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Please ask for: Catherine Morgetroyd
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Date: 22 September 2026

our reference NP003

your ref: 01/AM/TNP

please ask for: Catherine Morgetroyd

Dear Mr Mead,

Cheshire West and Chester – Response to Examiner’s Initial Questions Tattenhall and District Modified Neighbourhood Plan Examination

Further to your letter dated 8 September 2026, please find below a response from the Council to your initial questions. The responses are provided in italics, after each question. Tattenhall Parish Council have provided a separate response.

1. **Representations: Question to CWaCC.** I would be grateful if the number of Regulation 16 representations received could be confirmed. - *There were 39 representations. This includes the Lichfields representation, which was received after the end of the consultation period. It also includes three duplicated representations from Mr David Himsley. Mr Himsley submitted three separate comments via email and the same three comments online. As such, there were 36 representations if the duplicates were removed.*
2. **Local Nature Recovery Strategy (LNRS): Question to TPC.** Does the TPC consider the Plan is compatible, where appropriate, with the LNRS under Section 104 of the Environment Act 2021? – *Question for TPC only.*
3. **Climate Change: Question to TPC.** Does the TPC consider that the Plan is compatible, where appropriate, with the development and use of land in the Neighbourhood Area contributing to the mitigation of, and adaptation to, climate change? – *Question for TPC only.*
4. **Policy 1: Q to TPC and CWaCC.** Taking note of the representations on behalf of the Bolesworth Estate dated July 2026, please could TPC and CWaCC agree on revisions to Policy 1, dealing with the following questions?



- (a) I refer to the Regulation 16 representation from CWaCC. Please could the nature of the black line be clarified on the Policies Map. Does it represent the revised Settlement Boundary? And, if so, what is the status of the excluded area in the centre of the village? – *CW&C would prefer that the settlement boundary goes around the outside of the settlement and does not include an excluded area in the centre of the village. CW&C understand that the Parish Council do not wish the excluded land to be developed, but the other designations (Local Green Space, Local Wildlife Site and heritage assets) should provide sufficient protection, even within the settlement boundary.*
- (b) The policy refers to NPPF National Decision Making Policy (NDMP) S3 and NDMP HO8. The Plan must have regard to national guidance, which for the purposes of this examination is the December 2024 version of the National Planning Policy Framework (NPPF).¹ Therefore, I intend to recommend the deletion of the references. Do TPC have any comments? – *Question is for TPC, but CW&C agree with the deletion of the references.*
- (c) Having regard to the Regulation 16 comments from CWaCC, should the phrase “where supported by up-to-date evidence” be replaced by “where supported by the latest Housing Needs Assessment”? I would be grateful for comments from both Councils. – *CW&C agree with the proposed amendment.*
- (d) CWaCC suggest including the full local connection cascade in the policy to replace or supplement “short eligibility cascade”. It seems to me that the full cascade for Rented Affordable Housing and Low Cost Home Ownership could be included in the reasoned justification, but the policy could refer to the source for the cascade, e.g. “A short eligibility cascade based on the Council’s Housing Strategy”. I would be grateful for comments from both Councils, and particularly CWaCC in respect of the source for the cascade. – *Agree with the full cascade being included in the reasoned justification. The cascade doesn’t come from the Council’s Housing Strategy, but has been used by CW&C for many years. Suggest that the text within the policy remains “A short eligibility cascade shall also be included within the agreement”, with the full cascade being included in the reasoned justification.*
5. **Policy 2 A: Question to TPC and CWaCC.** The third bullet point states the development will be supported where it “does not unacceptably erode the important, predominantly undeveloped gaps between the three settlements of Tattenhall, Newton-by—Tattenhall and Gatesheath.” I would be pleased to have the comments from both Councils on the questions raised below.
- (a) Are the latter two places large enough to be defined as settlements? - *The answer depends on the definition of ‘settlements’. In the Local Plan, Newton-by-Tattenhall and Gatesheath would be considered to be hamlets in the countryside, rather than ‘identified settlements’ (as identified settlements just include key and local service centres).*

¹ See the transitional arrangements provided by Annex A, Paragraph 6 of the August 2026 NPPF: [National Planning Policy Framework - GOV.UK](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/115444/nppf-2026.pdf)

(b) Why is this particular area of countryside more important than others around Tattenhall? – *CW&C are not aware of any reasons why this area of countryside is more important than others around Tattenhall, apart from the fact that this section of countryside helps to protect the character of the settlement of Tattenhall.*

(c) Is this element of the policy strategic in that it would seriously hinder the efforts of CWaCC in its consideration of options for housing development in the emerging Local Plan? – *The answer to this question depends partly on what is meant by ‘predominantly undeveloped gaps between the three settlements’ and how far these areas extend. However, it is unlikely that any housing development around Tattenhall proposed in the Local Plan would ‘unacceptably erode’ the gaps and as such, this shouldn’t hinder CW&C in its consideration of options for housing development in the emerging Local Plan.*

6. **Policy 2 B: Question to TPC.** Is the description of and justification for Viewpoint 7 in Appendix A accurate? – *Question for TPC only.*
7. **Policy 2 B: (a) Question to TPC.** What is a “variation in landscape structure” referred to in the second bullet point? – *Question for TPC only.* **(b) Question to TPC and CWaCC.** The third bullet point refers to “homogeneous estate layouts”. Is that term sufficiently clear for development management? Is not the avoidance of “large scale homogenous estate layouts” dealt with in the Tattenhall and District Design Code (2023)? – *CW&C do not consider that the avoidance of ‘large scale homogenous estate layouts’ is dealt with fully by the Design Code. The Design Code should help new estates to be more in character with the local area and help to create a locally distinctive place as required by the third bullet point. However, it will not specifically require smaller character areas and the prevention of new estates all being the same character. It is suggested that it is made clearer that the smaller character areas must be slightly different to each other, but still reflect the overarching character area – so a large development of 400 homes such as phase 1 of the site allocation would be made up of several smaller character areas, rather than all being the same.*
8. **Policy 3 A: Question to TPC and CWaCC.** Should the first bullet point be phrased “The conversion of existing buildings to employment development ...”? – *Agree with the proposed re-wording of the first bullet point..*
9. **Policy 3 C: Question to TPC and CWaCC.** The policy states “Outside of the defined local centre ...”. However, there isn’t a defined local centre. Please could a rephrased policy be agreed by the Councils and submitted to me? – *Suggest that the amended policy states “Outside of the local centre (as defined in the Local Plan) a sequential test for main town centre uses will be applied, to prevent its erosion and to maintain neighbouring amenity.”*
10. **Policy 4 A: Question TPC and CWaCC.** How can “proportionate” be defined in order to be useful in development management? – *The proposed text suggested by TPC is supported, as follows: “A. Proposals for major development will be required to identify their likely impact on local*

infrastructure, services and facilities and to demonstrate how any such impacts will be addressed or mitigated. The scope and level of detail of the assessment should reflect the scale, nature and location of the development, the likely additional demand generated, and any identified capacity constraints affecting relevant infrastructure, services or facilities.”

11. **Policy 4A: Question to TPC and CWaCC.** The second sentence considers cumulative impacts of new development combined with other schemes which have planning permission. Does this element of the policy have regard to national guidance in NPPF paragraphs 57 and 58? – *Reference to cumulative impacts does not have regard to paragraphs 57 and 58 of the NPPF and currently goes beyond the requirement for conditions and obligations to be relevant / directly related to the development.*
12. **Policy 5 A: Question to TPC and CWaCC.** Should this part of the policy apply to all development or only to significant residential development, e.g more than 10 houses? The second sentence of the policy, which could be applied to all new development, could be separated to form a new Clause. I would be pleased to have comments from both Councils. – *CW&C consider that as this part of the policy generally repeats the NPPF and Local Plan, it could be deleted. If it is retained, it should only apply to major development as it would be disproportionate to expect this level of information for less than 50 houses and entirely disproportionate to apply it to less than 10 houses.*
13. **Policy 5 C: Question to TPC and CWaCC.** Is the phrase “where they are proportionate to identified need” necessary? The meaning of “proportionate” is unclear. If so, please could it be revised to be an effective means of development management? Clause B appears to be superfluous given the final bullet point in Clause A. I would be pleased to have comments from both Councils. – *CW&C consider that the text “...where they are proportionate to identified need” is not necessary and could be removed. CW&C consider that Clause B is superfluous.*
14. **Policy 6 B: Question to TPC and CWaCC.** Clause A refers to “New development ...”. Following the comments of CWaCC, should this be revised to “New development, excluding changes of use and householder applications, should ...”. – *CW&C agree with the suggested amendment.*
15. **Policy 7 A & B. Question to TPC and CWaCC.** I refer to the representations from Historic England dated 28 July 2026 and would be pleased to have comments from both Councils about whether the harm to the historic environment has been fully taken into account in the site allocations in Policy 7 A & B. – *Agree with TPC’s suggested amended clause, but with the addition of reference to the Development Plan, as follows:*
“ix. The scheme shall be accompanied by a Heritage Statement which identifies and assesses the significance of heritage assets that may be affected, including any contribution made by their settings, and demonstrates how the development has been designed to avoid or minimise harm to their significance, having particular regard to the Tattenhall Conservation Area and the Grade II listed building at Rose Corner, in accordance with the historic environment policies of the

National Planning Policy Framework (December 2024) and Development Plan (or any subsequent revisions)."

16. **Policy 7 A & B. Question to TPC and CWaCC.** Taking note of the representations on behalf of the Bolesworth Estate dated July 2026, please could TPC and CWaCC agree on revisions to Policy 7 A and B, especially items Policy A ii, v, ix, xii, xv (third bullet point) and xviii; Policy B ii, v, vii, viii (third bullet point) xi; and also considering the following questions?

A ii – Requires bungalows to be built to M4(3) etc – CW&C agree with TPC’s response that as the specific requirements of 7a(ii) are not supported by sufficient local evidence, the criterion should be amended so that provision of accessible and adaptable home should meet or exceed local levels of need, having regard to applicable national and local planning policy. However, as this just suggests relying on policy set at a national level and through the Local Plan, it may not be necessary to include this criterion and it could be deleted.

A v – open space – see notes in section 16 (a) below.

A ix – heritage statement – see response to question 15.

A xii – habitat mitigation area – see response to question 19.

A xv (third bullet point) and B viii (third bullet point) – Natural England raised in their letter dated 20 April 2026 that they “would welcome additional policy wording to ensure the protection of the River Dee and Bala Lake / Afon Dyfrdwy a Llyn Tegid Special Area of Conservation (SAC) from development. The land allocated to the north and south of Frog Lane falls within a Site of Special Scientific Interest Impact Risk Zone (SSSI IRZ) for River Dee (England) SSSI, including the internationally designated sites in underpins, suggesting a hydrological link to the site. The specific policy requirements should reflect findings of the HRA and Strategic Environmental Assessment (SEA) reports. We advise that key considerations are likely to include the need for a Construction Environmental Management Plan (CEMP) during the construction phase, along with appropriate management of surface water and wastewater drainage”. AECOM (who prepared the Appropriate Assessment) have previously been made aware of the text of the third bullet point and they did not suggest any changes. As such, CW&C consider that this should not be amended.

A xviii – agree that there is no need to repeat the mineral safeguarding policies from the Local Plan within the Neighbourhood Plan.

B ii – Access arrangements – CW&C understand from TPC that the aim of this section of the policy is to reduce the need for traffic to drive through the village centre and as such, they would like it to be retained.

B v – open space – see notes in section 16 (a) below.

B vii – The amended wording suggested by Bolesworth Estates would only require the enhancement of the public rights of way network to be explored, rather than actioned, so it would weaken the policy. It is suggested that the existing wording could be retained, but ‘where feasible and supported by the local authority’ or something similar added to the end of criterion a. The wording of criterion b should be retained.

B xi – *CW&C support the revised wording suggested by TPC requiring early engagement with United Utilities, with a risk assessment to be provided where the statutory water undertaker advises that one is necessary, having regard to the nature and scale of the development and its potential effect on public water supply resources. As far as CW&C are aware, the allocation is not within a source protection zone.*

CWaCC comment on three items within each of the site allocation policies: (a) public open space; (b) risk assessment of public water supply; and (c) Mineral Safeguarding Areas.

(a) In my opinion, the method of dealing with publicly accessible open space in should be consistent between the two allocations. Therefore. In policy 7 A v, the phrase “up to 9.8ha” apart from being set as a maximum which could result in a minor amount of open space satisfying the policy, should reflect the Local Plan requirement. Please could the Councils agree on revisions for each allocation which would be similar to “The scheme shall include at least ... of publicly available open space including play areas.” Alternatively, if actual areas would be inappropriate, please agree an acceptable revision applicable to each allocation and submit it to me. – *The Council’s Green Infrastructure Officer has reviewed the policies and considers that criterion 7 A v should focus on amenity greenspace, both play categories and parks and recreation typologies. These are all based on a per dwelling basis, with each having a set quantity standard. The suggested wording for this criterion is “Open space to be provided in accordance with the quantity standards referenced in the Local Plan Policy DM 35 (or any replacement version of DM 35)”. In policy 7 B v the reference to pitches should be separated out into a different criterion. This is because allotments and amenity greenspace are calculated on a per dwelling basis. Requirements for pitches are determined differently to other open space typologies and they don’t have a quantity standard, but the need is based on the population a proposed development generates. Need is based on Sport England’s pitch calculator tool and the CW&C Playing Pitch Strategy. This establishes the requirement for onsite sports pitch provision, contributions, or a mix of both. It is only very large scale housing development that normally trigger onsite sports pitch need. The suggested wording for the new criterion relating to pitches is “Sports pitch need is to be identified from the findings of Sport England’s pitch tool and the Playing Pitch Strategy (or any subsequent revisions) and should be based on the population generated by new housing development. A community use agreement will be required for any new sports pitch provided”.*

(b) A risk assessment of the impact of development on public water supply should either be required or not. Please could the Councils agree on whether one is required. *CW&C support the revised wording suggested by TPC requiring early engagement with United Utilities, with a risk assessment to be provided where the statutory water undertaker advises that one is necessary, having regard to the nature and scale of the development and its potential effect on public water supply resources. As far as CW&C are aware, the allocation is not within a source protection zone.*

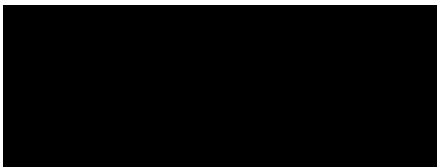
(c) The Plan will be read alongside the Local Plan (Part Two) as part of the development Plan. Therefore, it seems to me that there is no need to repeat the minerals safeguarding policies in this Plan and the use of “having regard to” would be appropriate in this case. I would be pleased to have the comments from CWaCC. – *CW&C agree that there is no need to repeat the mineral safeguarding policies from the Local Plan within the Neighbourhood Plan.*

17. **Policy 7 A & B. Question to TPC and CWaCC.** The allocations jointly specify 600 dwellings. The policies seek 30% affordable dwellings which equates to 180. Does the Housing Needs Survey indicate a need for 180 affordable dwellings? If not, what is the aim of the policy? I would be pleased to have comments from both Councils. – *Policy SOC 1 in the Local Plan (Part One) states that the Council will seek to maximise the proportion of affordable housing provided up to a target of 30%.*
18. **Policy 7 A & B. Question to TPC and CWaCC.** Is any phasing of development intended? If so, how will it be implemented? I would be pleased to have comments from both Councils – *As this is a relatively large site, phasing is likely to be necessary. If no other housing allocations are proposed in the Neighbourhood Plan apart from those at Frog Lane, it is also suggested that it is made clear that Phase A and Phase B are separate allocations. This would ensure that the Neighbourhood Plan has the ability to meet the requirement in policy S6 of the NPPF 2026 (that the neighbourhood plan contains allocations to meet its identified housing requirement), in relation to the presumption in favour of sustainable development and conflict with Neighbourhood Plans. It isn't clear from the wording of policy S6 whether it would require more than one allocation, but as it uses the term 'allocations', it seems as though more than one may be required.*
19. **Policy 7 A & B. Question to TPC and CWaCC.** Should Policies 7 A & B be revised taking into account the representations from Avison Young dated 29 July 2026 about whether the references to habitat mitigation are correctly attributed to Phases A and B; whether the Plan conflicts with the implementation of planning permission ref: 22/00194/FUL; and how access should be dealt with as explained in the representations, particularly in the view of the helpful accompanying Table 1? – *CW&C agree that the plan currently conflicts with the implementation of the planning permission at Gifford Lea. CW&C agree with the amendments proposed by TPC to refer to the criterion within Policy 7B (rather than 7A) and revise the clause as follows: “Development shall not prejudice the implementation of existing planning permissions at Gifford Lea or the delivery, retention and long-term management of associated ecological mitigation and enhancement measures secured through relevant planning permissions and protected species licensing”. CW&C have no further comments on access provision.*
20. **Policy 7 A & B: Question to TPC and CWaCC.** United Utilities criticise the use of the phrase “where feasible and viable” in Policy 7 A xv and Policy 7 B viii and suggest an amendment to: *“Incorporate water efficiency measures, including achieving the optional Building Regulations standard for water efficiency (or any successor standard), and for major non-residential*

development, measures consistent with BREEAM "Excellent"." I would be grateful for comments from both Councils. – *CW&C agree with the suggested amendment from United Utilities.*

21. **Omission Sites: Question to TPC and CWaCC.** I would be pleased to have comments about the reasons why (i) the land west of Tattenhall (Land at Greenlands), the subject of planning application 25/01764/OUT; (ii) Land at Chester Road, the subject of planning application 25/02070/OUT; (iii) Land off Shire Way (See representation from Lexwood); and (iv) land to the rear of Harrison Close (See representation 17185 from Mr A Topp) were omitted as allocations from the Plan. Should the Land of Park Avenue recently permitted on appeal for housing be included within the settlement boundary and, if so, please could an appropriate map be submitted (See representation from Lexwood)? – *It would seem sensible for the land at Park Avenue to be included in the settlement boundary if it now has planning permission – but it is for the Parish Council to decide which sites to allocate.*
22. **Land immediately to the west of Millbrook Meadow development: Question to TPC.** Why has this land now been included within the revised settlement boundary (See representation 17190 Mr & Mrs G and G Ward) . – Question for TPC only.
23. **Strategic Environmental Assessment (SEA): Question to TPC and CWaCC.** In the Regulation 16 representations, Lichfields claim that the site selection justification set out in the SEA is inadequate to the extent that it is unlawful. Please may I have comments from both Councils. – *The SEA report considers and assesses the four different 'growth scenarios'. The Parish Council considered that these scenarios were the only reasonable alternatives. There is no requirement to assess every possible alternative site or option. As such, the SEA is considered to be adequate and to meet the legal requirements.*
24. **Policy 8 C: Question to TPC and CWaCC.** A risk assessment of the impact of development on public water supply should either be required or not. Please could the Councils agree on whether one is required. – *CW&C support the revised wording suggested by TPC requiring early engagement with United Utilities, with a risk assessment to be provided where the statutory water undertaker advises that one is necessary, having regard to the nature and scale of the development and its potential effect on public water supply resources. As far as CW&C are aware, the allocation is not within a source protection zone.*

Yours sincerely



Catherine Morgetroyd

Planning Policy Team Manager