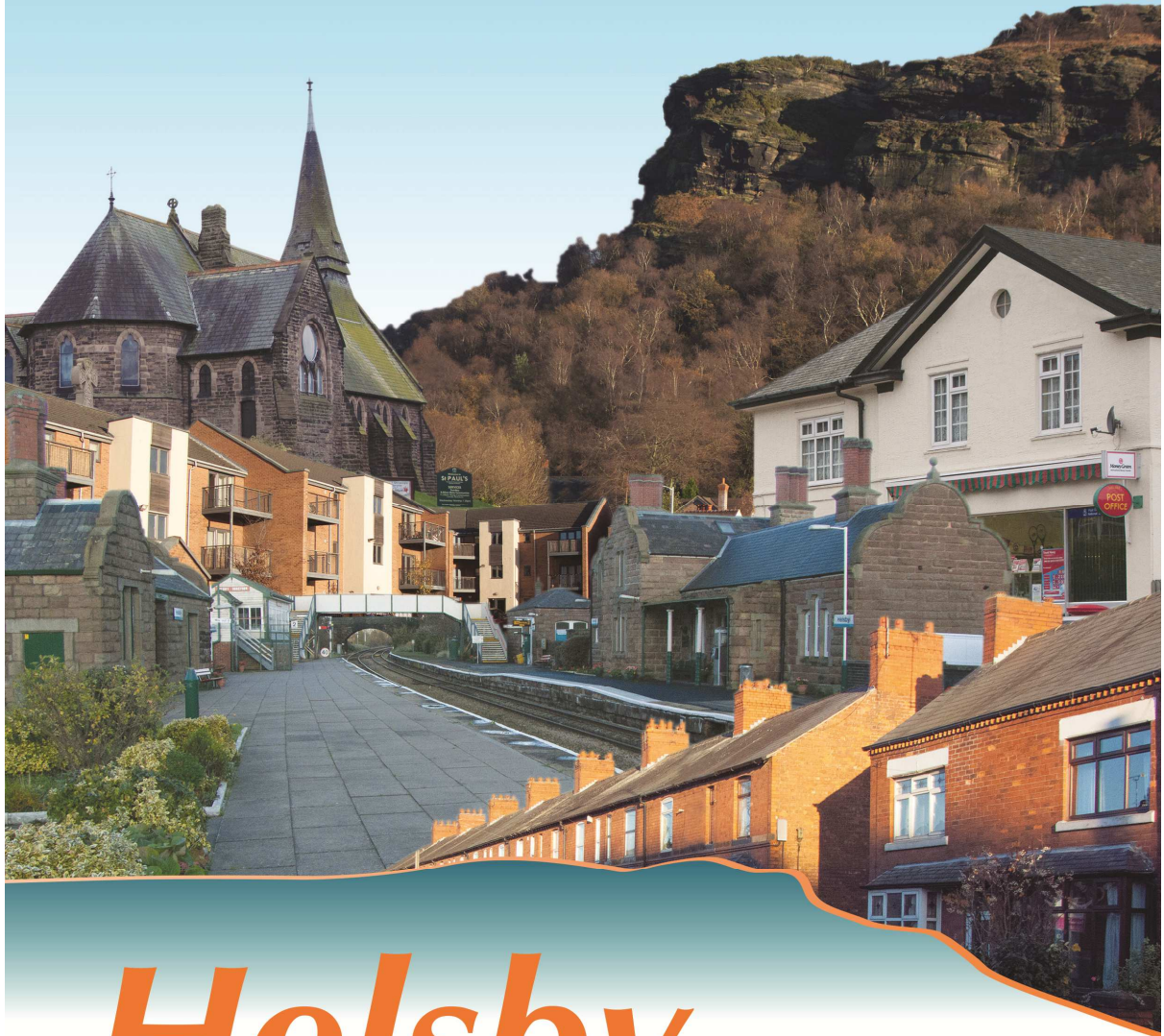


H E L S B Y      P A R I S H      C O U N C I L



# *Helsby*

NEIGHBOURHOOD PLAN

**BASIC CONDITIONS STATEMENT**

*2015 - 2030*

# HELSEBY NEIGHBOURHOOD PLAN 2015-2030

## BASIC CONDITIONS STATEMENT July 2015

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## 1. INTRODUCTION

The purpose of this statement is to show that the Helsby Neighbourhood Plan 2015-2030 has been prepared in accordance with the requirements of regulation 15(1)(d) of the Neighbourhood Planning General Regulations 2012 (as amended by the Neighbourhood Planning (General) (Amendment) Regulations 2015) which requires a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990.

## 2. THE LEGAL REQUIREMENTS

The relevant parts of Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended) say that:

- 8 (1) *The examiner must consider the following-*
- (a) Whether the draft neighbourhood development plan meets the basic conditions (see sub paragraph (2))*
  - (b) Whether the draft neighbourhood plan complies with the provision made by or under sections 61E(2), 61J and 61L,*
  - (d) Whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood plan relates, and*
  - (e) Such other matters as may be prescribed.*
- (2) *A draft neighbourhood plan meets the basic conditions if-*
- (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,*
  - (d) the making of the neighbourhood development plan contributes to the achievement of sustainable development,*
  - (e) the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),*
  - (f) the making of the neighbourhood development plan does not breach, and is otherwise compatible with EU obligations, and*
  - (g) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.*
- (6) *The examiner is not to consider any matter that does not fall within sub-paragraph (1) (apart from considering whether the draft order is compatible with the Conventions rights).*

### 3. MEETING THE REQUIREMENTS

**3.1** The first of the legal requirements, 8(1)(a), meeting the basic conditions is covered in sections 4 to 8 of this statement.

**3.2** The second legal requirement, 8(1) (b) covers the provision of 61E, 61J, and 61L of the 1990 Act, which through amendments take effect through s38A and s38B of the Planning and Compulsory Purchase Act 2004. The relevant requirements of ss. 38A and 38B are satisfied as follows:

#### **s38A**

- 1) The plan is submitted by Helsby Parish Council which is a qualifying body. It was prepared with the assistance of a steering group established by the Parish Council, for the Helsby Neighbourhood Area (which is co-terminous with the Parish of Helsby).
- 2) The Helsby Neighbourhood Plan expresses policies that relate to the development and use of land only within the Helsby Neighbourhood Area as designated by Cheshire West and Chester Council on 31 July 2013. Other aspirations are referred to in the text of the plan but are clearly separate from the policies and are non-statutory.

#### **S38B**

- (1) a) The Helsby Neighbourhood Plan period is specified as 2015-2030. This means that the plan period runs to the same end date as the Cheshire West and Chester Local Plan.
- (1) b) There is no provision in the Helsby Neighbourhood Plan for excluded development such as waste, minerals or national infrastructure.
- (1) c) The Helsby Neighbourhood Plan relates only to the Helsby Neighbourhood Area designated by Cheshire West and Chester Council on 31st July 2013 and does not relate to any other neighbourhood area.
- (2) There is no other neighbourhood plan relating to the Helsby Neighbourhood Area.

**3.3** The third legal requirement, paragraph 8(1)(d) requires consideration of whether the area for the referendum should extend beyond the Helsby Neighbourhood Area (the Parish of Helsby). It is not considered that there is any need to do this. The plan does not contain policies which would have significant impact beyond the Helsby Neighbourhood Area boundaries.

#### 4. THE BASIC CONDITIONS –2 (a) CONFORMITY WITH THE NATIONAL PLANNING FRAMEWORK.

The Helsby Neighbourhood Plan has been prepared taking into account the national planning policies set out in the National Planning Policy Framework (NPPF). The NPPF is built upon the principle of sustainability and a presumption in favour of sustainable development. It sets out 12 core principles in paragraph 17. Helsby Neighbourhood Plan (HNP) has regard to these principles as follows:

NPPF Core Principle	Helsby Neighbourhood Plan (HNP)
Be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;	Prepared by local people with extensive consultation, HNP sets out a clear vision for the Helsby Neighbourhood Area (the Parish of Helsby) (HNP Section 2) and the policies provide a clear basis for development management (HNP Section 3).
Not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;	The consultation exercise provided a creative platform for the community to identify the enhancements and improvements that people aspire to.

Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;	The HNP starts from the minimum housing requirements in the Cheshire West and Chester Local Plan (Part 1) Strategic Policies which are based on objectively identified need. The HNP objectives and policies for Housing and Infrastructure; and Employment Transport and Shopping support this core principle of sustainable economic development. In particular policies ETS1, ETS2, H1, H3 and H10
Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;	The Environment and Housing objectives and policies of the HNP seek to support this principle. In particular:- ENV1 (Green Belt); ENV2 (Helsby Hill); ENV3 (local materials and characteristics); ENV4 (Green Spaces); ENV5 (heritage assets); ENV6 (trees and woodland); ENV7 (natural assets); ETS1 (business development); H2 (mix of housing); and H6 (design criteria).
Support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;	HNP encourages conversion of existing buildings to employment use and retention of existing employment sites (ETS 1 & 2) and the reduction of carbon emissions in new housing development (H6). Natural assets are protected (ENV7). New housing development will conform to strategic policies on biodiversity and geodiversity and will minimise the loss of high grade agricultural land (H1 and H4).



Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;	The majority of Helsby's housing needs will be met by the redevelopment of the brownfield Mere's Edge site. Retention and re-use of employment sites is also encouraged (ETS1&2).
Promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);	Mere's Edge is a mixed employment, retail, housing and leisure development. Other developments are likely to be small scale and integrated within an already mixed use village structure.
Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;	The objective and policies for the environment support this principle, particularly ENV5 (Heritage Assets).
Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;	Helsby is identified in the Cheshire West and Chester Local Plan (Part 1) Strategic Policies as a key service centre which is a sustainable location for development. Policies ETS3 (Helsby Station) ETS4 (Walking Cycling and Parking Provision) ETS5 (Cycleways), SL2 (Helsby to Mouldsworth Rail Corridor) SL3 (Public Rights of Way) and SL4 (Linking Development to Footpaths) support this principle.
Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.	Policy HNP10 takes account of the need for social, physical, and green infrastructure to support development. Objectives and policies for environment and sport and leisure will contribute positively to health and well-being. Policies SL1 (Play areas and open spaces), SL5 (allotments), SL6 (Community Buildings), and SL7 (Cafes and restaurants) are concerned with community, social and cultural facilities.

## 5. THE BASIC CONDITIONS – 2(d)CONTRIBUTION TO SUSTAINABLE DEVELOPMENT

The National Planning Policy Framework (NPPF) (paragraph 6) says that the policies in paragraphs 18-219 of the NPPF, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system. The appraisal of the Helsby Neighbourhood Plan against the NPPF policies in Section 5 above demonstrates how the policies in the plan comply with the NPPF and therefore contribute to the delivery of sustainable development.

The NPPF goes on to say that there are three dimensions to sustainable development: economic, social and environmental. These give rise to the need for the planning system to perform a number of roles:

- **an economic role** – contributing to building a strong, responsive and competitive economy by ensuring that sufficient land or the right type is available in the right place and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment , with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

The Helsby Neighbourhood Plan set out to contribute to sustainable development, as stated in section 1.6 of the draft plan, and economic, social and environmental issues are addressed in the plan, as shown in the following table.



<b>Neighbourhood Plan Policy (Summary)</b>	<b>Contribution to sustainable development</b>
<b>ENVIRONMENT</b>	
<b>ENV1 Green Belt</b> - Development subject to national and Local Plan policy.	Concentrates development within the village close to schools, shops, transport and jobs. Limits development in countryside protecting the natural environment. <i>(Environmental)</i>
<b>ENV2 Helsby Hill</b> – Development adversely affecting views of, and blocking views from Helsby Hill will not be allowed	Protects the natural environment, and protects a local feature that contributes to the health and well-being of the community through informal recreation. <i>(Environmental and social)</i>
<b>ENV3 Local materials and characteristics</b> – use of local materials and landscaping	Ensures a high quality built environment, supporting a strong vibrant and healthy community. <i>(Social)</i>
<b>ENV4 Green spaces</b> – protection of green space and provision of open space in new development	Amenity and recreational space contributes to the health and well-being of community. <i>(Social)</i>
<b>ENV5 Heritage assets</b> – Development should safeguard or enhance heritage assets	Protects the historic environment <i>(Environmental)</i>
<b>ENV6 Trees and woodland</b> – Development should retain or replace trees and woodland, and trees should be included in new development	Protects the natural environment <i>(Environmental)</i>
<b>ENV7 Natural Assets</b> – Development should safeguard natural assets	Protects the natural environment <i>(Environmental)</i>
<b>ENV8 Wind Turbines</b> – not permitted in Neighbourhood Area	A large 19 turbine windfarm immediately adjacent to the Neighbourhood Area already has consent. ENV8 is written in that context, recognising there is no local support for further wind energy developments, <i>(Social)</i> .
<b>EMPLOYMENT, TRANSPORT AND SHOPPING</b>	
<b>ETS1 Business development</b> – development supported subject to criteria relating to environment, amenity, traffic and local character	Contributes to a strong economy <i>(Economic)</i> and reduces commuting <i>(Environmental)</i>
<b>ETS2 Retention of existing employment</b> – Retention and enhancement supported. Redevelopment for other uses subject to adequate provision of employment land in Helsby and no demand.	Contributes to a strong economy <i>(Economic)</i> and reduces commuting <i>(Environmental)</i>

<b>ETS3 Helsby Station</b> – development of services and facilities supported subject to travel plan re sustainable access and parking.	Encourages the use of sustainable travel (reducing carbon emissions) ( <i>Environmental</i> ). Improves access to social and cultural facilities ( <i>Social</i> )
<b>ETS4 Walking, cycling and parking provision</b> – developers must consider safe and attractive pedestrian, bus and cycle connections. Retail and employment development also to provide parking and cycle racks to CWaC standards	Encourages use of sustainable means of transport, reducing carbon emissions ( <i>Environmental</i> ). Encourages exercise, improving health and well-being ( <i>Social</i> ).
<b>ETS5 Cycleways</b> – support creation of cycleways for recreation and travel to study or work	Encourages use of sustainable means of transport, reducing carbon emissions ( <i>Environmental</i> ). Encourages exercise, improving health and well-being ( <i>Social</i> ).
<b>HOUSING AND INFRASTRUCTURE</b>	
<b>H1 New Housing Development</b> – encouraged subject to other policies in plan	Encourages strong, vibrant and healthy community by providing sufficient housing ( <i>Social</i> ) Protects high grade agricultural land, biodiversity and geodiversity ( <i>Environmental</i> ).
<b>H2 Provision of mix of house types</b> – developments over 6 houses to provide mix of types and sizes	Encourages strong, vibrant and healthy community by providing housing to meet the differing needs of the whole community ( <i>Social</i> ).
<b>H3 Affordable housing</b> – all developments to provide an element of affordable housing in accordance with Local Plan in perpetuity with priority for local people	Encourages strong, vibrant and healthy community by providing housing to meet the differing needs of the whole community ( <i>Social</i> ).
<b>H4 Limited Green Belt exceptions for affordable housing</b> – limited exceptions for 100% affordable housing subject to criteria	Encourages strong, vibrant and healthy community by providing housing to meet the differing needs of the whole community ( <i>Social</i> ). Protects high grade agricultural land, biodiversity and geodiversity ( <i>Environmental</i> ).
<b>H5 Lifetime Homes</b> – 25% of new houses on sites over 4 dwellings should be Lifetime Homes compliant	Ensures that housing will meet the changing needs of people throughout their lives, supporting a strong and healthy community, and its health and well-being ( <i>Social</i> )
<b>H6 Design criteria</b> – criteria for housing developments relating to street scene, views, boundary treatment, amenity and reducing carbon emissions	Creates a high quality built environment ( <i>Social</i> ) and helps to move to a low carbon economy ( <i>Environmental</i> )
<b>H7 Backland housing development</b> –will not be supported if it would adversely affect the amenity of neighbours	Protects and maintains the quality of the existing built environment supporting well-being ( <i>Social</i> )

<b>H8 Residential parking</b> – Minimum provision of parking for new development	Avoids indiscriminate on-street parking which impacts on safety and well-being ( <i>Social</i> )
<b>H9 Protection of verges</b> – grassed areas in new developments to be protected from vehicle damage	Protects the natural environment ( <i>Environment</i> ) and contributes to a high quality built environment ( <i>Social</i> )
<b>H10 Infrastructure capacity</b> – developers must assess impact on physical and social infrastructure, services and facilities, and address impacts (applies to all types of development).	Ensures that the whole community can access services (health, education) they need ( <i>Social</i> ) and ensures adequate infrastructure for employment development ( <i>Economic</i> )
<b>SPORT AND LEISURE</b>	
<b>SL1 Creation of play areas and open spaces</b> – encouraged	Contributes to strong and healthy communities ( <i>Social</i> )
<b>SL2 Helsby to Mouldsworth rail Corridor</b> – safeguarded for rail services; cycleway/footpath/bridleway; linear park; or wildlife corridor	Re-opening of the railway line would provide sustainable transport opportunities reducing carbon emissions ( <i>Environment</i> ) and freight use to Ince Park would support a strong economy ( <i>Economic</i> ). Leisure use would contribute to a healthy community ( <i>Social</i> ). A wildlife corridor would enhance the natural environment ( <i>Environmental</i> )
<b>SL3 Public Rights of Way</b> – protects character of paths	Attractive pedestrian routes encourage leisure exercise, contributing to a healthy community ( <i>Social</i> ); and reduce the need for car use to access local services, reducing carbon emissions ( <i>Environmental</i> )
<b>SL4 Linking development to footpaths</b> – Where possible new housing and employment developments to establish links to the footpath network	Access to pedestrian routes encourages leisure exercise, contributing to a healthy community ( <i>Social</i> ); and reduce the need for car use to access local services, reducing carbon emissions ( <i>Environmental</i> )
<b>SL5 Allotments</b> – existing sites safeguarded	Allotments contribute to the health and well-being of the community and support wildlife ( <i>Social and Environmental</i> )
<b>SL6 Community Building</b> – loss of community buildings resisted	Supports the social infrastructure necessary for a strong and vibrant community ( <i>Social</i> )
<b>SL7 Cafes and restaurants</b> – provision will be encouraged subject to no unacceptable impact on neighbours.	Encourages social interaction and provides employment ( <i>Social and Economic</i> ).

## 6. THE BASIC CONDITIONS – 2 (e) GENERAL CONFORMITY WITH CHESHIRE WEST AND CHESTER LOCAL PLAN (PART ONE) STRATEGIC POLICIES

The Cheshire West and Chester Local Plan (Part One) Strategic Policies was formally adopted by Cheshire West and Chester Council on 29<sup>th</sup> January 2015. Certain policies of the Vale Royal Local Plan remain operative after being retained through the Local Plan (Part One) Strategic Policies.

In preparing the Helsby Neighbourhood Plan (HNP), the Steering Group had regard to these plans, as evidenced section 4.3 of the HNP. The HNP is in general conformity with the Chester West and Chester Local Plan (Part One) Strategic Policies and the retained policies of the Vale Royal Local Plan.

The Helsby Neighbourhood Plan promotes sustainable development (Local Plan Part One Policy STRAT 1). Helsby is a key service centre (STRAT 2) and is a sustainable location which will accommodate at least 300 net additional dwellings between 2010 and 2030 with land currently available for 373 dwellings (April 2014).

In detail, the policies of the HNP conform to local plan policies as follows:

### 6.1 Policies for the Environment

HNP ENV1 – Green Belt  
HNP ENV2 – Helsby Hill  
HNP ENV3 – Local Materials and Characteristics  
HNP ENV4 – Green Spaces  
HNP ENV5 – Heritage Assets  
HNP ENV6 – Trees and Woodland  
HNP ENV7 – Natural Assets  
HNP ENV8 – Wind Turbines

These policies are in general conformity with the policies of the Cheshire West and Chester Local Plan (Part 1) Strategic Policies and the retained policies of the Vale Royal Local Plan as follows:

#### **CWaC Local Plan (Part One) Strategic Policies**

**Policy STRAT 9 Green Belt and countryside:** Helsby is an inset within the Green Belt. Development in the Green Belt within the Helsby Neighbourhood Area will be subject to national policies and the policies of the Cheshire West and Chester Local Plan (Part One) Strategic Policies (HNP ENV 1).

**Policy SOC 5 Health and Wellbeing;** and

**Policy SOC 6 Open space, sport and recreation:** The Green Spaces in Helsby are designated and protected, and the provision of open space in new development is encouraged, promoting health and wellbeing and encouraging sport and recreation (HNP ENV 4).

**Policy ENV 2 Landscape:** Helsby Hill, which is a key landscape feature, will be protected from development which adversely affects public views. New development will reflect the characteristics of the local landscape through retention of trees and woodland, and use of local materials where appropriate (HNP ENV 2, 3 & 6).

**Policy ENV 3 Green Infrastructure:** Designated Green Spaces are protected; new developments should seek to retain trees and woodland (HNP ENV 4&6).

**Policy ENV4 Biodiversity and geodiversity:** Helsby's Local Wildlife Sites, Local Nature Reserve and Regionally Important Geological sites are to be safeguarded or enhanced (HNP ENV 7).

**Policy ENV 5 Historic environment:** Developments in Helsby should safeguard or enhance heritage assets including the scheduled monument, listed buildings and locally listed buildings (HNP ENV 5).

**Policy ENV7 Alternative energy supplies:** This Local Plan policy has to be read in conjunction with the more recent policy statement made by the Secretary of State for Communities and Local Government on 18 June 2015 and the accompanying changes to National Planning Practice Guidance. Consent has already been given for a large, 19 turbine windfarm on Frodsham and Helsby Marshes adjoining the Helsby Neighbourhood Area. It is clear from the responses to consultation on the draft Neighbourhood Plan that there is no local backing for further windfarm development.

#### **Retained Vale Royal Borough Local Plan Policies**

**Policy NE1 Protection of the Nature Conservation Resource;**

**Policy NE7 Protection and enhancement of landscape features; and**

**Policy NE9 Trees and woodland:** The Neighbourhood Plan safeguards nature conservation resources (HNP ENV 7), protects Helsby Hill as a landscape feature (HNP ENV 2) and seeks to retain trees and woodland (HNP ENV 6).

**Policy BE5 to BE9 Historic environment – listed buildings;**

**Policy BE13 Ancient monuments;**

**Policy BE14 Other sites of archaeological importance; and**

**Policy BE22 Locally important buildings:** Developments in Helsby should safeguard or enhance heritage assets including the scheduled monument, listed buildings and locally listed buildings (HNP ENV 5).

**Policy BE21 Renewable energy (*part retained*):** See comments on Local Plan policy ENV 7 above.

**Policy RT2 Sports facilities and open spaces:** Designated Green Spaces are protected (HNP ENV 4).

## 6.2 Policies for Environment Transport and Shopping

HNP ETS1 Business development  
HNP ETS2 Retention of existing employment sites  
HNP ETS3 Walking, cycling and parking provision  
HNP ETS5 Cycleways

These policies are in general conformity with the policies of the Cheshire West and Chester Local Plan (Part 1) Strategic Policies and the retained policies of the Vale Royal Local Plan as follows:

### CWac Local Plan (Part One) Strategic Policies

**Policy STRAT 10 Transport and accessibility:** The development and enhancement of rail service will be supported subject to promotion of sustainable access to the station and increased parking provision for rail users (HNP ETS 3). Developments must consider options to encourage walking, cycling or the use of public transport (HNP ETS4) and the creation of a network of cycleways for recreation, and for sustainable travel by students and workers will be supported (HNP ETS5).

**Policy ECON 1 Economic growth, employment and enterprise:** Sustainable economic growth will be encouraged in Helsby through appropriate schemes for the conversion or extension of existing buildings or the construction of new buildings for employment uses (HNP ETS1). Retention of existing employment sites will be supported and redevelopment to non-employment uses will only be permitted if there is a sufficient supply of employment sites in Helsby, and the existing use is no longer viable (HNP ETS2).

**Policy ECON 2 Town centres:** No land allocations are made for retail development in Helsby, in accordance with its status as a local centre.

### Retained Vale Royal Local Plan Policies

**Policy E1 General requirements for employment use (*part retained*):** The general requirements for employment use are reflected in criteria in HNP ETS1 regarding amenity, road safety and congestion, design and impact on the landscape.

**Policy E3 Redevelopment of employment land for employment purposes;**

**Policy E4 Redevelopment of existing and proposed employment land for non-employment purposes; and**

**Policy E5 Employment land allocations (*part retained*):** The redevelopment of employment land for employment purposes is encouraged in Helsby (HNP ETS1 & 2). Redevelopment for



non-employment uses will only be permitted if there is a sufficient supply of employment sites in Helsby, and the existing use is no longer viable (HNP ETS2).

**Policy T4 Railways;** and

**Policy T5 Railway stations:** The development and enhancement of rail services at Helsby Station will be supported subject to promotion of sustainable access to the station and increased parking provision for rail users (HNP ETS 3).

**Policy T13 Car parking;** and

**Policy T14 Car Parking in Town and Village Centres:** New employment development in Helsby must provide adequate car parking in accordance with the parking standards of CWaC (HNP ETS4). Parking for residential development is covered in the Housing policy section (HNP H8).

**Policy T20 Travel Plans:** The development of rail service and station facilities at Helsby will be supported provided they are accompanied by a Station Travel Plan. (HNP ETS3). Applicants for residential, retail, leisure, sport and employment development must demonstrate consideration of sustainable travel options to reduce reliance on cars.

### 6.3 Policies for Housing and Infrastructure

HNP H1 - New housing development  
HNP H2 – Provide a mix of housing types  
HNP H3 - Affordable housing  
HNP H4 – Limited Green Belt exceptions for affordable housing%  
HNP H5 - Lifetime Homes  
HNP H6 – Design criteria  
HNP H7 – Backland housing development  
HNP H8 – Residential parking  
HNP H9 – Protection of verges  
HNP H10 – Infrastructure capacity

These policies are in general conformity with the policies of the Cheshire West and Chester Local Plan (Part 1) Strategic Policies and the retained policies of the Vale Royal Local Plan as follows:

#### CWaC Local Plan (Part One) Strategic Policies

**Policy STRAT 1 Sustainable development:** New housing in Helsby will be expected to incorporate features to improve environmental performance (HNP H6).

**STRAT 8 Rural area – levels of development to be accommodated:** Existing permissions and completions since 2010 can accommodate 373 additional dwellings by 2030, well in excess

of the minimum provision of 300 dwellings required by the local plan. Accordingly, no further allocations have been made in the plan, but further sustainable development will be encouraged (HNP H1).

**STRAT 9 Green Belt:** Development in the Green Belt around Helsby will be subject to national policy, and the policies of the Cheshire West and Chester Local Plan (Part One) Strategic Policies. In accordance with national policy, limited exceptions will be allowed for 100% affordable housing development subject to criteria (HNP H4).

**STRAT 10 Transport and accessibility – parking standards:** The wording of STRAT 10 has been overtaken by the Secretary of State for Communities and Local Government's policy statement of 25 March 2015. There is a clear and compelling justification for the application of parking standards to new residential development in Helsby given the level of concern in the community, and evidence based minimum standards are set out in HNP H8

**Policy STRAT 11 Infrastructure;** developers in Helsby will be expected to ensure that the social, physical and green infrastructure needed to support their development is assessed and provided. (HNP H10)

**Policy SOC 1 Delivering affordable housing;** an element of affordable housing will be sought in all residential developments in Helsby in accordance with the policies of the Cheshire West and Chester Local Plan (Part One) Strategic Policies. (HNP H3)

**Policy SOC 3 Housing mix and type:** Housing developments will be supported subject to the provision of a mix of dwelling types and sizes to meet the present and future needs of Helsby (HNP H2). On developments of 4 or more dwellings, at least 25% of new houses must be Lifetime Homes compliant (HNP H5).

**Policy ENV6 High quality design and sustainable construction:** Design criteria for new housing development include respecting the character of the street scene in determining scale, height, form and spacing of buildings, maintaining public views of the Hill and surrounding countryside, safeguarding the privacy, amenity and daylight of adjoining residents; and improved environmental performance (HNP H6).

#### **Retained Vale Royal Local Plan Policies**

**BE1 Safeguarding and Improving the Environment:** Design criteria for new housing development include respecting the character of the street scene in determining scale, height, form and spacing of buildings, maintaining public views of the Hill and surrounding countryside, safeguarding the privacy, amenity and daylight of adjoining residents; and improved environmental performance (HNP H6). Policies in other sections of the plan

protect the natural environment (HNP ENV7); best and most versatile agricultural land (HNP H1 & H4), use of local materials and characteristics (HNP ENV3); retention of landscape features (HNP ENV2 & 6) and mixed communities (HNP H3 & 5).

**Policy BE4 Planning Obligations:** The use of planning obligations to ensure the provision of infrastructure is covered in HNP H10.

**Policy H8 Extensions/Alterations to dwellings; and**

**Policy H9 Extensions to rural conversions:** Criteria for the extension of dwellings in Helsby include scale height and form in relation to the street scene (HNP H6).

**Policy H10 Replacement dwellings; and**

**Policy H11 Extensions to residential curtilages in the open Countryside and the Green Belt:** Replacement dwellings and extensions to dwellings in the Green Belt are covered by national policy (HNP ENV 1). There are no areas of open countryside in Helsby which are not covered by Green Belt.

## 6.4 Policies for Sport and Leisure

HNP SL1 - Creation of play areas and open spaces

HNP SL2 – Helsby to Mouldsworth rail corridor

HNP SL3 – Public rights of way

HNP SL4 – Linking development to footpaths

HNP SL5 - Allotments

HNP SL6 – Community Buildings

HNP SL7 - Cafes and restaurants

These policies are in general conformity with the policies of the Cheshire West and Chester Local Plan (Part One) Strategic Policies and the retained policies of the Vale Royal Local Plan as follows:

### CWaC Local Plan (Part One) Strategic Policies

**Policy STRAT 8 Rural area:** The loss of community facilities in Helsby will be resisted (HNP SL6), and the provision of cafes and restaurants will be encouraged (HNP SL7) to provide opportunities for social activity.

**Policy SOC 5 Health and well-being:** The character of public rights of way will be maintained or improved by developments affecting them to encourage walking for recreation and travel to work or shops for the benefit of residents' health (HNP SL3).

**Policy SOC 6 Open space sport and recreation:** The creation of play areas and open spaces will be encouraged in Helsby particularly in new and existing residential areas (HNP SL1). New housing and employment developments in Helsby will be expected to establish links from the development site to the wider footpath network and green spaces wherever possible (HNP SL4), improving access. Re-development of existing allotment sites will not be permitted (HNP SL 5).

#### **Retained Vale Royal Local Plan Policies**

**Policy RT2.12 Sports facilities and open spaces:** The former Helsby/Mouldsworth railway line is allocated in the VRBLP for footpath/recreation use. The draft Neighbourhood Plan safeguards the route for (inter alia) use as a cycleway, footpath and/or bridleway. (HNP SL2)

**Policy RT3 Recreation and open space in new developments:** The creation of play areas and open spaces is encouraged in Helsby (HNP SL1).

**Policy RT6 Village facilities:** The loss of existing village facilities including the Community Centre and library will be resisted (HNP SL6).

**Policy T7 Safeguarded railway lines:** The Helsby/Mouldsworth line is safeguarded against development that would prevent its future use for rail or recreational purposes (HNP SL 2).

## 7. THE BASIC CONDITIONS -2(f) COMPATIBILITY WITH EU OBLIGATIONS

### 7.1 European Convention on Human Rights.

The Helsby Neighbourhood Plan has regard to the fundamental human rights and freedom guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. The policies in the plan do not give rise to any potential impacts on human rights.

### 7.2 SEA Directive.

European Directive 2001/42/EC requires a Strategic Environmental Assessment (SEA Directive) to be carried out for certain plans and programmes to assess their effects on the environment. This Directive was transposed in law by the Environmental Assessment of Plans and Programmes Regulations 2004.

Neighbourhood Development Plans fall within the scope of this legislation. They are a plan as defined by Article 3(2) of the SEA regulations and Regulation 5 paragraph 2 of the Environmental Assessment of Plans and Programmes Regulations 2004. However, Neighbourhood Plans are land use planning documents prepared at the local level to determine land use in a small area.

Under Article 3(2) of the SEA Directive and Regulation 5 paragraph 6 of the Environmental Assessment of Plans and Programmes Regulations 2004, Strategic Environmental Assessment (SEA) is only required for documents that determine land use in small areas at the local level where it is considered that they are likely to have 'significant environmental effects'. This is carried out through a screening determination.

A screening determination has been carried out for the Helsby Neighbourhood Plan Steering Group by Cheshire West and Chester Council. As a result of the screening assessment it is considered unlikely that there will be any significant environmental effects arising from the Helsby Neighbourhood Plan. A Strategic Environmental Assessment of the Helsby Neighbourhood Plan is therefore not required

### 7.3 Habitats Directive.

The Conservation of Habitats and Species Regulations 2010 (as amended in 2012) transpose the requirements of the European Habitats Directive 92/43/EEC into UK law. The Habitats Directive and Regulations afford protection to plants, animals and habitats that are rare and vulnerable in a European context.

Habitats Regulations Assessment (HRA) is a systematic process through which the performance of a plan or project can be assessed for its likely impact on the

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integrity of a European Site. European Sites, also referred to as Natura 2000 sites, consist of Special Protection Areas (SPA), Special Areas of Conservation (SAC); Potential Special Protection Areas and candidate Special Areas of Conservation (pSPA and cSAC); and listed or proposed Ramsar sites.

Article 6(3) of the Habitats Directive states: 'Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives'.

The first stage of HRA is to screen a plan or programme to identify if there are likely to be any significant effects on Natura 2000 sites. This will indicate whether a full Appropriate Assessment is required. The regulations require that the impacts and effects of any land use plan being assessed are considered in combination with other plans and projects that may also be affecting the relevant European site(s).

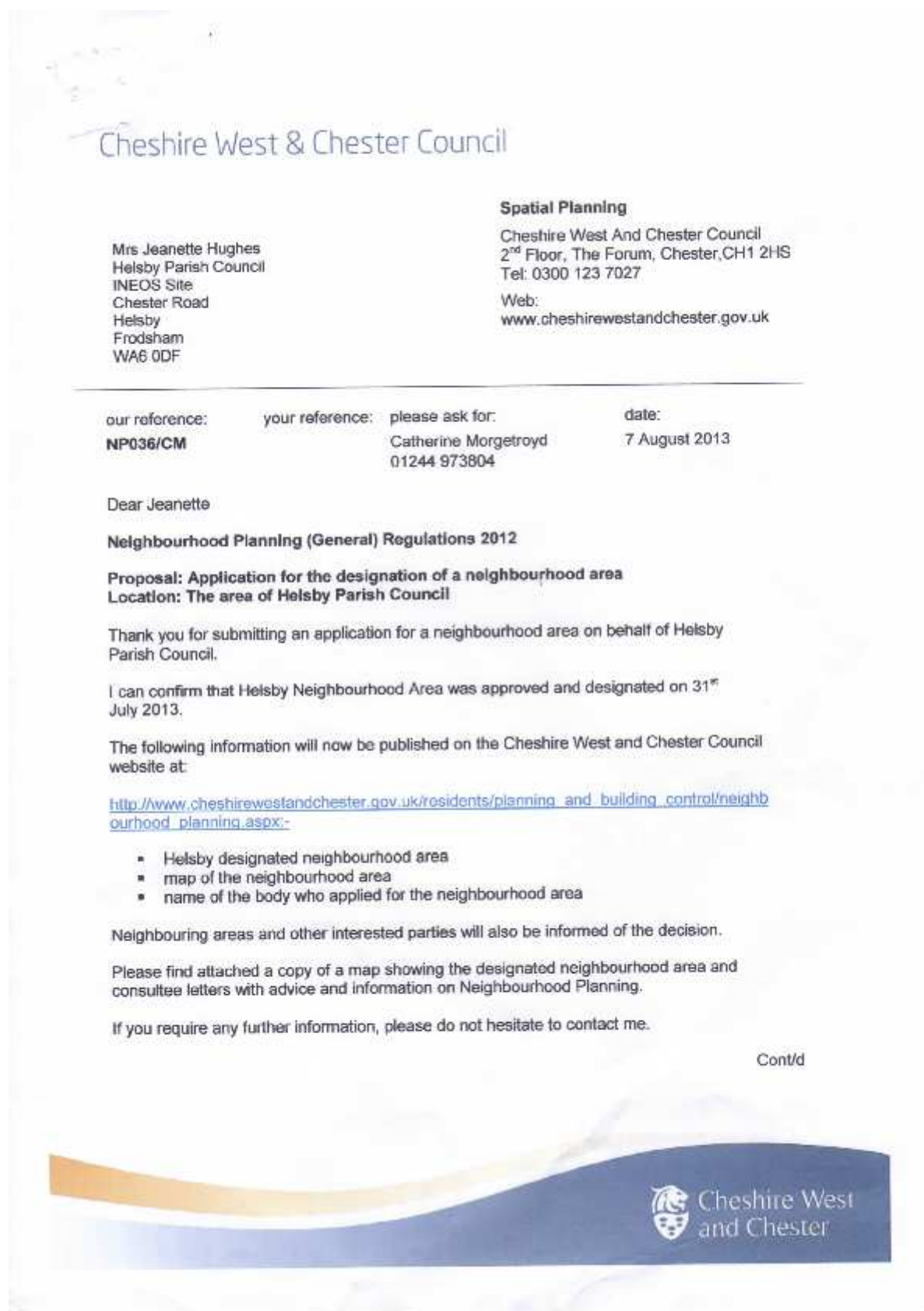
A screening carried out by Cheshire West and Chester Council for the Helsby Neighbourhood Plan Steering Group concluded that "the Helsby Neighbourhood Plan is unlikely to have an adverse effect on a European designated site (as defined in the Conservation of Habitats and Species Regulations 2010 (d), alone or in combination with other plans and projects".



## **8. THE BASIC CONDITIONS – 2(g) PRESCRIBED CONDITIONS AND PRESCRIBED MATTERS**

There are no other prescribed conditions or matters.

## APPENDIX 1: CONFIRMATION OF NEIGHBOURHOOD AREA DESIGNATION



Cheshire West & Chester Council

Yours faithfully

*Catherine Morgetroyd*

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