

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. Sub points in the policies are numbered rather than listed as bullet points. 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.	Paragraph numbering added Sub points of policies numbered 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. <i>Settlement boundaries were identified around them in the Vale Royal Local Plan. The Norley boundary has been updated in this Plan</i> , 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
Policy HOU2	<p>Recommendation 5</p> <p>Revise policy HOU2 as follows:</p> <p>Affordable housing shall be provided to meet a demonstrated local need:</p> <p>1) As part of housing development of 3 or more dwellings in accordance with Local Plan policy SOC1.</p> <p>2) On Rural Exceptions sites in accordance with Local Plan policy SOC2.</p> <p>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.</p>	<p>Policy HOU2 amended.</p> <p>'Demonstrated local need' replaced with 'Norley's Housing Requirement' to reflect terminology used throughout the plan</p>
Glossary and justification to housing growth section	<p>Revise the local connection criteria (the Norley Connection) in the Glossary and include in the justification to the policy as follows:</p> <p>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 (<i>defined as children, parents, brothers and sisters only</i>) who have been residing in the parish continuously for at least 5 years or people <i>who have previously lived in the parish for a continuous period of at least 10 years</i>, or those who are in permanent employment in Norley parish.</p> <p>Revise paragraph 11 of the justification to refer to "<i>12 weeks in the case of new built homes and 4 weeks in the case of subsequent re-lets or re-sales</i>".</p>	<p>Change made to glossary to reflect this recommendation and also suggestions in para 4.44 of the Examiner's Report.</p> <p>Justification amended (para 6.15)</p>

Policy/ paragraph	Examiner's proposed modification	Action taken
Policy HOU3	<p>Recommendation 6</p> <p>Revise policy HOU3 as follows:</p> <p><i>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:</i></p> <p>Criteria a) to d) unchanged</p> <p>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.</p> <p>Revise criteria f) to read: <i>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.</i></p> <p>It is recommended that the justification be revised to state that <i>“Where discounted market housing for sale is provided, the discount shall be maintained in perpetuity through a legal agreement”</i>.</p>	<p>Policy HOU3 amended.</p> <p>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.</p>
Policy HOU4	<p>Recommendation 7</p> <p>Delete policy HOU4 - Phasing and the final paragraph of the justification relating to Policy HOU4 (on page 14 of the Neighbourhood Plan).</p> <p>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.</p>	<p>Policy HOU4 deleted</p> <p>Justification amended (para 6.8)</p>

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	<p>Recommendation 8</p> <p>Revise the second paragraph of policy LC1 as follows:</p> <p><i>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.</i></p>	Policy LC1 amended.
Policy LC3	<p>Recommendation 9</p> <p>Revise the second sentence of the first paragraph of policy LC3 as follows:</p> <p><i>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.</i></p> <p>A definition of "Cheshire fencing" should be added to the Glossary.</p>	<p>Policy LC3 amended</p> <p>Definition added to glossary</p>
Policy LC4	<p>Recommendation 10</p> <p>Revise the second sentence of the first paragraph of Policy LC4 as follows:</p> <p>The design should reflect and enhance the character and appearance of the existing dwelling and <i>the proposal should retain sufficient garden space to meet the needs of the future residents of the extended or altered dwelling</i> in accordance with the prevailing pattern of</p>	Policy LC4 amended

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 Revise Policy HOU1 Part B3 concerning replacement dwellings to include “ <i>provided that they are not materially larger than the existing dwelling</i> ”.	Policy LC5 deleted 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: 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 ENV1 amended
Policy ENV2	Recommendation 14 Delete Policy ENV2. Identify sites NGS3 and NGS11 under Policy ENV1 as open space of amenity value. Give further consideration to the appropriateness of Identify the playing field and other open amenity land at the former Delamere School under Policy ENV1 as an open space of sport and amenity value. Delete Appendix E2 and revise Appendix E1 to include additional sites. Revise the maps in Appendix F to accord with the revised policy.	Policy deleted. Subsequent policies have been renumbered. Sites NGS3 and NGS11 now labelled OS 4 and OS 5 and included within ENV1. Sites at Delamere School considered not to meet the criteria for policy ENV1. Changes made to appendices

Policy/ paragraph	Examiner's proposed modification	Action taken
Policy ENV4	<p>Recommendation 15</p> <p>Revise the first paragraph of Policy ENV4 as follows:</p> <p>New agricultural buildings, stables and animal field shelters that require planning permission <i>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</i> 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.</p>	Policy amended (renumbered ENV3 following deletion of ENV2)
Justification to Landscape and Environment section	<p>Recommendation 16</p> <p>Add the following to the justification to the Landscape and Environment section:</p> <p><i>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."</i></p>	Justification amended (para 8.4)
Glossary	<p>Recommendation 17</p> <p>Revise the term Core Sites in the Glossary to read</p> <p>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.....</p>	Glossary amended

Policy/ paragraph	Examiner's proposed modification	Action taken
Policy BIO1	<p>Recommendation 18</p> <p>Revise policy BIO1 as follows:</p> <p><i>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.</i></p> <p>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.</p>	<p>Policy BIO1 amended</p> <p>Justification amended (para 9.6)</p>
Policy BIO3	<p>Recommendation 19</p> <p>Revise the first sentence of Policy BIO3 as follows:</p> <p>New development “<i>should</i>” seek to provide net gains in biodiversity</p>	Policy BIO3 amended
Policy CI 2	<p>Recommendation 20</p> <p>Revise the third paragraph of Policy CI 2 to read:</p> <p>The provision of community infrastructure by developers will be supported where such community infrastructure projects are identified in the Neighbourhood Delivery Plan.</p>	Policy CI 2 amended
Policy ECON1	<p>Recommendation 21</p> <p>revise Policy ECON1 as follows</p> <p>Outside the settlement boundary new or extended small scale sustainable employment development, and small scale retail facilities that support farm diversification, will be</p>	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 TRANS1	Recommendation 22 Revise Policy TRANS1 to read: <i>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.</i>	Policy TRANS1 amended
Policy TRANS2	Recommendation 23 Revise the first sentence of the third paragraph of Policy TRANS2 to read: <i>Where feasible, major infrastructure development should provide ducting that is available for community owned access or strategic fibre deployment.</i>	Policy TRANS2 amended
Policy TRANS3	Recommendation 24: Delete policy TRANS3	Policy TRANS3 deleted