FNP will make a positive contribution to the Development Plan for the area and should enable the attractive character and appearance of Frodsham to be maintained whilst enabling sustainable development to proceed.

*Andrew Mead*

Examiner

## Appendix: Modifications

| Proposed modification no. (PM) | Page no./ other reference | Modification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PM1                            | Policy H1                 | <p>Amend the third bullet point to:<br/> <b>"Are on brownfield sites"</b>.</p> <p>Delete the fifth bullet point.</p> <p>Amend the seventh bullet point to:<br/> <b>"Accord with Local Plan Policy DM 19, which allows for sustainable development under certain criteria for out of settlement sites."</b></p> <p>Add a further bullet point:<br/> <b>"In the interests of biodiversity and protection of the habitats on the Frodsham Marshes, developers will be encouraged to provide a Homeowners Pack to include information about the sensitive environment on the Marshes and alternative areas of green space which can be used for recreation."</b></p> <p>Include detailed inset maps at an appropriate scale to supplement Fig 3.2 in order to show the exact delineation of each identified site for housing.</p> |
| PM2                            | Policy H2                 | <p>Delete the final phrase from the first clause:<br/>         "... and other views and vistas that are important to maintaining the character of Frodsham."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| PM3                            | Policy H4                 | <p>Amend the second bullet point to:<br/> <b>"Affordable Housing, both rented and purchased, should be provided in Perpetuity and for those with a Local Connection to Frodsham."</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| PM4                            | Policy H6                 | <p>Amend the second bullet point to:<br/> <b>"Development should conserve the significance of and preserve or enhance designated heritage assets and the character and setting of areas of acknowledged significance, ..."</b>.</p> <p>Add a further bullet point:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

|      |              |                                                                                                                                                                                                                                                                                                                                                                                                                           |
|------|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      |              | <b>"In considering applications for development that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."</b>                                                                                                                                                                  |
| PM5  | Policy EDVE1 | Amend the first sentence to:<br><br><b>"The development of new businesses and the expansion of existing businesses in Frodsham, including the development of flexible workspace for small businesses that wish to expand such as incubation units and flexible light industrial units, will be supported, where applicable, subject to ...."</b><br><br>Delete the second sentence.<br><br>Delete the final bullet point. |
| PM6  | Policy EDVE2 | Amend the first sentence to:<br><br><b>"... in accordance with Local Plan Policies ECON3 and STRAT9."</b>                                                                                                                                                                                                                                                                                                                 |
| PM7  | Policy GSRL1 | Amend the first phrase of the policy to:<br><br><b>"The following sites listed in the Table in Fig 5.1 are designated as Local Green Space, ..."</b><br><br>Add a final sentence at the end of the policy:<br><br><b>"Inappropriate development will not be permitted in Local Green Space except in very special circumstances."</b>                                                                                     |
| PM8  | Policy GSRL4 | Add a third bullet point:<br><br><b>"Will not result in adverse impacts on the ecological value and function of Frodsham Marshes."</b>                                                                                                                                                                                                                                                                                    |
| PM9  | Policy CA2   | Add at the end of the first sentence:<br><br><b>"... for electric vehicles, in accordance with the CWaCC Parking Standards SPD (Feb 2022)."</b>                                                                                                                                                                                                                                                                           |
| PM10 | Policy CA4   | Add a final sentence:<br><br><b>"The schemes listed below paragraph 6.8.1 are aspirational and will be subject to later scrutiny when the opportunity arises for the implementation of any specific scheme."</b>                                                                                                                                                                                                          |