

HARTFORD NEIGHBOURHOOD PLAN

Hartford Neighbourhood Plan Examination,
A Report to Cheshire West and Chester Council

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1. Introduction

The Neighbourhood Plan

This Report provides the findings of the examination into the Hartford Neighbourhood Plan (referred to as the Neighbourhood Plan).

Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”
(Paragraph 183, National Planning Policy Framework)

Hartford Parish Council is the *qualifying body* responsible for the production of this Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by Cheshire West and Chester Council. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Hartford Neighbourhood Area.

Role of the Independent Examiner

I was appointed by Cheshire West and Chester Council, with the consent of the qualifying body, to conduct an examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.

I am a chartered town planner and an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

As the Independent Examiner, I must make one of the following recommendations:

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;

- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether or not the Referendum Area should extend beyond the Hartford Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

Subject to the contents of this Report, I am satisfied that all of the above points have been met.

Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The title page of the Neighbourhood Plan states that the plan period is 2010-2030.

The introduction to the Neighbourhood Plan also states that:

“1.1.1...The period covered by the Plan is 2010 to 2030, which mirrors that of the Cheshire West and Chester Local Plan.”

This provides appropriate clarity.

Taking the above recommendations into account, the Neighbourhood Plan satisfies the relevant requirement in this regard.

Public Hearing

According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.

However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.

Further to consideration of the written representations submitted, I confirmed to Cheshire West and Chester Council that I was satisfied that the Hartford Neighbourhood Plan could be examined without the need for a Public Hearing.

2. Basic Conditions and Development Plan Status

Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*¹ following the Localism Act 2011. In order to meet the basic conditions, the 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 European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the Neighbourhood Plan against all of the basic conditions above.

The wording of the basic conditions is the result of careful consideration and it is inappropriate to paraphrase them, as this can result in their misapplication. Taking this and the above into account, I recommend the following changes:

- **Page 7, 1.1.6, line five, change to “*Neighbourhood Plans must have regard to national policies and advice and be in general conformity with the strategic policies of the Cheshire West and Chester Local Plan. They must also be compatible with European obligations. This is fully...*”**
- **Para 1.1.9, change first sentence to “...must be *compatible with European environmental obligations.*”**
- **Para 1.1.9, change last sentence to “...for development, *it may be appropriate for a Strategic Environmental Assessment to be undertaken. A Screening Assessment, undertaken as part of the plan-making process, determined that a Strategic Environmental Assessment was not required for this Plan.***

Subject to the above recommendations, the Neighbourhood Plan makes appropriate reference to the basic conditions.

¹ Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

² Paragraph 026, Planning Practice Guidance 2014.

European Convention on Human Rights (ECHR) Obligations

I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.

European Union (EU) Obligations

Whilst there is no legal requirement for a neighbourhood plan to have a sustainability appraisal², it may, in some limited circumstances, where it is likely to have significant environmental effects, require a Strategic Environmental Assessment.

Taking this into account, draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects. This is a process known as a “screening” assessment. An environmental report must be prepared when the screening assessment identifies likely significant effects.

The Basic Conditions Statement confirms that Cheshire West and Chester Council undertook a screening assessment. This considered whether or not the contents of the Neighbourhood Plan require a Strategic Environmental Assessment. It concluded that the Neighbourhood Plan will not result in any likely significant effects on the environment and that consequently, a full Strategic Environmental Assessment is not required.

Further to consultation, carried out as part of the screening process, the Environment Agency, English Heritage (now, with regards to planning matters, Historic England) and Natural England confirmed that they agreed with the conclusion that the Neighbourhood Plan will not result in any likely significant effects on the environment and that a Strategic Environmental Assessment is not required.

A Habitats Regulations Assessment (HRA) is required if the implementation of the Neighbourhood Plan may lead to likely negative significant effects on protected European sites. The Basic Conditions Statement confirms that there are three European sites within 15km of the Neighbourhood Area. These comprise the Midlands and Mosses Ramsar sites; the Oak Mere Special Area of Conservation (SAC) and the Mersey Estuary Special Protection Area (SPA) and Ramsar.

² Paragraph 026, Planning Practice Guidance 2014.

In considering the requirement for a HRA, Cheshire West and Chester Council noted that the Cheshire West and Chester Local Plan has already been through the HRA process and that, consequently, each of the European sites within 15km of Hartford have been “*assessed at the Local Plan level.*” Taking this into account, Cheshire West and Chester Council considered the potential effects of the Neighbourhood Plan over and above those already assessed and concluded that:

“It is considered that as long as the proposed policies of (the) Neighbourhood Plan do not alter the strategic policy framework assessed in the Local Plan Part One Habitats Regulation Assessment Screening Report then an additional separate full screening exercise on the Neighbourhood Plan will not be required...it is considered that any proposals coming forward for Hartford in accordance with the Neighbourhood Plan would not result in a likely significant effect on a European site than already identified and assessed through the Local Plan Part One Habitats Assessment Report. A separate full screening report is not required.”

None of the statutory consultees disagreed with the conclusion of Cheshire West and Chester Council in the above regard. Notwithstanding this fact, national guidance establishes that the ultimate responsibility of determining whether or not a draft neighbourhood plan meets European obligations lies with the local authority,

“the local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations.” (Planning Practice Guidance 11-031)

Having carried out the screening process, Cheshire West and Chester Council has not expressed any concerns in this regard.

Taking all of the above into account and in the absence of any substantive evidence to the contrary, I am satisfied that the Neighbourhood Plan is compatible with EU obligations.

3. Background Documents and Hartford Neighbourhood Area

Background Documents

In undertaking this examination, I have considered various information in addition to the Hartford Neighbourhood Plan. This has included:

- National Planning Policy Framework (The Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning Regulations (2012)
- Cheshire West and Chester Local Plan (Part One): Strategic Policies (2015) (Cheshire West and Chester Local Plan)
- Vale Royal Borough Local Plan (Policies retained after 29 January 2015)
- Basic Conditions Statement
- Consultation Statement
- Responses to Consultation
- Evidence Base

Also:

- Representations received

In addition, I spent an unaccompanied day visiting the Hartford Neighbourhood Area.

Hartford Neighbourhood Area

A plan showing the boundary of the Hartford Neighbourhood Area is provided on page 8 of the Neighbourhood Plan.

Further to an application made by Hartford Parish Council, Cheshire West and Chester Council approved the designation of Hartford as a Neighbourhood Area on 6 March 2013.

This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

4.Public Consultation

Introduction

As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.

Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a successful 'Yes' vote at Referendum.

Hartford Neighbourhood Plan Consultation

Hartford Parish Council submitted a Consultation Statement to Cheshire West and Chester Council in line with legislative requirements. As required by the neighbourhood planning *regulations*³, this sets out who was consulted and how, together with the outcome of the consultation. I note that a further document, submitted with the Neighbourhood Plan, provides more detailed "*Responses to consultation.*"

Further to the decision to produce the Neighbourhood Plan in 2012, the Parish Council established a working group, comprising four Parish Councillors and four Civic Society members. Others were subsequently co-opted to assist in plan-making. An initial public meeting, held in July 2012, was attended by 169 people and was followed by a workshop in August 2012, a Village Stall in September 2012 and a stall at the "Victorian Christmas" in Hartford, in December 2012.

Subsequently, in July 2013, a questionnaire was created and posted to every household (a total of 2,378) in Hartford, together with a pre-paid envelope. Around 700 (more than 30%) of completed survey forms were returned. This was followed by a business questionnaire and a schools and students questionnaire. Also in July 2013, a stall at the Picnic in the Park event provided information about the plan and invited comments from attendees. Around 150 people attended a subsequent open day in October 2013.

³Neighbourhood Planning (General) Regulations 2012.

A further consultation event was held at the “Victorian Christmas” in Hartford during December 2013. This provided an opportunity to consult people on revisions to the emerging plan, taking into account two major planning permissions. Public consultation on the draft plan then took place during April, May and June 2014. This was supported by the delivery of a leaflet to every household in Hartford; the presence of a prominent banner; press releases and an open day, attended by more than 80 residents.

The plan-making process was also supported by a number of meetings and workshops with a variety of organisations. It was well-publicised via the Parish Council website, press releases and through posters and advertisements.

Having regard to all of the above, the Consultation Statement provides information to demonstrate that, through various forms and rounds of public consultation, people and organisations were provided with plenty of opportunities to have their say. Consultation was publicised and the reporting process was transparent. A significant volume of evidence has been provided to demonstrate that the Neighbourhood Plan reflects the views of local people.

Taking all of the evidence into account, I am satisfied that the consultation process was comprehensive and robust.

5. The Neighbourhood Plan – Introductory Section

Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in italics.

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner's Report. I have also considered the Introductory Section of the Neighbourhood Plan and make recommendations below which are aimed at making it a clear and user-friendly document.

The Neighbourhood Plan includes attractive plans, photographs and diagrams and the Policies are distinctive from the supporting information. It is very well presented and provides an excellent example for other plan-makers.

The first part of the Foreword provides interesting and relevant background to the Neighbourhood Plan. However, the final two paragraphs detract significantly from the document by providing an inappropriate introduction. Whether they were wanted by the local community or not, the planning permissions granted in 2013 are simply a matter of fact. There is no value to the Neighbourhood Plan, which is a land use planning document, of presenting what comes across as a negative, grudging acceptance of a planning decision from more than two years ago. I recommend:

- **Delete the last two paragraphs of the Foreword**

The Contents page is clear and concise. I have recommended changes to the Introduction earlier in this Report. For clarity and accuracy, I recommend:

- **Para 1.1.5, change to “*...Regulations require policies in a Neighbourhood Plan to be underpinned by appropriate evidence. The policies in this Plan are...investigations and relevant information has been set out in an “Evidence Base” document.*”**
- **Para 1.1.10, change to “Once the Plan is in place, it will *help* to determine...”**

“About Hartford” summarises many of the views of the community gained through consultation and provides interesting and relevant background information. There is a grammatical error and I recommend:

- **Page 12, first column, 18th line down, change to “*...generating...*”**

Paragraph 3.1.2 appears as subjective point of view, rather than an appropriate part of a land use planning document. As such, it detracts from the Neighbourhood Plan. Also, there is no need to refer to the size of development, as the Vision simply promotes sustainable development and opposes unsustainable development. I recommend:

- **Delete Paragraph 3.1.2 and replace with “*The Vision Statement reflects the wishes and aims of the community by:*” (retain the four bullet points)**
- **Delete “...large, major...” from fifth paragraph of Vision Statement**
- **Delete “...of modest size” from sixth paragraph of Vision Statement**
- **Delete last sentence of the first paragraph of 3.1.6, which is not worded clearly and is, in any case, unnecessary**

The remainder of Section 3 provides useful background information and provides relevant context to the Policies that follow.

Section 4 establishes the importance of the planning permissions at Grange Farm and Hollies Farm. These provide for a significant proportion of Northwich Urban Area’s housing growth over the plan period.

However, as worded, Section 4 appears in a similar negative and “grudging” vein to the Foreword. National planning policy, as established in the Framework, supports sustainable growth. There is no evidence of any requirement for the permitted developments at Grange Farm and Hollies Farm to “*solve the congestion at peak times of the day.*” I recommend:

- **Para 4.1.1, third paragraph, delete “However” and commence with “*The decision...*” Delete “Traffic will...of the day.”**
- **Delete last three paragraphs and replace with “*The Parish Council will seek to liaise with the developer of the major sites at Grange Farm and Hollies Farm to bring benefits to the local community. The policies of the Neighbourhood Plan are aimed at ensuring that future development will not be detrimental to the sustainability of Hartford.*”**

Hartford, not unlike many places, experiences traffic congestion. This is made clear in various parts of the Neighbourhood Plan and a photograph of a queue of vehicles is provided on page 18.

The photograph and commentary on page 25 appears aimed at drawing a drawing a direct link between the planning permissions at Grange Farm and Hollies Farm and traffic congestion. This appears to focus on a negative factor whilst failing to recognise any of the sustainable development benefits of the two permissions.

Taking the above into account, I consider that the photograph comprises unnecessary repetition and is inappropriate for inclusion. I recommend:

- **Delete and/or replace the photograph on page 25**

6. The Neighbourhood Plan – Neighbourhood Plan Policies

The Policies comprise the most important part of the Neighbourhood Plan. They will help to determine development outcomes across the Neighbourhood Area.

The introduction includes unnecessary, negative references to the planning permissions at Grange Farm and Hollies Farm. I recommend:

- **Para 5.1.1, delete first paragraph and replace second paragraph with “*This section sets out the Policies of the Plan which, together, will support and deliver the vision for Hartford’s future.*”**

Transport and Communications

Policy TC1

There is evidence of congestion in some locations in Hartford during peak hours. However, there is no substantive evidence to demonstrate that this equates to the same thing as the Neighbourhood Area's highway network being severely congested, as set out in Policy TC1.

In the above regard, I am mindful that, in granting planning permission for 650 dwellings at Grange Farm and Hollies Farm, the Secretary of State was satisfied that these developments could be delivered without causing undue harm to the highway network.

Paragraph 32 of the Framework states that

"Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

As worded, Policy TC1 does not make sense as it is founded on there being a severely congested highway network. Further, the supporting text refers to *"major development,"* whilst Policy TC1 only applies to housing. In this regard, I acknowledge a representation that points out that the Neighbourhood Plan itself recognises that *"educational establishments"* contribute to peak hour congestion.

I acknowledge that there are significant local concerns with regards congestion, as expressed through consultation. Taking these concerns into account, I recommend that the Policy is revised, having regard to national policy.

- **Policy TC1, change to *"Major development will not be permitted where the residual cumulative impacts of development are severe."***

Policy TC2

The first part of Policy TC2 requires all development proposals to be supported by an assessment of travel and parking impacts. This is an unduly onerous requirement that will not be relevant to many development proposals, such as household extensions. Further, I am mindful that Cheshire West and Chester Council already requires the provision of transport assessments for large scale development proposals and that its Highways Officers have the role of making professional, objective assessments with regards smaller proposals, where there are specific local issues to consider.

The Policy goes on to impose a requirement for “*early stage discussions*” on both prospective applicants and Cheshire West and Chester Council. It is inappropriate for a neighbourhood planning policy to impose a non-land use planning requirement upon the Local Authority or prospective developers.

The last sentence of Policy TC2 is a general statement of intent and not a land use planning policy.

Taking all of the above into account, I recommend deletion of Policy TC2. However, I recognise its overall aims and consider that these can form part of a “*Community Action*” in the Neighbourhood Plan rather than a Policy.

I recommend:

- **Delete Policy TC2**
- **Replace Policy with “*Community Action. The Parish Council will seek opportunities to improve public transport and car parking. The Parish Council will also encourage developers to discuss the travel and parking impacts of their proposals with Cheshire West and Chester Council at an early stage.*”**

Policy TC3

The Framework requires development to deliver safe and accessible environments and where practical, gives “*priority to pedestrian and cycle movements*” (Paragraph 35). Policy TC3 has regard to this and it is also in general conformity with Policy STRAT10 of the Cheshire West and Chester Local Plan, which requires development proposals to seek to maximise sustainable modes of transport.

However, as worded, the Policy is unclear. It suggests that the provision of pedestrian and cycle routes should be subject to being “*required by the developer.*” Whilst I acknowledge that this could be a grammatical error, even if it was meant to read “*requirements of the development*” then a Policy would be unnecessary.

Further to the above, it is not clear why all routes need to be “*direct*” – or whether this is feasible, or achievable at the same time as ensuring that all routes are “*attractive.*” No indication is provided with regards which routes “*are in need of improvement.*”

Also, I note that Policy TC3’s requirement for all new roads to have pavements on both sides sets out a very stringent approach that provides for potential conflict with national policy advice, as set out in Manual for Streets⁴. No justification is provided for this requirement and consequently, I find that it may prevent sustainable development from coming forward.

Taking all of the above into account, I recommend:

- **Change Policy TC3 to: “*The provision and/or improvement of safe and attractive pedestrian and cycle routes through new developments and into the centre of the village will be supported.*”**

⁴ Manual for Streets, Department for Transport & Department for Communities and Local Government.

Policy TC4

Policy TC4 sets out a statement of intent. It is not a land use planning policy.

I recommend:

- **Delete Policy TC4**
- **Replace Policy with “*Community Action. The Parish Council will...to support a planning application the Parish Council will encourage them to work together with the Parish Council to contribute to the Hartford Travel Plan, rather...Plan.*”**

Local Economy

Policy LE1

Policy LE1 seeks the provision of new car parking spaces for shoppers. This aspiration has regard to the Framework, which promotes the viability and vitality of local centres and which, in Chapter 8, “Promoting healthy communities,” recognises the importance of local shops.

However, the Policy requires “*any major new development, in the centre of the village*” to provide car parking spaces for shoppers. In this context “*Major new development*” is not defined. Consequently, the Policy does not provide decision makers with a clear indication of how to react to a development proposal, as required by Paragraph 154 of the Framework.

Furthermore, no justification is provided with regards why a development, which may for example, be unrelated to shopping, should need to contribute car parking spaces for shoppers. This would fail to have regard to the national policy requirement for planning obligations to be directly related to development (Paragraph 204, Framework).

Taking all of the above into account, I recommend:

- **Policy LE1, change to “*The provision of off street parking facilities for use by people shopping in Hartford’s local centre will be supported.*”**

Policy LE2

As above, national policy recognises the importance of local shops. In addition, Policy ECON2 of the Cheshire West and Chester Local Plan supports the retention of shops in local centres where they meet the day-to-day needs of the local community.

Policy LE2 is in general conformity with Policy ECON2 and has regard to national policy. It seeks to protect ground floor retail uses to meet the day-to-day needs of Hartford’s community. It contributes to the achievement of sustainable development.

No changes recommended.

Policy LE3

Policy LE3 seeks to support business growth. It is in general conformity with Policy ECON1 of the Cheshire West and Chester Local Plan, which promotes sustainable economic growth. It also has regard to Chapter 1 of the Framework, *“Building a strong, competitive economy,”* which promotes economic growth.

I note that Policy LE3 is a supportive Policy and that it does not seek to prevent sustainable development outside Hartford’s settlement boundary.

The wording of the Policy is confusing. It relates only to growth and expansion, yet seeks to include new business. Furthermore, the Policy refers to *“business operations”* which do not necessarily relate to land use planning matters. Also, it is not clear what *“an adverse impact on traffic”* actually comprises and no indication is provided as to what *“other issues”* might be. Together, these factors mean that the Policy does not provide a decision maker with a clear indication how to react to a development proposal.

Taking the above into account, I recommend:

- **Policy LE3, change to: *“Within Hartford’s settlement boundary, new business uses and the growth and expansion of existing business uses will be supported, subject to such uses respecting the character of the area, highway safety and the living conditions of neighbours.”***
- **Delete paragraph of text underneath Policy LE3, which appears as an isolated statement that does not directly relate to the preceding or following Policies.**

Policy LE4

Policy LE4 is not a land use planning policy. I recommend the following:

- **Delete Policy LE4**
- **Replace Policy with “*Community Action. The Parish Council will seek to encourage existing and new local businesses to employ local people and set up apprenticeships. There are opportunities at Mid-Cheshire College available to new developers. Local employment and apprenticeships are strongly supported by the Parish Council.*”**

Local Facilities

Policy LF1

It is unclear what Policy LF1 is seeking to achieve. Community and social facilities are often underpinned and/or supported by resident populations and consequently, new residential developments can help to secure the sustainable future of existing community facilities.

Policy LF1 requires the impact on community facilities of undefined “*significant major new residential developments*” to be assessed and mitigated. No indication is provided as to when this should happen, what should happen if impacts are positive, or what will happen if negative impacts are not mitigated.

Further to the above, the Policy goes on to require undefined significant major new residential developments to assess and mitigate their impact on education, health and well being facilities. It is not clear how this will be assessed, or precisely which facilities should be assessed and why.

Taking the above into account, I consider that Policy LF1 fails to provide decision makers with a clear indication of how to react to a development proposal. There is no evidence to demonstrate that the Policy contributes to the achievement of sustainable development.

I note that the Policy does not clearly reflect the Objective set out above it. The Objective of planning positively for the provision of community services has regard to Paragraph 70 of the Framework. I recommend:

- **Policy LF1, change to: “*The delivery of the social, recreational, cultural, health and educational services the community needs will be supported.*”**

Policy LF2

Policy LF2 relates to matters that fall within the responsibility of the Local Education Authority and are beyond the control of the Neighbourhood Plan or Parish Council. I recommend:

- **Delete Policy LF2 and the related Objective**

Policy LF3

The first part of Policy LF3 effectively repeats Cheshire West and Chester Local Plan Policy SOC6 “*Open Space, sport and recreation.*” It is not the role of neighbourhood plans to repeat adopted land use planning policy, nor to determine how existing Local Authority planning policies should be controlled.

The second part of Policy LF3 is a broad statement, referring to the “*possibility*” of something happening. Whilst national policy promotes access to high quality open spaces and opportunities for sport and recreation (Paragraph 73, Framework), as worded, Policy LF3 does not comprise a land use planning policy that reflects the preceding Objective.

I recommend:

- **Policy LF3, replace all existing text with “*The provision of high quality open spaces, and sports and recreation facilities that meet the needs of the community will be supported.*”**

Built Environment and Local Distinctiveness

Policy BELD1

Good design is recognised by national policy as comprising

“a key aspect of sustainable development...indivisible from good planning”
(Paragraph 56, The Framework)

and national policy requires good design to contribute positively to making places better for people (Chapter 7, The Framework). In addition, Cheshire West and Chester Local Plan Policy ENV1 protects local character.

Policy BELD1’s general aspiration of promoting a high standard of design and protecting local character has regard to national policy and is in general conformity with the Local Plan. It contributes towards the achievement of sustainable development.

In considering Policy BELD1, I find that the representation made by Cheshire West and Cheshire Council, with regards providing more detailed Policy content and adding reference to heritage assets, would significantly enhance the Policy by providing prospective applicants with more clarity. Also in this regard, I am mindful of the local character information provided within the Evidence Base. I take this into account in the recommendations below. However, no evidence is provided to support a preference for local materials and I note that the neighbourhood plan cannot control construction standards.

Policy BELD1 states that *“wherever possible”* all development proposals must be on brownfield land. Whilst both the Framework and Cheshire West and Chester Policy STRAT1 encourage the use of brownfield land, nowhere does national or local strategic policy require all development proposals to be on brownfield land wherever possible. I consider that such an approach could prevent sustainable development on non-brownfield land from coming forward and there is no substantive evidence to the contrary.

Having regard to the above, I recommend:

- **Policy BELD1, change to *“All development proposals must be of a high standard of design and reflect the scale, density and character of the surrounding built environment. Designs should respect their context. Proposals affecting the setting of heritage assets should demonstrate consideration of the impact on the significance of such assets and their settings.”* (NB delete reference to previously developed land).**

Policy BELD2

The Objective above Policy BELD2 refers to the need to protect the Green Belt, open countryside and heritage assets, including the Conservation Area. I note that all of these land uses are afforded protection by current national and local strategic policy.

Policy BELD2 does not relate to the Objective that precedes it. Instead, it states that all development “*must preserve...important views.*” The Policy requires the preservation of “*important views*” both into and out of the village.

In support of the Policy, a map provided in Appendix 6.2.10 shows four arrows, each supported by a commentary providing a general indication of views out of Hartford. The commentary is not precise but could relate to many different views over large swathes of countryside. Consequently, it provides an insufficiently detailed basis upon which to seek to “preserve” views. There is no photographic or other evidence to provide specific, precise or detailed evidence of what the views currently comprise and thus what Policy BELD2 seeks to preserve.

Further to the above, whilst the Policy seeks to protect “*important views*” into the village, no detailed information is provided to demonstrate where these views are from, what they are of and what needs to be protected.

The Policy does not provide decision makers with a clear indication of how to react to a development proposal and there is no evidence to demonstrate that the Policy contributes to the achievement of sustainable development. Policy BELD2 does not meet the basic conditions.

I recommend:

- **Delete Policy BELD2 and the Map at 6.2.10**

Policy BELD3

The Framework recognises heritage assets as an irreplaceable resource and seeks to conserve them *“in a manner appropriate to their significance”* (Paragraph 126) and Cheshire West and Chester Local Plan Policy ENV5 protects heritage assets.

The first part of Policy BELD3 simply repeats part of Cheshire West and Chester Local Plan Policy ENV5, which requires development to safeguard or enhance both designated and non-designated heritage assets. It is not the role of neighbourhood planning policies to repeat policies that already exist.

Policy BELD3 goes on to require all development to safeguard and enhance the character and setting of *“areas of acknowledged significance in the Parish.”* As no such areas are defined, this part of the Policy fails to provide decision makers with a clear indication of how to react to a development proposal.

Similarly, no definition of *“community value”* or *“local distinctiveness”* is provided and consequently, it is unclear why development must not result in any loss, or how such loss can be prevented. Furthermore, there is no evidence to demonstrate that a development cannot be sustainable if it results in any loss of *“community value”* or *“local distinctiveness.”* Such an approach would fail to consider whether any such loss could be outweighed by material planning benefits.

Taking all of the above into account, Policy BELD3 does not meet the basic conditions. In making the recommendation below, I am mindful that Policy BELD1 refers to heritage assets and that heritage assets are the subject of strong, detailed and appropriate policy protection at both the national and local strategic level.

I recommend:

- **Delete Policy BELD3 (retain Objective, which relates to Policy BELD1)**

The Natural Environment

Policy NE1

Cheshire West and Chester Local Plan Policy STRAT9 is a restrictive policy, which limits development in the countryside *“to that which requires a countryside location and cannot be accommodated within identified settlements.”* However, the supporting text to Policy STRAT9 states:

“Until the Local Plan (Part Two) Land Allocations and Detailed Policies Plan has been adopted the retained policies in the...Vale Royal Local Plan relating to settlement boundaries and development beyond the existing built form of settlements will continue to operate.”

Vale Royal Local Plan Policy NE12 allows for development in areas of significant local environmental value where there is no unacceptable harm to the value of the area. In preventing all development that *“would adversely impact on the features of the area which warrants its ASLEV designation”* Policy NE1 is not in general conformity with Policy NE12. It may be that a sustainable development proposal adversely impacts on local features, but does not result in unacceptable harm to the value of the area. In this way, Policy NE1 would fail to contribute to the achievement of sustainable development.

In addition to the above, as presented, Policy NE1 may serve to prevent the development of land at Hollies Farm, which already has planning permission. I also note that the Policy is confusingly worded and that it is unclear what *“protects development”* actually means.

As Policy NE1 would fail to contribute to the achievement of sustainable development, I recommend:

- **Delete Policy NE1**

In making the above recommendation, I note that, amongst other areas, the Green Belt, ASLEV and countryside are already protected by national and local planning policy.

Policy NE2

Policy NE2 seeks to “*protect the green corridors*” between various settlements. However, the Neighbourhood Plan does not designate any green corridors. Furthermore, I am mindful that the area between the various settlements includes land outside the Neighbourhood Area.

I also note that the grammar used in Policy NE2 results in it being confusingly worded and that no definition of “*inappropriate development that would harm the character of these areas*” is provided. Notwithstanding this, the absence of a green corridor designation is such that the Policy fails to provide decision makers with a clear indication of how to react to a development proposal.

As per Policy NE1, I note that existing designations already protect countryside and open land from inappropriate development. I recommend:

- **Delete Policy NE2**

Policy NE3

By their very nature as designated sites, Local Wildlife Sites are protected. It does not make grammatical sense to seek to enhance a Local Wildlife Site “*from the effects of inappropriate development*.” Further, no indication is provided of what “*inappropriate development*” comprises.

Taking the above into account, Policy NE3 does not provide decision makers with a clear indication of how to react to a development proposal. I recommend:

- **Delete Policy NE3**

Policy NE4

Whilst Policy NE4 is confusingly worded, the first part of the Policy appears to support the protection and planting of trees. Chapter 11 of the Framework, *“Conserving the natural environment,”* seeks to protect ancient woodland and aged or veteran trees and promotes the amenity value of the natural environment. Subject to the recommendations below, the first part of Policy NE4 has regard to this.

The second part of Policy NE4 refers to maintaining the open green approaches to the village. However, no indication is provided with regards precisely what these comprise and where, and how they are to be maintained. Consequently, this part of Policy NE4 does not provide decision makers with a clear indication of how to react to a development proposal.

Taking all of the above into account, I recommend:

- **Change Policy NE4 to *“The protection of ancient woodland and aged or veteran trees, and the planting or extension of woodland for amenity use will be supported.”***

Subject to the above, Policy NE4 contributes to the achievement of sustainable development and meets the basic conditions.

Policy NE5

Both national policy and local strategic policy, particularly Cheshire West and Chester Local Plan Policy ENV1, protect local character. Policy NE5 seeks to ensure that new development is in keeping with local character.

As worded, Policy NE5 obfuscates the definition of major development provided earlier in the Neighbourhood Plan. In this regard, the inclusion of an undefined reference to *“large commercial ventures”* is unhelpful and unnecessary. Further, a requirement for all major development to *“enhance”* local character goes beyond any national or local strategic policy requirement. In this regard, there is no evidence to demonstrate that a development that (merely) *“complemented”* existing character would fail to be sustainable.

I refer above to work that has been carried out in support of the Neighbourhood Plan, identifying different character areas in Hartford. Consequently, there is no single distinctive character to the village and its surroundings. I take this into account in making the recommendations below.

I recommend:

- Policy NE5, change to ***“Major development must include landscaping proposals that complement the distinctive character of its surroundings.”***
- Delete the final paragraph of supporting text on page 35 (this takes into account earlier recommendations)

Housing

In considering the Housing policies of the Neighbourhood Plan, I note that Cheshire West and Chester Council have provided a representation demonstrating that *“significant flexibility exists in the supply of land in the Northwich area”* and that *“there is no immediate need to release further land for development in Northwich.”* Also, as set out earlier in this Report, the Neighbourhood Area has seen approval of 650 dwellings on two development sites within the last couple of years.

Taking the above into account and subject to the recommendations in this Report, I am satisfied that the Neighbourhood Plan provides for, and does not prevent, sustainable growth during the plan period.

In response to a representation received, I note that there is no requirement for the Neighbourhood Plan to allocate land outside the settlement boundary for an *“extra care scheme”* or for social and economic development. Not allocating land outside the settlement boundary for such uses does not mean that the Neighbourhood Plan fails to meet the basic conditions.

Policy H1

Part of Policy H1 relates to ensuring an appropriate mix of housing types. This has regard to national policy, which supports the delivery of a wide choice of high quality homes (Chapter 6, Framework). It is also in general conformity with Cheshire West and Chester Local Plan Policy SOC3, which promotes a mix of housing types. In this regard, Policy H1 contributes to the achievement of sustainable development.

However, in addition to the above, Policy H1 requires all development to ensure that housing meets local housing need further to *“consultation with the community in association with the independent parish needs survey.”* In this regard, no clarity is provided in respect of what *“local statistics”* will be used, how the community will be consulted or when, and how the parish needs survey will be undertaken. Further, the Policy suggests that these undefined requirements will determine local demand, including that for affordable housing. However, there is no information to demonstrate that appropriate mechanisms are in place to determine this.

Taking the above into account, I consider that Policy H1 will fail to contribute to the achievement of sustainable development and there is no substantive evidence to the contrary.

Taking the above into account, I recommend:

- **Policy H1 change to “*The provision of a mix of housing types and tenures on major residential development sites will be supported.*”**

Policy H2 and Policy H3

Policies H2 and H3 are generally supportive and as such, have regard to national planning policy, which promotes sustainable development and supports the delivery of a wide choice of high quality homes.

Policy H2 refers to “*the settlement boundary.*” However, there is no map within the Neighbourhood Plan showing the settlement boundary, just a partially complete map in the Appendices, which do not, themselves, form part of the Neighbourhood Plan. The map in the Appendices does not show the permitted developments at Grange Farm and Hollies Farm within the settlement boundary, but instead refers to an “*extension,*” which makes little sense. I address this below.

Policy H2 goes on to refer to “*the identified housing needs of the community*” but does not point out what these are. Consequently, this part of the Policy fails to provide decision makers with a clear indication of how to react to a development proposal. Further, development on sustainable sites where benefits outweigh harm are likely to be granted planning permission. It is unnecessary for Policy H2 to refer to this.

Policy H3 supports the development of previously developed land for housing, which has regard to the Framework’s support for the most effective use of land (Paragraph 17), but again refers to undefined “*identified needs.*” I am also mindful of Cheshire West and Chester’s representation in respect of Policies H2 and H3 being repetitive.

Taking the above into account, I recommend:

- **Combine Policies H2 and H3 and change to “*Residential development on previously developed land and other sustainable sites within the settlement boundary shown on the Settlement Boundary Map, will be supported.*”**
- **Move the Map from Appendix 6.2.1 to the Housing Policy section of the Neighbourhood Plan. Re-title as “*Settlement Boundary.*” Remove Conservation Area shading and label. Redefine the settlement boundary to include the permitted development sites at Hollies Farm and Grange Farm. Remove the “*extension to settlement boundary*” label.**

I acknowledge that a representation has been made in respect of “*Heywood Reservoir*.” However, there is no evidence to demonstrate that not extending the settlement boundary to include this site leads the Neighbourhood Plan to fail to meet the basic conditions. I note that the site the subject of this representation is located within the Green Belt.

Policy H4

As set out above, national policy establishes that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Policy H4’s requirement for all housing development to demonstrate that Hartford’s highway system can accommodate any increase in the volume of traffic generated by the development is unjustified, unduly onerous and fails to have regard to national policy.

I am also mindful that Policy TC1 of the Neighbourhood Plan already provides protection from inappropriate development.

I recommend:

- **Delete Policy H4**

Policy H5

As Policy BELD1 protects local character, Policy H5 is unnecessarily repetitive. Furthermore, no indication is provided with regards how residential development can contribute to creating sociable and inclusive neighbourhoods and strengthening the existing community. Whilst these are welcome aspirations, as set out they do not comprise a land use planning policy.

I recommend:

- **Delete Policy H5**
- **Replace Policy H5 with “*Community Action. The Parish Council will seek to encourage new residential development to create sociable and inclusive neighbourhoods and will, wherever possible, seek to ensure that new development strengthens the existing community. The support of developers in achieving this aim will be welcomed.*”**

Policy H6

Together, Cheshire West and Chester Local Plan Policy STRAT9 Vale Royal Local Plan Policy GS5 already provide relatively detailed policies to protect the countryside from inappropriate development. Rather than apply these policies at the neighbourhood level, Policy H6 sets out a much broader and general approach and in so doing, provides a more strategic policy than the strategic policies for the District as a whole. This is inappropriate.

Policy H6 provides no more planning policy detail than that which already exists. Consequently, it adds nothing to existing policy and its inclusion in the Neighbourhood Plan is unnecessary. I recommend:

- **Delete Policy H6**

7. Summary

I have recommended a number of modifications further to consideration of the Hartford Neighbourhood Plan against the basic conditions.

Subject to these modifications, the Hartford Neighbourhood Plan

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- does not breach, and is compatible with European Union obligations and the European Convention of Human Rights.

Taking the above into account, I find that the Hartford Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

8. Referendum

I recommend to Cheshire West and Chester Council that, subject to the modifications proposed, the **Hartford Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

Neighbourhood Plan Area - I am required to consider whether the Referendum Area should be extended beyond the Hartford Neighbourhood Area. I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

I recommend that the Plan should proceed to a Referendum based on the Hartford Neighbourhood Area as approved by Cheshire West and Chester Council on 6 March 2013.

Nigel McGurk, January 2016
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