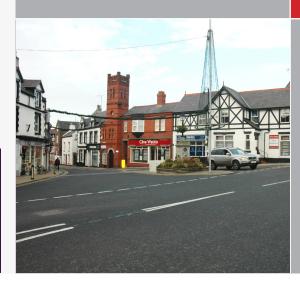




Neston Neighbourhood Plan 2010 - 2030

Basic Conditions Statement July 2015





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1 Introduction

1.1 This Statement has been produced to explain how the proposed Neston Neighbourhood Plan has been prepared in accordance with the Neighbourhood Planning (General) Regulations 2012. In particular, it explains how the basic conditions of Neighbourhood Planning and other considerations as prescribed by Paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended) have been met.

2 Basic Conditions Requirements

- 2.1 Paragraph 8 of Schedule 4B of the TCPA 1990 states that the examiner must consider the following (see Sub-Paragraph 1):
 - (a) Whether the draft neighbourhood development order meets the basic conditions (see Sub-Paragraph 2),
 - (b) Whether the draft order complies with the provision made by or under Sections 61E(2), 61J and 61L,
 - (c) Whether any period specified under Section 61L(2)(b) or (5) is appropriate,
 - (d) Whether the area for any referendum should extend beyond the neighbourhood area to which the draft order relates, and
 - (e) Such other matters as may be prescribed.
- 2.2 A draft order meets the basic conditions (Sub-Paragraph 2) if:
 - (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,
 - (b) Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,
 - (c) Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,
 - (d) The making of the order contributes to the achievement of sustainable development,
 - (e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
 - (f) The making of the order does not breach, and is otherwise compatible with EU obligations, and
 - (g) Prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.
- 2.3 The examiner is not to consider any matter that does not fall within Sub-Paragraph (1) (apart from considering whether the draft order is compatible with the Convention rights).
- 2.4 Sections 5 9 of this Statement set out how the Neighbourhood Plan meets the basic conditions as required by Sub-Paragraph 1(a) [2.1(a) above] and Sub-Paragraph 2 (a g) [2.2a g above] of Paragraph 8 of Schedule 4B. The remainder of this section addresses the requirements under Sub-Paragraph 1(b), (d) and (e) of Paragraph 8 of Schedule 4B [2.2(b), (d) and (e) above].

Sub-Paragraph 1(b)

2.5 The provisions of 61E(2), 61J and 61L as amended by S38C(5)(b) is a reference to the provision of S38A and 38B of the Planning and Compulsory Purchase Act 2004. In relation to the provisions of S38A and S38B the following is submitted:

S38A: Meaning of Neighbourhood Development Plan

- 2.6 **Paragraph 1:** Neston Town Council (NTC) is a qualifying body under the provisions of S61G of the Localism Act 2011 and is therefore entitled to submit a Neighbourhood Plan for its own parish.
- 2.7 **Paragraph 2:** The Neston Neighbourhood Plan (NNP) expresses policies relating to the development and use of land within the Neighbourhood Plan Area (NPA) (ie. the parish of Neston).

- 2.8 **Paragraphs 3 12:** These are matters relating to post-examination procedures which are not relevant at this stage.
 - S38B: Provision that may be made by Neighbourhood Development Plans
- 2.9 Paragraph 1(a): The period of the Neston Neighbourhood Plan is 2010 2030. This period aligns with the dates of the Cheshire West and Chester Local Plan (Part One) Strategic Policies prepared and adopted by Cheshire West and Chester (CWaC) Council.
- 2.10 Paragraph 1(b): The NNP does not include any provision for excluded development such as national infrastructure.
- 2.11 **Paragraph 1(c):** The NNP does not relate to more than one Neighbourhood Area. It relates to the Neston NPA as designated by CWaC on 6 March 2013 (see Appendix 2.1).
- 2.12 Paragraph 2: There is no other neighbourhood plans in place or proposed in the NPA.
- 2.13 Paragraph 3: We do not consider there are any conflicts within the NNP.
- 2.14 **Paragraph 4:** Refers to regulations that the Secretary of State can make relating to neighbourhood development plans. In this case this refers to the Neighbourhood Planning (General) Regulations 2012 (SI No. 637) which have been used to inform the process of making the NNP. These Regulations set out:
 - The process by which neighbourhood development plans are to be made and set out the consultation bodies for neighbourhood development plans.
 - Neighbourhood development plans that are likely to have a significant effect on European Sites (habitats) must be subject to an appropriate assessment. The Neston Neighbourhood Plan has been subject to a Sustainability Appraisal. A screening exercise for the Neston Neighbourhood Plan was undertaken which concluded that there are no European Sites that would be affected by the proposals and policies with the Neighbourhood Plan. Therefore it was agreed that neither a Strategic Environmental Assessment nor a Habitat Regulations Assessment was required (see the Sustainability Appraisal).
- 2.15 **Paragraph 5:** Refers to the publication of the neighbourhood development plans once made by a local planning authority.
- 2.16 Paragraph 6: Clarifies what is excluded development.

Paragraph 1(d)

2.17 It is not considered that there is any reason or benefit for extending the area for the referendum beyond the designated NPA.

Paragraph 1(e)

2.18 It is considered that there are no other prescribed matters relevant in this case.

3 Neston Neighbourhood Plan Area and the Neston Town Council Community Steering Group

- 3.1 In May 2012 NTC, following a successful application, became one of the Government's Neighbourhood Planning front runners in which some funding was provided to assist interested bodies to initiate this new process.
- 3.2 In September 2012, NTC established a Community Steering Group (CSG), made up of 3 no. Town Councillors and members of the community, to undertake the production of the NNP. Three Task and Finish Groups were established, with community and Town Councillor representation, to consider in detail, housing, economic development/retailing and transport/quality of life issues.
- 3.3 The CSG has been responsible for carrying out research and analysis, consultation and engagement, the procurement and management of consultants. The CSG has also been responsible for recommending the sign-off of the NNP and supporting documents to NTC as part of its appraisal process.
- The Neston NPA was formally designated by Cheshire West and Chester (CWaC) Council on 6 March 2013. The NPA is shown at Figure 3.1. The NPA's boundary is coterminous with the boundaries of Neston parish.

4 The Neighbourhood Plan Proposal

- 4.1 A number of documents have been produced to support the NNP and meet the 'Basic Conditions':
 - The Neston Neighbourhood Plan: This is the main document which includes policies and proposals developed by the community.
 - The Neston Neighbourhood Plan Basic Conditions Statement: A statement demonstrating how the NNP and the process of its evolution meets the Basic Conditions requirements.
 - The Neston Neighbourhood Plan Consultation Statement: A statement setting out how the community and other stakeholders have been involved in the preparation of the Neighbourhood Plan.
 - The Neston Neighbourhood Plan Sustainability Appraisal: An appraisal of how well the Neighbourhood Plan policies contribute to achieving sustainable development objectives.
 - The Neston Neighbourhood Plan Evidence Base Report: A body of information prepared by the community analysing social, economic and environmental issues within the parish.

5 General Conformity with the National Planning Policy Framework

Paragraph 2(a): A draft neighbourhood development plan meets the basic conditions if:

- (a) Having regard to national policies and advice contained in the guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan.
- 5.1 Paragraphs 183 185 of the National Planning Policy Framework (NPPF) refers to neighbourhood planning and how it can be used to give 'communities direct power to develop a shared vision for the neighbourhood and deliver the sustainable development they need.
- 5.2 This vision must be aligned with the strategic needs and priorities of the wider area and as such neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. Beyond these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area. Policies within adopted neighbourhood plans take precedence over existing non-strategic policies in the Local Plan for that area where there may be a conflict.
- 5.3 Paragraphs 14 16 of the NPPF sets out the presumption in favour of sustainable development which is at the heart of national planning policy. For Neighbourhood Plans this means:
 - Having plans that support the strategic needs set out in Local Plans.
 - Plan positively to support local development, shaping and directing development in their area.
- 5.4 The NPPF sets out 12 core land-use planning principles that should underpin plan-making. These are that planning should:
 - Be genuinely plan-led, empowering local people to shape their surroundings, with succinct neighbourhood plans setting out a positive vision for the future of the area;
 - 2 Be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
 - Proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs;
 - Seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
 - Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and support thriving rural communities within it;
 - Support the transition to a low carbon future in a changing climate and encourage the re-use of existing resources and encourage the use of renewable resources;
 - 7 Contribute to conserving and enhancing the natural environment and reducing pollution;
 - 8 Encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value;
 - 9 Promote mixed use developments and encourage multiple benefits from the use of land in urban and rural areas recognising that some open land can perform many functions;
 - 10 Conserve heritage assets in a manner appropriate to their significance;
 - Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and

- Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.
- 5.5 These principles have been considered in the preparation of the Neston Neighbourhood Plan. The following paragraphs illustrate how the Neighbourhood Plan has reflected the key policy areas within the NPPF.

Building a Strong, Competitive Economy

- 5.6 Paragraph 19 of the NPPF states that 'the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system'.
- 5.7 The NNP supports and encourages sustainable economic growth. It recognises that a significant number of residents travel out of the area for work. It seeks to increase employment opportunities and improve sustainable transport.
- 5.8 The NNP sets out the following policies that aim to build a strong and competitive economy within the area:
 - Policy NNE1: Clayhill Business Park
 - Policy NNE2: Retaining Employment uses in the Town Centre
 - Policy NNE3: Promoting Local Employment Growth
 - Policy NNE4: High Quality Communications Infrastructure
 - Policy NNT2: Visitor Economy.
- 5.9 These policies support the NNP's objective of 'strengthen and support economic activity in the traditional employment, information technology and the visitor economy sectors including the provision and enhancement of infrastructure and facilities' (Objective 3).
- 5.10 The NNP's strategy for employment seeks to locate traditional employment sector growth within Clayhill Business Park whilst also diversifying the employment base by supporting the visitor economy and making provision for small scale businesses within the knowledge and e-business sectors. These will be supported by the appropriate ICT infrastructure provision.

Ensuring the Vitality of Town Centres

- 5.11 Paragraph 23 of the NPPF recognises that town centres are the heart of their community and that policies should support their viability and vitality. Plans should define the extent of town centres and set policies that make clear which uses will be permitted. In addition, plans should allocate suitable sites to meet retail, leisure, commercial, office, tourism, cultural, community and residential development needed in the town centre.
- 5.12 The NNP sets out the following policies that aim to ensure the vitality of town and local centres in the area.
 - Policy NNR1: Neston Town Centre.
 - Policy NNR2: Neston Town Centre Development Opportunity.
 - Policy NNR3: Town Lane and West Vale Local Retail Areas.
- 5.13 These policies support the NNP's objective of 'Enhance Neston town centre's role as the retail, social and cultural hub for the area and strengthen and support retail provision to meet local need' (Objective 4).
- 5.14 The NNP's strategy sees the Historic Market Town at the heart of the area as a thriving centre for living, shopping and socialising. The strategy includes opportunities to transform parts of the Town Centre through regeneration and redevelopment. This is a key priority of the Plan.

Supporting a Prosperous Rural Economy

- 5.15 Paragraph 28 of the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. This should include supporting sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside. Policies should also support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings.
- 5.16 The NNP sets out the following policies that aim to support a prosperous rural economy.
 - Policy NNT1: Parkgate Parade
 - Policy NNT2: Visitor Economy
 - Policy NNE3: Promoting Local Employment Growth
 - Policy NNE4: High Quality Communications Infrastructure.
- 5.17 These policies support the NNP's objective of 'Strengthen and support economic activity in the traditional employment, information technology and visitor economy sectors including the provision and enhancement of infrastructure and facilities' (Objective 3).
- 5.18 A key element of the NNP's strategy are the visitor attractions of the Parkgate Parade, Ness Botanic Gardens and the area's garden centres, the Burton Marsh Greenway and the Wirral Way. These are seen as key assets that need protecting and promoting to help create a dynamic, prosperous and sustainable place.

Promoting Sustainable Transport

- 5.19 Paragraph 35 of the NPPF states that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to (amongst others):
 - give priority to pedestrians and cycle movements, and have access to high quality public transport systems.
 - create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate, establishing home zones.
 - consider the needs of people with disabilities by all modes of transport.
- 5.20 Planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities (Paragraph 37).
- 5.21 Paragraph 40 states that authorities should seek to improve the quality of parking so that it is convenient, safe and secure.
- 5.22 The NNP sets out the following policies that aim to promote sustainable transport:
 - Policy NNM1: Transport and Development
 - Policy NNM2: Enhancing Pedestrian and Cycle Routes
 - Policy NNM3: Public Transport Improvements
 - Policy NNM4: Car Parking.
- 5.23 These policies support the NNP's objective of 'making improvements to cycle provision, public transport and transport infrastructure' (Objective 5).

5.24 A key element of the NNP's strategy is to promote improvements to transport infrastructure including enhancements to public transport services. The strategy seeks to building on the area's off-road cycling and pedestrian routes by creating a network of safe walking and cycling connections throughout the NPA.

Supporting High Quality Communications Infrastructure

- 5.25 NPPF Paragraphs 42 and 43 states that high quality communications infrastructure is essential to support economic growth. In preparing plans, authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband provided it is sympathetically designed and the need for new sites can be justified.
- 5.26 The NNP sets out the following policy that aims to support high quality communications infrastructure:
 - Policy NNE4: High Quality Communications Infrastructure.
- 5.27 This policy supports the NNP's objective of 'Strengthen and support economic activity in the traditional employment, information technology and visitor economy sectors including the provision and enhancement of infrastructure and facilities' (Objective 3).
- 5.28 A key element of the NNP's strategy is to diversify the employment base by supporting the visitor economy and making provision for small scale businesses within the knowledge-based and e-business sectors.

Delivering a Wide Choice of High Quality Homes

- 5.29 The NPPF makes it clear that it is up to Local Planning Authorities to assess the housing needs in its housing market area and identify the housing land supply to meet that need within its Local Plan. It is up to Neighbourhood Plans to promote this (and not less) development and support (not undermine) the strategic policies of the Local Plan (Paragraph 184 NPPF).
- 5.30 The Local Plan proposes a minimum of 200 new dwellings within Neston over the period 2010 2030. The NNP identifies sufficient sites to meet this requirement and puts forward policies to allow additional housing providing that it meets other policy requirements such as good design, etc.
- 5.31 The NPPF also seeks to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. This includes the provision of affordable housing (Paragraph 50).
- 5.32 The NNP sets out the following policies that aim to deliver a wide choice of high quality homes in the area:
 - Policy NNH1: New Residential Development
 - Policy NNH2: Housing Mix and Type
 - Policy NNH3: Rural Exception Sites.
- 5.33 These policies support the Neighbourhood Plan's objective of 'accommodate future housing provision within the existing settlement limits and ensuring that provision meets local housing need for both the market and social sectors' (Objective 2).
- 5.34 A key element of the NNP's strategy is to accommodate housing growth within the area's settlement boundaries through small and modest scale development on windfall sites, existing allocations and identified potential sites. New housing development should provide for identified need in both the market and social sectors.

Requiring Good Design

5.35 The NPPF attaches great importance to the design of the built environment and states at Paragraph 58 that 'Local and Neighbourhood Plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area.' However, the NPPF is also clear that design policies should avoid unnecessary prescription or detail and should not stifle innovation.

- 5.36 The NNP sets out the following policies that aim to deliver good quality and sustainable design for all new developments within the area:
 - Policy NND1: Development and Design Principles
 - Policy NND2: Environmental Improvement Corridors
 - Policy NND3: Sustainable Design.
- 5.37 These policies support the NNP's objectives of 'promoting sustainability and reduce carbon-dependant activities' (Objective 6) and 'ensuring new development and alterations to existing properties protects and enriches the existing townscape and landscape within the built and natural environments' (Objective 7).

Promoting Healthy Communities

- 5.38 The NPPF at Paragraph 70 recognises that planning policies should:
 - Plan positively for the provision of community facilities and other local services to enhance the sustainability of communities and residential environments;
 - Guard against the unnecessary loss of valued facilities and services;
 - Ensure services and facilities are able to develop and modernise in a sustainable manner.
- 5.39 Paragraph 72 places great importance on ensuring that there is sufficient choice of school places including the need to create, expand or alter schools.
- 5.40 The NPPF also includes, under this theme, the provision and protection of open space. Paragraph 76 highlights that local communities should be able to, through Neighbourhood Plans, identify green areas for special protection designating them as Local Green Space.
- 5.41 The NNP sets out the following policies that relate to promoting healthy communities within the area:
 - Policy NNLE1: Local Green Space
 - Policy NNLE2: Amenity Green Space
 - Policy NNC1: Community Infrastructure
 - Policy NNC2: Neston High School
 - Policy NNC3: Neston Recreation Centre
 - Policy NNC4: Healthy Communities
 - Policy NNC5: Infrastructure Provision.
- 5.42 These policies support the NNP's objectives of 'protecting and enhancing the area's local green areas' (Objective 8 [part]), 'protect and enhance health and wellbeing amongst the community' (Objective 9) and 'sustain and improve local services and facilities' (Objective 10).
- 5.43 A key element of the NNP's strategy is to protect important greenspaces and provide, where possible new greenspace, both of which will have access by the local community. In addition, local community facilities will be protected and supported.

Protecting Green Belt Land

- 5.44 In terms of establishing Green Belt boundaries the NPPF states, at Paragraph 83, that these should be done through Local Plans and only altered in exceptional circumstances through the preparation or review of the Local Plan. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land predominantly open (Paragraph 79).
- 5.45 The NPPF maintains previous national policy on the protection of the Green Belt from inappropriate development (Paragraph 87). The NPPF lists a number of exceptions to this (Paragraph 89) including: limited affordable housing for local community needs, limited infilling or redevelopment of previously developed sites and facilities for outdoor sport and recreation. In all cases the development should not have a greater impact on the openness of the Green Belt.
- 5.46 The NNP sets out the following policies that seek the protection and maintenance of the Green Belt within the area:
 - Policy NNDS1: Neston Development Strategy
 - Policy NNH3: Rural Exception Sites.
- 5.47 The above policies support the NNP's objectives of 'supporting the CWaC Local Plan (Part One) Strategic Policies retention of the existing Green Belt boundaries and protect the Green Belt from inappropriate development (Objective 1).
- 5.48 A key cornerstone of the NNP's strategy is the protection of the Green Belt from inappropriate development. The local community see the retention of the Green Belt as a key priority for the Plan as well as investigating opportunities to open up access to the countryside for recreation.

Meeting the Challenge of Climate Change, Flooding and Coastal Change

- 5.49 The NPPF recognises that planning plays a key role in helping shape places to secure radical reductions in greenhouse gases, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure (Paragraph 93).
- 5.50 The NNP sets out the following policies that seek to meet the challenges of climate, coastal and flooding change:
 - Policy NNLE1: Local Green Space (particularly in relation to Green Infrastructure links)
 - Policy NNLE2: Amenity Green Space
 - Policy NND3: Sustainable Design.
- 5.51 These policies support the NNP's strategy of 'promoting sustainability and reducing carbon-dependant activities' (Objective 6).

Conserving and Enhancing the Natural Environment

- 5.52 The NPPF states at Paragraph 109 that the planning system should contribute to and enhance the natural and local environment by:
 - Protecting and enhancing valued landscapes, geological conservation interests and soils.
 - Recognising the wider benefits of ecosystem services.
 - Minimising impacts on biodiversity and providing net gains in biodiversity where possible including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 5.53 A key objective of the NNP is to protect and enhance the area's coastline, its nature conservation assets and local greenspaces (Objective 8). The NNP contains two policies that support this objective and the NPPF policies:

- Policy NNLE1: Local Green Spaces
- Policy NNLE2: Amenity Green Spaces.

Conserving and Enhancing the Historic Environment

- 5.54 The NPPF sets out at Paragraph 126 that 'Local Planning Authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment ',In developing this strategy, Local Planning Authorities should take account:
 - The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
 - The desirability of new development making a positive contribution to local character and distinctiveness; and
 - Opportunities to draw on the contribution made by the historic environment to the character of a place.
- 5.55 The NNP sets out the following policy that relates to the area's historic environment:
 - Policy NNLE4: Heritage assets.

Facilitating the Sustainable Use of Minerals

5.56 This is not a relevant topic for Neighbourhood Plans to deal with and therefore is not relevant.

6 Contribution to the Achievement of Sustainable Development

- The NPPF states at Paragraph 14 that a presumption in favour of sustainable development is at the heart of the NPPF and 'should be seen as a golden thread running through both plan-making and decision-taking'.
- There are three dimensions to sustainable development within the NPPF: economic, social and environmental.

 These dimensions give rise to the need for the planning system to perform a number of roles:
 - An economic role contributing to building a strong responsive and competitive economy, by ensuring
 that sufficient land of the right type is available in the right places and at the right time to support growth
 and innovation, and by identifying and co-ordinating development requirements, including the provision of
 infrastructure.
 - A social role supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural wellbeing, and
 - An environmental role contributing to protecting and enhancing our natural, built and historic
 environment, and as part of this, helping to improve biodiversity, use natural resources prudently,
 minimise waste and pollution, and mitigate and adapt to climate change including moving to a lowcarbon economy.
- 6.3 The NNP has been subject to a Sustainability Appraisal (SA), a copy of which has been submitted in support of the Plan. The purpose of the SA is to ensure that the principles of sustainable development are considered throughout the plan making process and that the NNP has considered all aspects of economic, social and environmental sustainability in its production.
- 6.4 The NNP contributes to the achievement of sustainable development by:
 - Planning positively for housing growth to meet the needs of present and future generations.
 - Strengthening and supporting the local economy, the visitor economy and retail provision.
 - Promoting sustainable transport.
 - Protecting and enhancing the natural, built and historic environment.
 - Promoting high quality and sustainable design.
 - Promoting healthy communities.

7 General Conformity with Strategic Policies Contained in the Development Plan for the Area

- 7.1 Neighbourhood plans must demonstrate that they are in general conformity with the strategic policies of the adopted plan for the local area. Section 38 of the Planning and Compulsory Purchase Act 2004 defines 'development plan' as the Development Plan Documents adopted for the area.
- 7.2 CWaC adopted the Local Plan (Part One) Strategic Policies on 29 January 2015. This Plan forms part of the statutory development plan and provides the spatial strategy and strategic planning policies for the Borough up to 2030. This has followed an Examination into the submitted version of the Local Plan and modifications put forward by the Planning Inspector. The NNP has been prepared in the knowledge of the Local Plan process and has regard to the emerging policies as the Local Plan has been going through the Examination and adoption process.
- 7.3 In addition to the CWaC Local Plan (Part One) Strategic Policies, the statutory development plan also includes the Ellesmere Port and Neston Borough Local Plan (adopted in 2002), the Cheshire Replacement Minerals Local Plan (adopted 1999) and the Cheshire Replacement Waste Local Plan (adopted 2007). In relation to the latter two, neighbourhood plans do not have jurisdiction over waste or minerals and therefore there are no implications on one to the other.
- 7.4 Following the adoption of the Local Plan (Part One) Strategic Policies, the strategic policies within the Ellesmere Port and Neston Borough Local Plan are out of date and no longer relevant. Appendix 7.1 provides an extract from the Local Plan (Part One) Strategic Policies Appendix A 'Retained Policies within the Ellesmere Port and Neston Borough Local Plan'. Detailed development management 'saved' policies within the Borough Local Plan remain a part of the statutory development plan. However, these are not relevant as the Neighbourhood Plan needs to be in general conformity with the strategic policies of the Local Plan.

Cheshire West and Chester Local Plan (Part One) Strategic Policies

- 7.5 Neston and Parkgate is identified as a Key Service Centre (KSC) within an expansive rural area that runs from the Wirral border in the north to the Shropshire boundary in the south. These KSCs are to remain as viable settlements and will continue to fulfil their role and function in providing access to services and facilities for their local and surrounding communities.
- 7.6 The key elements of the spatial strategy are the delivery in the region of 22,000 new homes and to support, through development, an additional 14,000 people in employment. The Local Plan has split the Borough into five distinct spatial areas which broadly reflects where and how development and regeneration is to be delivered. The Rural Area is one of these spatial areas and includes Neston and Parkgate.
- 7.7 The Local Plan (Part One) Strategic Policies seeks to maintain the general extent of the North Cheshire Green Belt as the development identified can be met without Green Belt release, with the exception of in and around Chester (where limited Green Belt release is proposed).
- 7.8 The strategic policies within the Local Plan (Part One) Strategic Policies document relevant to the NNP are:
- 7.9 STRAT1: Sustainable Development The Local Plan seeks to enable development that improves and meets the economic, social and environmental objectives of the Borough in line with the presumption in favour of sustainable development.
- 7.10 Sustainable development is at the heart of the NNP. Section 6 of this statement illustrates how the NNP will contribute to the achievement of sustainable development. A Sustainability Appraisal has been undertaken of the NNP demonstrating how the principles of sustainable development have been considered in the making of the plan.

- 7.11 STRAT2: Strategic Development To maintain the vitality and viability of Rural Areas, an appropriate level of new development will be brought forward to support new homes and economic and social development. Development will be focused in KSCs such as Neston and Parkgate which represent the most sustainable rural locations.
- 7.12 The NNP seeks to ensure that the appropriate level of development is brought forward within the area to maintain the vitality and viability of its existing and future communities.
- 7.13 STRAT3: Rural Area Within the Rural Area CWaC will support development that serves local needs in the most accessible and sustainable locations to sustain vibrant rural communities. Within the Rural Area provision will be made for at least 4,200 new dwellings (at least 200 of which will be within Neston and Parkgate) and 10ha of additional land for employment development. The retention of rural shops and community facilities, and the provision of new facilities at an appropriate scale to the settlement, will be supported. Development should not exceed the capacity of existing services and infrastructure unless the required improvements can be made.
- 7.14 Neighbourhood Policy NNH1: 'New Residential Development supports the provision of at least 200 new dwellings within Neston' and Policy NNE1: 'Clayhill Business Park' supports new employment development at Clayhill Business Park.
- 7.15 STRAT9: Green Belt and Countryside The intrinsic character and beauty of the Cheshire Countryside will be protected by restructuring development to that which requires a countryside location and cannot be accommodated within identified settlements. The general extent of the North Cheshire Green Belt will be maintained. In settlements (with the exception of Chester) and areas of the countryside that are within the Green Belt, additional restrictions will apply to development in line with the NPPF.
- 7.16 Neighbourhood Plan Policy NNDS1: 'Neston Development Strategy' seeks to retain the extents of the Green Belt around the existing settlement limits. Other policies within the NNP also seek to protect the Green Belt from inappropriate development.
- 7.17 STRAT10: Transport and Accessibility Development and associated transport infrastructure should:
 - Provide and develop reliable and efficient transport networks.
 - Contribute to safer transport and promote forms of transport that are beneficial to health.
 - Improve accessibility to jobs and key services.
 - Reduce carbon emissions.
 - Ensure that transport helps improve quality of life and enhances the local environment.
- 7.18 New development will be required to demonstrate that:
 - Additional traffic can be accommodated safely and satisfactorily.
 - Appropriate provision is made for access to public transport and other non-car modes.
 - Measures have been incorporated to improve physical accessibility and remove barriers to mobility.
- 7.19 New development will also be expected to provide adequate levels of car and cycle parking in accordance with CWaC's parking standards.
- 7.20 Proposals should seek to maximise the use of sustainable (low carbon) modes of transport and extend and improve access to local footpaths and cycle networks including greenways and the Public Right of Way networks.
- 7.21 The NNP provides a number of policies that support this Local Plan Policy:

- Policy NNM1: 'Transport and Development' seeks to ensure that new development is appropriate in terms of transport and travel.
- Policy NNM2: 'Enhancing Pedestrian and Cycle Routes' seeks to build on the Area's existing off-road network and create a viable and sustainable network within the built up parts of the settlement.
- Policy NNM3: 'Public Transport Improvements' Various proposals are put forward to improve public transport provision in the area.
- Policy NNM4: 'Car Parking' Maintain and improve existing car parking provision in Neston Town Centre and Parkgate Parade.
- Policy NND2: 'Environmental Improvement Corridors' Support proposals for landscape and public realm improvements to help reinforce or create local character and identify any key routes within the area.
- 7.22 **STRAT11: Infrastructure** Ensure the delivery of infrastructure improvements (including ICT) to secure the future of sustainable communities and meet wider sustainability objectives of the Borough.
- 7.23 This Local Plan policy is supported by a number of policies within the NNP:
 - Policy NNE4: 'High Quality Communications Infrastructure' Support high speed broadband infrastructure and telecommunications installations where the need is justified.
 - Policy NNC1: 'Community Infrastructure' Protect facilities and services of community value
 - Policy NNC5: 'Infrastructure Provision' Seeks funding through development towards identified and supported local projects.
- 7.24 ECON7: Economic Growth, Employment and Enterprise CWaC will support sustainable economic growth in the Borough providing a flexible supply of land for industry and business use, promote competitive town centre environments bringing forward sites to meet a range of town centre uses and the refurbishment and enhancement of existing sites and premises for continued employment use. CWaC will support the delivery of high speed broadband across the Borough, particularly in the rural area, and the provision of adequate telecommunications. Redevelopment to non-employment uses will be permitted where the proposed use is compatible with existing retained employment uses in the area and where:
 - The proposal would not limit the range of choice and quality of employment sites available to meet future employment needs; or
 - It can be demonstrated that the continuation of employment use is no longer commercially viable or environmentally acceptable.
- 7.25 The NNP supports this Local Plan policy through a number of policies:
 - Policy NNE1: 'Clayhill Business Park' Supports proposals for employment development and redevelopment at Clayhill Business Park as well as the protection of existing employment uses.
 - Policy NNE2: 'Retaining Employment Uses in the Town Centre' Seeks to protect employment sites and buildings from being developed for other uses.
 - Policy NNE3: 'Promoting Local Employment Growth' Seeks to diversify the local economy, whilst recognising the constraints around land availability in the settlement and the surrounding Green Belt.
 - Policy NNE4: 'High Quality Communications Infrastructure' Support high speed broadband infrastructure and telecommunications installations where the need is justified.
- 7.26 ECON2: Town Centres Retail, Leisure and Other Town Centre Uses Within Neston proposals should support the town centre in meeting local shopping and service needs, enabling it to remain a healthy, competitive centre. Within local centres, shops and other community facilities should be retained where they

remain viable and new uses allowed where they are important in meeting the day to day needs of the local community. In relation to development outside town centres a sequential test will be applied to proposals within Neston, and where the development is greater than 500 sq m floorspace an impact assessment will be required.

- 7.27 The NNP provides a number of policies that support this Local Plan policy:
 - Policy NNR1: 'Neston Town Centre' Supports the provision of retail and appropriately sized cultural and service uses in the town centre and looks to improve the environment in the town centre through a number of initiatives centred around the market square and town hall.
 - Policy NNR2: 'Neston Town Centre Development Opportunity' The site is identified for retail, leisure, residential and commercial uses to remove vacant and underused buildings that detract from the town centre environment.
 - Policy NNR3: 'Town Lane and West Vale Retail Areas' Seek to protect retail provision in these areas as a valuable resource to local communities.
- 7.28 **ECON3:** Visitor Economy The expansion of existing tourism assets or the creation of new tourism opportunities will be supported where this would enhance the existing tourism offer, benefit the local economy and be of a suitable scale and type for its location.
- 7.29 The NNP provides a number of policies that support this Local Plan policy:
 - Policy NNT1: 'Parkgate Parade' Designates the area to maintain and enhance its function as a key visitor attraction in the area.
 - Policy NNT2: 'Visitor Economy' Seeks to support proposals that enhance existing tourism assets and create new tourism opportunities in the area.
- 7.30 **SOC1:** Delivering Affordable Housing This policy seeks the provision of affordable homes on all residential developments over a certain threshold. Policy NNH2: 'Housing Mix and Type' in is line with the requirements of Policy SOC1.
- 7.31 SOC2: Rural Exception Sites This policy permits 100% affordable housing schemes on small sites adjacent to service centres including within the Green Belt. The policy does allow for a small element of market housing on such sites should it enable the delivery of affordable housing.
- 7.32 The local community, whilst recognising the benefits of this policy in relation to the potential delivery of affordable housing, have concerns over the local impact on Green Belt and the vagueness of some of the wording in the policy. In particular, there is no definition of what constitutes a 'small site' (ie. how large is a small site) and what is a 'subsiduary element' (ie. what proportion could be market housing?).
- 7.33 Policy NNH3: 'Rural Exception Sites' attempts, within the local context, to deal with these unanswered questions. It conforms with the principle of Policy SOC2 in allowing in principle affordable housing development in the Green Belt. However, it adds some additional criteria that needs to be met. The first is that suitable sites should be identified within the settlement limits first. Additional criteria that deal with site and development issues are also included within Policy NNH3 that reinforce Policy SOC2 and provide additional information within a local context, around what constitutes a small site and the maximum amount of market housing that may be acceptable.
- 7.34 It is considered that the policy conforms with Policy SOC2 and provides additional criteria appropriate to the local context.
- 7.35 **Policy SOC3:** Housing Mix and Type This policy seeks to provide a mix of housing types, tenures, sizes of both market and affordable housing. Policy NNH2: 'Housing Mix and Type' seeks the provision of small family

- homes to assist households into home ownership and for older people who wish to downsize. This is considered to be in line with the requirements of Policy SOC3.
- 7.36 SOC4: Gypsy and Traveller and Travelling Show Persons Accommodation The NNP does not have a policy in relation to the gypsy and traveller community.
- 7.37 SOC5: Health and Wellbeing This policy seeks to provide relevant facilities that meet the health and wellbeing needs of residents and prevent development that would adversely impact on health and quality of life. Policy NNC4: 'Healthy Communities' supports this policy seeking, to ensure proposals analyse the health impact of developments on health provision in the Area.
- 7.38 SOC6: Open Space, Sport and Recreation This policy seeks to protect, manage and enhance existing open spaces, sport and recreation facilities. The NNP has a number of policies that support this policy.
 - Policy NNLE1: 'Local Green Space' Seeks to protect and enhance the most important green spaces in the Area.
 - Policy NNLE2: 'Amenity Green Space' Seeks to protect the other network of greenspaces in the Area.
 - Policy NNC3: Neston Recreation Centre Seeks opportunities to refurbish, extend and/or redevelop the
 recreation centre for continued recreation and leisure uses. It also supports improvements to the
 provision of the playing fields adjacent to the Recreation Centre.
- 7.39 ENV1: Flood Risk and Water Management This policy seeks to reduce flood risk, promote water efficiency measures and protect and enhance water quality. The NNP leaves the requirements for sequential tests, Flood Risk Assessments, and water quality and efficiency, to the Local Plan policy.
- 7.40 ENV2: Landscape This policy seeks to protect and enhance landscape character and local distinctiveness. The NNP leaves the requirements to the saved policy ENV6: 'Area of Special County Value for Landscape' of the Ellesmere Port and Neston Borough Local Plan.
- 7.41 **ENV3:** Green Infrastructure (GI) Supports the creation, enhancement and management of a network of high quality multi-functional GI. Neighbourhood Plan policy NNLE2: Amenity Green Space Supports the creation of links between green spaces to provide a Local Green Infrastructure network.
- 7.42 **ENV4:** Biodiversity and Geodiversity Seeks to safeguard and enhance biodiversity and geodiversity through the identification and protection of sites. Appendix E of the NNP identifies a number of sites that are considered to have important local nature conservation value that should be protected and where possible enhanced. The NNP refers to retained Local Plan Policy ENV4 that provides the relevant policy framework.
- 7.43 ENV5: Historic Environment Seeks to protect and enhance the Borough's heritage assets. NNP policy NNLE4: 'Heritage Assets' supports this policy. It also proposes the expansion of the local list identifying additional non-designated heritage assets within the area that are considered of importance locally.
- 7.44 ENV6: High Quality Design and Sustainable Construction Seeks high quality design and sustainable construction. The NNP contains two policies that support the Local Plan policy:
 - Policy NND1: Development and Design Principles Seeks sustainable high quality design and construction that responds to and reflects local character. This is to be demonstrated through the Design and Access Statement.
 - Policy NND3: Sustainable Design Seeks measures that improve energy efficiency and provide for renewable energy generation with all new developments including change of use.
- 7.45 **ENV7:** Alternative Energy Supplies The NNP does not include a policy relating to more than domestic renewable energy generation (Policy NND3: Sustainable Design).
- 7.46 ENV8: Managing Waste The NNP does not have a policy relating to waste.

- 7.47 ENV9: Minerals Supply and Safeguarding The NNP does not have a policy relating to minerals.
- 7.48 The above narrative demonstrates how the policies within the NNP are in general conformity with the strategic policies of the development plan for the area.

8 Compatibility with EU Legislation

- 8.1 A screening process was carried out by CWaC to determine whether a Strategic Environmental Assessment (SEA) and a Habitat Regulations Assessment (HRA) would be required to support the NNP. This Assessment is a requirement of the EU Directive on the assessment of the effects of certain plans and programmes on the environment.
- 8.2 The SEA and HRA screening opinion was provided to statutory consultation bodies. The Screening Report concluded that the NNP is unlikely to have an adverse effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2010(d)), alone or in combination with other plans and projects. The proposals likely to come forward within the NNP would not result in a likely significant effect on a European site than already identified and assessed through the Cheshire West and Chester Local Plan Part One Habitats Regulations Assessment Report.
- 8.3 In terms of the SEA Screening, the Report concluded that it is considered unlikely that there will be any significant environmental effects arising from the NNP. A SEA of the NNP is not required. A copy of the SEA and HRA Report is found as an Appendix to the Sustainability Appraisal Report.
- 8.4 The following statutory consultation bodies responded to the Screening Process; Natural England, The Environment Agency, English Heritage and Natural Resources Wales. None of the consultees disagreed with the Council's conclusions. A copy of the consultees responses is attached as an Appendix to the Sustainability Appraisal.
- 8.5 The NNP, in terms of its preparation and content, has had regard to the fundamental rights and freedoms enshrined under the European Convention on Human Rights and complies with the Human Rights Act 1998.

9 Prescribed Conditions

9.1 There are no other prescribed matters.

10 Involvement of the Local Community and Stakeholders

- 10.1 The production of the NNP has involved the participation and contribution of the local community and stakeholders from the initial stages. The management of producing the NNP has been facilitated by a CSG which includes members of the local community working alongside Town Councillors. Task and Finish Working Groups, again with members of the community and Town Councillors, have been involved in research and analysis of specific topic areas.
- 10.2 There has also been a number of public engagement and consultation exercises carried out by the Town Council to raise awareness of the NNP and ascertain views on issues and proposals.
- 10.3 A Consultation Statement has been produced which provides the detail around the involvement of the local community and stakeholders in the development of the NNP.

11 Conclusion

- 11.1 It is considered that the Basic Conditions as set out in Schedule 4B of the Town and Country Planning Act 1990 (as amended) have been met within the NNP.
- 11.2 There are no apparent conflicts between the policies contained within the NNP and the policies within the NPPF and the policies within the Cheshire West and Chester Local Plan (Part One) Strategic Policies.
- 11.3 The information within this Statement demonstrates general conformity with Paragraph 8(1)(a) of the Town and Country Planning Act 1990 (as amended). It is therefore respectfully suggested that the NNP should proceed to referendum.

APPENDICES APPENDIX 2.1

NESTON NEIGHBOURHOOD AREA DESIGNATION LETTER FROM CWAC 6 MARCH 2013

Cheshire West & Chester Council

Mrs Alison Kunaj Neston Community and Youth Centre Burton Road Neston CH64 9RE

Spatial Planning

Cheshire West And Chester Council 2nd Floor, The Forum, Chester,CH1 2HS Tel: 0300 123 7027

Web

www.cheshirewestandchester.gov.uk

our reference: your reference: please ask for: date:

NP005/CM Catherine Morgetroyd 7 March 2013

01244 973804

Dear Mrs Kunaj

Neighbourhood Planning (General) Regulations 2012

Proposal: Application for the designation of a neighbourhood area

Location: The area of Neston Town Council

Thank you for submitting an application for a neighbourhood area on behalf of Neston Town Council.

I can confirm that the Neston Neighbourhood Area was approved and designated on 6th March 2013.

Please find enclosed the application and a map showing the designated neighbourhood area.

The following information will now be published on the Cheshire West and Chester Council website at:

http://www.cheshirewestandchester.gov.uk/residents/planning_and_building_control/neighbourhood_planning.aspx:-

- Neston designated neighbourhood area
- map of the neighbourhood area
- name of the body who applied for the neighbourhood area

If you require any further information, please do not hesitate to contact me.

Cont/d



Cheshire West & Chester Council

Yours faithfully

Catherine Morgetroyd Principal Planning Officer Tel: 01244 973804

Email: NeighbourhoodPlanning@cheshirewestandchester.gov.uk



APPENDIX 7.1

ELLESMERE PORT AND NESTON BOROUGH LOCAL PLAN RETAINED POLICIES – EXTRACT FROM APPENDIX A OF CHESHIRE WEST AND CHESTER LOCAL PLAN (PART ONE) STRATEGIC POLICIES

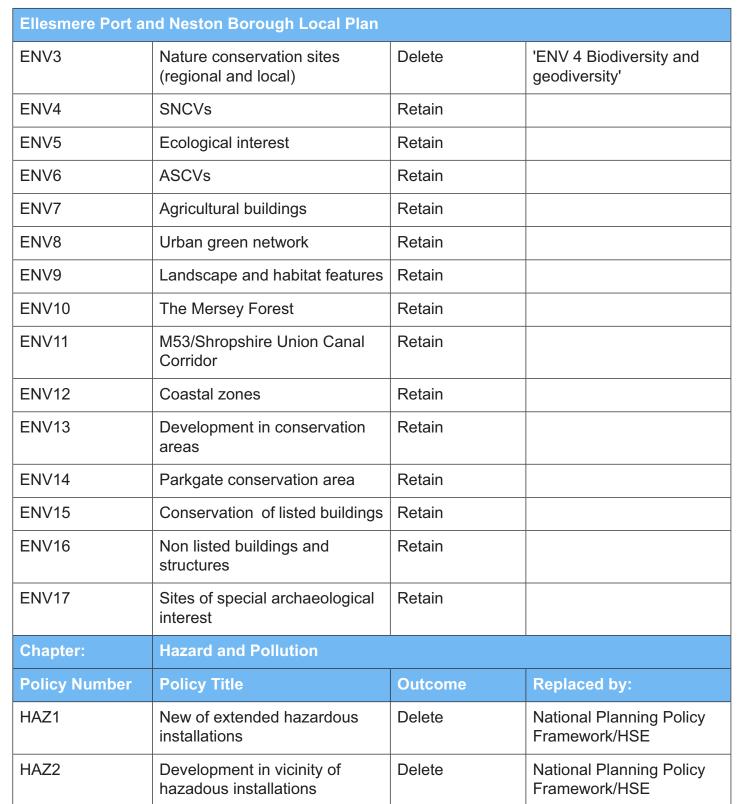
Ellesmere Port and Neston Borough Local Plan

Ellesmere Port and Neston Borough Local Plan					
Chapter:	General Policies				
Policy Number	Policy Title	Outcome	Replaced by:		
GEN1	General development criteria	Delete	'STRAT 1 Sustainable development'		
GEN2	Allocation of sites	Delete	Out of date		
GEN3	Safeguarded land	Delete	Out of date		
GEN4	Noise	Delete	'ENV 6 High quality design and sustainable construction'		
GEN5	Crime prevention	Delete	'STRAT 1 Sustainable development'		
GEN6	Access for everyone	Delete	'SOC 6 Open space, sport and recreation'		
GEN7	Telecommunications development	Retain			
GEN8	Telecommunications development	Retain			
GEN9	Art	Delete	Out of date		
GEN10	Power stations	Retain			
GEN11	Renewable energy	Delete	'ENV 7 Alternative energy supplies'		
GEN12	Overhead power lines	Delete	Out of date		
GEN13	Development on agricultural land	Delete	'STRAT 1 Sustainable development'		



Ellesmere Port and Neston Borough Local Plan				
Chapter:	Housing			
Policy Number	Policy Title	Outcome	Replaced by:	
H1	Allocation of land for housing development	Part Retain		
H2	Affordable housing	Delete	'SOC 1 Delivering affordable housing'	
H3	Housing needs	Delete	'STRAT 2 Strategic development'	
H4	Housing in urban areas	Delete	'SOC 6 Open space, sport and recreation'	
H5	Conversion to flats	Retain		
H6	House extensions	Retain		
H7	Transport and access provision	Delete	'STRAT 10 Transport and accessibility'	
H8	School site	Already deleted		
Chapter:	Employment			
Policy Number	Policy Title	Outcome	Replaced by:	
EMP1	Sites for employment development	Part Retain		
EMP2	Stanlow special policy area	Retain		
EMP3	Hooton Park strategic site	Retain		
EMP4	Ince Marshes	Retain		
EMP5A	Cheshire Oaks	Delete	Developed	
EMP5B	Cheshire Oaks	Delete	Developed	
EMP5C	Cheshire Oaks	Retain		
EMP6	Established industrial areas	Delete	National Planning Policy Framework	

Ellesmere Port and Neston Borough Local Plan				
EMP7	Ince Power Station site	Retain		
EMP8	Land at Station Road	Retain		
Chapter:	Green Belt			
Policy Number	Policy Title	Outcome	Replaced by:	
GB1	Green Belt area	Delete	'STRAT 9 Green Belt and countryside'	
GB2	Green Belt policy	Delete	National Planning Policy Framework	
GB3	Re-use of buildings	Delete	National Planning Policy Framework	
GB4	Housing development in the Green Belt	Delete	National Planning Policy Framework	
GB5	Extensions and alterations to dwellings in GB	Retain		
GB6	Willaston village inset	Retain		
GB7	Roften area major development site	Retain		
GB8	Stables and field shelters	Delete	National Planning Policy Framework	
GB9	Large stables and riding facilities	Delete	National Planning Policy Framework	
GB10	Golf courses	Delete	Out of date	
Chapter:	Natural and Built Environment			
Policy Number	Policy Title	Outcome	Replaced by:	
ENV1	Nature conservation sites (international)	Delete	'ENV 4 Biodiversity and geodiversity'	
ENV2	National sites of nature conservation	Delete	'ENV 4 Biodiversity and geodiversity'	



Ellesmere Port and Neston Borough Local Plan				
HAZ3	Potentially pulluting development	Retain		
HAZ4	Contaminated land	Delete	'STRAT 1 Sustainable development'	
Chapter:	Recreation and Tourism			
Policy Number	Policy Title	Outcome	Replaced by:	
REC1	Sports fields, play areas and parks	Delete	'SOC 6 Open space, sport and recreation'	
REC2	Open space provision	Retain		
REC3	Indoor sports and social facilities	Delete	'SOC 6 Open space, sport and recreation'	
REC4	Amenity open space in residential areas	Delete	'SOC 6 Open space, sport and recreation'	
REC5	Allotments	Delete	'SOC 6 Open space, sport and recreation'	
REC6	Site for potentially noisy outdoor sports	Delete	Developed	
REC7	Recreational routeways	Retain		
REC8	Tourist accommodation	Delete	National Planning Policy Framework	
REC9	Historic canal port	Retain		
Chapter:	Town Centre and Shopping			
Policy Number	Policy Title	Outcome	Replaced by:	
SHOP1	Primary shopping areas	Retain		
SHOP2	Local shopping centres	Retain		
SHOP3	Small shopping centres	Retain		
SHOP4	Retail development	Delete	'ECON 2 Town centres'	

FIGURES FIGURE 3.1 NESTON NEIGHBOURHOOD AREA

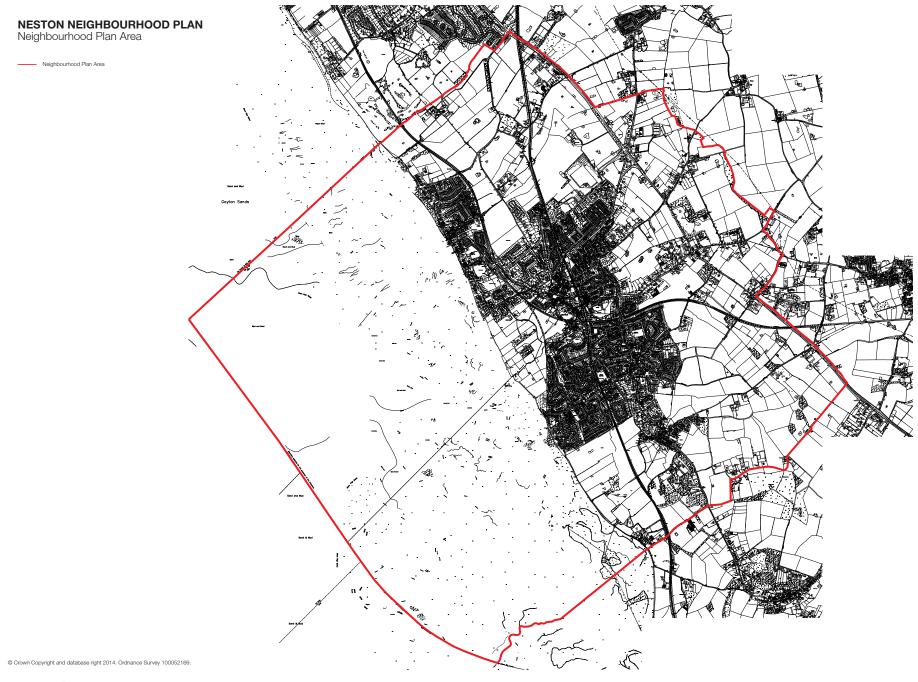


Figure 3.1 Neston Neighbourhood Area



Neston Town Council
Neston Town Hall
High Street
NESTON
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nestonneighbourhoodplan@
nestontowncouncil.org.uk
0151 353 1407