



Report on Northwich Neighbourhood Plan 2017- 2030

An Examination undertaken for Cheshire West and Chester Council with the support of the Northwich Town Council on the September 2017 submission version of the Plan.

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Date of Report: 14 March 2018

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Main Findings - Executive Summary

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

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the Town Council;
- The Plan has been prepared for an area properly designated – Northwich parish as shown on Fig 1 of the Plan;
- The Plan specifies the period to which it is to take effect – 2017-2030; and
- The policies relate to the development and use of land for a designated neighbourhood area.

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

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

1. Introduction and Background

Northwich Neighbourhood Plan 2017- 2030

- 1.1 Northwich is a town set in the Cheshire Plain at the confluence of the Rivers Weaver and Dane. The town has a history of salt and chemical production, one legacy of which is an abundance of brownfield sites which have the potential for redevelopment.
- 1.2 The Northwich Neighbourhood Plan (the Plan) is a community led plan with work being coordinated and directed by the Northwich Neighbourhood Plan Executive Group.
- 1.3 It is a 'Policy-only Plan'; that is, it contains policies but does not allocate sites for, for example, housing or employment. That is something that either has been done through the existing Part One Local Plan or will be done through the emerging Local Plan (see paragraphs 2.1 and 2.2 of this report). The policies in the Plan seek to address seven key questions. In summary these are; how should the town centre be further developed and improved; how can walking and cycling routes and facilities be improved; should a market be retained; how can best use be made of Northwich's rivers and

waterways; how should the existing character of the town be maintained; how should existing green open spaces, woodlands, parks and sports facilities be protected; and, how can Northwich be made environmentally sustainable?

The Independent Examiner

- 1.4 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Plan by Cheshire West and Chester Council (the Borough Council) with the agreement of Northwich Town Council (the Town Council).
- 1.5 I am a chartered town planner and former government Planning Inspector, with considerable experience of examining development plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the Plan.

The Scope of the Examination

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

- it does not include provisions and policies for 'excluded development';
- it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
- whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

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

The Basic Conditions

1.9 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

1.10 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the neighbourhood plan should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2017) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007), either alone or in combination with other plans or projects.

2. Approach to the Examination

Planning Policy Context

- 2.1 The Development Plan for the area, not including documents relating to excluded minerals and waste development, is the Cheshire West and Chester Local Plan (Part One) Strategic Policies [2015] (the Part One Local Plan) and the saved Policies of the Vale Royal Local Plan First Review Alteration (2006) (the Local Plan First Review Alteration). The strategic policies in these plans which are considered by the Council to be relevant to this examination are set out in Appendix 1 to the Council's representations on the Plan¹.
- 2.2 The Publication Draft of the Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (the emerging Local Plan) has recently been consulted on. While there is no requirement for the Plan to be in general conformity with the strategic policies of this emerging plan it is important to minimise conflicts between the policies in these two plans². The policies of the emerging Local plan which the Council considers to be strategic are set out in its letter of 08/02/18 which is available on the Council's website.
- 2.3 The planning policy for England is set out principally in the National Planning Policy Framework (the Framework). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented.

Submitted Documents

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Northwich Neighbourhood Plan 2017-2030, September 2017;
 - The map at Figure 1 of the Plan which identifies the area to which it, the Plan, relates;
 - the Consultation Statement, September 2017;
 - the Basic Conditions Statement, November 2017;
 - all the representations that have been made in accordance with the Regulation 16 consultation;
 - the Strategic Environmental Assessment, Sustainability Appraisal and Habitats Regulation Assessment Screening Determination, September 2017 prepared by the Council.

¹ With the exclusion of Policies NE11, NE18 and BE20 of the Local Plan First Review Alteration which, as the Council confirmed in its letter of 08/02/18 are not relevant to the Plan. This letter is on the Council's website.

² See PPG Reference ID: 41-009-20160211.

- The Borough Council's letter dated 08/02/2018 setting out its answers to the questions raised in my letter of 25/01/18; and
- The Town Council's letter dated 11/02/18 setting out its answers to the questions raised in my letter of 25/01/18³.

Site Visit

- 2.5 I made an unaccompanied site visit to the Plan area on 19 February 2018 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

- 2.6 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan, and presented arguments for and against the Plan's suitability to proceed to a referendum.

Modifications

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

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Plan has been prepared and submitted for examination by the Town Council which is a qualifying body. The plan area is identical to the area covered by Northwich Town Council as shown on Fig 1 of the Plan.
- 3.2 It is the only neighbourhood plan for the plan area and, subject to the proposed modifications contained in this report, does not relate to land outside the designated neighbourhood area.

Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2017 to 2030.

³ All these documents are available on the Council's web site. See: http://consult.cheshirewestandchester.gov.uk/portal/cwc_ldf/np/northwich_pub

Neighbourhood Plan Preparation and Consultation

- 3.4 The public have been involved throughout the preparation of the Plan and have been consulted on its contents. Initial public involvement and consultation took place over the period 2012 to 2015 during which time Topic Area Groups were formed, Topic Area Objectives were devised, a public meeting was held and a Public Survey carried out to which there were over 800 responses.
- 3.5 These responses, together with information gleaned from group meetings and discussions were taken into account in preparing an Initial Draft Plan. Further consultations and re-drafting led to the publication of the Pre-Submission Draft of the Plan which was the subject of Regulation 14 consultations between 14 October to the 30 November 2015. The Plan was placed on public display at various locations, leaflets were distributed and advertisements placed in the local press. Printed copies of the Plan response forms were made available in various locations and electronic versions of these documents were published on the Northwich Neighbourhood Plan web site. Statutory consultees were also contacted.
- 3.6 189 responses were received, the vast majority of which supported the Pre-Submission version of the Plan. Amendments were made to this version of the Plan in response to the consultation responses which resulted in the Submitted Plan which is the subject of this report. That Plan was the subject of consultation under Regulation 16 between 23 November 2017 and 12 January 2018, which resulted in 19 responses
- 3.7 I am satisfied that the Plan has been publicised in a manner likely to bring it to the attention of people who live, work or carry on business in the plan area and that the consultation process has both met the legal requirements and had regard to the advice in the PPG concerning plan preparation and engagement.

Development and Use of Land

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

Excluded Development

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

Human Rights

- 3.10 The Council is satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998), and from my independent assessment I see no reason to disagree.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The Plan was screened for Strategic Environmental Assessment (SEA) by the Council, which found that it was unnecessary to undertake SEA. The Plan was further screened for Habitats Regulations Assessment (HRA) resulting in the conclusion that such an assessment was not required.
- 4.2 Having read the SEA, Sustainability Appraisal and HRA Screening Determination and from my own independent consideration of these matters, I, like the Environment Agency, Historic England and Natural England, support these conclusions.

Main Issues

- 4.3 Having considered whether the Plan complies with various legal and procedural requirements it is now necessary to deal with the question of whether it complies with the Basic Conditions (see paragraph 1.9 of this report), particularly the regard it pays to national policy and guidance, the contribution it makes to sustainable development and whether it is in general conformity with strategic development plan policies. This is done by considering:
- General issues of compliance of the Plan as a whole; and
 - Specific issues of compliance of the Plan's policies.

General Issues of Compliance

Regard to National Policy and Guidance

- 4.4 The Plan contains seven groups of policies. These relate to Retail and Commercial; Employment and Education; Housing; Environment – Natural and Built; Transport and Infrastructure; Health and Wellbeing; and, Recreation, Tourism and Waterways. These groups of policies aim to revitalise the town centre and neighbourhood shopping centres; support the provision of offices, hotels and restaurants; support the provision of employment and housing in appropriate locations; ensure the provision of high standards of design and conservation; make provision for good roads, pedestrian ways, cycle routes and public transport; create a healthy and inclusive community; and encourage the development of the town's cultural and recreational assets.
- 4.5 These aims chime well with those of the Framework which similarly seeks to ensure the vitality of town centres (**Sustainability Policy 2**); build a strong, competitive economy (**Sustainability Policy 1**); deliver a wide choice of high quality homes (**Sustainability Policy 6**); require good

design (**Sustainability Policy 7**); conserve and enhance both the natural and historic environment (**Sustainability Policies 11 and 12**); support high quality communications infrastructure (**Sustainability Policy 5**); and promote healthy communities (**Sustainability Policy 8**).

- 4.6 I am satisfied, therefore, that, subject to detailed comments made subsequently about individual policies, the Plan has had regard to national policy and guidance and thus meets this Basic Condition.

General Conformity with Strategic Development Plan Policies

- 4.7 The aims of the policies in the Plan are set out in paragraph 4.4 above. These are in general conformity with the strategic policies in the Part One Local Plan and the Local Plan First Review Alteration insofar as these seek to promote competitive town centres and deliver a flexible supply of land for industrial and business use (**Policy ECON1**); deliver ambitious development targets while protecting the environment (**Policy STRAT2**), promote high quality design (**Policy ENV6**); safeguard and enhance biodiversity (**Policy ENV4**); Protect the historic environment (**Policy ENV5**); provide a reliable and efficient transport network (**Policy STRAT10**); and support health and wellbeing (**Policy SOC5**).
- 4.8 All of the policies referred to in the preceding paragraph are from the Part One Local Plan. However, having assessed the strategic policies in the Local Plan First Review Alteration I see no evidence that the Plan is significantly out of step with these. Moreover, as discussed below, the policies in the Plan are specifically worded to take account of the policies of the emerging Local Plan so that any conflict between the two is minimised. I am satisfied, therefore that the Plan is in general conformity with the strategic policies of the development plan and that this Basic Condition is met.

Contribution to Sustainable Development

- 4.9 The contribution that Northwich and its surrounding area should make to sustainable development is set out in its most tangible and specific form in **Policy STRAT5** of the Part One Local Plan. This states, amongst other things, that Northwich will provide a key focus for development in the east of the borough; provision will be made for at least 4,300 dwellings and 30ha of additional land for business and industrial development; that there will be a major housing led mixed use development at Winnington Urban Village and a retail led regeneration of Northwich town centre including the redevelopment of Barons Quay; a site will be identified in the emerging Local Plan to meet the need for logistics/warehousing and distribution; and the Green Belt around Northwich will be maintained.

- 4.10 As has been established at paragraph 1.3 of this report, the Plan does not seek to allocate housing or employment sites. That is something that has either been done through the Part One Local Plan as detailed above or will be done through the emerging Local Plan. As far as employment and housing schemes are concerned the policies in the Plan largely confine themselves to supporting such development in appropriate locations (**Policy EE1, Policy RC6 and Policy HOU1**), although **Policy HOU4** sets out some broad principles for the development of the site at Winnington Works should this site be released through the emerging Local Plan. In addition, **Policy EE1** seeks to safeguard existing employment but is careful to make clear that the redevelopment of such sites would be acceptable where, amongst other things, a site has been allocated for alternative use in the emerging Local Plan.
- 4.11 **Policies RC1, RC2 and RC3** seek to encourage the regeneration of Northwich town centre and there are no policies in the Plan which would compromise the Green Belt around the town.
- 4.12 I see nothing in the Plan which would frustrate the achievement of sustainable development in Northwich as set out in the existing development plan and as anticipated in the emerging Local Plan. I am satisfied, therefore, that the Plan makes a contribution to sustainable development and that this Basic Condition is met.

Specific Issues of Compliance

Preamble

- 4.13 This part of the report deals only with matters which go to the question of whether the Plan meets the Basic Conditions. It is not the role of the Examination to delve into matters that do not fundamentally affect the Plan's ability to meet those conditions.

Retail and Commercial

- 4.14 The retail and commercial Policies in the Plan (**Policies RC1, RC2, RC3, RC4, RC5 RC6 and RC7**) aim to redevelop and regenerate the town centre, to retain, improve add to or re-locate various existing Neighbourhood Shopping, to resist further out of centre shopping and to encourage the development of offices, hotels and restaurants. Such aims are in general conformity with those policies in the Part One Local Plan (**Policies ECON1, ECON2 and ECON3**) and the Local Plan First Review Alteration (**Policy STC1**). These promote competitive town centre environments; employ a town centre first approach to proposals for retail, leisure and other main town centre uses with priority being given to the Barons Quay scheme in Northwich; support the retention of Local Centres;

provide a flexible supply of land for business use; and support the expansion of the visitor economy.

- 4.15 The Retail and Commercial Policies in the Plan also have regard to those sections of the Framework which seek to ensure the vitality of town centres and meet the need for retail, leisure, office and other main town centre uses (**paragraphs 23 – 27**) and the provision of strong neighbourhood centres (**paragraph 69**).
- 4.16 That said, a number of these policies have been the subject of detailed representations. The point was made that the supporting text to **Policy RC1** would benefit from a reference to Fig. 83 as this shows, amongst other things, the boundary of Primary Shopping Areas. I see no requirement for this as the policy itself refers to Fig 83. In the interests of accuracy, however the key to Fig. 83 does need updating as it refers in several places to **Policy DM6** of the emerging Local Plan while the correct reference is now **Policy DM14**. This updating is shown in **PM1**.
- 4.17 It is suggested that the boundaries of the Weaver Square Development Area referred to in **Policy RC2** should be extended to include further properties but no compelling evidence for this is given. **Policy N2A** of the emerging Local Plan contains proposals for the Weaver Square Development area. Questions as to the precise boundaries of this area are better dealt with in the context of that emerging plan. In order to meet the Basic Conditions, I see no absolute need for **Policy RC2** to refer specifically to **Policy N2A** of the emerging Local Plan. No change to this Policy RC2 is, therefore, justified.
- 4.18 **Policy RC4** is unclear as to whether it refers to the existing Winnington Centre, to the planned retail centre at Winnington Urban Village for which planning permission has now been granted (Ref: 17/03239/FUL) or to the Neighbourhood Centre to be provided in the context of the Winnington Works site. In response to my question on this matter, the Town Council correctly point out that it is not the role of the Plan to allocate sites (see paragraph 1.3 above) but does accept that the policy and its supporting text could be more clearly worded as shown in **PM2**.
- 4.19 In the interests of clarity and consistency with **Policy ECON2** of the Part One Local Plan, **Policy RC5** should use the terms '*out of centre*' and '*edge of centre*' rather than the terms '*out of town*' and '*edge of town*' which have a somewhat different meaning. (**PM3**)
- 4.20 The Borough Council suggests that **Policy RC6** should specify that it applies to office development within the town centre boundary. However, it is clear from the supporting text that it does not. That text makes clear that it sees very limited potential for office development in the town

centre because of low rentals and high building costs. It goes on to suggest that office development should be located at Gadbrook Park or Cheshire Business Park, both of which are outside the Plan Area.

- 4.21 While this analysis of the situation may be correct, it is not part of the Plan's remit to devise a policy which relates to sites outside the Plan area. This is particularly the case when such a policy appears to lack general conformity with **Policies ECON1** and **ECON2** of the Part One Local Plan. **Policy ECON1** states that where sustainable and viable town centre sites for new office uses are not available, suitable edge of centre sites will be brought forward that are well connected to town centres and connected by public transport. As far as I am aware, neither Gadbrook Park nor Cheshire Business Park are edge of centre sites.
- 4.22 **Policy ECON2** states that a sequential test will be applied to planning applications for main town centre uses (of which offices are one) that are not in an existing centre. Town centre uses should be located in town centres and then in edge of centre locations and only if suitable sites are not available will out of centre sites be considered. I have been given no evidence that such a sequential test has been carried out. **Policy RC6** therefore fails the Basic Conditions in that it relates to land outside the Plan area and is not in general conformity with strategic policies in the development plan. **Policy RC6** and its supporting text should, therefore, be deleted as shown in **PM4**.

Employment

- 4.23 The Plan contains one policy (**Policy EE1**) dealing with employment. This seeks to support new B1, B2 and B8 uses in appropriate locations and sets out the criteria that proposals for alternative uses of existing employment sites must meet. This approach meshes well with the approach taken in the Part One Local Plan (**Policy ECON1**) and in The Framework (**paragraphs 18 -22**) which variously seek to encourage sustainable economic growth and avoid the protection of employment sites where there is no reasonable prospect of the site being put to that use.
- 4.24 It has been suggested that **Policy EE1** should make reference to waste uses and in particular to the site at Lostock Works where planning permission has been granted for such a use. I do not agree. As I make clear in paragraph 1.7, it is not for the Plan to make provisions or policies for 'excluded development' which includes waste related development. There is no justification, therefore, for modifying the policy in this manner.
- 4.25 However, the Town Council considers that the supporting text to **Policy EE1** should be updated to take account of the most recent information.

In the interests of accuracy, I agree and supporting text should be modified in the manner shown in **PM5**.

Housing

- 4.26 The topic of housing is dealt with in four policies (**Policies HOU1, HOU2, HOU3 and HOU4**). **Policy HOU1** supports new housing development on appropriately located and sustainable sites. This is consistent with both the Part One Local Plan (**Policy STRAT5**) and the Framework (**paragraph 47**) insofar as these seek to boost significantly the supply of housing land.
- 4.27 The first paragraph of **Policy HOU2** seeks to ensure the provision of house types and tenure that meet local needs. The supporting text makes clear that the type, tenure and size of housing appropriate to a particular site will be determined by the most up to date housing need assessment. The second paragraph of **Policy HOU2** requires, where possible, affordable housing to be distributed around a site rather than clustered together. The phrase 'where possible' introduces a degree of flexibility, allowing for situations in which such distribution would not be financially or spatially viable. Both these aspects of **Policy HOU2** are in keeping with the approach taken in **Policy SOC3** of the Part One Local Plan and in the Framework (**paragraph 50**), each of which seek to achieve similar ends. It is suggested that **Policy HOU2** should cross refer to **Policy SOC3** but I do not consider that this is necessary in order to meet the Basic Conditions.
- 4.28 **Policy HOU3** seeks to ensure that the character and design of new housing development reflects Northwich's distinctive sense of place. It is phrased in reasonably general terms and avoids being over prescriptive. It is thus in keeping with **Policy ENV6** of the Part One Local Plan, which similarly aims to achieve a sense of place through appropriate layout and design, and with the Framework (**paragraph 60**) insofar as it seeks to promote or reinforce local distinctiveness. **Policy HOU3** does not mention the importance of creating active frontages to waterways nor does it need to as this is dealt with in **Policy NBE1c**.
- 4.29 **Policy HOU4** sets out broad principles for the development of Winnington Works as a comprehensive mixed use redevelopment should this come forward for development through the emerging Local Plan (**Policy N2b**). Such a scheme would be consistent with the Part One Local Plan and the Framework in that this also encourages the redevelopment of previously

developed land in sustainable locations (**Policy STRAT1** and **paragraph 111**) and focus development in the Northwiche area (**Policy STRAT5**).

- 4.30 The Borough Council has confirmed in its representation on the Plan that redevelopment of this site is likely to be a long-term proposition although it does not rule out the possibility of some development coming forward earlier. However, given the size and complexity of the site, there are obvious benefits to it being developed comprehensively rather than in a piecemeal fashion. That being so, and in the absence of any compelling evidence to the contrary, I do not consider that there is a need for **Policy HOU4** to specify at this early stage that development could come forward in advance of a comprehensive scheme being devised.

Environment – Natural and Built

- 4.31 There are eight policies in the Plan dealing with the natural and built environment (**Policies NBE1a to NBE1c and Policies NBE2 to NBE6**). **Policy NBE1a** seeks to ensure that development reflects the existing built environment, particularly in the Northwiche Conservation Area - an aim that is in keeping with the Part One Local Plan (**Policy ENV5** and **Policy ENV6**) and the Framework (**paragraph 126**) which similarly require development to respond positively to its setting and to conserve and enhance the historic environment.
- 4.32 **Policy NBE1b** makes a similar point about the design and layout of development but goes on to require that consideration be given to landscape as well as townscape character, particularly when with development adjoining open countryside. This accords well with the Part One Local Plan (**Policy ENV2**) which seeks to enhance landscape character by ensuring that development takes full account of its relationship with its surrounding and with the Framework (**paragraph 109**) which stresses that the planning system should contribute to and enhance the natural and local environment.
- 4.33 **Policy NBE1b** also seeks to protect and enhance wildlife corridors. This is consistent with the approach taken in the Part One Local Plan (**Policy ENV4**) which seeks, amongst other things, to identify sites of local importance for their biodiversity and in the Framework (**paragraph 117**) with its emphasis on the identification of wildlife corridors. However, the Plan does not indicate the location of these wildlife corridors. In its response to my questions the Town Council has indicated the position of some wildlife corridors on a plan but states that this is not a definitive guide to all wildlife corridors in the plan area.
- 4.34 PPG Reference ID: 41-041-20140306 makes plain that any policy in a neighbourhood plan should be clear and unambiguous. It should be

drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. In the absence of a plan showing the position of all wildlife corridors this part of **Policy NBE1b** does not meet that requirement and should be deleted (**PM6**).

- 4.35 **Policy NBE1c** sets out a range of urban design principles aimed at ensuring high quality urban design. For the reasons set out when considering **Policy NBE1a** these principles are in accord with the Part One Local Plan and the Framework. In the interest of clarity, however, two wording changes should be made to **Policy NBE1c** as shown in **PM7**. These involve substituting the word '*address*' for the words '*reflect upon*' and the words '*design and materials*' for the words '*building type*'.
- 4.36 **Policy NBE2** requires alterations and extensions to existing buildings to be carefully designed and implemented to ensure that the character of the building and its setting is not harmed and, where possible, enhanced. Specific mention is made of the Northwich Conservation Area. For the reasons set out when considering **Policy NBE1a** such an approach is consistent with the development plan and the Framework.
- 4.37 It has been suggested that the Plan should have a separate policy dealing with the historic environment as Northwich contains a Conservation Area and a number of notable buildings, both designated and non-designated, details of which are contained Appendix 5.3 to the Plan. However, the policy towards designated and non-designated heritage assets is set out in **Policy ENV5** of the Part One Local Plan and in the Framework (**paragraphs 126-141**). In order to meet the Basic Conditions there is no need for the Plan to replicate existing policy.
- 4.38 **Policy NBE3** seeks to ensure that development increases biodiversity. For the reasons set out when considering the issue of biodiversity under **Policy NBE1b** this is in general conformity with the approach taken in the development plan and also has regard to the Framework.
- 4.39 The aim of **Policy NBE4** is for all new development to contribute towards achieving sustainable development. The Part One Local Plan (**Policy ENV6**) and the Framework (**paragraph 94**) take a similarly proactive approach. It is suggested by a representor that this policy should include a reference to viability. This is not necessary. The policy is caveated so that it only requires contributions to sustainable development as and where appropriate. In this manner, the question of viability is covered.
- 4.40 **Policy NBE5** identifies a number of Local Green Spaces. **Policy ENV2** of the Part One Local Plan supports the designation of Local Green Space. The Framework (**paragraphs 76 to 78**) advises that, amongst other

things, this designation will not be appropriate for most green area or open space and that it should only be used where; firstly, the green space is in reasonably close proximity to the community it serves; secondly, where the green space is demonstrably special to a local community and holds particular local significance; and thirdly, where it is local in character and not an extensive tract of land. It is against this background that the Plan proposes some 264ha of Local Green Space across the Plan area on 38 sites.

- 4.41 For the most parts these proposed allocations are uncontentious and having read the Plan and the representations, and visited the sites, I am satisfied all meet the first criterion in that being set in, on the edge of or within easy reach of the built-up area they are all in reasonably close proximity to the community they serve.
- 4.42 On the same basis I am satisfied that all but two of the proposed Local Green Spaces are demonstrably special to the local community and hold particular local significance either because of their sports and recreational value, their amenity value, their ecological value or their community value. The second criterion set out in the Framework (**paragraph 77**) is, therefore met by the majority of the proposed Local Green Spaces.
- 4.43 The first exception to this is the Manchester Road Playing Field (site 15), a privately-owned site. This is a flat area of rough grass that is fenced off from the road. At the time of my site inspection there was no evidence of it being freely available for informal sports activities as asserted in the Plan. There is insufficient evidence, therefore, that it is demonstrably special to the local community and holds particular local significance. The site should, therefore, be deleted from the Plan as shown in **PM8**.
- 4.44 The second exception concerns the Former Allotment Gardens, Peter Street, Witton (Site 35). This site, which is in private ownership, is an overgrown, litter strewn area of abandoned allotments⁴. The primary purpose of the proposed designation of this site appears to be to facilitate its future use as allotments. While this may be a desirable end it is not a legitimate use of the Local Green Space designation to achieve this. Such a designation is intended to protect sites which are at present demonstrably special and valued by the community and not to secure sites that in the future might achieve this status. There is insufficient evidence to indicate that this site is at present of any particular ecological, amenity or recreational value such as would warrant its designation as Local Green Space. This site should, therefore, be deleted as shown in **PM9**.

⁴ PPG Reference ID: 37-019-20140306 indicates that private ownership is no bar to the designation of an LGS, subject to specific consultation with the owner.

- 4.45 The third criterion set out in **paragraph 77** of the Framework relates to the size of the Local Green Space. This is something I raised in writing with the Town Council⁵ when I pointed out that one site (Dane Valley) is over 100ha; another two sites (Ashtons Flash and Witton Limebeds) have a combined area of over 30 ha; other sites are some 20 ha in extent, either when taken individually (Moss Farm) or when considered jointly (Furey Wood and Tip); two sites (Leftwich Meadows and Carey Park) are over 10ha in size; another three (Verdin Park, Hunt's Lock Castle and Clough Wood) are over 5ha; and ten sites (Jubilee Fields, Saxons Lane Play Area, Vickersway Park, Whalley Road Playing Field, Greenall Road Playing Field, Belmont Road Play Area, Winnington Meadow, Queensgate Allotments, Leftwich Green and Witton Cemetery) are over 1ha.
- 4.46 While there are no hard and fast rules as to how big a Local Green Space can be, I asked whether the Town Council would provide further evidence as to why it considers these proposed Local Green Spaces are local in character and not extensive tracts of land? In its response⁶ the Town Council focussed on why these green areas are important to the local community and why they are characteristic of the area. That is not in dispute but, to repeat a point made earlier, **paragraph 77** of the Framework makes clear that the Local Green Space designation will not be appropriate for most green areas or open space.
- 4.47 The Town Council refer to the Borough Council's guidance to the effect that Local Green Spaces are likely to be self-contained with clearly defined edges but this also does not address the question of size; a site could meet these criteria and still be extensive.
- 4.48 Having read the Plan and the relevant representations, visited the proposed Local Green Spaces and walked and driven around the area I have come to the judgement that the following sites do amount to extensive tracts of land.
- Site 1 Moss Farm (21.1ha)
 - Site 17, Dane Valley (101ha)⁷
 - Site 18, Leftwich Meadows (13.7ha)
 - Site 19, Carey Park (17.1ha)

⁵ See my letter of 25/01/18 referred to in paragraph 2.4.

⁶ See the Town Council's letter of 11/02/18 referred to in paragraph 2.4.

⁷ Part of this site is the subject of an extant planning permission. The Planning Practice Guidance makes clear that Local Green Space designation will rarely be appropriate where land has planning permission for development (008 Reference ID: 37-008-20140306). In this instance, however, I see no objection to this being done as the land with planning permission is only a relatively small part of the overall site and the supporting text makes clear that the Local Green Space designation would not override the planning permission and would only come into effect for this land if the planning permission expired. Nonetheless I consider that the whole Dane Valley site should be deleted because it is an extensive tract of land.

- Sites 20 and 36, Furey Wood and Tip, Winnington (adjoining sites of some 20ha in total)
- Sites 32 and 33, Ashton's Flash and Witton Limebeds (adjacent sites of some 39.6ha in total).

- 4.49 I note that Dane Valley is proposed as a Key Settlement Gap in the emerging Local Plan and that parts of the sites at Ashton's Flash and Witton Limebeds are designated as Sites of Special Scientific Interest. There is no suggestion that these sites do not warrant such designation or that the other proposed Local Green Spaces to be deleted do not warrant some form of policy protection. The point is simply that the proposal to designate these sites as Local Green Space does not have regard to national policy as set out in **paragraph 77** of the Framework which includes the requirement that they should not be extensive tracts of land. These sites, and any references to them in the supporting text, should, therefore, be deleted as shown in **PM10**.
- 4.50 The Framework states (**paragraph 88**) that local policy for managing development in Local Green Spaces should be consistent with policy for Green Belts. The relevant section of **Policy STRAT9** of the Part One Local Plan Policy states that *"....within the Green Belt, additional restrictions will apply to development in line with the National Planning Policy Framework."* The Framework (**paragraph 87**) states that *"...inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances."* It goes on in subsequent paragraphs to provide further interpretation of how the terms 'very special circumstances' and 'inappropriate development' are to be interpreted. In other words, Green Belt policy uses very specific terminology which are crucial to its interpretation. Any policy that seeks to be consistent with Green Belt Policy should use that terminology. The text of Policy NBE5 should, therefore be modified as shown in **PM11**.
- 4.51 The last sentence of **Policy NBE5** states that *"Major developments should enhance existing green spaces and create new green spaces."* If this is taken literally, it refers to green spaces rather than Local Green Spaces, a very different concept. If this is so then it has no place in this policy which should deal only with the Local Green Spaces. If it is intended to refer to Local Green Spaces then it is simply wrong. Developers cannot create Local Green Spaces. As the Framework makes clear (**paragraph 76**) these can only be designated only through the preparation or review of Local and Neighbourhood Plans. Whichever is the correct interpretation of this sentence, it should be deleted as is also shown in **PM11**.
- 4.52 **Policy NBE6** seeks to protect a number of key views. All of these are from elevated vantage points and provide views out of and across the town allowing it to be seen in the context of its surrounding landscape and

emphasising its position at the confluence of two rivers. Having read the Plan and the evidence and visited these viewpoints, I consider that they are worthy of protection. Such protection is consistent with the approach taken both in the Part One Local Plan (**Policy ENV2**) and the Framework (**paragraph 109**) which similarly seeks to protect valued landscape and local distinctiveness.

Transport and Infrastructure

- 4.53 Road connections into and out of Winnington are at capacity. With the developments in the area, both those which have commenced and those proposed in the longer term, these connections will require improvement. **Policy TRANS1** states that the Town Council will work with others in seeking such improvements, that it will support a feasibility impact and implementation of such improvements and that major new developments will be expected to contribute towards their delivery. This is in general conformity with the Part One Local Plan (**Policy STRAT 10**) which seeks to provide and develop reliable and efficient transport networks that support sustainable economic growth and has regard to the Framework (**paragraph 31**) insofar as this seeks the provision of viable infrastructure to support sustainable development.
- 4.54 The Borough Council consider this policy to be an expression of intent rather than a land use policy. I do not agree. The capacity of the road network to accommodate development is an important land use matter on which the local community is entitled to make its position clear. The policy does not select or support a particular proposal but rather indicates support for a range of potential solutions, a point that would be clarified if the policy were amended to widen the range of such solutions beyond the two currently mentioned (**PM12**). Any bridge crossing in this area would necessarily involve approval of the Canals and River Trust, a point that should be acknowledged in the supporting text (**PM13**)
- 4.55 While there can be no guarantee that any such proposal will be implemented in the plan period, I am satisfied that this policy strikes a reasonable balance between being aspirational and being realistic and need not, therefore, be deleted or relegated to the supporting text.
- 4.56 Other policies in this section of the Plan seek the relocation of the bus terminus closer to Northwich Railway Station (**Policy TRANS2**); improvement to the accessibility to that station (**Policy TRANS3**); improvements to the availability of Parking at Greenbank Railway Station (**Policy TRANS4**); the provision and retention of safe, direct and

attractive pedestrian and cycle routes (**Policy TRANS5**); and the provision of parking. These are in general conformity with the broad thrust of the Part One Local Plan (**Policy STRAT10**) and have regard to the Framework (**paragraph 35**) insofar as these seek to deliver and promote sustainable transport choices. In the interests of accuracy **Policy TRANS6** should be updated to refer to the Council's latest car parking standards as shown in **PM14**.

- 4.57 **Policy TRANS7** indicates that the introduction of 20mph speed limits in residential areas will be supported and indicates that new major residential developments should be laid out to accommodate this. The policy does not require developers to create legally enforceable 20mph zones, (that is the province of the Highway Authority) but rather to design layouts which would facilitate this. This is in general conformity with the Part One Local Plan (**Policy STRAT10**) and has regard to the Framework (**paragraph 35**) which aim to provide safe and secure road layouts and forms of transport.

Health and Wellbeing

- 4.58 **Policy HW1** supports any proposals to enhance the services at Victoria Infirmary Northwich that would allow patients to be treated closer to home. This is consistent with the Part One Local Plan (**Policy SOC5**) insofar as it seeks to provide new or improved health care facilities and with the general thrust of the Framework (**paragraph 69**) insofar as it seeks to create healthy and inclusive communities.
- 4.59 **Policy HW2** seeks to protect existing community facilities and to ensure that new residential developments make a contribution towards new community facilities where these are clearly related to and required by the development. **Policy HW3** makes similar provisions in relation to allotments. **Policy STRAT11** of the Part One Local Plan similarly supports the protection and provision of such facilities as does the Framework (**paragraphs 69 and 70**).
- 4.60 **Policy HW4** seeks to ensure healthy design through the provision of footways, cycle paths, bridleways and linkages to public transport - an approach which is consistent with that taken in the Part One Local Plan (**Policy SOC5**) and the Framework (**paragraphs 69 and 75**) with their references to promoting safe and accessible environments.

Recreation, Tourism and Waterways

- 4.61 The various policies in this section of the Plan seek to enhance and improve the visitor economy (**Policy RTW1**), waterways (**Policy RTW2**), sports facilities (**Policy RTW4**) and culture (**Policy RTW5**). In addition,

Policy RTW3 supports the creation of a dedicated site for holding festivals and events in Verdin Park. These policies are generally consistent with the Part One Local Plan (**Policies ECON3 and SOC6**) which similarly seek to support the expansion of tourism assets and to promote sport and recreation. The Framework (**paragraphs 69, 70 and 73**) takes a broadly similar approach.

- 4.62 For the reasons set out above I consider that, subject to the Proposed Modifications, the individual policies in the Plan have regard to national policy and are in general conformity with the strategic policies in the development plan⁸. The Basic Conditions have thus been met.

5. Conclusions

Summary

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

The Referendum and its Area

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

Overview

- 5.4 From reading the supporting evidence it is clear that much hard work over a long period has gone into the preparation of the Plan. From the outset, the authors of the Plan have shown a clear grasp of what such a Plan can

⁸ While I have referred only to policies from the Part One Local Plan, I have seen no evidence to indicate that the Plan is not in general conformity with the strategic policies in the Local Plan First Review Alteration referred to in paragraph 2.1 of this report.

achieve and they have produced a thorough, compendious and professionally presented document which addresses the planning issues of importance to the local community. The Town Council and its professional advisers are to be commended for their work.

R J Yuille

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 69	<p>Fig 83</p> <p>CW&C Local Plan Part Two Policy DM6 <u>DM14</u> – Primary Shopping Areas</p> <p>CW&C Local Plan Part Two Policy DM6 <u>DM14</u> – Town Centre boundaries</p> <p>CW&C Local Plan Part Two Policy DM6 <u>DM14</u> – Primary shopping frontages</p> <p>CW&C Local Plan Part Two Policy DM6 <u>DM14</u> – Secondary shopping frontages</p>
PM2	Page 38, Policy RC4 and supporting text.	<p><i>RC4 Neighbourhood Shopping Centres</i></p> <p><i><u>Northwich’s Neighbourhood Shopping Centres (shown in figs 43-48) perform an important function as a focal point for their communities and should be retained. Applications for change of use from retail or business to residential will not be permitted unless the existing use can be demonstrated to be not viable.</u></i></p> <p><i>Winnington and the Urban Village</i></p> <p><i>—A nNew neighbourhood Sshopping Centre-facilities in addition to the centre identified at Fig 43,</i> <i>comprising convenience foodstore and 6/10 smaller shops along the lines of the successful parade at Kingsmead will be supported in the Winnington area, provided that they do not have an adverse impact on the vitality and viability of existing centres. This New facilities would need to be centrally located in the Winnington area with adequate parking, and</i></p>

		<p>have good access for pedestrians and cyclists.</p> <p>Castle</p> <p><i>New appropriate development in Castle will be supported and encouraged where it adds to the footfall/safety at night.</i></p> <p><i>Opportunities for improved on street and off street car parking will be encouraged.</i></p> <p>Leftwich</p> <p><i>Consideration will be given to the relocation of the Clifton Drive, Leftwich shopping centre to a more prominent location in Leftwich to improve the vitality and viability of the Centre. Conversion of the existing units to residential would be supported under these circumstances.</i></p> <p>Explanatory text</p> <p>4.2.13 The identified Neighbourhood Shopping Centres are in Winnington, Castle, Greenbank, Station Road, Middlewich Road and Leftwich <u>as shown at Figs 43 to 48.</u></p> <p>4.2.154 The Castle Neighbourhood Shopping Centre is a significant and long established retail parade which accommodates convenience shops, specialist retailers, fast food and restaurants.</p> <p>4.2.165 On Clifton Drive in the middle of the Leftwich estate there is a parade comprising convenience store (in a converted public house) and about 6 other small shops including hairdresser, fast food, pharmacy and cafe with limited parking and prominence.</p> <p>4.2.146 In the last few years there has</p>
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		<p>been significant new house building in the Winnington area, with more to come. <u>It will therefore become more important that the locality has access to nearby community facilities. This need could be met through the following:</u></p> <ul style="list-style-type: none"> • <u>Winnington Urban Village is a key major housing led mixed-use scheme allocated in the Local Plan (Part One) policy STRAT 5. The houses are under construction and a new neighbourhood centre has been granted permission (17/03239/FUL). The committed scheme would support good accessibility to shops and services that are centrally located for the new residents, contributing to sustainable development.</u> • <u>Winnington Works: In the light of Tata Chemicals reducing its operations in Winnington, it is highly likely that further industrial land will be released for housing development. It will, therefore, become more important that the locality has access to nearby community facilities. The creation of a neighbourhood centre for the Winnington Village area is supported through policy HOU4.</u>
PM3	Page 40 Policy RC5	<p><i>RC5 Out of Centre</i></p> <p><i>No further expansion of out of town/edge of town out of centre/edge of centre retailing in the Northwich area will be allowed, subject to a sequential test demonstrating that no other suitable sites are available.</i></p> <p><i>Improvements to the access and egress of the Northwich Retail Park on Manchester Road would be supported.</i></p>

PM4	Page 40. Policy RC6 and its supporting text.	<p>RC6-Offices</p> <p>New appropriate office premises will be supported to help to improve the mix of town centre uses.</p> <p>Objectives: 1, 7</p> <p>4.2.18 We consider the potential for significant new office development in the town centre to be very limited due to very low rentals and high building costs. There will always be demand from local Solicitors, Accountants etc but this is likely to be accommodated within upper floors over retail space.</p> <p>4.2.19 Northwich has two very successful business parks on its outskirts, namely Gadbrook Park and Cheshire Business Park where there is land available and rents at levels that are commercially viable for further development. Although these are outside the Plan area, they are the logical location for future office development.</p>
PM5	Page 41	<p>4.3.2 The Cheshire West and Chester Employment Land Study (2013) identifies a number of potential sites that may be appropriate for new business and industrial development. <u>Further site assessments have been undertaken by the Council in the Housing and Economic Land Availability Assessment (2017) and the Land Allocations Background Paper (2017) for the Local Plan (Part Two).</u> The largest of these sites in the wider Northwich area are:</p> <ul style="list-style-type: none"> • <u>Gadbrook Park (3ha) and south west of Gadbrook Park (19ha)</u> • <u>Chapel Street, Wincham (16ha)</u> • <u>Winnington Avenue, Northwich (6ha)</u> • <u>Cheshire Business Park (remaining office area 0.8ha)</u> • <u>Lostock Works (1.7ha)</u> • <u>Cheshire Business Park (13.4 Ha)</u>

		<ul style="list-style-type: none"> • Lostock Works (12.31 Ha) • Gadbrook Park (10.68 Ha) <p>4.3.3 Of these, Cheshire Business Park, Gadbrook Park and <u>employment sites at Wincham</u> are outside the plan area, but nevertheless are likely to be key areas of employment growth. Public transport links to these areas will need to be improved over time. <u>A small area of land remains available for employment development at Lostock Works, where this is compatible with other waste management uses in the area. The waste management uses fall outside the scope of what is covered by the Neighbourhood Plan.</u></p>
PM5	Page 46. Policy NBE1b	<p><i>Biodiversity</i></p> <p><i>Landscaping schemes should be designed to protect and enhance wildlife corridors. Opportunities should be taken to incorporate features into new build or retro fitted buildings which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes and these should also be considered as part of any new development proposal.</i></p>
PM7	Page 46. Policy NBE1c	<p><i>Orientate development at every opportunity to positively address reflect upon the Rivers Weaver and Dane and provide access, animation and activity along the waterfronts; and</i></p> <p><i>Take into account the need for energy efficiency by means of design, materials, building type, orientation and layout;</i></p>
PM8	Page 76. Appendix 5.4	Delete Site 15 and associated text.

PM9	Page 80. Appendix 5.4	Delete Site 35 and associated text.
PM10	Pages 75-80. Appendix 5.4 Page 50 4.5.31, 4.5.32 and 4.5.33	<p>Delete Sites 1, 17, 18, 19, 20, 36, 32 and 33 and associated text.</p> <p>4.5.31 This policy aims to identify and protect the green spaces that are valued by the people of Northwich, either for their recreational, amenity, ecological or community value. Some 264 Ha of green space is proposed for protection across the whole Plan Area.</p> <p>4.5.32 One of the identified sites, the Dane Valley area in Leftwich, is partly covered by an outline planning permission for 250 homes, which was granted at a time when Cheshire West and Chester Council had neither an adopted Local Plan nor a five year housing land supply.</p> <p>4.5.33 This policy would not override the planning permission already granted on this site. It would, however, protect the remaining area, and would come into effect for the whole area should the planning permission expire.</p>
PM11	Page 50. Policy NBE5	<p><u>Within The identified "Local Green Spaces" listed in Appendix 5.4 inappropriate development should not be approved except in very special circumstances.</u></p> <p>should not be lost or harmed by development except in exceptional cases.</p> <p>In such cases, development should fit with the purposes of the green space, and enhance the recreational, amenity, ecological or community value of the site.</p> <p>Major developments should enhance existing green spaces and create new green spaces.</p>
PM12	Page 50.	A feasibility/impact assessment

	TRANS1	<i>and the eventual implementation of either or both options of these or another suitable options would be supported.</i>
PM13	Page 50. Para 4.6.8	Add the following to the end of para 4.6.8. <u>Any proposal for a bridge crossing in this area would involve the approval of the Canals and River Trust.</u>
PM14	Page 55. TRANS5	<i>Applications for non-residential development should where possible provide an appropriate level of cycle storage commensurate with the minimum set out in the CWAC Car Parking Standards SPD Appendix 01: Cycle Parking Standards of Cheshire West and Chester Council's Cycling Strategy.</i>