

Report on the Handbridge Neighbourhood Plan 2025 – 2040

An Examination undertaken for Cheshire West and Chester Council with the support of the Handbridge Neighbourhood Forum on the November 2024 submission version of the Plan.

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Date of Report: 3 April 2025

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Main Findings - Executive Summary

From my examination of the Handbridge Neighbourhood Plan (HNP/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 Handbridge Neighbourhood Forum (HNF);
- The Plan has been prepared for an area properly designated – the Handbridge Neighbourhood Area as shown on Map A on page 5 of the Neighbourhood Plan;
- The Plan specifies the period during which it is to take effect: 2025 - 2040; 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

Handbridge Neighbourhood Plan 2025–2040

- 1.1 Handbridge is an area within Chester to the south of the city centre across the River Dee. The meandering river forms the northern and eastern boundaries with the A483 forming the western boundary. In 2021, the population of Handbridge was about 4,600.¹
- 1.2 The preparation of the Handbridge Neighbourhood Plan (HNP) was initiated in 2019, following which the Neighbourhood Forum and Neighbourhood Plan Area were designated in January 2021. Led by the Forum, evidence was collected, consultations were carried out and the final version of the Plan was submitted to Cheshire West and Chester Council (CWaCC) in December 2024, representing about 5 years' work for those involved throughout the process.

The Independent Examiner

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

¹ 2021 Census; paragraph 2.1.1 of the Plan.

- 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.

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)²; 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 2017.³

2. Approach to the Examination

Planning Policy Context

- 2.1 The current Development Plan for the Handbridge 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) and all references in this report are to

² The existing body of environmental regulation is retained in UK law.

³ 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.

the December 2023 version.⁴ In addition, the Planning Practice Guidance (PPG) offers advice on how the NPPF should be implemented.

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 Handbridge Neighbourhood Plan 2025 – 2040 (submission version November 2024);
 - Map A of the Plan which identifies the area to which the proposed Neighbourhood Plan relates;
 - the Consultation Statement (undated);
 - the Basic Conditions Statement (November 2024);
 - the Strategic Environmental Assessment (SEA) Habitats Regulation Assessment (HRA) and Marine Plan (MP) Screening Determination (December 2024);
 - Handbridge Neighbourhood Area Design Guidelines (December 2023);
 - Protecting and Enhancing Handbridge's Natural Environment (February 2024);
 - all the representations that have been made in accordance with the Regulation 16 consultation; and
 - the responses of 1 March 2025 from HNF and 3 March 2025 from CWaCC to the questions of clarification in my letter of 24 February 2025.⁵

Site Visit

- 2.4 I made an unaccompanied site inspection to the HNP area on 4 and 5 March 2025 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.

⁴ A revised version of the NPPF was published in December 2024. Paragraph 239 includes transitional arrangements for neighbourhood plans, stating that the new NPPF only applies to neighbourhood plans submitted after 12 March 2025.

⁵ View the documents listed in the paragraph at:
https://cheshirewestandchester.objective.co.uk/portal/cwc_ldf/np/handbridge_publicity?tab=files

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.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 Both the HNF and the Neighbourhood Plan Area were designated on 18 January 2021 by CWaCC.⁶ Accordingly, the HNP has been prepared and submitted for examination by the HNF, which is the qualifying body, and extends over all the area designated by CWaCC. The Forum designation will expire in January 2026 and the submission of a renewal application to CWaCC will be necessary in order for the Forum to continue. I am satisfied it is the only Neighbourhood Plan for the Handbridge area and does not relate to any land outside the designated Neighbourhood Plan Area.

Plan Period

- 3.2 The Plan period is from 2025 to 2040 as clearly stated on the front cover.

Neighbourhood Development Plan Preparation and Consultation

- 3.3 The Consultation Statement (CS) describes the thorough preparation of the Plan with involvement of the public and various stakeholders at the stages of the process. A steering group was formed in 2021 early in the preparation process of the Plan and three public meeting were held to raise awareness of the Plan, in addition to which updates were placed in the local press and on social media and a dedicated Plan website was created. The collection of the evidence for the Plan included surveys of residents and businesses in 2022 with a further survey distributed in 2023. In early 2024, landowners were consulted about the draft policies which were then being considered.
- 3.4 The pre-submission Plan was published for consultation under Regulation 14 of the 2012 Regulations for 8 weeks from 28 April 2024 until 30 June 2024. An overview of the analysis of comments made by CWaCC, statutory consultees and members of the public are summarised in Appendices A – E (pages 6 to 76) of the CS together with the responses of the Neighbourhood Plan Steering Group and any resulting changes to the Plan.
- 3.5 The final version of the Plan was submitted to CWaCC on 6 December 2024. Consultation in accordance with Regulation 16 was carried out from

⁶ View at: <https://consult.cheshirewestandchester.gov.uk/kse/event/35863>
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19 December 2024 until 13 February 2025. 11 responses were received about the Plan, including those from CWaCC. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the HNP, 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'.⁷

Human Rights

- 3.8 The Basic Conditions Statement (BCS) notes that the Neighbourhood Forum has been mindful of the fundamental rights and freedoms guaranteed under the European Convention on Human Rights in the process of the preparation of the Plan. 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 notes that the Plan was screened for Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) by CWaCC. It was concluded that there are not likely to be any significant environment effects arising directly from the Plan and therefore a SEA was unnecessary. Similarly, the proposed policies in the Plan would not create any adverse effects on any identified European sites alone or in combination with other plans or projects and therefore further stages of Appropriate Assessment were not required. Furthermore, the Screening Determination states that the Plan is unlikely to impact significantly on the North West Marine Plan or Welsh Marine Plan. The statutory consultees did not dissent from these conclusions.⁸

⁷ See section 61K of the 1990 Act.

⁸ Details in Appendices 1-7 of the Strategic Environmental Assessment, Habitats Regulations Assessment and Marine Plan Screening Determination for Handbridge Neighbourhood Plan. See also the references to the former Policy HNP 12 relating to land

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- 4.2 I have read the SEA, HRA and Marine Plans Screening Determination and the other information provided and, having considered the matter independently, I agree with the conclusions. Therefore, I am satisfied that the HNP 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 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.⁹
- 4.5 Accordingly, having regard to the Handbridge Neighbourhood Plan, the consultation responses, other evidence and the site visit, I consider that the main issues in this examination are whether the HNP 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 for the HNP is based on issues raised by the community during the initial stages of the consultation process. The succinct vision is described on page 16 of the Plan. A series of objectives have then been developed to help to achieve the vision and which form the basis for the twelve specific land use based policies.

Policy HNP1: Local Nature Network

- 4.7 Policy HNP1 considers the network of local nature infrastructure. Subject to a modification to achieve consistency with the preceding reasoned justification (**PM1**), the policy has regard to national guidance¹⁰, generally conforms with Policies ENV 3 and ENV 4 of the CWaCLP (Part One) and meets the Basic Conditions.

east of Queen's Park High School which has now been deleted from the Regulation 15 submitted Plan.

⁹ PPG Reference ID: 41-041-20140306.

¹⁰ NPPF: paragraphs 185 a) and 180 d).

Policy HNP2: Local Green Spaces

4.8 Policy HNP2 designates nine Local Green Spaces (LGS) as listed in the policy and shown on Maps E1 – E7 of the Plan, each of which I visited on my inspection of the area. 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 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.¹¹

4.9 LGS should also be capable of enduring beyond the end of the Plan period.¹² I agree that each LGS meets the designation criteria. However, the policy should reflect that only development that is “inappropriate” in the Green Belt (and by implication LGS¹³) will be subject to the very special circumstances test. The NPPF provides that certain forms of new development may be appropriate in the Green Belt.¹⁴ Therefore I shall recommend that the policy be prefixed by the word “Inappropriate” to ensure that regard is had to national policy. **(PM2)** With this modification, the policy would have regard to national guidance as referenced above, generally conforms with Policy ENV 2 of the CWaCLP (Part One) and meets the Basic Conditions.

4.10 The designation of additional land at Queen’s Park High School as LGS has been suggested in a Regulation 16 representation. Although the merits of such a designation are well described in the representation, I have concluded that Policy HNP2 and the list of LGS already meet the Basic Conditions. Therefore, I have no reason to consider an addition to the list and which, in any event, would not have been the subject of statutory or non-statutory consultations, such as with the landowner.

Policy HNP3: Incidental Open Spaces of Community Value

4.11 Policy HNP3 identifies and aims to safeguard numerous incidental open spaces of community value which are listed in the policy and shown on Map F and the more detailed Maps F-1 to F-4. I saw each of the open spaces on my site inspection. The policy has regard to national guidance¹⁵, generally conforms with Policies SOC 5 and SOC 6 of the CWaCLP (Part One) and meets the Basic Conditions.

¹¹ NPPF: paragraph 106.

¹² NPPF: paragraph 105.

¹³ NPPF: paragraph 107.

¹⁴ NPPF: paragraphs 154 and 155.

¹⁵ NPPF: paragraphs 96 and 103.

Policy HNP4: Sustainable Transport

- 4.12 Policy HNP4 supports development which would reduce car usage and congestion on the local road network. The third paragraph of the policy includes a sentence aimed at the provision of safe and secure cycle storage facilities which is dealt with far more comprehensively in the CWaCC Supplementary Planning Document: Parking Standards (February 2022). Therefore, to avoid ambiguity and reduce duplication, I shall recommend the deletion of the sentence. **(PM3)** The policy would then have regard to national guidance¹⁶, would generally conform with Policies STRAT 10 and STRAT 11 of the CWaCLP (Part One) and would meet the Basic Conditions.

Policy HNP5: Sustainable Travel Network

- 4.13 Policy HNP5 considers the sustainable travel network which is shown on Map G in the Plan. The policy includes prioritising active travel and encouraging the use of public transport. The policy has regard to national guidance¹⁷, generally conforms with Policy STRAT 10 of the CWaCLP (Part One) and meets the Basic Conditions.
- 4.14 In the Regulation 16 consultation response, CWaCC comments that it would be helpful if reference could be made to the Council's Local Cycling and Walking Infrastructure Plan (LCWIP) and I agree. Policy HNP5 already meets the Basic Conditions but reference could be made to the LCWIP in the text and Map G could be amended to include information, for example, from Fig 5.1 and Fig 5.2 from the LCWIP relevant to the HNP area. These changes could be minor non material modifications as provided for in the PPG.¹⁸

Policy HNP6: Parking

- 4.15 Policy HNP6 aims to ensure that adequate parking facilities are provided in new residential, retail, commercial and business development; to avoid the unnecessary loss of parking facilities; and the provision of additional off road car parking for certain terraced streets with parking problems and no on street frontage on which to park any vehicle. The policy has regard to national guidance¹⁹, generally conforms with STRAT 10 of the CWaCLP (Part One) and meets the Basic Conditions.

Policy HNP7: Design

- 4.16 Policy HNP7 considers design and includes five requirements which new development should fulfil. It is underpinned by the Handbridge Neighbourhood Area Design Guidelines (December 2023), produced by

¹⁶ NPPF: paragraph 108.

¹⁷ NPPF: paragraph 108.

¹⁸ PPG Reference ID: 41-106-20190509.

¹⁹ NPPF: paragraph 85.

AECOM, and referenced appropriately in the policy itself (and provided to the examination as a supporting evidential document). CWaCC commented that the requirements of the policy may not be appropriate for all new development and suggested that “where applicable” should be added. I agree and, in order to avoid ambiguity, shall recommend that the policy be so modified. **(PM4)** The policy would then have regard to national guidance²⁰, would generally conform with Policy ENV 6 of the CWaCLP (Part One) and would meet the Basic Conditions.

Policy HNP8: Key Views

- 4.17 Policy HNP8 seeks to safeguard key views which are identified on Map H. The policy has regard to national guidance²¹, generally conforms with Policy ENV 6 of the CWaCLP (Part One) and meets the Basic Conditions.

Policy HNP9: Local Landmarks

- 4.18 Policy HNP9 seeks to preserve or enhance six Local Landmarks and their settings, also shown on Map H. The policy has regard to national guidance²², generally conforms with Policies ENV 5 and ENV 6 of the CWaCLP (Part One) and meets the Basic Conditions.

Policy HNP10: Local Heritage Sites

- 4.19 Policy HNP10 seeks to protect local heritage assets which are listed in Appendix C and shown on Map J. The policy has regard to national guidance²³, generally conforms with Policy ENV 5 of the CWaCLP (Part One) and meets the Basic Conditions.

Policy HNP11: Local Historic Landscapes

- 4.20 Policy HNP11 aims to preserve or enhance local historic landscapes which are listed in Appendix D and shown on Map K. The policy has regard to national guidance²⁴, generally conforms with Policies ENV5 and ENV 6 of the CWaCLP (Part One) and meets the Basic Conditions.

Policy HNP12: Commerce

- 4.21 There are four clauses in Policy HNP12. Clause A supports proposals for new commercial, business, service, pub or drinking establishments within the Handbridge Local Retail Centre as defined on Map L, subject to three criteria. CWaCC commented that the final phrase of the third criterion is confusing. I agree it is ambiguous. Therefore, I shall recommend the deletion of the offending phrase. **(PM5)**

²⁰ NPPF: paragraph 132.

²¹ NPPF: paragraphs 132 and 135 c).

²² NPPF: paragraph 135 c).

²³ NPPF: paragraphs 198 a) and 209.

²⁴ NPPF: paragraphs 180 a) and 196.

- 4.22 Clauses B, C and D of Policy HNP12 apply to the Plan area. Clause B seeks to avoid the loss of existing Class E uses, or Sui Generis (p) or (q) uses (drinking establishments or drinking establishments with expanded food provision). Clause C supports proposals for new residential uses on upper floors of retail or pub or drinking establishment premises subject to five criteria.
- 4.23 Clause D supports the loss of ground floor retail space or ground floor of pubs/drinking establishments to facilitate access to upper floor residential or other appropriate uses. As commented on by CWaCC, the first part of Clause D as drafted in the Plan is confusing and may be the subject of a typographical error. Both CWaCC and the HNF agreed with my suggested rephrasing which I shall recommend as a modification. **(PM6)** Subject to those two modifications, the policy overall would have regard to national guidance²⁵, would generally conform with Policy ECON 2 of the CWaCLP (Part One) and meet the Basic Conditions.

Other

- 4.24 A Regulation 16 representation submitted by the Greek Orthodox Community of Saint Barbara the Great Martyr described the potential for re-purposing two buildings in Overleigh Cemetery. The consideration of such a scheme would fall to CWaCC to determine, should development be involved, and would be judged according to the Development Plan policies for the area which would include those in the Neighbourhood Plan when it is made.

Overview

- 4.25 Therefore, on the evidence before me, with the recommended modifications, I consider that the policies within the HNP are in general conformity with the strategic policies of the CWaCLP, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.
- 4.26 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 minor amendments might also include incorporating factual updates, correcting inaccuracies, typographical and punctuation errors, any text improvements suggested helpfully by CWaCC in their Regulation 16 consultation response and any other similar minor or consequential changes (such as paragraph numbering) in agreement with CWaCC. 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.²⁶

²⁵ NPPF: paragraphs 85 and 97 a).

²⁶ PPG Reference ID: 41-106-20190509.

5. Conclusions

Summary

- 5.1 The Handbridge 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 HNP, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify five of the twelve 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 the referendum area should be extended beyond the designated area to which the Plan relates. The HNP, as modified, has no policy 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 that of the designated Neighbourhood Plan Area.

Concluding Comments

- 5.4 The HNF, the Neighbourhood Plan Steering Group and other voluntary contributors are to be commended for producing a comprehensive Plan. The Plan is logical, informative and extremely well-illustrated. I enjoyed examining it and discovering the different character areas of Handbridge as shown on Map B of the Plan. The Consultation Statement and the Basic Conditions Report were very useful. The Plan also benefitted from the constructive Regulation 16 comments from CWaCC and the helpful responses from the HNF and CWaCC to my questions. Subject to the small number of recommended modifications, the HNP will make a positive contribution to the Development Plan for the area and should enable the attractive character and appearance of the Handbridge part of Chester 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 HNP1	Amend the first sentence of the second paragraph to: "Development proposals that lie within or adjacent to the Network ..." .
PM2	Policy HNP2	Prefix the first sentence of with policy the word "Inappropriate...." .
PM3	Policy HNP4	Delete the final sentence from the third paragraph.
PM4	Policy HNP7	Amend the second sentence to: "All new development should, where applicable: ..." .
PM5	Policy HNP12	Amend Clause A iii to: "Development is consistent with the scale and social and cultural function of the Centre."
PM6	Policy HNP12	Amend Clause D to: "Development proposals that require loss of ground floor floorspace in a local retail unit, or pub, or drinking establishment to facilitate access to upper floor residential or other appropriate use ..." .