

Report on the Ince Neighbourhood Plan 2023 – 2030

An Examination undertaken for Cheshire West and Chester Council with the support of Ince Parish Council on the January 2023 submission version of the Plan.

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Date of Report: 15 June 2023

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Main Findings - Executive Summary

From my examination of the Ince Neighbourhood Plan (INP/the Plan) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the Ince Parish Council;
- The Plan has been prepared for an area properly designated – the Ince Neighbourhood Area as shown on Figure A on page 6 of the Plan;
- The Plan specifies the period during which it is to take effect: 2023 - 2030; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Ince Neighbourhood Plan 2023–2030

- 1.1 The small village of Ince lies on the southern bank of the Mersey Estuary about 16km north of Chester and is surrounded to the west and south east by large scale industrial development. The Parish population is estimated to be just over 200.¹
- 1.2 The formal process to prepare a neighbourhood plan for Ince began in 2019 when Ince Parish was designated as a neighbourhood area by Cheshire West and Chester Council (CWaCC). A Steering Group was formed, evidence was collected and consultations were carried out. The Plan was finally submitted to CWaCC in January 2023, representing about 4 years work for those involved.

The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the INP by CWaCC with the agreement of Ince Parish Council (IPC).

¹ INP: page 11 paragraph 4.1.

- 1.4 I am a chartered town planner and former government Planning Inspector and have experience of examining neighbourhood plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the Plan.

The Scope of the Examination

- 1.5 As the independent examiner, I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the plan meets the Basic Conditions.
 - Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development'; and
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.
 - Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
 - Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

- 1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

- 1.8 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan for the area;
 - be compatible with and not breach European Union (EU) obligations (under retained EU law)²; and
 - meet prescribed conditions and comply with prescribed matters.
- 1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Plan does not breach the requirement of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.³

2. Approach to the Examination

Planning Policy Context

- 2.1 The current Development Plan for the Ince Neighbourhood Area, excluding policies relating to minerals and waste development, principally comprises the Cheshire West and Chester Local Plan (CWaCLP). The CWaCLP (Part One) deals with Strategic Policies and was adopted in January 2015. The CWaCLP (Part Two) covers Land Allocations and Detailed Policies and was adopted in July 2019.
- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published in July 2021 and all references in this report are to the July 2021 NPPF and its accompanying PPG.

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

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

Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, as well as those submitted which include:
- the draft Ince Neighbourhood Plan 2023–2030, January 2023 submission version;
 - the map on page 6 of the Plan which identifies the area to which the proposed Neighbourhood Plan relates;
 - the Consultation Statement, dated January 2023;
 - the Basic Conditions Statement, dated January 2023;
 - the Strategic Environmental Assessment, Habitats Regulations Assessment and Marine Plan Screening Determination for Ince Neighbourhood Plan, dated January 2023;
 - the Green Spaces document, dated May 2022;
 - the Ince Conservation Area Appraisal, dated April 2021;
 - the Significant Views Document, dated May 2022;
 - the Air Quality Baseline Report, dated September 2020;
 - the Lost Footpaths and Bridlepaths document, undated;
 - the Audit of Non-Designated Heritage Assets, dated March 2020;
 - Protecting and Enhancing Ince’s Natural Environment, dated February 2021;
 - all the representations that have been made in accordance with the Regulation 16 consultation; and
 - the request for additional clarification sought in my letter of 3 April 2023 to IPC and CWaCC and the responses dated 11 April and 12 April 2023 respectively.⁴

Site Visit

- 2.4 I made an unaccompanied site inspection to the INP Area on 12 and 13 April 2023 to familiarise myself with it and visit relevant locations referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

- 2.5 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan’s suitability to proceed to a referendum. No requests for a hearing session were received.

⁴ View all the all the relevant Plan documentation, including the core submission documents and correspondence at:

<https://consult.cheshirewestandchester.gov.uk/kse/event/37298>

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Modifications

- 2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix to this report.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Ince Neighbourhood Plan has been prepared and submitted for examination by IPC, which is a qualifying body. The INP extends over all the area designated by CWaCC on 28 November 2019.

Plan Period

- 3.2 The Plan period is from 2023 to 2030 as clearly stated on the front cover.

Neighbourhood Development Plan Preparation and Consultation

- 3.3 The comprehensive Consultation Statement (CS) describes the thorough preparation of the Plan with involvement of the public and various stakeholders at many stages of the process. Following an initial public consultation in June 2019, a further consultation in September 2019 and the creation of a Steering Group, sub-groups were established to collect evidence on initially three themes: green spaces; heritage and wildlife and biodiversity. A questionnaire was sent out in November 2019 and air quality and footpaths, bridleways and cycle routes were added to the topics on which evidence was gathered. A second survey was carried out in September 2020 to gauge opinion from residents, businesses and landowners on the proposed vision and objectives. Meetings with two large local businesses were held by Zoom in March 2021 and further surveys were carried out in June 2021 to identify green spaces and significant views which should be protected.
- 3.4 The Pre-Submission Plan was published for consultation under Regulation 14 of the 2012 Regulations from 24 January 2022 until 13 March 2022. The list of organisations consulted is shown at paragraph 5.7 of the CS. The list of respondents, the matters raised and the response of the Steering Group and any resulting changes to the Plan are described in Appendix 10 on pages 82 – 138 of the CS.
- 3.5 The Plan was submitted to CWaCC on 20 January 2023. Consultation in accordance with Regulation 16 was carried out for six weeks from 30 January 2023 until 14 March 2023. 37 representations were received. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the INP, that has had regard to advice in the PPG on

plan preparation and engagement and is procedurally compliant in accordance with the legal requirements.

Development and Use of Land

- 3.6 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.7 The Plan does not include provisions and policies for 'excluded development'.⁵

Human Rights

- 3.8 I have read the Basic Conditions Statement (BCS) which states that the INP is fully compatible with the European Convention on Human Rights, incorporated into UK law by the Human Rights Act 1998. I am aware from the CS that considerable emphasis was placed throughout the consultation process to ensure that no sections of the community were isolated or excluded. I have considered this matter independently and I am satisfied that the policies will not have a discriminatory impact on any particular group of individuals.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The Basic Conditions Statement notes that the Plan was screened for Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) by CWaCC. It was concluded that there are not likely to be any significant environment effects arising directly from the Plan and therefore a full SEA was unnecessary. Similarly, the proposed policies in the Plan would not create any significant effects on any identified European sites and therefore further stages of Appropriate Assessment were not required. The statutory consultees did not dissent from these conclusions.⁶ I have read the Strategic Environmental Assessment, Habitats Regulations Assessment and Marine Plan Screening Determination and the other information provided, and having considered the matter independently, I also agree with the conclusions. Therefore, I am satisfied that the INP is compatible with EU obligations as retained in UK law.

⁵ See section 61K of the 1990 Act.

⁶ Details in Appendix 7 of the Strategic Environmental Assessment, Habitats Regulations Assessment and Marine Plan Screening Determination for Ince Neighbourhood Plan.

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Main Issues

- 4.2 Having considered whether the Plan complies with various procedural and legal requirements, it is now necessary to deal with whether it complies with the remaining Basic Conditions, particularly the regard it pays to national policy and guidance, the contribution it makes to the achievement of sustainable development and whether it is in general conformity with strategic development plan policies. I test the Plan against the Basic Conditions by considering specific issues of compliance of all the Plan's policies.
- 4.3 As part of that assessment, I consider whether the policies are sufficiently clear and unambiguous, having regard to advice in the PPG. A neighbourhood plan policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.⁷
- 4.4 Accordingly, having regard to the Ince Neighbourhood Plan, the consultation responses, other evidence⁸ and the site visit, I consider that the main issues in this examination are whether the INP policies (i) have regard to national policy and guidance; (ii) are in general conformity with the adopted strategic planning policies; and (iii) would contribute to the achievement of sustainable development? I shall assess these issues by considering the policies within the themes in the sequence in which they appear in the Plan.

Vision and Objectives

- 4.5 The overall vision for the INP is described in paragraph 6.2 on page 14 of the Plan. The vision is then used to develop 7 objectives which set the context for the 15 subsequent land use policies.

Policy HER1 – Heritage

- 4.6 Policy HER1 seeks to preserve or enhance the Conservation Area and Ince's designated and non-designated heritage assets. In order to ensure that the Conservation Area Appraisal is one that has been formally designated by CWaCC, I shall recommend the deletion of the final phrase in the first paragraph of the policy. **(PM1)** The policy would then have regard to national guidance⁹, would generally conform with Policy ENV 5 of the CWaCLP (Part One) and would meet the Basic Conditions.

⁷ PPG Reference ID: 41-041-20140306.

⁸ The other evidence includes the responses from IPC and CWaCC received on 11 April 12 April 2023 respectively to the questions in my letter of 3 April 2023.

⁹ NPPF: paragraph 189.

Policy HER2 – Ince Conservation Area

- 4.7 Policy HER2 requires development proposals to take into account the appearance and character of the Ince Conservation Area and lists various features within it. Reference is made to the most recently designated Conservation Area defined on Figure E of the Plan. Given that the Conservation Area has recently been extended, it would be accurate to amend Figure E to show the Conservation Area as recently approved by CWaCC and shown on the map attached to the letter dated 12 April 2023 from CWaCC. **(PM2)** I shall also recommend amending the phraseology of the policy to be consistent with the recommended modification to Policy HER1. The policy would then have regard to national guidance¹⁰, would generally conform with Policy ENV 5 of the CWaCLP (Part One) and would meet the Basic Conditions. Regulation 16 representations¹¹ sought to object to some of the boundary revisions, but my function is to ascertain whether the Plan meets the Basic Conditions and I have no role in assessing the merits of the boundaries of the Conservation Area determined by CWaCC under the Planning (Listed Buildings and Conservation Areas) Act 1990.

Policy HER3 – Views and Setting of Ince Conservation Area

- 4.8 Policy HER3 considers the views and setting of the Ince Conservation Area. The significant views are shown on Figure L (incorrectly stated in the policy as Figure K) in the Plan. The policy states that selected listed views should be preserved or enhanced. The IPC clarified that all the views were taken from either a road/lane or points where the public can access due to a public right of way being available.¹²
- 4.9 Subject to the comments below, I have no issue with the majority of the individual views which, overall, convey the character of the surroundings of the village, especially the Conservation Area. However, the aim to “preserve” the views is unacceptable because, taken literally, it would result in any development which interfered with a view, albeit marginally, could be defined as contrary to development plan policy. Taken together with the widespread coverage of the views in and around Ince, the result could be the prevention of development which could otherwise be sustainable, and hence acceptable. Therefore, I shall recommend that the policy is modified by the substitution of the word “respect” for “preserve” and insert the correct¹³ reference to Figure L. In addition, I recommend that Significant Views 2 and 4 should be deleted because they focus more on the longer and wider vistas which encompass the far side of the Manchester Ship Canal and the Mersey Estuary which is outside the designated Neighbourhood Area.¹⁴ **(PM3)** The policy would then have

¹⁰ NPPF: paragraph 194.

¹¹ Regulation 16 response on behalf of Peel NRE dated March 2023.

¹² Response dated 11 April to my letter of 3 April 2023.

¹³ Modifications for the purpose of correcting errors is provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act.

¹⁴ See Section 38A(2) of the 2004 Act.

regard to national guidance¹⁵, would generally conform with Policies ENV 5 and ENV 2 of the CWaCLP (Part One) and meet the Basic Conditions.

Policy LGS1 – Local Green Spaces

- 4.10 Policy LGS1 designates 15 Local Green Spaces (LGS). LGS designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land.¹⁶ LGS should also be capable of enduring beyond the end of the Plan period.¹⁷
- 4.11 In concluding whether each LGS meets the designation criteria in the NPPF, I consider that LGS7, 11 and 12 are not reasonably close to the community they serve. LGS5 is a similar distance from the village compared to LGS7, but even though it forms part of an Ecological Mitigation Area within an area of planning permission for industrial development and is within the Green Belt, the proposed LGS is well used by the public, even in inclement weather when I visited it, and the LGS is clearly of demonstrably special value to the public.
- 4.12 PPG states that blanket designation of open countryside adjacent to settlements will not be appropriate and I conclude that, when taken cumulatively, LGS2, 3, 10, 14 and 15 fall into that category. Even though the LGS are already defined as Green Belt, designation should not be proposed as a “back door” way to try to achieve what would amount to a doubling up of the Green Belt and the protection it offers against inappropriate development in the event that the Green Belt status is withdrawn at some time in the future.¹⁸
- 4.13 Accordingly, I am content that LGS1, 4, 5, 6, 8, 9 and 13, albeit located within the Green Belt, offer additional local benefits, either scenically in forming the setting of Ince village, or recreationally, and should be designated as LGS. Consequently, I shall recommend the deletion of LGS2, 3, 7, 10, 11, 12, 14 and 15. **(PM4)** Policy LGS1 would then have regard to national guidance, would generally conform with Policy ENV 2 of the CWaCLP (Part One) and meet the Basic Conditions.

Policy NAT1 – Wildlife Sites, Indicative Wildlife Corridors and Biodiversity

- 4.14 Policy NAT1 seeks to protect local wildlife sites, indicative wildlife corridors and areas of high distinctiveness from inappropriate development. The reference to inappropriate development does not generally conform with

¹⁵ NPPF: paragraphs 200 & 206.

¹⁶ NPPF: paragraph 102.

¹⁷ NPPF: paragraph 101.

¹⁸ See response from IPC dated 11 April 2023 to question 5 of my letter of clarification.

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Policy ENV 4 of the CWaCLP which does not refer to or define inappropriate development. Therefore, in the interests of clarity, I shall recommend an alternative first paragraph in Policy NAT1 and also two small corrections to the policy. **(PM5)** Policy NAT1 would then have regard to national guidance¹⁹, would generally conform with Policy ENV 4 of the CWaCLP (Part One) and meet the Basic Conditions.

Policy NAT2 – Landscape Character

- 4.15 Policy NAT2 seeks to protect the identify of Ince Parish by requiring new development in the Green Belt and open countryside, where appropriate, to respect and enhance the landscape character of the area. Policy NAT2 would have regard to national guidance²⁰, would generally conform with Policy ENV 2 of the CWaCLP (Part One) and meet the Basic Conditions, subject to the substitution of “respecting the wide, expansive views across the Green Belt towards the marshes, estuary and the SSSI”²¹, rather than “protecting” them. **(PM6)**

Policy NAT3 – Design and Wildlife

- 4.16 Policy NAT3 seeks to protect and enhance local wildlife by listing various design measures to be incorporated, where possible. United Utilities suggested that clause f) be amended so that any discharges are first assessed on their own merits. I agree and shall recommend an appropriate modification which then has a consequent effect on clause g) in order to be consistent.²² **(PM7)** The policy would then have regard to national guidance²³, would generally conform with Policies ENV 1, ENV 3 and ENV 6 of the CWaCLP (Part One) and would meet the Basic Conditions.

Policy NAT4 – Residential Design

- 4.17 Policy NAT4 lists five design criteria for new residential extensions and development in order to respect the natural and built character of Ince. The policy has regard to national guidance²⁴, generally conforms with Policy ENV 6 of the CWaCLP (Part One) and meets the Basic Conditions. United Utilities suggested an additional design criterion to deal with landscaping proposals and the opportunities for sustainable surface water management, but I am satisfied that such concerns are adequately dealt with in the PPG.

¹⁹ NPPF: paragraph 179.

²⁰ NPPF: paragraph 174.

²¹ Site of Special Scientific Interest (SSSI).

²² See Regulation 16 response from United Utilities dated 14 March 2023.

²³ NPPF: paragraph 174.

²⁴ NPPF: paragraph 130.

Policy NAT5 – Trees and Hedgerows

- 4.18 Policy NAT5 seeks to protect trees and hedgerows when development is proposed. The policy has regard to national guidance²⁵, generally conforms with Policy ENV 3 of the CWaCLP (Part One) and meets the Basic Conditions.

Policy CC1 – Renewable Energy

- 4.19 Policy CC1 offers support to proposals for renewable energy facilities taking into account the potential impacts on residential amenity, the natural environment and landscape character. In response to the suggestion by CWaCC that reference is also made to the potential impact on heritage assets, I shall recommend the inclusion of the “built environment” which would include heritage assets and also other components of the built surrounding worthy of recognition. **(PM8)** Policy CC1 would then have regard to national guidance²⁶, would generally conform with Policy ENV 7 of the CWaCLP (Part One) and meet the Basic Conditions. United Utilities suggested an addition to recognise the need for water efficiency, but I am satisfied that this is covered by the Building Regulations.

Policy CC2 – Air Quality

- 4.20 Policy CC2 seeks to avoid a deterioration of air quality which might be caused by new development. The policy has regard to national guidance²⁷, generally conforms with Policy SOC 5 of the CWaCLP (Part One) and meets the Basic Conditions.

Policy CC3 – Sustainable Transport

- 4.21 Policy CC3 aims to avoid new development creating unacceptable impacts on the road network. I consider that the first paragraph of the policy does not have regard to national guidance or generally conform with Policy STRAT 10 of the CWaCLP in that it states that development must not create unacceptable impacts on the road network. Therefore, I shall recommend the inclusion of adapted phraseology from the NPPF. **(PM9)** In addition, in order to be accurate, I shall recommend the substitution of “vehicle” for “car” in the first paragraph of the policy. Policy CC3 would then have regard to national guidance²⁸, would generally conform with Policy STRAT 10 of the CWaCLP (Part One) and meet the Basic Conditions.

²⁵ NPPF: paragraph 174.

²⁶ NPPF: paragraph 154.

²⁷ PPG Reference ID: 32-002-20191101.

²⁸ NPPF: paragraph 104.

Policy FBC1 – Footpaths, Bridleways and Cycleways

- 4.22 Policy FBC1 seeks to protect and, where possible, enhance public rights of way. The policy has regard to the NPPF which states at paragraph 100 that “planning policies ... should protect and enhance public rights of way and access”. The policy also generally conforms with Policies STRAT 10 and SOC 5 of the CWaCLP (Part One). However, to correct two errors in the first sentence of the policy, reference should be made to Figure N and in the final paragraph reference should be made to Figure O. In addition, having taken into account the comprehensive representations from CWaCC at the Regulations 14 and 16 stages, I also consider that the final paragraph reads more as an aspiration of the Parish Council. Therefore, I shall recommend that the first sentence of the final paragraph is rephrased so that it applies generally and that the list is removed to a Parish Council Aspiration. In this way, any dispute about the status of those rights of way is removed from the Plan and the addition of support for other links or routes not listed would not be precluded. **(PM10)** The policy would then meet the Basic Conditions.

Policy ECDEV1 – Rural Economy

- 4.23 Policy ECDEV1 includes measures aimed at supporting the rural economy. The policy has regard to national guidance²⁹, generally conforms with Policy STRAT 9 of the CWaCLP (Part One) and meets the Basic Conditions.

Policy ECDEV2 – Employment Development

- 4.24 Policy ECDEV2 aims to direct appropriate industrial development to the strategic employment sites defined in the CWaCLP. CWaCC commented that the wording of the policy does not reflect the specialist uses at the Ince Park/Protos strategic allocation, which is primarily for waste and resource recovery. However, firstly, the policy only refers to Employment Development and not to allocated waste sites and there is no attempt to set a policy for the waste site. Secondly, the policy is aimed at industrial or large-scale employment uses and, in my opinion, quite reasonably, guides any prospective developers away from the Plan area and to the strategic sites defined in the CWaCLP. Therefore, I consider that the policy has regard to national guidance³⁰, generally conforms with Policies ECON 1 and ENV 6 of the CWaCLP (Part One) and meets the Basic Conditions.

Overview

- 4.25 Therefore, on the evidence before me, with the recommended modifications, I consider that the policies within the INP are in general conformity with the strategic policies of the CWaCLP (Part One), have

²⁹ NPPF: paragraph 84.

³⁰ NPPF: paragraph 84.

regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

- 4.26 A consequence of the acceptance of the recommended modifications would be that amendments would have to be made to the explanation within the Plan in order to make it logical and suitable for the referendum. These might also include incorporating factual updates, correcting minor inaccuracies, text improvements suggested helpfully by CWaCC in the Regulation 16 Consultation and paragraph renumbering. None of these alterations would affect the ability of the Plan to meet the Basic Conditions and could be undertaken as minor, non-material changes.³¹

5. Conclusions

Summary

- 5.1 The Ince Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard to all the responses made following consultation on the INP, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The INP as modified has no policy or proposal which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Concluding Comments

- 5.4 The IPC, the Steering Group and other voluntary contributors are to be commended for their efforts in producing a comprehensive Plan. The Plan is logical, very informative and well-illustrated. I enjoyed examining it and visiting the area. The Consultation Statement and the Basic Conditions Statement were extremely useful, as were the constructive responses from the IPC and CWaCC to my questions of clarification.

³¹ PPG Reference ID: 41-106-20190509.

- 5.5 Subject to the recommended modifications, the INP will make a positive contribution to the Development Plan for the area and should enable the attractive character and appearance of Ince to be maintained whilst enabling sustainable development to proceed.

Andrew Mead

Examiner

Appendix: Modifications

Proposed modification no. (PM)	Page no./ other reference	Modification
PM1	Policy HER1	Delete from the first paragraph: "... or any updated version."
PM2	Policy HER2	<p>Delete from the first paragraph: "... 2021, or any updated version, ...".</p> <p>Amend Figure E to show the Ince Conservation Area as delineated on the map accompanying the email dated 12 April 2023 from CWaCC.</p>
PM3	Policy HER3	<p>Delete from the first paragraph: "... 2021, or any updated version, ...".</p> <p>In the same paragraph substitute "... should respect or enhance ..." for "... should preserve or enhance ...".</p> <p>In the final sentence, substitute "Figure L" for "Figure K".</p> <p>In retitled Figure L, delete Significant Views 2 and 4.</p>
PM4	Policy LGS1	<p>Delete from the table:</p> <p>LGS2 – Cricket Field</p> <p>LGS3 – King’s Croft Field</p> <p>LGS7 – The North Hills</p> <p>LGS10 – Wood Farm Field</p> <p>LGS11 – Big Wood</p> <p>LGS12 – Decoy Wood</p> <p>LGS14 – Lower Marsh Field Lane</p> <p>LGS15 – Pool Pasture Lane</p>
PM5	Policy NAT1	<p>Delete the first paragraph and substitute:</p> <p>"Development must have regard to Cheshire West and Chester Local Plan policies ENV4 and DM44. Where development is proposed which would adversely affect local wildlife sites (Figure G), areas of high distinctiveness (Figure H) and the indicative wildlife corridor (Figure</p>

		<p>I), it will only be supported where the balance of the benefits of the proposal would outweigh the impact it is likely to have on the site and the wider network of sites. The enhancement of local wildlife sites, wildlife corridors and areas of high distinctiveness will be supported."</p> <p>Amend the penultimate sentence in the second paragraph to:</p> <p>"... to meet the requirements of Cheshire West and Chester Local Plan policy DM44 and be carried out to industry standards."</p> <p>Amend the final phrase in the fourth paragraph to: "... shall be supported."</p>
PM6	Policy NAT2	<p>Amend the first sentence of the final paragraph to: "... should be respected."</p> <p>Amend "...Fig K in 9.20." to: "... Fig L in 9.31."</p> <p><u>Note</u>: Significant Views 2 and 4 were recommended for deletion in PM3 above.</p>
PM7	Policy NAT3	<p>Delete clauses f) and g) and substitute:</p> <p>"f) Ensure that any surface water discharge to a sensitive habitat location is supported by a drainage design which incorporates a treatment train that secures no unacceptable detriment to the receiving habitat.</p> <p>g) Incorporate sustainable drainage schemes (SuDS) which incorporate an appropriate treatment train that secures no unacceptable detriment to the receiving habitat."</p>
PM8	Policy CC1	<p>Include in the third sentence: "... the natural and built environment ...".</p>
PM9	Policy CC3	<p>Delete the first sentence of the first paragraph and substitute:</p> <p>"Development will not be supported where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."</p>

		In the second sentence of the first paragraph substitute “... vehicle ...” for “...car...”.
PM10	Policy FBC1	<p>Amend “(Figure M)” to “(Figure N)”.</p> <p>Amend “(Figure N)” to “(Figure O)”.</p> <p>In addition, to be consistent, amend “Figure O” to “Figure P” and make similar modifications to the List of Figures and where otherwise referenced in the INP.</p> <p>Amend the final sentence of the policy to: “Any proposals to create new links or routes, whether, footpaths, bridleways or cycleways will be supported.”</p> <p>Delete items 1 – 5 from the policy and set them out in a new box headed “Parish Council Aspiration” and with a background colour to enable a reader to distinguish the aspiration from a policy and with appropriate supporting text in the Evidence and Justification.</p>