

# **Helsby Neighbourhood Plan 2015-2030**

**A report to Cheshire West and Chester Council on  
the Helsby Neighbourhood Plan**

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## **Executive Summary**

- 1 I was appointed by Cheshire West and Chester Council in November 2015 to carry out the independent examination of the Helsby Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 8 December 2015.
- 3 The Plan proposes a wide range of policies and seeks to bring forward positive and sustainable development in the plan area. There is a very clear focus on promoting sustainable development to meet wider strategic objectives whilst safeguarding the distinctive landscape and topography of the area. Policies are also proposed for the Green Belt.
- 4 The Plan has been significantly underpinned by community support and engagement. It seeks to achieve sustainable development in the plan area and which reflects the range of social, environmental and economic issues that it has identified.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Helsby Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood plan area.

**Andrew Ashcroft**  
**Independent Examiner**  
**28 January 2016**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Helsby Neighbourhood Plan 2015-2030 (HNP).
- 1.2 The Plan has been submitted to Cheshire West and Chester Council (CWCC) by the Helsby Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework in 2012 and which continues to be the principal element of national planning policy.
- 1.4 This report assesses whether the HNP is legally compliant and meets the Basic Conditions that apply to neighbourhood plans. It also considers the content of the plan and, where necessary, recommends changes to its policies and supporting text.
- 1.5 This report also provides a recommendation as to whether the HNP should proceed to referendum. If this is the case and that referendum results in a positive outcome the HNP would then be used to determine planning applications within the plan area and will sit as part of the wider development plan.

## **2 The Role of the Independent Examiner**

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by CWCC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both the CWCC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles I have over 30 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute.

### *Examination Outcomes*

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the HNP is submitted to a referendum; or
  - (b) that the HNP should proceed to referendum as modified (based on my recommendations); or
  - (c) that the HNP does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

### *The Basic Conditions*

- 2.5 As part of this process I must consider whether the submitted HNP meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
  - contribute to the achievement of sustainable development; and
  - be in general conformity with the strategic policies of the development plan in the area; and
  - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the submitted HNP against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth bullet point above in paragraphs 2.6 to 2.9 of this report.

- 2.6 In order to comply with the Basic Condition relating to European obligations an environmental assessment report has been prepared. As part of this report the CWCC has prepared a screening opinion. That document is the screening

determination of the need for strategic environmental assessment for the HNP. The document also sets out the decision on whether separate screening and a Habitats Regulations Assessment is required. I am satisfied that CWCC followed the necessary processes in this matter. Indeed, the report is both comprehensive and proportionate to the HNP and its strategic context.

- 2.7 This process resulted in the following related determinations. In relation to the need or otherwise for strategic environmental assessment the assessment concluded that whilst potential environmental effects have been predicted as a result of the HNP policies these effects are not considered to be significant. The screening assessment concluded that it is unlikely that there will be any significant environmental effects arising from the HNP. A strategic environmental assessment of the Plan is therefore not required. The necessary consultation was carried out with the statutory bodies as part of this exercise and supportive comments were received from Natural England and English Heritage. In relation to the separate assessment of the potential impact of the plan's policies on European designated sites the report concludes that the HNP is unlikely to have an adverse effect on such sites either alone or in combination with other plans or projects. As such a separate full screening exercise and a Habitat Regulations Assessment were not considered to be required.
- 2.8 Having reviewed the information provided to me as part of the examination I am satisfied that a thorough, comprehensive and proportionate process has been undertaken in accordance with the various regulations. The screening report sets out a robust assessment of the relevant information. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted HNP is compatible with this aspect of European obligations.
- 2.9 In a similar fashion I am satisfied that the submitted HNP has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis I conclude that the submitted HNP does not breach, nor is in any way incompatible with the ECHR.

#### *Other examination matters*

- 2.10 In examining the HNP I am also required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
  - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (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); and

- the 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.

2.11 Having addressed the matters identified in paragraph 2.10 of this report I am satisfied that all of the points have been met subject to the contents of this report.

### **3 Procedural Matters**

3.1 In undertaking this examination I have considered the following documents:

- the submitted HNP.
- the HNP Basic Conditions Statement.
- the HNP Consultation Statement (and its appendices)
- the HNP Environmental Assessment
- the representations made to the HNP.
- the adopted Cheshire West and Chester Local Plan (Part One) 2015
- the saved Vale Royal Borough Local Plan policies
- the National Planning Policy Framework (March 2012).
- Planning Practice Guidance (March 2014 and subsequent updates).
- recent Ministerial Statements (March, May and June 2015).

3.2 I carried out an unaccompanied visit to the Plan area on 8 December 2015. I looked at the overall character and appearance of the Plan area and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.12 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the HNP could be examined without the need for a public hearing. I advised CWCC of this decision early in the examination process.

## 4 Consultation

### *Consultation Process*

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This statement is thorough, comprehensive and professionally-prepared. It follows the format and style of the other Plan documents. It is supported by a range of appendices which provide a very significant level of detail. It also provides specific details on the consultation process that took place on the draft version of the Plan between March and May 2015. These details set out how the emerging plan took account of the various comments and representations.
- 4.3 Section 1.4 of the Plan itself also set out details of the wider consultation process that has been carried out as part the evolution of the Plan. Details are provided about:
- the establishment of the Steering Group and its financial support and professional guidance; and
  - the positive and extensive use of the established Helsby News to raise awareness of the Plan; and
  - the four roadshows held during February and March 2014; and
  - the engagement with local organisations and the Helsby High School; and
  - the means by which the community was made aware of and invited to comment on the draft Plan in the period from March to May 2015.
- 4.4 It is clear to me that consultation has fundamentally underpinned the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. Consultation and feedback has been at the heart of the Plan throughout the various stages of its production.
- 4.5 Appendices 4 and 5 of the Consultation Statement have been particularly informative to my examination of the Plan. They set out how the Plan evolved between the pre-submission and submission phases. The positive approach that was taken in responding to the earlier comments is reflected in the limited number of representations received to the submitted plan (see 4.7 below) and their generally positive nature.
- 4.6 From all the evidence provided to me as part of the examination, I can see that the HNP has promoted an inclusive and comprehensive approach to seeking the opinions of all concerned throughout the process. On this basis I am fully satisfied that the consultation process has complied with the requirements of the Regulations.



### *Representations Received*

4.7 Consultation on the submitted plan was undertaken by the District Council for a six-week period and which ended on 19 September 2015. This exercise generated comments from the following persons or organisations:

- Cheshire West and Chester Council
- United Utilities
- Brookhouse Group Ltd
- Cranford Estates Ltd
- National Grid plc
- Marine Management Organisation
- Shikara Karate Club
- Mr Alan Temple

## **5 The Plan Area and the Development Plan Context**

### *The Plan Area*

- 5.1 The Plan area covers the whole of the parish of Helsby. It was formally designated as a neighbourhood area on 31 July 2013.
- 5.2 The Plan area is located to the immediate south and east of the River Mersey estuary. It sits between the larger settlements of Chester and Ellesmere Port to the west and Runcorn to the north east. Both the M56 and the Manchester to North Wales railway line run through the Plan area in a south-west to north-east direction taking advantage of the topography and geography of the wider area.
- 5.3 The Plan area provides a very significant level of interest and diversity. At its heart is the compact and attractive settlement of Helsby itself. The settlement is surrounded by open countryside designated as green belt. The whole area is dominated by the iconic Helsby Hill and which is also prominent in the wider landscape beyond the Plan area. This very specific context to the Plan area has clearly defined the issues addressed in the Plan and translated into its policies. This contributes towards the distinctiveness of the Plan itself.

### *Development Plan Context*

- 5.4 The development plan context is comprehensive and has provided a clear framework for the preparation of the neighbourhood plan.
- 5.5 The Cheshire West and Chester Local Plan (Part One) Strategic Policies was adopted in January 2015. The Plan provides the overall vision, strategic objectives, a spatial strategy and strategic planning policies for the borough to 2030. It will be supported by Part Two (Land Allocations and Detailed Policies) in due course. As part of the adoption of the Local Plan some of the policies of the former Vale Royal Borough Local Plan have been retained until such time as they are replaced by policies within the Local Plan (Part Two).
- 5.6 Policy STRAT 2 sets out a clear strategic development framework for the borough. It promotes strong, prosperous and sustainable communities by delivering ambitious development targets whilst protecting the environment. The majority of new growth is directed to Chester, Ellesmere Port, Northwich and Winsford to reflect their roles in the settlement hierarchy and the availability of services and infrastructure. Helsby is identified as one of a series of key service centres. Appropriate levels of new development will be brought forward in these centres to support new homes and economic and social development.
- 5.7 Policy STRAT 8 provides further detail and clarification to this strategic approach for rural areas. The policy indicates that provision will be made for at least 4200 new dwellings and 10ha of additional land for employment development. The policy

identifies that Helsby will accommodate at least 300 dwellings within the Plan period. The explanatory text to this policy (paragraph 5.66) indicates that the levels of growth identified for the various key service centres reflects their range of services, facilities, constraints and opportunities for further development of the settlement. It also comments that where such a centre is constrained by Green Belt the level of development reflects its ability to accommodate new development without Green Belt release.

- 5.8 The Local Plan also includes an extensive range of other related strategic policies. They are grouped into Economic, Social and Environmental areas. The following policies have a particular impact on the HNP:

STRAT 9	Green Belt and Countryside
SOC 1	Delivering affordable housing
SOC 2	Rural Exception Sites
ENV 5	Historic Environment
ENV 6	High quality design and sustainable construction

#### *Site Visit*

- 5.9 I carried out an unaccompanied visit to the Plan area on 8 December 2015. I initially visited the railway station and its immediate environs. I saw the effects of car parking in the area. I was also able to see the new retail and café uses in the former waiting room. As the Plan indicates the traditional railway buildings have been well-maintained and add charm and character to the wider area.
- 5.10 I continued my visit by driving along Chester Road and towards the eastern edge of the Plan area. I saw both the High School and the former Horse and Jockey P.H. This helped me to understand the relationship between the settlement itself and its wider hinterland.
- 5.11 I then drove through residential streets towards the top of Helsby Hill by way of Albanley Road. I was able to see first-hand the character of the houses change as I drove up to the Quarry parking area. I then took the opportunity to walk to the top of Helsby Hill. It gave me an excellent panoramic overview of the Plan area. I was fortunate with the weather and was able to see the M56, the Manchester Ship Canal and the railway station and junction in the near distance, the Liverpool cathedrals and the Runcorn Bridge in the middle distance, and Snowdonia and Winter Hill in the far distance. The distinctive settlement boundary and the surrounding Green Belt were immediately obvious from the top of the Hill and consolidated my earlier findings.
- 5.12 I then spent some time looking at the modern residential and retail development on the Mere's Edge site. I also saw other residential development taking place in the Plan area.

- 5.13 I visited the village centre and looked at the range of shops and other service outlets. I saw that the centre was both popular and vibrant. It was supported by both on street and off street car parking. At the time of my visit most of the car parking spaces were occupied. I had lunch in the tea rooms and was able to understand more fully the basis of the policy in the HNP that promotes further such uses. At the time of my visit the café was very busy and popular with both local residents and hungry walkers.
- 5.14 I then looked at the various identified local green spaces and their relationship to the wider Plan area.

## **6 The Neighbourhood Plan as a whole**

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, informative and concise document.
- 6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the four basic conditions. Paragraphs 2.6 to 2.9 of this report have already addressed the issue of conformity with European Union legislation.

### *National Planning Policies and Guidance*

- 6.3 The key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Helsby Neighbourhood Plan:
- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Local Plan (Part One).
  - protecting Green Belts and recognising the intrinsic character and beauty of the countryside and supporting thriving local communities.
  - proactively driving and supporting economic development to deliver homes, businesses and industrial units and infrastructure.
  - actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling – in this case there are important issues with active and redundant railways lines.
  - taking account of and supporting local strategies to improve health, social and cultural well-being.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the ministerial statements of March, May and June 2015.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national

planning policies and guidance in general terms. It sets out a positive vision for the future of the plan area and promotes sustainable growth. At its heart are a suite of policies that set out to implement the strategic approach included in the adopted local plan whilst respecting the very distinctive landscape and topography of the Plan area

- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

*Contributing to sustainable development*

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear to me that the submitted Plan has set out to achieve sustainable development in the plan area. In the economic dimension the Plan includes policies for new business development and to safeguard existing employment uses. It also promotes a positive range of uses and services at the railway station. It promotes the creation of new cafes and restaurants. In the social role it includes policies to allow appropriate affordable housing, to safeguard community buildings, and to maintain and extend allotment provision. In the environmental dimension the Plan positively seeks to protect the natural, built and historic environment of the parish. In particular, it includes guidance on design principles, a policy specifically to safeguard Helsby Hill and a policy to safeguard its many natural assets.

*General conformity with the strategic policies in the development plan*

- 6.11 I have already commented in detail on the development plan context in the wider Cheshire West and Chester Council area in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted HNP delivers a local dimension to this strategic context and supplements the detail already included in the adopted Local Plan (Part One). In its representations on the HNP the CWCC considers that its suite of policies is in general conformity with the adopted local plan. It is clear that the authors of the HNP have set out to produce a plan that develops the strategic dimension into local action.

## **7 The Neighbourhood Plan policies**

- 7.1 This section of the report comments on the range of policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is thorough and distinctive to the Plan area. Other than to ensure compliance with national guidance I do not propose that major elements of the Plan are removed or that new sections are included. The wider community and the parish council have spent considerable time and energy in identifying the issues and objectives that they wish to be included in their Plan. This gets to the heart of the localism agenda.
- 7.4 In two cases I have recommended that policies which are not land use based are repositioned into a separate part of the Plan from the main land use policies. This approach directly reflects Planning Practice Guidance (41-004-20140306) which indicates that neighbourhood plans must address the development and use of land. The same paragraph identifies that the neighbourhood planning process can inspire local people to consider ways to improve their neighbourhood other than through the development and use of land. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land uses matters should be clearly identifiable.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. In some cases, there are overlaps between the different policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

### *Sections 1 and 2 of the Plan*

- 7.8 These introductory elements of the Plan set the scene for the range of policies. They do so in a concise and proportionate way. The Plan is well-presented and arranged and is supported by well-chosen photographs. The photographs add value and depth to the text in these sections of the Plan. They are also supported by a selection of informative plans in section 2.
- 7.9 The Introduction to the Plan provides a very clear context to the role and purpose of neighbourhood planning and the designation of the neighbourhood planning area. It also sets out a good summary of the history of the Plan area and how that history underpins its current nature. Section 2 sets out the vision for Helsby and a series of

associated objectives for the environment, employment/transport/shopping, housing and infrastructure and sport and leisure. These matters are supported by either evidence or feedback from community consultation. These introductory sections demonstrate that the HNP has been prepared and submitted in a professional way. The policies have been developed in an iterative fashion and are the outcome of proper research and the assessment of available information.

#### *Policies in General*

- 7.10 The Plan policies are helpfully set out in four major blocks and which relate directly to the four identified objectives. The presentation of the Plan makes a clear contrast between the policies themselves and the supporting text. This will ensure that decision-makers have clarity on the policies in the HNP. In appropriate circumstances the policies are criteria-based. The adoption of this approach will provide useful long term clarity for decision makers, local residents and land owners and investors alike.

#### *Policy HNP ENV1- Green Belt*

- 7.11 This policy sets out to apply national and local planning policies to the defined green belt in the Plan area. The boundary of the green belt is helpfully shown on Plan ENV4. This policy is of particular significance. As I saw from my visit to the Plan area the definition of the green belt and its associated impact on the boundaries of the settlement of Helsby is a critical factor in the local landscape and environment. The approach taken in the HNP mirrors that taken in the recently adopted Local Plan (Part One). The policy meets the basic conditions.

#### *Policy HNP ENV2 - Helsby Hill*

- 7.12 This policy sets out to safeguard the significance and visibility of Helsby Hill within the Plan area. As the explanatory text comments the Hill is the most significant and defining feature of the Plan area. I saw this first hand on my visit to the Plan area. The final paragraph of the supporting text to the policy strikes at the heart of the policy by stressing the importance of maintaining the character of village by ensuring that new developments respect the Hill by not blocking views of it from within the village, not blocking views from the Hill to the surrounding countryside and not disrupting the undeveloped ridgeline with intrusive built developments.
- 7.13 The policy approach to safeguarding the character and appearance of the Hill is entirely appropriate and meets the basic conditions. Its more specific focus on protecting and not blocking views of the Hill from within the village overlaps with and is affected by the application of national policy and planning law. It is a well-established principle of planning law that the loss of a view is not in itself a material planning consideration. As such it would be impractical to design a policy around an issue which was not directly limited to the application of the planning system either at a national or local level.



- 7.14 I recommend below that the policy is modified so that it properly addresses the matters set out in the previous paragraph. The recommended modified policy has a focus on the character and appearance of the Hill itself and its wider importance in the local landscape. It also sets out the matters that developers will be expected to address in bringing forward proposals which have the potential to impact on the character and appearance of the Hill. In practice however there is unlikely to be any difference between the proposed effectiveness of the policy in the submitted plan and the proposed modification. As the supporting text points out the Hill is a scheduled ancient monument, an area of special local environmental value, a local wildlife site and a regionally important geological site. New development will be strictly controlled to respect these designations. Taking all these matters together I recommend the following suite of modifications to the policy and its supporting text:

**Modify Policy to read:**

**Development which adversely affects the character, significance and dominance of Helsby Hill will not be allowed. Where appropriate, the design, massing and orientation of proposed new developments will be expected to respect the character, significance and dominance of the Hill.**

**Development which adversely affects the open and undeveloped character of the Hill and its associated ridgeline or which adversely affects its openness and significance in the wider landscape will not be allowed**

*Associated modifications to the supporting text:*

*Fourth sentence: replace 'can be seen from' with 'is a dominant feature'*

*Final paragraph of the supporting text:*

*Replace first bullet point with 'respecting the character, significance and the local dominance of the Hill in the design, massing and orientation of development proposals'*

*Replace the second bullet point with 'not affecting the uninterrupted open aspect of the Hill and the extensive vistas that this affords.'*

*Policy HNP ENV3 – Local Materials*

- 7.15 This policy addresses the matter of the use of local vernacular building materials. I saw the use of sandstone in several of the older buildings as I travelled to the top of the Hill. A policy of this nature is entirely appropriate.
- 7.16 I recommend two modifications to the policy to provide clarity to the decision maker and the developer alike. In both cases they provide an appropriate degree of tightening to the application of the policy. In summary I recommend the following modifications:

**In the first line of the policy replace 'should' with 'will be expected to'**  
**In the third line of the policy add 'the incorporation of sensitive' immediately before 'tree planting' and add 'where appropriate' after landscaping.**

*Policy HNP ENV 4 – Green Spaces*

- 7.17 This policy has two functions. The first function is to identify and safeguard local green spaces. The second is to ensure that new developments should contribute towards the provision of recreational open space to local standards.
- 7.18 The supporting text provides a comprehensive table of seventeen local green spaces and usefully identifies the reasoning for their various designations. The table addresses the criteria set out in the NPPF on this matter. The sites are also displayed on plans ENV5 and ENV6. I looked at the larger sites on my visit to the Plan area and concluded that they were entirely appropriate and well-defined. This policy meets the basic conditions.

*Policy HNP ENV5 – Heritage Assets*

- 7.19 This policy sets out to safeguard or enhance heritage assets and their settings. It is good practice that Appendix 4.5 identifies the heritage assets to which this policy will apply.
- 7.20 Part of the policy in the submitted plan is supporting text. In other parts of the submitted policy there would be merit in providing additional clarity to assist the decision maker throughout the Plan period. In summary I recommend the following modifications:

**In first sentence of the policy replace 'should' with 'will be expected to'**  
**Remove second sentence from the policy and reposition in the supporting text.**  
**In third sentence of the policy replace 'is likely to' with 'will'**

*Insert the second sentence of the policy in the submitted Plan at the beginning of the supporting text.*

*Policy HNP ENV6 – Trees and Woodland*

- 7.21 This policy sets out to retain mature or important trees and woodlands. It also sets out a policy basis for the planting of trees in new developments.
- 7.22 The proposed policy is entirely appropriate. It is in conformity with and further supports Local Plan and saved Local Plan policies. It meets the basic conditions.

## Policy HNP ENV7 - Natural Assets

- 7.23 This policy sets out to ensure that new development proposals should safeguard or enhance natural assets. It also identifies policy controls for mitigation and compensation where the proposal concerned presents exceptional and overriding circumstances. The policy is at the heart of the environmental dimension of sustainable development and is heavily underpinned by public consultation.
- 7.24 The policy is in conformity with both national and local policies. In particular, it further supports policy ENV4 of the Local Plan (Part One). It meets the basic conditions.

## *Policy HNP ENV8 – Wind Turbines*

- 7.25 This policy sets out the Plan's approach to wind energy development. It has usefully been produced within the context of the ministerial statement of June 2015. It reflects the importance of the local plan/neighbourhood plan process in addressing this matter.
- 7.26 I am satisfied that the policy approach adopted is supported by evidence and community consultation.
- 7.27 However various elements of the supporting text are potentially confusing and would benefit from a degree of modification both to support the policy itself and to meet the basic conditions. In summary the elements are the level of detail provided on the 2012 proposal on the adjacent Frodsham and Helsby Marshes and the references to larger scale schemes being determined at a national level. In relation to the latter point it is a statement of fact and legislation rather than a statement of neighbourhood plan policy. I recommend the following modifications to the supporting text:

*Replace the first paragraph with the following:*

*Planning permission was granted on appeal in 2012 for a nineteen turbine wind farm on the Frodsham and Helsby Marshes. The site is just outside the Plan area. The proposal was controversial, and local opposition to the proposal has featured in representations to this emerging neighbourhood plan.*

*Replace the final paragraph with the following and in normal rather than bold text:*

*Wind energy developments that would generate over 50 megawatts will be determined by the Secretary of State for Energy and Climate Change rather than by Cheshire West and Chester Council.*

## *Policy HNP ETS1 – Business Development*

- 7.28 This policy sets out a wide-ranging and supportive context for business development in the plan area. It addresses proposals for the conversion of existing buildings, for the expansion of existing buildings already in employment use and for the erection of new buildings. The supporting text makes reference to the recent loss of employment

opportunities in the Plan area and the desire to create a more sustainable community.

- 7.29 The approach adopted is entirely appropriate. It sits at the heart of the economic dimension of sustainable development. The proposed policy is in general conformity with policy ECON 1 of the adopted Local Plan (Part One) and retained policy E3 of the Vale Royal Borough Plan. It also has regard to the NPPF. I recommend a series of modifications to the policy to ensure that its intentions in general and its associated criteria in particular are clear for both decision-makers and developers. The changes reinforce that the policy is an inclusive policy (in which any development needs to satisfy all three criteria) and avoid repetition. However, the changes recommended do not alter the approach or the outcomes of the policy approach in the submitted plan.

**Insert 'Proposals for' before the initial section of the policy**

**Insert 'and' at the end of the first criterion**

**In the third criterion replace 'its scale.... landscape' with 'its massing and design, and does not adversely affect the character and appearance of the local landscape'**

**In the final section of the policy insert 'Proposals for' at its beginning and replace 'subject to' with assessed against'.**

*Policy HNP ETS2- Retention of Existing Employment Sites*

- 7.30 This policy sets out to safeguard existing employment sites and premises for future use. It does so in two complementary ways. The first is by encouraging their refurbishment and enhancement. The second is by setting out a series of criteria against which proposals for their redevelopment would be assessed. It also indicates that the provision of affordable housing units will be a priority for the redevelopment of former employment sites where the various criteria are satisfied.
- 7.31 This policy will contribute towards achieving the economic dimension of sustainable development and is in general conformity with Policy ECON 1 of the Local Plan (Part One).
- 7.32 The first criterion of the policy refers to a sufficient range, choice and quality of employment sites available to meet the future employment needs of Helsby. However, this matter is unsupported by evidence. In any event the location and use of employment and housing sites and accommodation is a complex matter and which will have far reaching implications beyond the HNP area. The CWCC completed an Employment Land Study Update in 2013 which provided an assessment of future employment needs. That study focused on the main urban areas and the wider rural area but did not provide specific evidence on employment needs in relation to the HNP area. On this basis I have recommended a modification to this criterion to make its tone more general.

- 7.33 The approach set out in the submitted plan towards the priority for affordable housing on existing employment sites where the policy criteria are met is both appropriate and would contribute towards sustainable development. However, I have recommended modifications that would reposition this element of policy into a new part of policy HNP H3 Affordable Housing. In this context there would be a concentrated focus on the delivery of affordable housing in the Plan rather than in separate policies. I have also recommended some associated changes to the wording of the supporting text to both policies. In summary I recommend the following modifications:

**Insert ‘Proposals for’ before the initial section of the policy**

**In the first criterion of the policy replace ‘the future.... Helsby’ with ‘future local employment needs’**

**Delete the final paragraph of the policy**

*Replace the initial sentence of the second paragraph of the supporting text with the following:*

*In circumstances where the two criteria set out in policy HNP ETS2 are met Policy HNP H3 of this Plan supports the redevelopment of such employment sites and premises for affordable housing use. Any resulting proposals for affordable housing units would need to demonstrate that they contribute towards meeting local affordable housing needs in terms of both type and tenure in accordance with the most recently-published Strategic Housing Market Assessment.*

*Policy HNP ETS3 – Helsby Station*

- 7.34 This policy proposes the development and enhancement of rail services and facilities at the station. As I mentioned earlier in this report I saw both the station and its immediate environment as part of my visit to the Plan area. The station is on the North Wales to Manchester line and offers hourly services. There is also a line linking Helsby to Ellesmere Port, although this service is much more limited in its frequency and usage. The Department of Transport has announced investment in the Halton Curve proposal. This will connect the station to the West Coast mainline station at Runcorn, and to Liverpool. The Plan actively welcomes this proposal.
- 7.35 The two different elements of the policy in the submitted plan set out to achieve different and yet related elements. The first offers support to the development and enhancement of rail services and facilities at the station. The development of new and extended rail services is supported by all concerned. Nevertheless, this element of the policy addresses a series of matters that are not directly land-use related. The operating of additional or more frequent rail services from the station does not require planning permission. Depending on their scale and nature associated station facilities may not need planning permission. In any event the Department of Transport has already announced its plans for the Halton Curve investments. In all the circumstances I recommend that this element of the policy should be repositioned into a separate non land section of the Plan. This would allow the community’s views

on the need for an appropriate expansion of parking facilities to be properly recorded and to be used in appropriate discussion with Network Rail and service operators.

- 7.36 The second element of the policy relates to proposals for changes of use of existing station buildings, or the construction of new buildings on the station. This may include any new buildings that would be associated with the changes to the rail services enjoyed by the station in the future. This element of the policy is in general conformity with policies in the adopted local plan and with policy T5 of the Vale Royal Borough Local Plan. However as currently drafted it does not meet the basic conditions in several respects. In the first instance it sets out what needs to be submitted with any application but does not clarify whether or not planning permission will or will not be granted. In the second instance it does not identify the type of new uses that would be appropriate and to which the policy will refer. In the third instance its criteria and the requirements for supporting information are unclear. In order to remedy these issues, I recommend the following modifications to the policy and its supporting text:

**Remove first sentence of the policy and reposition it to a separate non land use section of the Plan**

**Replace the second sentence of the policy with the following:**

**Proposals for the change of use of existing station buildings to retail use (Class A1), to café and restaurant use (Class A3) or to employment related uses (Class B1) or for the construction of new buildings for these or railway related uses will be supported subject to the following criteria:**

- **The uses concerned will not have a detrimental impact on the amenity of residential properties in the surrounding area; and**
- **Any new buildings should be of an appropriate design and scale to the local area in general, and to the design and detailing of the traditional station buildings in particular; and**
- **The uses concerned will be supported by car parking and servicing arrangements where appropriate**

*Delete the first three paragraphs of supporting text from the policy and include them with the deleted element of the policy itself in a non-land use section of the Plan.*

*Amend the current fourth paragraph of the supporting text to read as follows:*

*Helsby Station is on the North Wales to Manchester line and offers hourly services. It is well-used by commuters. There is also a more limited services to Ellesmere Port. The Department of Transport has announced investment in the Halton Curve project. This will further improve the connectivity of the station.*

*The under-used station buildings are attractive examples of Cheshire Lines railway architecture. Their recent restoration is welcomed. The planned improvements to railway services is likely to generate either the need for new operational buildings or a commercial enthusiasm to occupy the existing under-used buildings for a variety of*

*complementary and/or appropriate uses. A range of appropriate uses are set out in policy HNP ETS3 above. Any other uses would fall to be considered on their own merits. The criteria associated with the policy seek to identify the issues that will be considered in the processing of planning applications. Particular attention should be paid by developers to identifying the servicing and parking requirements of proposed new uses. There is limited parking at the station itself and applicants will be expected to submit appropriate information on the adoption of appropriate measures to encourage sustainable travel for employees and customers alike.*

*Retain existing fifth paragraph of supporting text*

*Policy HNP ETS4 – Walking, Cycling and Parking Provision*

- 7.37 This policy has two main purposes. Its first purpose is to ensure that proposals for new development have considered options for the delivery of pedestrian, bus and cycle connections. Its second purpose is to require new development to provide adequate car parking and cycle racks or storage facilities. Both of these elements are important components in the delivery of sustainable development and support strategic policies in the Local Plan (Part One).
- 7.38 The second part of the policy is clear in its purpose and meets the basic conditions. The first part needs additional clarity on how appropriate proposals will be considered and determined. In particular, as currently drafted it only requires the consideration of sustainable options rather than their incorporation into resulting proposals. It also includes a minor element of supporting text. In summary I recommend the following modifications:

**Replace ‘Applicants for permission’ with ‘Applications for planning permission’**  
**Add ‘and incorporated proposals where appropriate and necessary’ between ‘options’ and ‘for’ in the second line of the policy.**  
**Delete ‘and so reduce reliance on vehicles’ from the fourth line of the policy.**

*Policy HNP ETS5 – Cycleways*

- 7.39 This policy sets out to support proposals that would create a network of cycleways in the Plan area and beyond. Its approach is entirely appropriate and will assist in promoting sustainable development. It is also in general conformity with the Local Plan (Part One). The supporting text usefully identifies the existing cycle route in the Plan area, some possibilities for further routes and the broader work that has been undertaken with Sustrans.
- 7.40 The policy in the submitted plan meets the basic conditions.

*Policy HNP H1 – New Housing Development*

- 7.41 This policy underpins the delivery of new housing in the Plan area. It has its own supporting text and which is also consolidated by earlier information in Section 2 of the Plan. It is also a policy that has attracted significant representations from Cranford Estates Ltd.
- 7.42 The strategic context to the housing requirement for the HNP area is a matter of common ground and has been set out in para 5.7 of this report. The Local Plan (Part One) identifies an overall strategic requirement for at least 22 000 new dwellings up to 2030. Policy STRAT 8 goes on to indicate that at least 4200 new dwellings should be provided within the rural area. That policy then identifies that the various key service centres will be the focus for new growth. In this context Helsby is identified to accommodate at least 300 new dwellings in the Plan period.
- 7.43 The difference of approach raised in the Cranford representation relates to the availability and deliverability of identified housing sites within the plan period. The submitted Plan contends that a range of sites which already have planning permission will meet the strategic housing requirement for Helsby. Cranford Estates cast doubt on the deliverability of some of the sites, contend that the policy should be amended to encourage housing growth beyond the strategic target for Helsby, and that it is overly-restrictive in terms of potential housing development within the green belt.
- 7.44 Plainly the contribution of an appropriate level of new dwellings within the Plan area is a key consideration. It will assist in delivering the strategic target for the wider Cheshire West and Chester area in the recently adopted Local Plan and meeting national objectives. Having looked at all the information in this area I am satisfied that in general terms the HNP has met the basic conditions. I address the differences in approaches in the following paragraphs.
- 7.45 Inevitably the tracking, monitoring and delivery of at least 300 dwellings over the Plan period is not an exact science. In assembling the Plan, the Parish Council has relied on housing land availability information published by CWCC for the period 2010 to 2014. There is no suggestion that this is anything other than a reflection of the information available at that time. On the basis of that information there had been 26 dwellings completed in the Plan area since 2010. There were deliverable net extant commitments in place to deliver a further 346 dwellings in the plan period. The corresponding figures for 2010 to 2015 are 34 and 324 dwellings. The wider matter of the delivery of housing in the wider CWCC area was considered as part of the relatively recent examination of the Local Plan (Part One).
- 7.46 Clearly there has been a positive start to the delivery of new housing in the Plan period. In addition, the Parish Council has reasonably relied on accurate and up to date information published by CWCC. Whilst there will inevitably be changes to the start time and delivery rate of the various sites identified in the Plan area this will be a



matter that can be monitored and where necessary rectified over time. The HNP is very clear in its proposals for monitoring and review (section 3.5). In this context 2018 and 2023 are identified as the dates in which five year reviews of the plan will take place.

- 7.47 On the matter of the delivery of at least 300 new dwellings in the Plan period I do not see any inconsistencies in the wording of the policy itself. It supports and encourages the development of sustainable housing. Its supporting texts comments on the housing land supply position and goes on to comment that other sustainable sites will be permitted to come forward within the plan period subject to a series of criteria. I can see however that the wording used in section 2.2.3 of the Plan could cause some to consider that the Plan was not as supportive to new residential growth as they would wish. I make a recommended modification on this matter below.
- 7.48 On the issue of relationship of the delivery of new housing in the plan area and the Green Belt I can find nothing in this policy which conflicts with the basic conditions. At a national level the NPPF is clear that local planning authorities with green belts in their area should establish green belt boundaries in local plans (paragraph 83). This exercise has been undertaken within the CWCC context. In doing so the Local Plan (Part One) has been assessed for soundness on a wide range of issues including the definition of green belt boundaries and to ensure consistency with the local plan strategy for meeting identified requirements for sustainable development (paragraph 85- first bullet point). At a local policy level, the explanatory text (para 5.66) of Policy STRAT 8 indicates that 'where a key service centre (in this case Helsby) is constrained by Green Belt the level of development reflects the ability of the settlement to accommodate new development without Green Belt release'. Within this strategic context policy HNP H4 takes a specific policy approach that addresses proposals for green belt exception sites for affordable housing.
- 7.49 Within this context I consider that Policy HNP H1 meets the basic conditions in general terms. I have however recommended the following series of modifications to the policy to ensure that it is simpler in its format, takes on an inclusive criteria approach and makes the appropriate cross references to other policies in the HNP (both as submitted and as recommended for modification).

**Replace initial part of the policy with the following:**

**Proposals for new sustainable housing development will be supported subject to the following criteria:**

**Insert at the start of the first criteria 'the resulting development will conform to'**

**In the second criteria replace 'Conformity with' with 'the resulting development will conform to'**

**In the third criteria replace 'Minimising' with 'the resulting development would minimise'**

**Insert '; and' at the end of the first and second criteria**

*Replace the supporting text to read as follows:*

*Based on the Housing Land Monitor 1 April 2014 to 31 March 2015 and published by the Cheshire West and Chester Council there are already a range of sites which have planning permission to meet the strategic need to deliver at least 300 new dwellings in the plan period. At this stage it is anticipated that these sites will come forward within the first half of the Plan period. The ongoing delivery of new housing within the Plan area will be monitored and will be a key consideration of the first review of this Plan in 2018 (see section 3.5).*

*Applications for further sustainable housing sites will be supported where they meet the criteria set out in Policy H1. This approach reflects the approach contained in the NPPF to boost the supply of new housing and that the housing figure identified for Helsby in the Local Plan (Part One) is a minimum figure. Key considerations in the assessment of these potential additional housing sites will be their potential impact on the overall vision and objectives of this Plan and safeguarding the green belt that surrounds the built up form of the settlement itself.*

*The redevelopment of brownfield land for housing purposes is specifically addressed in policies HNP ETS2 and HNP H3 of this Plan.*

*Delete the sentence 'Accordingly.... Local Plan' in section 2.2.3 (page 29)*

*Policy HNP H2 – Provide a Mix of Housing Types*

- 7.50 This policy sets out to ensure that residential developments of more than six dwellings provide a mix of dwelling sizes. The policy is in general conformity with Policy SOC3 of the Local Plan (Part One) which seeks to provide a mix of housing types, tenures and sizes of both market and affordable housing.
- 7.51 The general thrust of this policy meets the basic conditions. However, to provide the clarity required by the NPPF it needs to be modified in two ways. The first is to provide clarity that this policy only applies to those proposals that comply with Policy HNP H1. The second aspect is the nature of the final sentence of the policy as set out in the submitted plan. It is both a repetition (in a negative way) of the initial sentence of the policy and does not provide clear guidance to a developer in terms of what will or will not achieve planning permission by its use of the word 'avoided'. In proposing modifications I have sought to provide a more balanced approach to this matter and which overlaps with the design of the dwellings concerned. This will be particularly important on schemes that are just above the size threshold set out in this policy and where the opportunities for the implementation of the policy approach will be more limited. Taking these matters into account I recommend the following modifications:

**Replace ‘Applications.....to’ with ‘Planning applications that satisfy the provisions of Policy HNP H1 of this Plan and which propose more than six dwellings will be expected to provide’**

**Delete second sentence of the policy**

*Include the following additional element of supporting text at the end of the existing text:*

*This policy has the potential to affect residential proposals of different sizes throughout the Plan period. It is acknowledged that the objectives of the policy will be easier to achieve on the larger schemes. Nevertheless, developments consisting of uniform types and sizes of dwellings will not assist in the delivery of both this policy and Policy SOC3 of the adopted Local Plan (Part One). Applications which may come forward with a more limited range and mix of housing types due to their size, configuration or topography will be considered on their individual merits and given their particular circumstances. Where appropriate, proposals will also be assessed in terms of their contribution towards good design. In particular, a balance will be struck between the range and mix of housing types and the wider contribution that the proposal concerned makes to establishing a strong sense of place and which is visually attractive as a result of good architecture and appropriate landscaping.*

#### *Policy HNP H3 – Affordable Housing*

- 7.52 This policy addresses affordable housing provision in the Plan area. The policy follows the cascade approach captured, in the adopted Local Plan. In promoting this policy, the Plan relies on data in the published Strategic Housing Market Assessment (SHMA) and which runs to 2018.
- 7.53 By its nature this policy is of a general nature and does not refer to specific sites. Its objectives in general, and the delivery of affordable housing units in particular will be delivered on a site by site basis throughout the plan period. Given that the Plan period extends to 2030 there will be an ongoing need for this matter to be addressed and updated where necessary in reviews of the plan. Nonetheless its general thrust meets the basic conditions and its approach identifies that the SHMA (or other equivalent studies) will be updated throughout the plan period. I have already commented in paragraph 7.33 of this report on my recommended approach to addressing the overlaps between policies HNP ETS2 and HNP H3 of this Plan.
- 7.54 There are several areas where the policy needs to be modified to meet the basic conditions. Firstly, several elements of the policy as set out in the submitted plan overlap with the supporting text. The recommended modifications seek to address this matter and give greater clarity to the policy element. Secondly the policy refers to a mix of homes and this matter has already been addressed in the previous policy. Thirdly there are some detailed word changes that will provide clarity for both the decision-maker and the potential developers alike. Taking these matters together I recommend the following modifications:

**Remove 'a mix....and' and 'will be sought' from the first two lines of the policy. Remove the second sentence from the policy and reposition into the supporting text.**

**At the end of the first paragraph of the policy replace 'design quality' with 'terms of design, detailing and quality of materials'.**

**In both the third and fourth paragraphs of the policy replace 'The' with 'In implementing this policy the'.**

**Add new paragraph to read:**

**Where the criteria for the redevelopment of existing employment sites in Policy HNP ETS2 are met, the priority for their future development will be for the provision of affordable housing**

*Modify the supporting text as follows:*

*Insert the second sentence from the policy at the end of the first paragraph. Then add 'The specific requirements for affordable housing from 2018 to the end of the Plan period will be addressed in periodic reviews of the Plan'.*

*Insert the following new paragraph at the end of the existing text:*

*The final section of Policy HNP H3 addresses the overlaps between this policy and policy HNP ETS2. It clarifies that affordable housing proposals will be the priority use for the redevelopment of employment sites where the criteria in policy HNP ETS2 are met. Where projects of this nature come forward they will be expected to address local housing needs both in type and tenure in the same way as any other affordable housing scheme.*

*Policy HNP H4 – Green Belt exceptions for affordable housing*

- 7.55 This policy complements the previous policy in the Plan and continues the cascade approach to this important matter. It sets out a policy approach to the provision of affordable housing in the green belt within the Plan area and provides a more local dimension to Policy SOC2 Rural Exception sites of the adopted Local Plan (Part One). The policy includes a range of criteria that need to be met by any proposal.
- 7.56 The reference to 100% affordable housing in the policy has attracted an objection to the submitted plan. That objection also comments that the policy is confusing to the extent that it later includes a component that would allow a subsidiary element of market housing to make any exception scheme viable. However, the policy follows the approach and language of Policy SOC2 of the adopted Local Plan (Part One) and which specifically refers to 100% affordable housing. In all the circumstances I am satisfied that this element of the policy meets the general thrust of the basic conditions. I have however recommended some detailed changes to the policy wording below.

- 7.57 The first criterion of the policy sets out that any proposal should meet an identified need for affordable housing. Plainly this meets the basic conditions and is fundamental to the operation of the policy. The criterion then continues by indicating that there must be a demonstration that the need that has been identified cannot be met from any appropriate site within Helsby village itself. This approach however does not conform with the approaches taken in both the NPPF (paragraph 89) and the adopted Local Plan (Part One) (Policy SOC2). Neither of these policy documents require a sequential approach to the promotion of affordable housing sites. For this reason, I recommend below that this element of the first criterion is deleted from the policy.
- 7.58 The second criterion of the policy refers to the position of affordable housing schemes in the green belt. It is potentially confusing in its references both to the green belt boundary and the existing built up area. I have recommended a detailed modification to this criterion to ensure that it more clearly follows the language used in the relevant local plan policy.
- 7.59 As with policy H3 I also recommend a series of modifications that make the distinction between policy and supporting text. I have also recommended some associated changes to the supporting text. Taking these matters together I recommend:

**Replace opening element of the policy with the following:**

**Proposals for modest scale affordable housing development in the Green Belt will be permitted subject to the following criteria:**

**Replace the first criterion with ‘the proposal meets an identified need for affordable housing to meet local needs; and’**

**Replace the second criterion with ‘the proposal is adjacent to the existing built up area of the village; and’**

**In the third criterion insert ‘negative’ between ‘significant’ and ‘impact’.**

**In the fourth criterion replace ‘for example’ with ‘, in general and’. Add ‘in particular’ after ‘Value’.**

**Insert ‘and’ at the end of the fourth and fifth criteria**

**Modify the final paragraph of the policy so that it follows an identical format to that in the third and fourth paragraphs of policy HNP H3 (as set out in the recommended modification to that policy in this report).**

*Reposition the final paragraph of the policy in the submitted plan to the end of the supporting text (as recommended for modification below)*

*Delete existing supporting text starting from ‘There is sufficient capacity’ to the end and replace with the following:*

*Policy H1 and its supporting text has already addressed the way in which this Plan has approached the need for new housing within the Plan period. The delivery of the existing committed sites and other windfall sites will bring forward both market housing and affordable housing units in accordance with policies in the adopted Local*

*Plan and in this Plan. This policy provides a complementary way in which local affordable housing needs can be met in exceptional circumstances. If appropriate justification exists it will be important that such sites adjoin the existing village boundary and do not prejudice the setting and character of sensitive policy areas.*

*Policy HNP H5 – Lifetime Homes*

- 7.60 This policy proposes that residential developments of four or more houses should be either Lifetime Homes compliant or compliant to an equivalent standard set out by the local planning authority
- 7.61 The approach adopted in the Plan has now been overtaken by the contents of the Written Ministerial Statement of March 2015. This statement indicated that local planning authorities and qualifying bodies should not set in their emerging plans any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. Whilst this change in policy could not have been anticipated by the authors of the Plan its guidance to plan makers is very clear. In effect these matters are to be addressed in existing and future versions of the Building Regulations. On this basis I recommend that the policy and supporting text are deleted.

**Delete policy**

*Policy HNP H6 – Design Criteria*

- 7.62 This policy sets out to establish design criteria for both new residential development and for extensions and conversions. It does so in a positive and constructive way. The policy adds a local dimension to Policy ENV6 High Quality Design of the adopted Local Plan. This is good practice.
- 7.63 The final sections of the policy on building design and efficiency have now been overtaken by the contents of the Written Ministerial Statement of March 2015. Whilst this change in policy could not have been anticipated by the authors of the Plan its guidance to plan makers is very clear. On this basis I recommend that the relevant elements of the policy and supporting text are deleted. I have also recommended a modification to the policy so that it follows the same format as adopted in earlier policies. Taking these matters together I recommend the following modifications:

**Replace the opening element of the policy with the following:**

**New housing development and housing extensions, changes of use and conversions will be expected to satisfy the following design criteria:**

**Insert ‘and’ at the end of criteria a) to d) inclusive**

**Replace criterion c) with the following:**

**‘The open aspect of the village and its relationship with the surrounding countryside and the dominance of Helsby Hill within the local landscape are maintained and safeguarded’**

**Retain the contents of criterion f) up to the end of ‘performance’ on the second line. Delete the remainder of the criterion.**

**Delete the final paragraph of the policy**

*Replace the third sentence of the supporting text with the following:*

*Helsby Hill was another recurrent theme. The third criterion in the policy sets out to maintain and safeguard its dominance within the local landscape*

*Delete the final two paragraphs of the supporting text*

*Policy HNP H7 Backland Housing Development*

- 7.64 This policy establishes guidance to assist decision makers in determining planning applications of this nature. Its inclusion in the Plan reflects recent development pressures. It will be useful throughout the Plan period as schemes come forward to address its strategic allocation of new housing on a variety of sites and which may include windfall proposals.
- 7.65 The policy is entirely appropriate in principle and provides a local dimension to both national and local planning policy. I have recommended that the policy is modified in terms of its format – as set out in the submitted plan it looks and reads as a positive, criteria based policy rather than as a policy which identifies the circumstances in which such proposals would not be supported. As such I recommend that the policy is modified as follows:

**Applications for planning permission for backland and tandem development in gardens of existing properties will not be supported where such proposals would either result in an unacceptable loss of amenity to neighbouring properties (by virtue of a loss of privacy, a loss of daylight or by the visual impact of the proposed building or structure itself) or in an unacceptable impact on the free and safe flow of traffic in the local area.**

**Planning applications for this type of development will also not be supported where they would fail to provide appropriate levels of car parking and appropriate service and turning access or where they would involve the loss of mature vegetation or landscape screening**

*Policy HNP H8 – Residential Car Parking*

- 7.66 This policy sets out to apply local minimum standards for car parking in the Plan area. In support of the approach taken in the Plan reference is made to inappropriate on-street parking in the Plan area and to comments received in the consultation phase of the draft version of the Plan.
- 7.67 The policy has attracted representations from both CWCC and the Brookhouse Group. The former comments that the policy should be deleted or amended to reflect its own approach. The latter comments that the proposed local standards are too onerous. The supporting text to the Plan correctly points out the revisions to national planning policy on this matter as set out in the Ministerial Statement of March 2015. It also points to other technical information.
- 7.68 I have sympathy with the approach that is proposed in the submitted plan. Nevertheless, issues of inappropriate on-street car parking in the plan area are generated by a variety of factors and are unlikely to be overcome solely or directly by the application of the residential car parking standards proposed in the policy. Policy STRAT 10 of the adopted Local Plan (Part One) clarifies amongst other things that new developments will be expected to provide levels of car and cycle parking in accordance with the Council's standards. Paragraph 5.84 of the local plan supporting text indicates that the Council is to prepare a single supplementary planning document for the borough to bring together the requirements for its different areas. The adoption of this plan predates the March 2015 ministerial statement.
- 7.69 Taking all these matters into account I recommend that the policy is modified so that it refers to providing car parking spaces in accordance with the most up to date CWCC standards. This would ensure that the policy was in general conformity with the development plan. It would also ensure that the two policies would remain in harmony both before and after the adoption of the forthcoming supplementary planning document on car parking for the wider borough. On this basis I recommend:

**Replace the policy with the following:**

**New housing developments, including conversions of existing buildings, will be required to comply with the most up to date car parking standards of the Cheshire West and Chester Council.**

*Delete the second, third and fourth paragraphs of the supporting text.*

*Insert the following new paragraphs of supporting text at the end of the existing text (as modified):*

*The high level of car ownership in the Plan area and the required level of new housing up to 2030 indicate that this matter needs to be kept under review. Cheshire West and Chester Council intends to prepare a supplementary planning document for*



*car parking in the wider borough which will address these issues generally. It will present the ability to propose particular standards and solutions in Helsby.*

*In the period leading up to the adoption of new borough-wide car parking standards there will be an expectation that developers comply with the following Cheshire West and Chester Council parking standards which have been applied since 2009:*

*One space for each one-bedroom dwelling*

*Two spaces for dwellings with two or three bedrooms*

*Three spaces for dwellings with more than three bedrooms*

***Policy HNP H9 - Protection of Verges***

- 7.70 This policy sets out to protect grassed areas and verges in new housing layouts from inappropriate and indiscriminate car parking.
- 7.71 I can see that this approach runs in parallel with other policies in the Plan. However, the wider issue is one which can and should be addressed in the wider design and layout of proposed housing sites in the plan period. In addition, the policy as drafted is unclear in its intentions and only requires that consideration should be given to the protection of grassed areas. In any event the design, layout and future maintenance of grassed areas and verges is a highway rather than a land use matter. Taking all these matters into account I recommend that the policy should be deleted from the Plan. However, given its potential contribution to the good design of future housing proposals I recommend that it should be repositioned into a non-land use section of the Plan. As such I recommend:

**Delete policy and reposition to a non-land use section of the Plan**

***Policy HNP 10 – Infrastructure Capacity***

- 7.72 This policy sets out the Plan's ambitions for the delivery of infrastructure to mitigate the impacts of new development. It reflects community consultation that underpinned the preparation of the plan. The supporting text usefully identifies the priorities for the delivery of local infrastructure in the Plan area. The approach taken is well thought out and comprehensive. It also usefully anticipates the adoption of the emerging Community Infrastructure Levy by the CWCC.
- 7.73 The approach is entirely appropriate and in general terms meets the basic conditions. However, there are two areas where specific modifications are required to comply with the basic conditions. The first is in relation to the applicability of the policy itself – its final paragraph indicates that it is intended to apply to all development (irrespective of type or size). This approach is both impractical and unreasonable and I recommend that the approach is aligned so that it reflects the current and any future approach adopted by CWCC. The second relates to the policy wording itself – as drafted the policy is unclear and unspecific on the requirements on developers either

to provide or contribute towards the provision of the required infrastructure. Taking these various factors together I recommend the following modifications:

**Replace the first paragraph of the policy with the following:**

**Proposals for planning permission that meet the criteria set out in the Vale Royal Supplementary Planning Document 3- Developer Contributions (2007) or in any replacement document produced by Cheshire West and Chester Council will be expected to provide an assessment of how the proposed development will impact on physical and social infrastructure in the Plan area and associated services and facilities and to identify appropriate measures to address the identified impacts. The cumulative effects arising from wider developments in the Plan area will need to be included in the various assessments.**

**Add the following at the end of the second paragraph of the policy:**

**‘through either planning obligations/section 106 agreements or through contributions to the Community Infrastructure Levy once introduced’**

*Policy HNP SL1 – Play Areas and Open Spaces*

- 7.74 This policy provides a positive context for the creation of new play areas and open spaces. It refers to the current shortage of open space in the Plan area. The thrust of the policy is in general conformity with Policy SOC 6 of the adopted Local Plan. As drafted the policy requires an assessment to be made of the potential impact of any proposal on the amenity of local residents. Whilst the approach is entirely appropriate it is not clear whether the applicant needs to prepare an assessment of this impact or whether the assessment is one which CWCC will make as part of its development management function. I recommend below that the policy is modified to clarify the matter.

**Replace ‘subject to.... residents’ ‘with ‘subject to the proposal creating no unacceptable impact to the amenities of nearby residential properties’**

*Policy HNP SL2 Helsby to Mouldsworth Rail Corridor*

- 7.75 The policy sets out to safeguard the disused Helsby to Mouldsworth railway corridor from development that would prejudice its future reinstatement. The policy is in general conformity with the principles of Policy STRAT 10 of the adopted Local Plan and specific policies in the saved Vale Royal Borough Local Plan.
- 7.76 In general terms the policy meets the basic conditions. In so doing it safeguards the corridor for either transport or recreational uses. For clarity to potential developers the route of the railway line within the plan area should be shown either on one of the existing plans or on a new plan. On this basis I propose the following modification:

**Insert ‘as shown on Plan ENV (Insert number)’ between ‘line’ and ‘will’.**

### Policy HNP SL3 – Public Rights of Way

- 7.77 This policy sets out to safeguard public rights of way and where appropriate incorporate them into new developments. The policy is in general conformity with Policies STRAT 10 and SOC6 of the Local Plan (Part One)
- 7.78 As included in the submitted plan the policy includes a combination of policy and supporting text. Furthermore, the policy is not directly underpinned by its own supporting text. In order to remedy these issues and to ensure compliance with the basic conditions I recommend the following modifications

**Replace policy with the following:**

**Proposed developments affecting public rights of way will be required to maintain and where practicable to improve their character, appearance and function.**

*Insert the following supporting text after the policy:*

*This policy seeks to ensure that new developments respect existing rights of way and that they are sensitively and imaginatively incorporated into such proposals. Helsby enjoys a pleasant and rural aspect and a close relationship between the built up area and the surrounding countryside. Several footpaths connect the two areas and provide an important recreational amenity. In particular rights of way should not be reduced in width, be fenced or walled or affected in other ways which might make them less attractive routes in general, or as a route from the village to the countryside.*

### Policy HNP SL4 – Linking Developments to Footpaths

- 7.79 This policy sets out an expectation that new developments will include public links to the wider footpath network and green spaces.
- 7.80 The policy is in general conformity with policies STRAT 10 and SOC6 of the Local Plan (Part One). Its implementation will contribute towards the delivery of sustainable development in the Plan area. The policy is entirely appropriate and meets the basic conditions

### Policy HNP SL5 – Allotments

- 7.81 The policy safeguards two identified allotment sites from development. This policy approach is in general conformity with Policy SOC6 of the Local Plan (Part One). The supporting text highlights that provision of allotments in Helsby is slightly below identified local standards.
- 7.82 The associated matter of encouraging additional allotments is addressed in the supporting text. This overlaps with the earlier comment about the under-provision of

allotments in the Plan area. This is more of a policy matter and I recommend that it is incorporated as a separate part of the policy itself. On this basis I recommend:

**Insert the following as a separate part of the policy:  
The provision of new allotments will be supported.**

*Modify the final sentence of the supporting text to read:*

*Policy SL5 also encourages the provision of new allotment provision in the plan area.*

#### *Policy HNP SL6 – Community Buildings*

- 7.83 The policy sets out to prevent the loss of existing community buildings and identifies the limited circumstances where their conversion to other uses may be permitted.
- 7.84 The policy has regard to national planning policy and is in general conformity with Policy ECON 2 of the Local Plan (Part One). Its implementation will assist in the delivery of the social dimension of sustainable development. It meets the basic conditions.

#### *Policy HNP SL7 – Cafes and Restaurants*

- 7.85 The policy provides a supportive context for the conversion or change of use of existing buildings to provide cafes and restaurants. The supporting text identifies that the plan area is not well provided with cafes and I saw this first hand on my visit.
- 7.86 The policy has regard to national planning policy and is in general conformity with Policy ECON 2 of the Local Plan (Part One). Its implementation will assist in the delivery of both the social and economic dimensions of sustainable development. It meets the basic conditions.

#### *Implementation, Monitoring and Review of the Plan*

- 7.87 Section 3.5 of the Plan provides important detail on how the Plan will be implemented. This is commendable and demonstrates best practice. I have made earlier comments in this report about the need to monitor the delivery of new housing within the Plan period. This section of the Plan provides appropriate reassurance that governance arrangements are in place to ensure that this monitoring and review takes place and to appropriate standards.

## **8 Summary and Conclusions**

### *Summary*

- 8.1 The HNP sets out a wide range of policies to guide and direct development proposals in the period up to 2030. It is thorough and distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Helsby Neighbourhood Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended a range of modifications to the policies in the Plan. Nevertheless, it remains fundamentally unchanged in its role and purpose.

### *Conclusion*

- 8.4 On the basis of the findings in this report I recommend to the Cheshire West and Chester Council that subject to the incorporation of the modifications set out in this report that the Helsby Neighbourhood Plan should proceed to referendum.

### *Referendum Area*

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view the neighbourhood area is entirely appropriate and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the Cheshire West and Chester Council on 31 July 2013.
- 8.6 It is very clear to me that a huge amount of hard work and dedication has been injected into the preparation of this Plan. I would like to record my thanks to all who have assisted me in a variety of ways in the examination of the Plan. I am particularly grateful to the officers at the Cheshire West and Chester Council who have patiently and kindly responded to my requests for information and clarification throughout this time.

**Andrew Ashcroft**  
**Independent Examiner**  
**28 January 2015**