

**INDEPENDENT EXAMINATION OF THE TATTENHALL & DISTRICT MODIFIED NEIGHBOURHOOD PLAN  
2025 – 2045**

EXAMINER: Andrew Mead BSc (Hons) MRTPI MIQ

Examination Ref: 01/AM/TNP

Ann Wright  
Clerk to Tattenhall Parish Council

Catherine Morgetroyd  
Planning Policy Team Manager  
Cheshire West and Chester Council

Via email

8 September 2026

Dear Ms Wright and Ms Morgetroyd

TATTENHALL & DISTRICT MODIFIED NEIGHBOURHOOD PLAN 2025 – 2046

Following the submission for examination of the Tattenhall and District Modified Neighbourhood Plan (the Plan), I would like to clarify several initial procedural matters including my determination in respect of the appropriate examination process for the Plan. In addition, I have 24 preliminary questions for Cheshire West and Chester Council (CWaCC) and Tattenhall Parish Council (TPC), to which I would like to receive a written response by **Monday 28 September 2026**, if possible.

1. Examination Documentation

I can confirm that I am satisfied that I have received a complete submission of the update of the Plan, including the draft Plan (as proposed to be modified); the Basic Conditions and Consultation Statements; the Strategic Environmental Assessment; the Regulation 16 representations; and the statements from both Tattenhall Parish Council and Cheshire West and Chester Council in relation to whether the modifications contained in the draft Plan are so significant or substantial as to change the nature of the neighbourhood development plan which the draft Plan would replace, giving reasons why.

This has provided sufficient information to undertake my initial determination under paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended).

Subject to my further detailed assessment of the draft Plan, I have not at this initial stage identified any significant and obvious flaws that might lead me to advise that the examination should not proceed.

2. Determination under Paragraph 10(1) of Schedule A2

I am required determine to whether the modifications contained in the draft Plan are so significant or substantial as to change the nature of the neighbourhood development plan which the draft Plan would replace. The purpose of this determination is to establish the appropriate examination process for the draft Plan which will, amongst other things, affect whether or not the draft Plan will need to be the subject of a referendum if it is to be made.

**TPC accept that the proposed modifications change the nature of the made Plan for the following reasons:**

- Policy 1 (Housing Growth) has been substantially updated to reflect changes in national and local planning policy since the Plan was made in 2014, and to align the Neighbourhood Plan with the (then) new NPPF<sup>1</sup>. The previous policy approach has been replaced with a settlement-boundary led approach supported by a clear spatial strategy. This is a material modification, as it changes the decision-making framework for housing development and replaces the previous numerical housing approach with a settlement boundary and criteria-based policy. However, the modification does not change the overall nature of the Neighbourhood Plan, as it continues to support managed and proportionate growth while protecting village character, in line with the original Plan's objectives.
- Policy 2 (Local Character) 2 has been refined and strengthened to improve clarity, consistency with national policy, and effectiveness in decision-making. The core intent of protecting local character and distinctiveness remains unchanged. The modified policy does not change the nature of the Plan, as it reinforces and updates the original design-led and landscape-protection principles already embedded in the made Plan.
- Policy 3 (The Local Economy) has been updated to support economic development while ensuring compatibility with village character and residential amenity. The changes do not alter the nature of the Plan, as they remain consistent with the original objective of supporting a strong local economy while safeguarding local character and amenities.
- Policy 4 (Local Facilities) has been subject to minor but important refinements to improve clarity and policy effectiveness. The changes do not alter the nature of the Plan.
- Policy 5 (Transport and Communications) has been updated to reflect modern infrastructure requirements and to strengthen mitigation expectations. These are material modifications, as they update infrastructure standards and strengthen development requirements. However, the modified policy does not change the nature of the Plan, as it remains focused on promoting sustainable transport, connectivity, and safe movement within the parish.
- Policy 6 (Landscape and Environment) has been retained with minor non material modifications. No additions and amendments to the designated Local Green Spaces (LGS) are proposed, which is reflective of the intention of LGS designations to endure beyond the Plan period.
- Policy 7 (Site Allocations) is a new policy which allocates land north and south of Frog Lane for a phased, residential-led mixed-use scheme of up to 600 dwellings, as shown on the Policies Map. This is a significant and substantial modification because it introduces a site allocation framework that did not exist in the made Plan, identifies a specific location (and phasing) for sustainable growth, and adds extensive new development requirements that will materially influence decision-making. As such, Policy 7 contributes directly to the Parish Council's conclusion that the modifications change the nature of the made Plan.
- Policy 8 (Natural Flood Management) is a new policy which safeguards land off Burwardsley Road (as shown on the Policies Map) for delivery/expansion of a natural flood risk management scheme, including measures such as new bunding and river re-meandering, subject to agreement with the Environment Agency. This is a material modification because it introduces a new land safeguard and a new policy direction on flood management and environmental infrastructure, with direct implications for the future use of the safeguarded land and how related proposals are assessed.

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<sup>1</sup> National Planning Policy, December 2024. It should be noted that a revised NPPF was published on 17 August 2026. However, this revised version will not apply for the purposes of the examination by virtue of the transitional arrangements provided by Annex A, Paragraph 6 of the August 2026 NPPF: [National Planning Policy Framework - GOV.UK](#)

- In combination, the material alteration of Policy 1 and the introduction of Policy 7 and Policy 8 supports the TPC's position that the package of changes is significant enough to change the nature of the Plan.

**CWaCC consider that the modifications change the nature of the made Neighbourhood Plan for the following reasons.**

- The original neighbourhood plan was made on 4 June 2014 and covers the period from 2010 to 2030. The modified neighbourhood plan covers the period from 2025 to 2045. The original neighbourhood plan did not include any site allocations. The modified neighbourhood plan allocates land to the north and south of Frog Lane for a mixed use, residential led development of up to 600 dwellings. The allocation is made up of two phases, one for approximately 400 homes and one for approximately 200 homes. The modified neighbourhood plan proposes significant changes to the settlement boundary, to incorporate the proposed housing allocations.
- The modified neighbourhood plan includes a new policy (policy 8) which relates to flood management and safeguards land off Burwardsley Road for the delivery or expansion of a flood risk management scheme. Significant amendments have been made to the policies relating to housing growth. For example, in the made neighbourhood plan Policy 1 referred to proposals involving up to 30 homes being allowed within or immediately adjacent to the built-up part of the village. The modified neighbourhood plan Policy 1 defines the settlement boundary and sets criteria for housing proposals of 10 or more dwellings. Policy 2 in the modified neighbourhood plan relates to local character and sets out that where development exceeds 20 dwellings, proposals must be designed as a series of smaller character areas (typically 30-100 dwellings each), which together reflect the character area within which the site is located. The wording of the other policies has also been amended.
- When considered together, the modifications make a significant and substantial change to the nature of the Tattenhall & District Neighbourhood Plan. As such, the modified neighbourhood plan should be subject to examination and referendum.

**Inspector's determination**

Having assessed all the written documents submitted, including the representations and relevant statements, I believe that the modifications proposed in the draft Plan are material and change the nature of the made Plan.

Therefore, I confirm that the draft Plan will be required to be examined under the 'standard' examination procedure set out in Schedule 4B to the Town and Country Planning Act 1990 (as amended). As such, it should be noted that a referendum will be part of the neighbourhood plan process should the draft Plan proceed successfully following an examination.

Based on the assessments undertaken by the Parish Council and the Borough Council, this outcome should not be unexpected. Notwithstanding this, the relevant legislation does nonetheless require me to formally confirm with the Parish Council whether it is content for me to proceed in these circumstances on the basis of the standard examination procedure (as opposed to that for a modification proposal set out in Schedule A2). Accordingly, I would appreciate formal confirmation as soon as practicable from the Parish Council that it wishes me to proceed with the examination under Schedule 4B, in order to avoid any undesired delay.

### 3. Site Visit

I intend to visit the neighbourhood plan area during the week commencing 14 September 2026 which will assist in my assessment of the draft Plan, including the issues identified in the representations.

The visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process.

I may have some additional questions, following my site visit, which I will set out in writing should I require any further clarification.

### 4. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

### 5. Further Clarification

I have 24 questions seeking further clarification, which I have set out in an Annex to this letter. I would be grateful if you can seek to provide written responses by **Monday 28 September 2026**.

### 6. Examination Timetable

As you will be aware, the intention is to examine the draft Plan (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within 6-8 weeks of submission of the draft Plan. However, in the event that I have further questions seeking clarification as a result of my site visit, I will need to provide you with additional time to reply. Should this arise, please be assured that I will seek to mitigate any delay as far as is practicable. The IPe office team will keep you updated on the examination and, in due course, the delivery date of the draft report.

If you have any process questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure a copy of this letter is placed on the Cheshire West and Chester and Tattenhall Parish Council websites.

Thank you in advance for your assistance.

Yours sincerely

*Andy Mead*

Examiner

## ANNEX

From my initial reading of the Tattenhall and District Modified Neighbourhood Development Plan, the supporting evidence and the representations that have been made to the Plan, I have the following questions for Cheshire West and Chester Council (CWaCC) and Tattenhall Parish Council (TPC). I have requested the submission of responses by **Monday 28 September 2026**.

Where I am requesting additional clarification, suggested text and similar, this is with a view to informing the specific terms of any relevant examiner modification(s) that I may recommend. Accordingly, all of the points set out below flow from the requirement to satisfy the Basic Conditions.

Specific questions of clarification to TPC and CWaCC are listed below, but I am happy to receive comments from either party on any of the questions which are not directed at them in the first instance.

1. **Representations: Question to CWaCC.** I would be grateful if the number of Regulation 16 representations received could be confirmed.
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?
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?
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?
  - (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).<sup>2</sup> Therefore, I intend to recommend the deletion of the references. Do TPC have any comments?
  - (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.

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<sup>2</sup> See the transitional arrangements provided by Annex A, Paragraph 6 of the August 2026 NPPF: [National Planning Policy Framework - GOV.UK](#)

- (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.
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?
- (b) Why is this particular area of countryside more important than others around 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?
6. **Policy 2 B: Question to TPC.** Is the description of and justification for Viewpoint 7 in Appendix A accurate?
7. **Policy 2 B: (a) Question to TPC.** What is a “variation in landscape structure” referred to in the second bullet point? **(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)?
8. **Policy 3 A: Question to TPC and CWaCC.** Should the first bullet point be phrased “The conversion of existing buildings to employment development ...”?
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?
10. **Policy 4 A: Question TPC and CWaCC.** How can “proportionate” be defined on order to be useful in development management?
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?
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.

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.
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 ...”.
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.
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?

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 allocation 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.
  - (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.
  - (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.
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.

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
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?
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.
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)?
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) .
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.
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.