Cheshire West and Chester Council

Norley Neighbourhood Plan Decision Statement

1. Summary

1.1 Following an independent examination, Cheshire West and Chester Council now confirms that the Norley Neighbourhood Plan will proceed to a Neighbourhood Planning referendum.

2. Background

- 2.1 On 7 March 2013, Cheshire West and Chester Council designated the Norley Parish area for the purpose of preparing a Neighbourhood Plan in accordance with Part Two of the Town and Country Planning (England), Neighbourhood Planning (General) Regulations 2012.
- 2.2 Following the submission of the Norley Neighbourhood Development Plan to the Council in March 2015, the plan was publicised and representations were invited. The publicity period ended on Monday 8 June 2015.
- 2.4 Cheshire West and Chester Council appointed an independent examiner, Ms Rosemary Kidd, to review whether the Plan should proceed to referendum.
- 2.5 The examiner's report concludes that, subject to a number of modifications, the Plan meets the basic conditions set out in legislation and should proceed to a Neighbourhood Planning referendum.
- 2.6 The Cabinet of Cheshire West and Chester Council agreed on 14 October 2015 that the Norley Neighbourhood Plan should proceed to referendum.
- 2.7 Therefore to meet the requirements of the Localism Act 2011 a referendum which poses the question 'Do you want Cheshire West and Chester Council to use the Neighbourhood Plan for Norley to help it decide planning applications in the neighbourhood area?' will be held in Norley.
- 2.8 The date on which the referendum will take place is agreed as Thursday 3 December 2015.

3. Decision and Reasons

3.1 Having considered the recommendations made by the examiner and the reasons for them, the Council agrees that the recommended modifications are needed to ensure that the draft plan meets the basic conditions set out in legislation. The Council has decided to make the modifications to the draft plan as set out in the schedule below.

Norley Neighbourhood Plan – Schedule of Examiner's Modifications and Response

Policy/ paragraph	Examiner's proposed modification	Action taken
Front cover	Recommendation 1	
	Include the Plan period "2015 – 2030" on the front cover of the Plan.	Plan period added
Whole plan	Recommendation 2	
	The paragraphs of the plan are numbered.	Paragraph numbering added
	Sub points in the policies are numbered rather than listed as bullet points.	Sub points of policies numbered
	Those policies that include a list of criteria to be taken into account in considering development proposals should be punctuated with a semicolon at the end of each criterion with an "and" at the end of the penultimate criterion to ensure that all factors are taken into account. This applies to Policy HOU3, ECON4 and ECON5.	Semicolons added
Housing Growth section	Recommendation 3 Revise the second paragraph of the justification as follows:	
	Norley and Hatchmere, (hereafter called the Settlements), are small interdependent rural settlements washed over by Green Belt. Settlement boundaries were identified around them in the Vale Royal Local Plan. The Norley boundary has been updated in this Plan, confirmed by consultation and with the support of the Parish Council, to reflect more recent development and provide scope for infill and small scale development within the boundaries in character with the settlement.	Changes made as suggested, although 'hereafter called the Settlements' has been deleted for clarity following the change to the status of Hatchmere in the plan.

Policy/ paragraph	Examiner's proposed modification	Action taken
	Revise the final sentence of the third paragraph and the fourth paragraph of the justification to the Housing Growth Section as follows: Norley village satisfies the Local Plan criteria to be identified as a potential Local Service Centre under Policy STRAT8. Hatchmere does not meet these criteria and is identified in the Neighbourhood Plan as a small village with scope to potentially deliver a limited amount of new development on a previously developed site.	Changes to justification made (para 6.3 – 6.4)
	The Neighbourhood Plan has identified settlement boundaries for Norley which tightly bound around the existing form of the built up settlement. Whilst the Local Plan (STRAT 9) indicates that where there is a need to accommodate development on the edge of a settlement then the boundary will be drawn to reflect this, it also states (para 5.69) that in the Rural Area there will be little if any need for additional allocations to be made because of existing completions and commitments. This is certainly the case in the Norley plan area where, at March 2015 a total of 46 houses had extant planning permission.	
	The Plan's Housing policies limit small scale development to within the settlement boundary of Norley as there is no justification to allocate additional greenfield land for housing development. The site of the former Delamere School in Hatchmere may offer the opportunity for limited housing development in the future, either through conversion or partial or total redevelopment provided that it is demonstrated that there is no potential for the reuse of the site or buildings for employment development.	Changes to justification made (para 6.5)
	Delete the Hatchmere settlement boundary map from Appendix B. Delete the definition of "Settlements" from the Glossary. Revise the definition of Settlement Boundary to read "This defines the boundary between the built up areas of Norley and the Open Countryside".	Hatchmere boundary deleted Change made to glossary

Policy/ paragraph	Examiner's proposed modification	Action taken
	Recommendation 4	
Policy	Revise policy HOU1 as follows:	
HOU1	New housing development will be supported in accordance with NPPF paragraphs 88 to 90 and 54 to 55. It should provide a mix of housing meet Norley's housing requirement and be laid out and designed in accordance with Norley Neighbourhood Plan Policy HOU3.	Policy HOU1 amended.
	A) Within the Settlement Boundary, new housing development shall accord with Local Plan Policy STRAT 8:	
	1) Infill development of up to two dwellings on a small gap in an otherwise built up frontage;	Changes made, in point 2) 'local
	2) Small scale sites only where the development is in keeping with the local village character and provides affordable housing or low cost market housing to meet a demonstrated local housing need from those with a Norley Connection.	housing need' has been replaced by 'local Housing Requirement' to be consistent with the terminology used throughout the plan
	B) Throughout the Parish, new housing development will be supported where it involves:	(glossary) and in the first
	1) The re-use of a redundant or disused building of a permanent construction that is structurally sound and capable of conversion without substantial reconstruction;	paragraph of the policy
	2) The partial or total redevelopment of previously developed sites where any buildings are not capable of re-use or conversion and where the buildings are neither suitable for nor capable of employment development;	Changes made. After 'delivers', homes has been replaced by 'affordable housing'. This is to improve consistency with policy SOC 2 which does not allow for low cost market housing.
	3) The rebuilding and replacement of existing dwellings within their curtilage on a one for one basis provided that they are not materially larger than the existing dwelling.	
	C) Outside the Settlement Boundary, new housing development will only be permitted exceptionally, where it satisfies the very special circumstances to justify housing in the Green Belt and countryside under Policies STRAT 9 and SOC2 and delivers homes to meet Norley's housing requirement.	
	Extensions to dwellings which have been created through the conversion of rural buildings	

Policy/ paragraph	Examiner's proposed modification	Action taken
	outside settlement boundaries will be supported only where they are small in scale and do not adversely affect the character of the original building.	
Justification to housing growth section	Revise the second sentence of paragraph 9 of the justification as follows: The Local Plan (STRAT 8) directs new housing development to within settlements and provides the opportunity for small scale development within Local Service Centres. The Neighbourhood Plan Policy HOU1 has identified the potential types of housing sites that may be developed in the parish. This policy and Policy HOU3 seek to ensure that new housing is designed to reflect and enhance the character of the local area. Consultations have indicated that	Justification amended (paragraph 6.13)
	Revise the justification to refer to 5) The circumstances where small scale sites within the settlement boundary may be justified (eg that the site provides a mix of housing to meet local needs and has a suitable layout in keeping with local character).	Justification amended –
	 6) The provision of affordable housing through Rural Exceptions Sites under Local Plan Policy SOC2 where there is a demonstrated local need. 7) The process for considering the suitability of proposals through conversions and on redevelopment sites, including reference to Policy ECON4. 8) The exceptional types of housing that may be permitted in the countryside. 	incorporated into para 6.7 Justification amended (para 6.13 – 6.14)
Glossary	Revise the glossary for Rural Exceptions Site to reflect Local Plan Policy SOC2: "A small site adjacent to the settlement boundary used to deliver affordable housing for local people in accordance with Local Plan Policy SOC2. These are sites that would not normally be considered suitable for housing development. Local people are people who meet the Norley Connection criteria."	Glossary amended. The reference to a Local Service Centre has not been included as these have not yet been defined.

Policy/ paragraph	Examiner's proposed modification	Action taken
Policy	Recommendation 5	
HOU2	Revise policy HOU2 as follows:	
	Affordable housing shall be provided to meet a demonstrated local need:	Policy HOU2 amended.
	1) As part of housing development of 3 or more dwellings in accordance with Local Plan policy SOC1.	'Demonstrated local need'
	2) On Rural Exceptions sites in accordance with Local Plan policy SOC2.	replaced with 'Norley's Housing Requirement' to reflect terminology used throughout the plan
	Affordable housing shall be made available to people who satisfy the local connections criteria (the Norley Connection) for a minimum period of 12 weeks on completion and a minimum period of 4 weeks on subsequent re-letting or re-sale. After this period, the home shall be offered next to people from an adjoining parish before being offered to people from elsewhere in the Borough.	
Glossary	Revise the local connection criteria (the Norley Connection) in the Glossary and include in the justification to the policy as follows:	Change made to glossary to reflect this recommendation and also
justification to housing growth section	Norley Connection - Those who currently live in Norley parish and have been residing in the parish continuously for at least 2 years, close family members of Norley residents (defined as children, parents, brothers and sisters only) who have been residing in the parish continuously for at least 5 years or people who have previously lived in the parish for a continuous period of at least 10 years, or those who are in permanent employment in Norley parish.	suggestions in para 4.44 of the Examiner's Report.
	Revise paragraph 11 of the justification to refer to "12 weeks in the case of new built homes and 4 weeks in the case of subsequent re-lets or re-sales".	Justification amended (para 6.15)

Policy/ paragraph	Examiner's proposed modification	Action taken
Policy	Recommendation 6	
HOU3	Revise policy HOU3 as follows:	
	New housing developments shall provide a mix of houses types including an element of low cost market housing for rent and sale. New housing shall be well designed in scale, form and character, paying particular attention to:	Policy HOU3 amended.
	Criteria a) to d) unchanged	
	Criteria e) delete reference to the Code for Sustainable Homes from the policy, the list of documents on page 14 of the Neighbourhood Plan and the Glossary.	
	Revise criteria f) to read: Creating imaginatively designed and landscaped development reflecting the characteristic form of layout of the parish either as ribbon development or of small groups of houses.	
	It is recommended that the justification be revised to state that "Where discounted market housing for sale is provided, the discount shall be maintained in perpetuity through a legal agreement".	It is considered that the inclusion of this text is unnecessary and could cause confusion as this terminology is not used anywhere else in the plan.
Policy	Recommendation 7	
HOU4	Delete policy HOU4 - Phasing and the final paragraph of the justification relating to Policy HOU4 (on page 14 of the Neighbourhood Plan).	Policy HOU4 deleted
	Include reference to the need to make timely provision of community infrastructure in the justification to the housing section with reference to the requirements in Local Plan Policy STRAT11.	Justification amended (para 6.8)

Policy/ paragraph	Examiner's proposed modification	Action taken
	Include reference to the monitoring of housing delivery in the justification to the housing section: "the number and type of new homes developed in the parish will be monitored by the Parish Council in partnership with Cheshire West and Chester Council".	Justification amended (para 6.11)
Policy LC1	Recommendation 8	
	Revise the second paragraph of policy LC1 as follows:	Policy LC1 amended.
	The use of local materials such as red Cheshire brick and sandstone with slate or clay tile roofs, whitewashed finishes and Cheshire fencing will be supported to maintain the local vernacular and enhance the sense of place.	
Policy LC3	Recommendation 9	
	Revise the second sentence of the first paragraph of policy LC3 as follows:	
	New development should be located so as to avoid the loss of or damage to local woodland, trees, hedgerows and Cheshire fencing that contribute to the character, amenity and rural setting of Norley. Where loss or damage is unavoidable the development shall provide for appropriate replacement planting or fencing on site together with a method statement for the ongoing care and maintenance of that planting.	Policy LC3 amended
	A definition of "Cheshire fencing" should be added to the Glossary.	Definition added to glossary
Policy LC4	Recommendation 10	
	Revise the second sentence of the first paragraph of Policy LC4 as follows:	Policy LC4 amended
	The design should reflect and enhance the character and appearance of the existing dwelling and the proposal should retain sufficient garden space to meet the needs of the future residents of the extended or altered dwelling in accordance with the prevailing pattern of	

Policy/ paragraph	Examiner's proposed modification	Action taken
	development in the locality. (See Neighbourhood Plan Policy HOU3).	
	Add the text concerning underground utilities to the justification of the Local Character section.	Justification amended (paras 7.4 – 7.6)
Policy LC5	Recommendation 11	
	Delete policy LC5	Policy LC5 deleted
	Revise Policy HOU1 Part B3 concerning replacement dwellings to include "provided that they are not materially larger than the existing dwelling".	Policy HOU1 amended
Policy LC6	Recommendation 12	
	Delete policy LC6	Policy LC6 deleted
Policy ENV1	Recommendation 13	
	Revise the second sentence of policy ENV1 as follows:	Policy ENV1 amended
	Where such an overriding need is demonstrated then open space of an equivalent <i>or better</i> size and value shall be provided within the Settlements to replace the space that is lost.	
Policy ENV2	Recommendation 14	Policy deleted. Subsequent
	Delete Policy ENV2.	policies have been renumbered.
	Identify sites NGS3 and NGS11 under Policy ENV1 as open space of amenity value.	Sites NGS3 and NGS11 now
	Give further consideration to the appropriateness of Identify the playing field and other open	labelled OS 4 and OS 5 and included within ENV1.
	amenity land at the former Delamere School under Policy ENV1 as an open space of sport and amenity value.	Sites at Delamere School
	Delete Appendix E2 and revise Appendix E1 to include additional sites. Revise the maps in Appendix F to accord with the revised policy.	considered not to meet the criteria for policy ENV1.
	Appendix 1 to accord with the revised policy.	Changes made to appendices

Policy/ paragraph	Examiner's proposed modification	Action taken
Policy ENV4	Recommendation 15	
	Revise the first paragraph of Policy ENV4 as follows:	
	New agricultural buildings, stables and animal field shelters that require planning permission and that would not amount to inappropriate development in the green belt and would not, either by itself or cumulatively, be detrimental to the character of the landscape must be sited in the least obtrusive location and be of a size, scale, design and appearance appropriate to their intended use and the rural area.	Policy amended (renumbered ENV3 following deletion of ENV2)
Justification	Recommendation 16	
to	Add the following to the justification to the Landscape and Environment section:	
Landscape and Environmen t section	Norley is located within The Mersey Forest. The Mersey Forest is a community forest established in 1991 with the vision to "get more from trees" to help make Merseyside and North Cheshire one of the best places in the country to live. The Forest works with partners, communities and landowners across rural and urban areas, to plant trees and woodlands, improve their management and complement other habitats. This will increase woodland cover to 20% of the area. It will revitalise a woodland culture, and bring economic and social benefits through the transformed environment. The Mersey Forest Plan is a long term and strategic guide to the work of the Forest and its partners. It is recognised in the National Planning Policy Framework as a material consideration in preparing development plans and deciding planning applications."	Justification amended (para 8.4)
Glossary	Recommendation 17	
	Revise the term Core Sites in the Glossary to read	
	Core Sites – Core Sites are areas of high nature conservation value. In the Norley Neighbourhood Plan area they are the designated Ramsar / SSSI sites and Local Wildlife Sites	Glossary amended

Policy/ paragraph	Examiner's proposed modification	Action taken
Policy BIO1	Recommendation 18	
	Revise policy BIO1 as follows:	
	New development should not result in the loss of or negatively impact upon Core Sites (SSSI and Local Wildlife Sites), identified wildlife corridors and habitats/species of principal importance unless exceptional circumstances can be demonstrated to justify such development, then mitigation and compensation would be required to ensure that there is no net loss of environmental value.	Policy BIO1 amended
		Justification amended (para 9.6)
	The sentence "(Negative impacts have the potential to occur where watercourses, catchments, habitat linkages and land within a minimum of 15 metres of Core Sites are developed)" should be placed in the justification.	
Policy BIO3	Recommendation 19	
	Revise the first sentence of Policy BIO3 as follows:	Policy BIO3 amended
	New development "should" seek to provide net gains in biodiversity	
Policy CI 2	Recommendation 20	
	Revise the third paragraph of Policy CI 2 to read:	
	The provision of community infrastructure by developers will be supported where such community infrastructure projects are identified in the Neighbourhood Delivery Plan.	Policy CI 2 amended
Policy	Recommendation 21	
ECON1	revise Policy ECON1 as follows	
	Outside the settlement boundary new or extended small scale sustainable employment development, and small scale retail facilities that support farm diversification, will be	Policy ECON1 amended

Policy/ paragraph	Examiner's proposed modification	Action taken
	supported where it can be demonstrated that the development will have no impact on the openness of the Green Belt or the purposes of including land within it in accordance with NPPF paragraphs 88 to 90 and Local Plan Policy STRAT9.	
Policy	Recommendation 22	
TRANS1	Revise Policy TRANS1 to read:	
	New development should provide linkages to the rights of way network where possible. Development will, where appropriate, be required to contribute towards community infrastructure priorities including improved footpaths, cycleways and bridleways and circular routes in accordance with Local Plan policy STRAT 11.	Policy TRANS1 amended
Policy	Recommendation 23	
TRANS2	Revise the first sentence of the third paragraph of Policy TRANS2 to read:	Policy TRANS2 amended
	Where feasible, major infrastructure development should provide ducting that is available for community owned access or strategic fibre deployment.	
Policy	Recommendation 24:	
TRANS3	Delete policy TRANS3	Policy TRANS3 deleted