

TATTENHALL & DISTRICT PARISH COUNCIL

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Tattenhall and District Modified Neighbourhood Plan - Responses to Questions of Clarification

The Parish Council thanks the Examiner for the opportunity to provide clarification on the Neighbourhood Plan through responses to the questions set out below. Where a question is directed solely to Cheshire West and Chester Council (CWaCC), no substantive response is provided by Tattenhall and District Parish Council (TPC).

Whilst TPC and CWaCC have independently prepared their initial responses, both parties have continued their collaborative approach to this process. As a result, the responses are broadly aligned. A short on-line meeting was held on the 21st September to review the respective responses and to discuss areas where there may not be complete alignment. As a result, whilst there are a small number of matters of disagreement, both TPC and CWaCC are aware of and comfortable with, each other's rationale for their response and as such are happy to leave such matters to the judgement of the examiner.

The Parish Council also confirms that it is content for the Plan to be examined as a new plan given the extent of the modifications contained within it and the agreed need for a referendum.

1. **Representations: Question to CWaCC.** I would be grateful if the number of Regulation 16 representations received could be confirmed.

[Response to be provided by CWaCC.]

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?

Yes, TPC considers that the Neighbourhood Plan is compatible, where appropriate, with the Cheshire and Warrington Local Nature Recovery Strategy (LNRS). The Plan has been prepared having regard to the LNRS and its relevant priorities and actions, with nature recovery embedded across a number of its policies.

In particular:

Policy 2 (Local Character) requires development to safeguard and enhance trees, woodlands and hedgerows, specifically having regard to relevant LNRS priorities and actions W2 and W3. It also requires development, where appropriate, to deliver habitat creation and enhancement, biodiversity net gain and the strengthening of ecological networks across the parish, having regard to the LNRS and local habitat mapping. The supporting text makes clear that the Plan is intended to be read alongside the LNRS rather than duplicate it.



Policy 6 (Landscape and the Environment) protects identified sites of nature conservation value and requires new development to contribute to the strengthening, expansion and connectivity of ecological networks across the parish, having regard to relevant LNRS priorities and actions.

Policy 7 (Site Allocations) incorporates requirements for habitat protection and enhancement into the principal areas of growth. These include maintaining and reinforcing trees and hedgerows, providing green corridors and landscape buffers, safeguarding habitat mitigation and protecting watercourses through sustainable drainage and other measures. The supporting text confirms that the allocation has been designed to protect ecological assets and contribute positively to green infrastructure networks in alignment with the LNRS.

Policy 8 (Flood Management Land) requires the proposed natural flood management scheme to have regard to relevant LNRS priorities, including the use of nature-based solutions to enhance watercourses, biodiversity and ecological connectivity.

Overall, TPC considers that the Plan takes appropriate account of the Cheshire and Warrington LNRS by protecting existing ecological assets, strengthening habitat networks and ecological connectivity, and providing opportunities for nature recovery alongside new development.

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?

Yes, TPC considers that the Neighbourhood Plan has been designed, where appropriate, to ensure that the development and use of land in the Neighbourhood Area contributes to the mitigation of, and adaptation to, climate change. This is reflected in the objectives and policies of the Plan and in the approach taken to the principal areas of planned growth.

The Plan's objectives include supporting sensitive and sustainable development, improving transport and infrastructure, and protecting greenspace, landscape and nature conservation.

At the policy level:

Policy 2 (Local Character) requires development to take opportunities, where practicable and viable, to improve environmental performance and reduce carbon emissions through measures including energy efficiency and green energy generation. Its protection and enhancement of trees, hedgerows and habitats also supports adaptation and wider environmental resilience.

Policy 5 (Transport and Communication) requires development to maximise opportunities for walking, cycling and public transport. The supporting text explains that the policy seeks to reduce reliance on private cars, support transport decarbonisation and encourage a shift towards zero-emission vehicles.

Policy 7 (Site Allocations) embeds climate mitigation and adaptation measures within the Plan's principal growth locations. These include improved walking and cycling connections and active travel corridors, opportunities for public transport and reduced reliance on the private car for short trips to the village and its facilities, on-site renewable energy, water-efficiency measures and sustainable drainage systems.

Policy 8 (Flood Management Land) makes a particularly direct contribution to climate adaptation by safeguarding land for natural flood management. The policy supports measures that reduce flood risk while providing biodiversity and landscape benefits and improving climate resilience. Its supporting text identifies the need to increase resilience to the more frequent and intense rainfall events associated with climate change.

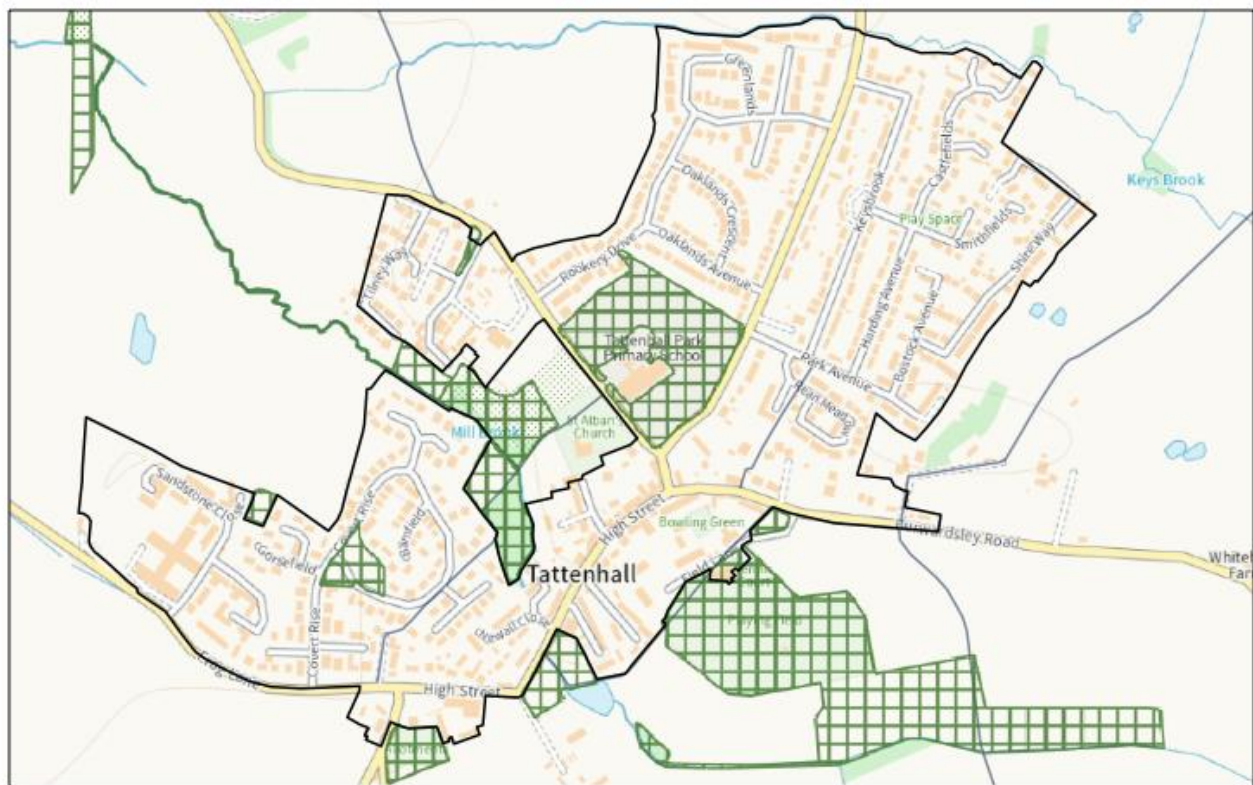
Collectively, these policies seek to reduce carbon emissions through energy efficiency, renewable energy and sustainable transport, while also increasing resilience to the effects of climate change through natural flood management, sustainable drainage, green infrastructure and the protection and enhancement of natural assets.

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?

Yes, the black line is the revised settlement boundary. The excluded area is a mostly a combination of Local Green Space designations, a Public Right of Way, 2 x Grade II listed heritage assets and a designated Local Wildlife Site. For ease of reference a map of the previous settlement boundary, designated by CWaCC in the Local Plan, which also excluded the area in the centre, is included below.

TPC is concerned that if the starting point is that the land is subject to the presumption (S4 NPPF 2026) by being included within the settlement boundary, whilst the LGS designation provides a strong element of protection, the Local Wildlife Site (LWS) designation is non-statutory and does not amount to an absolute prohibition on development (and the parish council is aware of adverse possession of part of this area) The purpose of the LWS designation is to protect the site's ecological value, whereas exclusion from the settlement boundary performs a separate spatial function by making clear that the land does not form part of the area within which development is supported in principle. TPC therefore considers that the existing boundary provides a complementary layer of protection rather than unnecessarily duplicating the Local Wildlife Site designation.

Previous 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?

TPC agrees that the December 2024 NPPF is the relevant national policy framework for the purposes of this examination. The references to, as were at the time, draft National Decision-Making Policies, were to help ensure that the Plan would remain functional against the then emerging national framework. TPC accepts the Examiner's proposed deletion of those references; the remaining policy wording is consistent with both the 2024 and 2026 NPPF.

- (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.

TPC agrees that the phrase may be replaced with “where supported by the latest Housing Needs Assessment”.

¹ 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.

At the Regulation 14 stage CWaCC Strategic Housing Team commented: “Strategic Housing have one comment regarding the Tattenhall Neighbourhood Plan regarding Policy One, Bii “The affordable housing will be subject to a S106 Legal Agreement ensuring that it remains an affordable dwelling for local people in perpetuity”.

The commentary in paragraph 3.9 explains that s.106 Agreements should prioritise applicants for Affordable Housing with a Local Connection to the Parish for Discounted Market Sale and Affordable Rented accommodation where the Housing Needs Survey identifies a shortfall in provision.

The 2023 Housing Needs Survey identified a modest need (12 units) for affordable housing, particularly 1-bedroom homes. Given there are c.6000 applicants on the Housing Register, only very minimal prioritisation of Parish residents is considered justified. A short eligibility cascade (for example 1 week for Affordable Rent and 4 weeks for Intermediate Affordable Housing) is the only option that could be supported to explain how this prioritisation could be implemented”.

TPC added the “Short eligibility cascade” to the submission version as a result of this. TPC would be comfortable with changes to the supporting text to set out the full cascade as the examiner considers appropriate.

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?

TPC considers that Newton-by-Tattenhall and Gatesheath can properly be described as settlements for the purposes of Policy 2A. Their Local Plan status as hamlets does not prevent them from being settlements. Indeed, paragraph 5.65 of the adopted Local Plan expressly describes the Borough's rural settlements as ranging “from market towns to small hamlets”, while CWaCC's designation of the revised Tattenhall Neighbourhood Area describes the area as encompassing “the settlements of Tattenhall village and the satellite hamlets of Newton-by-Tattenhall and Gatesheath”. The distinction drawn by CWaCC appears therefore to be between settlements which are identified within the Local Plan settlement hierarchy and smaller settlements or hamlets which are not. Policy 2A uses the term descriptively and does not seek to confer settlement-hierarchy status upon Newton-by-Tattenhall or Gatesheath.

Paragraph 83 of the December 2024 NPPF also expressly recognises “groups of smaller settlements” in rural areas.

The description of Newton-by-Tattenhall and Gatesheath as settlements is also well established in the made Tattenhall and District Neighbourhood Plan, which describes them as the smaller settlements within the Parish. The 2023 Tattenhall and District Design Code similarly identifies Newton-by-Tattenhall and Gatesheath as “rural settlements”.

The term “settlements” is therefore used descriptively to recognise the existing separate groups of built development and their distinct identities, as it has been in the made Neighbourhood Plan since 2014.

(b) Why is this particular area of countryside more important than others around Tattenhall?

The particular importance of this predominantly undeveloped land derives from the function it performs in maintaining the physical and perceptual separation, character and individual identity of three distinct settlements.

This distinction is supported by the local character evidence. The Tattenhall and District Design Code identifies Tattenhall as the single main settlement within the Neighbourhood Area, with Gatesheath and Newton-by-Tattenhall as two smaller settlements to its north. It also identifies a clear difference in their historic development. Tattenhall developed principally in a linear form around the meeting of historic routes, whereas Newton-by-Tattenhall and Gatesheath developed in a more scattered and dispersed form reflecting their agricultural origins. The earlier Village Design Statement similarly identifies Gatesheath and Newton-by-Tattenhall as outlying hamlets within a separate local character zone.

There is also a longstanding historic basis for recognising these places as having separate identities. Newton-by-Tattenhall was historically a separate township and subsequently a civil parish. Gatesheath formed part of the historic township and later civil parish of Golborne Bellow. Together with Tattenhall, these communities formed distinct components of the historic Tattenhall parish long before the present Tattenhall and District Parish Council was created.

The importance of the intervening countryside is therefore relational rather than simply a matter of landscape quality. Development within these gaps has the potential to diminish the experience of leaving one settlement, travelling through open countryside and entering another, thereby weakening their separate identities and changing the established settlement pattern.

TPC acknowledges that other named locations exist within the wider Parish, including Newtown and Tattenhall Marina. However, the local character evidence consistently identifies Newton-by-Tattenhall and Gatesheath as the two established outlying settlements whose relationship with Tattenhall forms a particularly important element of the area's settlement structure. Tattenhall Marina is a relatively recent leisure-related development, while Newtown does not have the same relationship to Tattenhall identified in the Design Code as the two settlements addressed by Policy 2A.

As the parish authority for Tattenhall and District, TPC is well placed to understand the distinct identities and relationships of these communities. That local judgement is supported by the historic and character evidence. The policy therefore does not seek to protect an arbitrary area of countryside. It responds to an established and locally distinctive settlement pattern and seeks only to prevent development that would unacceptably erode that separation.

- (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 protection of the predominantly undeveloped gaps between Tattenhall, Newton-by-Tattenhall and Gatesheath reflects the wider principles established by Local Plan Policies ENV 2 and GBC 3, namely that undeveloped land can perform an important role in maintaining settlement separation, identity and local distinctiveness. The areas referred to in Policy 2A are not designated Key Settlement Gaps for the purposes of Policy GBC 3. Policy 2A instead applies this established principle at the neighbourhood scale.

TPC does not therefore consider this element of Policy 2A to be strategic in nature. It is a locally specific development management policy concerned with character, settlement identity and the effects of individual development proposals. It does not designate a defined or mapped strategic gap or impose an absolute prohibition on development.

Importantly, the wording is deliberately qualified. It requires development not to “unacceptably erode” the predominantly undeveloped gaps. It therefore allows the significance of any effect on settlement separation to be considered alongside the nature, scale and benefits of a particular proposal.

TPC therefore considers that Policy 2A performs an appropriate neighbourhood-level development management function. It identifies a locally important consideration for future development proposals without prejudicing CWaCC's ability to assess and determine the Borough's future strategic pattern of growth.

6. **Policy 2 B: Question to TPC.** Is the description of and justification for Viewpoint 7 in Appendix A accurate?

TPC confirms: Viewpoint 7 - The views across the fields from Chester Road to Brook Hall

This view from the heavily used Millennium Mile is across grazed farmland and takes in the vista from Brook Hall to Greaves Farm. It is the only remaining publicly accessible open view from the West side of the village. Views are attractive on the approach to the village across fields towards a prominent house in the history of Tattenhall. “

It is accurate but perhaps “It is the only remaining publicly accessible open view to this landscape from the West side of the village” would be clearer. Brook Hall is not visible in the accompanying image but Greaves Farm is - the Hall is visible on walking towards the village. The views completely lost if development occurred on sites 5 or 21.

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)?

- a) *The phrase “variation in landscape structure” is intended to refer to variation in the landscape framework of the different character areas within a larger development. This includes the arrangement and treatment of open space, retained and new trees and hedgerows, planting, green corridors, boundary treatments and other green infrastructure. The intention is that landscape should*

contribute to creating recognisably different but coherent character areas, rather than being applied uniformly across a large development.

TPC accepts that the phrase “landscape structure” could be clearer for development management purposes and would support a minor amendment to clarify its meaning if this is agreeable to the examiner as follows:

“incorporate variation in layout, density, building type, materials and landscape treatment, including the arrangement of open space, trees, hedgerows, planting and other green infrastructure;”

- b) *In respect of the third bullet point, TPC agrees that the Design Code may not deal with this fully, and therefore as suggested by CWaCC, the policy may need to be more explicit that the smaller character areas must be slightly different to each other but still reflect the overarching character area. It is suggested that this could be worded:*

“avoid large-scale development having a single uniform character, by incorporating a series of distinct but coherent character areas which reflect the overarching character of Tattenhal”.

8. **Policy 3 A: Question to TPC and CWaCC.** Should the first bullet point be phrased “The conversion of existing buildings to employment development ...”?

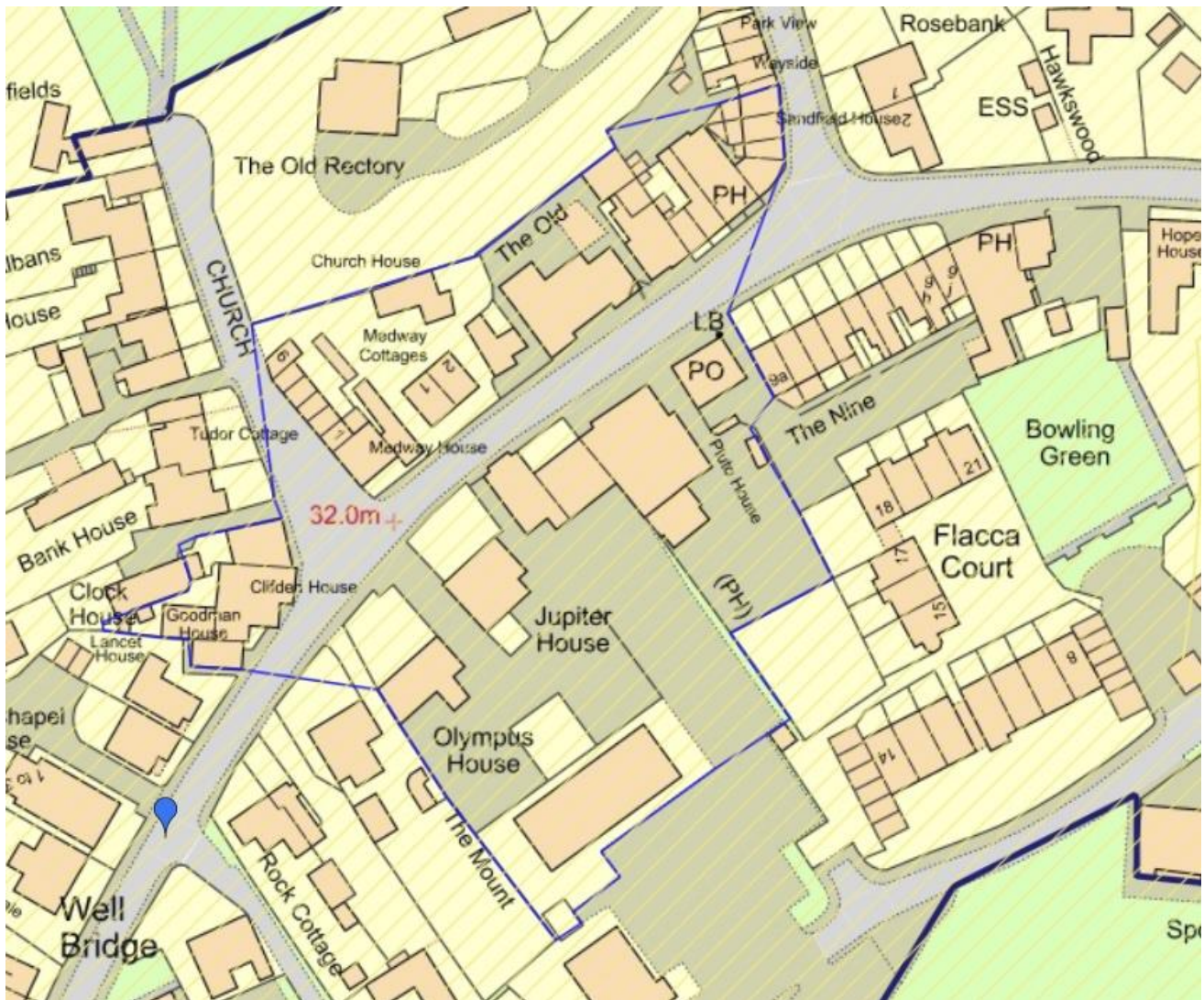
TPC agrees. The first bullet point should be amended to read: “The conversion of existing buildings to employment development ...”.

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?

TPC notes that Tattenhall is identified as a Local Retail Centre under Local Plan (Part Two) Policy DM 15 and that its boundary is shown on the Local Plan Policies Map. TPC respectfully proposes that Policy 3C is amended to use the Local Plan's terminology:

C. Proposals for main town centre uses outside the Tattenhall Local Retail Centre, as defined on the Cheshire West and Chester Local Plan Policies Map [or Neighbourhood Plan Policies Map] should demonstrate compliance with the sequential approach set out in national and Local Plan policy.

An extract of the Local Plan Policies Map showing the defined Local Retail Centre is included below and can be added to the TNP Policies Map under Policy 3 if the examiner wishes to recommend its inclusion.



CWaCC Policy DM15 Tattenhall Local Centre.

10. **Policy 4 A: Question TPC and CWaCC.** How can “proportionate” be defined on order to be useful in development management?

TPC agrees that the term “proportionate” could be clarified to make Policy 4A more effective for development management. The intention is not that some major developments should be exempt from considering infrastructure impacts, but that the scope and level of detail required should reflect the likely effects of the proposal. TPC therefore proposes the following amendment to the opening of Policy 4A:

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?

TPC considers that the intention of Policy 4A is consistent with paragraphs 57 and 58 of the NPPF. The purpose of referring to cumulative impacts is to ensure that the effects of a development are assessed in the context of existing infrastructure capacity and other committed development, rather than each proposal being considered in isolation.

This is particularly important where a capacity threshold may only be exceeded as a result of the combined demand generated by a number of developments. An individual housing proposal may not, when considered alone, necessitate additional school capacity, but the proposal in combination with other committed development may result in available capacity being exceeded.

TPC acknowledges that this does not mean that an individual development can be required to mitigate impacts attributable to other developments. Where a proposal, considered together with other committed development, creates or exacerbates an identified infrastructure capacity shortfall, it may therefore be appropriate for that development to make a proportionate contribution towards the shared infrastructure necessary to address the cumulative effect. The contribution sought must remain related to the additional demand generated by that development and satisfy the tests in national policy.

TPC acknowledges CWaCC's concern that an individual development should not be required to mitigate impacts attributable to other developments and agrees that any planning obligation must satisfy the relevant national policy and statutory tests. However, TPC considers that this is distinct from the need to assess infrastructure capacity cumulatively.

TPC therefore considers that the cumulative assessment principle should be retained but accepts that the policy should distinguish clearly between assessing cumulative demand and requiring mitigation from an individual development. TPC proposes that Policy 4A be amended to require infrastructure capacity to be assessed having regard to allocated and committed development, while making clear that any mitigation or planning obligation sought from an individual proposal must comply with the relevant national policy and statutory tests.

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.

TPC would respectfully suggest that Clause A bullet point 1, first sentence, if considered appropriate to only apply to significant development, should apply to major commercial as well as major residential.

TPC would agree with CWaCC that "major" in this context for residential may need to be defined as 50 homes or above.

TPC would agree to the separation of the second sentence to form a new clause to apply to all development.

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.

TPC agrees that the phrase “proportionate to identified need” could be clearer. The intention of Policy 5C is to support additional parking where there is evidence of an unmet need, while avoiding unnecessary or excessive parking provision in the village centre. The Parish Council does not wish to encourage the provision of parking simply because additional land is available, particularly where this could undermine the quality of the public realm or longer-term objectives to encourage walking, cycling and public transport.

TPC therefore proposes that the wording is amended to make this purpose explicit and respectfully suggests the following for the examiners consideration:.

C. Schemes to increase car parking provision to serve Tattenhall village centre will be supported where there is evidence of an unmet parking need and the scale of provision is no greater than reasonably necessary to address that need.

TPC would agree to the removal of the final clause in C as a duplication of the final bullet in A

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 ...”.

TPC is happy to agree to this revision of Clause B

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.

TPC considers that the potential effects of the allocations on the historic environment have been appropriately taken into account at a level proportionate to a Neighbourhood Plan.

Heritage was specifically considered through the site-selection process before the preferred allocation was chosen. The Site Options Assessment identified the relationship of the potential development land with the Tattenhall Conservation Area and, in the case of the land south of Frog Lane, the setting of a listed building. These matters were then carried forward into the SEA, which expressly assessed cultural heritage and identified the potential for adverse effects, particularly in relation to the land south of Frog Lane.

TPC notes Historic England's Regulation 16 comments and its references to HEAN3 and HEAN8. Both emphasise the need to understand the significance of affected heritage assets, assess the potential effects of allocations and consider avoidance and mitigation, while recognising that the evidence should be proportionate to the plan being prepare.

TPC considers that this has been undertaken proportionately through the site assessment and SEA. More detailed assessment of significance, setting and the effects of the eventual development can appropriately follow once the scale, layout, appearance and landscaping of a scheme are known. Policy 7A(ix) secures this through the requirement for a Heritage Statement.

As the examiner has indicated, this Plan is examined against the 2024 NPPF and as such the reference to NDMP HE4 will be removed. If it is helpful to the examiner, TPC therefore suggest that clause ix be revised 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).

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?

Policy	Comment	response
7A(ii) Accessible/adaptable homes	Delete the requirement or provide evidence to justify it	TPC accepts that the specific requirements in Policy 7A(ii) are not supported by sufficient local evidence to justify those particular standards under the December 2024 NPPF. TPC is therefore content for the criterion to be amended so that provision of accessible and adaptable homes should meet or exceed evidenced local levels of need, having regard to applicable national and local planning policy. TPC also notes that national policy has subsequently strengthened accessibility requirements through the 2026 NPPF. The detailed requirements applying to the development will therefore be determined through the policy framework in force when planning applications are considered. Whilst it is noted that CWaCC would prefer the wording removed, there is an expectation from the community that the policy is not silent on this matter, so if the examiner is content to allow the clause to remain this would be appreciated, although we defer to the examiners judgement on this.
7A(v) Open space, "up to 9.8ha"	Remove the fixed 9.8ha figure and tie provision to the Local Plan standard. Their proposed wording is: "The scheme shall	Happy to agree the proposed revised wording.

<i>Policy</i>	<i>Comment</i>	<i>response</i>
	<i>provide public accessible open space including play areas, in accordance with the requirements of Local Plan Policy DM35 or any subsequent revisions.” They say 9.8ha comes from an illustrative masterplan and the precise amount will only be settled later.</i>	
<i>7A(ix) Heritage Statement</i>	<i>Replace the draft NDMP HE4 reference with existing national/local heritage policy.</i>	<i>Already dealt with in question 15</i>
<i>7A(xii) Gifford Lea habitat mitigation</i>	<i>Remove it from Phase 1. Bolesworth says the mitigation area consented under 22/00194/FUL relates to the Gifford Lea development north of Frog Lane and is therefore not relevant to the Phase 1 land south of Frog Lane.</i>	<i>Agreed that this should be moved to Policy 7B (see response to Q19)</i>
<i>7A(xv), third bullet, River Dee/Bala SAC and River Dee SSSI</i>	<i>Question/remove unless justified by Natural England evidence. Their ecologist says the allocation is outside the relevant SSSI Impact Risk Zone. They therefore ask for clarification from Natural England and say that without it there is no evidence justifying this criterion.</i>	<i>This was added to the submission Plan following the response from Natural England at the Regulation 14 stage as follows:</i> TATTENHALL NEIGHBOURHOOD PRE SUBMISSION PLAN – _FEB 2026 <i>Policy 7: Site Allocations</i> <i>Natural England 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.</i>
<i>7A(xviii) Minerals safeguarding</i>	<i>Delete from Phase 1. Bolesworth says Phase 1 is</i>	<i>CWaCC to confirm and whether Local Plan policy wording is sufficient to cover</i>

<i>Policy</i>	<i>Comment</i>	<i>response</i>
	<i>not within a Mineral Safeguarding Area and therefore the criterion is unnecessary.</i>	<i>this point – see examiner question (c) below</i>
<i>7B(ii) Access</i>	<i>Make the access arrangements more flexible. Rather than requiring access from both Chester Road and Frog Lane and a through vehicular link, Bolesworth proposes access from Chester Road and/or Frog Lane, with direct active-travel links required but vehicular links only explored. Any vehicular link and bus infrastructure would be subject to Highway Authority requirements.</i>	<i>Not agreed. This is a crucial part of the scheme in terms of disbursing vehicle movements and not requiring all traffic to drive through the village centre to reach its destination.</i>
<i>7B(v) Open space / allotments / pitches</i>	<i>Public open space should be provided in accordance with adopted Development Plan policy. It says playing-pitch land is still being explored and would be discussed with the Parish Council at application stage. So the underlying request is for greater flexibility.</i>	<i>Agree with CWaCC proposed wording in respect of playing pitches but including the words :</i> <i>“secured by legal agreement with an option to transfer ownership to the Parish Council or a nominated local community body”</i> <i>The easiest way to ensure community use for pitches is for them to be owned and managed by the Parish Council.</i> <i>In relation to allotments, TPC also accepts that provision should be determined in accordance with the quantity and on-site provision standards in the Local Plan but this should be retained within Policy 7B rather moved to Phase 1 in Policy 7A. While Phase 1 is itself of sufficient scale to generate a requirement under DM35, the two allocations form part of the overall planned growth at Frog Lane and Policy DM35 recognises that, where a development forms part of a larger scheme, open-space requirements may be considered in relation to the development as a whole. TPC therefore considers that the appropriate location and phasing of allotment provision should be in Phase 2.</i>
<i>7B(vii) Rights of way</i>	<i>Soften the mandatory wording. Instead of “the development shall enhance ... by”,</i>	<i>TPC Accept that detailed arrangements require discussion with PRow however, it is the location of this scheme which will</i>

<i>Policy</i>	<i>Comment</i>	<i>response</i>
	<i>Bolesworth suggests wording along the lines of “the development will explore potential enhancements to the existing public rights of way network...”, because the detailed arrangements require discussion with the PROW team.</i>	<i>enable these specific route opportunities so TPC would like to see them retained in the strongest terms if possible. As such, would concur with CWaCC on the inclusion of additional wording “where feasible and supported by the local authority”</i>
<i>7B(viii), third bullet, River Dee/Bala SAC and River Dee SSSI</i>	<i>Same objection as 7A(xv), third bullet. Bolesworth says the allocation appears to fall outside the relevant IRZ and therefore questions the evidential justification for the requirement pending Natural England clarification.</i>	<i>See response to 7A above</i>
<i>7B(xi) Water catchment land</i>	<i>Clarification requested. Bolesworth says it is unclear what is meant by saying the site is on “water catchment land” and therefore what triggers the risk assessment/management plan requirement. It does not actually provide replacement wording or expressly demand deletion.</i>	<i>The wording in Policy 7A(xvii) and 7B(xi) criterion was introduced in direct response to the Regulation 14 representation from United Utilities, the statutory water undertaker. United Utilities confirmed that both the north and south Frog Lane sites are located on water catchment land and specifically recommended the wording included in the submitted Plan. Please see response to c) below</i>

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.

TPC agrees with CWaCC on the revised proposed 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)”

TPC would prefer to see the allotments criteria retains with Site B (Land to the North of Frog Lane) so that one location serves both phases of development, but accepting that the quantity standard to this is different from that of open space or pitch provision, suggests that this criterion is presented separately in the policy wording.

- (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.

TPC notes that the wording was included directly in response to United Utilities' Regulation 14 representation, which confirmed that the sites are located on water catchment land. TPC accepts CWaC's Regulation 16 comment that the circumstances in which a risk assessment would be required should be clearer. TPC would therefore support revised wording 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.

- (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.

[Response to be provided by 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.

No, the Housing Needs Survey does not indicate a need for 180 affordable homes. The purpose of the 30% requirement in Policy 7 is therefore not to translate the Housing Needs Report directly into a fixed number of affordable dwellings. It reflects the affordable housing target in adopted Local Plan Policy SOC1 and seeks to ensure that the substantial amount of market housing allocated through the Neighbourhood Plan makes an appropriate contribution towards affordable housing need. The promoter of the allocated site has confirmed that it intends to provide the policy-compliant 30%.

[CWAAC will also provide response].

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.

TPC agrees that the policy should be clear as to the intended phasing. Phase 1 is land to the south of Frog Lane and Phase 2 is land to the north of Frog Lane. However, TPC would welcome clarification of CWaC's suggestion that Phases A and B need to be identified as separate allocations in order to engage Policy S6 of the August 2026 NPPF. Policy S6 requires the neighbourhood plan to contain allocations sufficient to meet its identified housing requirement but does not appear to require that requirement to be met through more than one allocation. TPC therefore considers that a single comprehensive allocation capable of accommodating the identified housing requirement, even where delivered in phases, would satisfy this aspect of Policy S6.

The landowner has confirmed the availability and deliverability of the Phase 2 land, but no planning application has yet been submitted for that phase. TPC defers to CWaCC on the detailed mechanism by which phasing should be secured through the development management process.

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?

TPC has reviewed the representation from Avison Young alongside the additional technical evidence submitted on behalf of Bolesworth Estate. TPC accepts that amendments to Policy 7 would improve clarity and ensure that the allocation does not prejudice the implementation of the existing Gifford Lea permissions whilst still retaining the ability to access Phase 2 (Policy 7B) from Frog Lane and Chester Road.

Firstly, the habitat mitigation criterion currently contained in Policy 7A(xii) is incorrectly attributed to Phase 1. The relevant mitigation land lies north of Frog Lane and is associated with Gifford Lea. TPC therefore agrees that this criterion should be removed from Policy 7A and an amended criterion inserted within Policy 7B.

Secondly, TPC accepts that the Phase 2 allocation should not conflict with the implementation of planning permission 22/00194/FUL. The Policies Map can be amended, subject to agreement of the precise boundary with CWaCC and the relevant landowners, to distinguish and exclude land committed to the permitted Gifford Lea Phase 4 development and ecological mitigation from the developable allocation (as shown on Image 1 of Table 1 in the Avison Young Reg 16 response)

TPC respectfully suggests to the Examiner the following revised clause:

“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”

Thirdly, the additional highways evidence submitted by Bolesworth demonstrates feasible access options from both Chester Road and Frog Lane. In particular, the Frog Lane access shown in the Arcadis feasibility work is located so as to avoid the Gifford Lea Phase 4 development and associated ecological mitigation land. TPC therefore does not consider it necessary to remove the possibility of access from Frog Lane.

TPC therefore supports revision of Policy 7B(ii) to require safe and suitable access from Chester Road and Frog Lane, with the Frog Lane access designed so that it does not prejudice the implementation of the Gifford Lea permissions or associated mitigation land.

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.

TPC has no objection to the proposed amendment and agrees that the words “where feasible and viable” may be deleted. The clause is framed as a “should” requirement rather than an absolute “must” requirement in any event.

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)?

(i) Land west of Tattenhall / Land at Greenlands, application 25/01764/OUT

TPC confirms that this land was considered through the site-selection process as Site 6. Its omission was not based on a conclusion that residential development could never be acceptable on the land, but on the comparative assessment of the alternative growth strategies available to the Parish Council.

At the time the scenarios were developed, CWaCC had indicated to TPC that growth of around 500 to 600 dwellings would be appropriate. It subsequently provided an indicative housing requirement of 526 dwellings prior to the submission version of the plan being prepared. The submitted Neighbourhood Plan allocates land for approximately 600 dwellings. It was therefore neither necessary nor appropriate to allocate every site that was available or being promoted.

A further consideration was the appropriate extent of development to the north of Tattenhall. The land considered through the neighbourhood plan process was more contained than the full extent now promoted through the planning application. In particular, the site assessment identified Site 6 as land to the rear of Adari and Rookery Drive, south of Keys Brook. TPC regarded the Brook as a readily identifiable landscape feature providing a logical transition between the existing village and the more open countryside beyond, while recognising that Keys Brook is not an absolute development boundary.

This approach was also consistent with the made Neighbourhood Plan. Policy 2 of the 2014 Plan seeks to prevent the unacceptable erosion of the important, predominantly undeveloped gaps between Tattenhall, Newton-by-Tattenhall and Gatesheath. TPC therefore considered the effect of extending development further north into the countryside as part of its judgement about the appropriate form and extent of village growth when considering scenarios.

The previous refusal and dismissed appeal concerning development in this location were also relevant background considerations. They demonstrated that an acceptable development had not previously been established on the site and consequently introduced some uncertainty when the site was compared with alternative locations. TPC acknowledges that the current application, which is presently the subject of an appeal against non-determination, demonstrates continuing developer interest and does not contend that the site is unavailable or incapable of development.

Overall, Site 6 was not omitted because of a single overriding constraint. The preferred Hybrid Scenario provided sufficient land to meet and exceed the indicative housing requirement and was considered preferable when the SEA, settlement form, community preference, land availability, opportunities for coordinated mitigation and community benefits, and relevant planning history were considered together.

(ii) Land at Chester Road, planning application 25/02070/OUT

TPC confirms that this land was considered through the site-selection exercise as Site 5. Its omission should not be interpreted as a conclusion that the land could never accommodate housing. Rather, it reflects the Parish Council's selection of a preferred spatial strategy from a wider range of alternatives.

Site 5 was considered within Scenario 1, the "Bigger Village" option, and also formed part of the larger Scenario 3. The SEA records that Scenario 1 received little community support and that, because development was distributed across a number of locations, it was less able to deliver the coordinated mitigation and community benefits sought. Scenario 3 represented a much higher level of growth, approximately 1,500 dwellings, and was considered to exceed the sustainable limits of the Parish. It also received little community support.

Environmental considerations were also relevant, although TPC does not suggest that they made Site 5 incapable of development. The SEA identifies a small area of Flood Zones 2 and 3 at the northern extent of Site 5 along Keys Brook, which could potentially be addressed through layout. It also identifies Site 5 as directly or almost adjacent to the Tattenhall Conservation Area, contributing to the potential heritage effects of Scenarios 1 and 3.

The previous refusal and dismissed appeal relating to development of this land were relevant to that comparative judgement and introduced some uncertainty as to whether an acceptable scheme could be achieved. TPC recognises that the current application, refused in July 2026 and now the subject of an appeal, demonstrates continuing developer interest and therefore the site is considered available.

Overall, TPC considered that there was no need to allocate Site 5 once a more coordinated strategy capable of delivering approximately 600 dwellings had been identified. Its omission reflects the preferred scale and spatial form of growth rather than a finding that the site is incapable of development in principle.

(iii) Land off Shire Way

TPC met with Lexwood in relation to land off Shire Way, identified as Site 9 in the site assessment. The site was confirmed as available, with the potential availability of adjoining Site 22 also discussed. The proposal presented to TPC was for 100% affordable housing and did not identify any wider package of infrastructure and community benefits associated with other sites. The location was also on the opposite side of the village from the area preferred through community engagement, and also directly within the setting of the Conservation Area. TPC therefore considered that the site could more appropriately be considered as a potential windfall opportunity should additional affordable housing need arise in the future. There was also some uncertainty arising from the position of adjacent Site 8, a Local Plan reserve site which the owner has indicated is not intended to be developed because of local flooding issues, and from the proximity of the land to the Brook.

(iv) Land to the rear of Harrison Close

The land to the rear of Harrison Close is identified as Site 22 in the site assessment. The landowner was contacted and TPC subsequently discussed the site with Lexwood alongside adjoining Site 9, also as a 100% affordable homes scheme. However, the landowner of this site has stated in his response to the Regulation 16 (17211) that he does not wish to have the site allocated at this time and supports the allocations as presented but requested a modification to allow for a small scheme in the future. TPC do not believe a policy is required for this purpose. As a minor scheme it may be considered as a windfall site in the future should there be a further need for additional affordable homes.

Land at Park Avenue

TPC agrees that the land at Park Avenue can now be incorporated within the settlement boundary. The appeal decision post-dated submission of the Neighbourhood Plan and the site was therefore not shown within the settlement boundary at that stage. An updated settlement boundary map to include this site can be prepared if required by the examiner or for the referendum version of the Plan.

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) .

TPC notes the representation from the adjoining residents and their preference for the field to remain outside the settlement boundary. They also raised this at the Regulation 14 stage. TPC continues to consider that its inclusion is spatially logical, but the field is not required in order to deliver the approximately 600 dwellings allocated by the Plan. Accordingly, if the Examiner considers that the evidential basis for including this unallocated land is insufficient, TPC would have no objection to the settlement boundary being modified to exclude it as shown in the representation.

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.

TPC does not agree with Lichfields contention that the SEA is inadequate or unlawful. The criticism appears to confuse the individual site assessment exercise with the assessment of reasonable alternatives required through SEA.

The approach taken was proportionate to the preparation of a Neighbourhood Plan. The starting point was not to consider individual development sites in isolation, but to consider alternative spatial patterns for the future growth of Tattenhall. This is a conventional spatial planning approach which enabled the Parish Council to consider the wider consequences of different patterns and scales of growth, including settlement form, infrastructure requirements, connectivity, environmental effects and the ability to secure mitigation and community benefits.

This did not mean that individual sites were excluded from consideration. The Site Selection Report explains that the process began with the CWaCC HELAA, other sites identified through desk-based work and current planning application and pre-application sites. The scenarios were then broken down into their constituent sites, which were individually identified and assessed against a consistent set of criteria. Landowners were also contacted to establish availability and development intentions.

The SEA performed a different function. It assessed the realistic alternative spatial strategies arising from that process. The Environmental Report expressly explains that the SEA Regulations require consideration of reasonable alternatives rather than an exhaustive detailed assessment of every individual site, and that the assessment should be proportionate to the content and level of detail of the plan. The alternative growth scenarios were therefore assessed consistently, with more detailed assessment of the preferred option as the plan and allocation policy were iterated. A proportionate number of growth scenarios must therefore be selected which meaningfully test different strategic choices without becoming so numerous that the assessment ceases to be useful or comprehensible.

The fact that an objector can identify another theoretical combination of sites does not, of itself, mean that it was a reasonable alternative which the SEA was required to assess.

Community engagement was deliberately undertaken at an early stage to understand preferences about the spatial direction of growth, which is entirely appropriate for a community-led Neighbourhood Plan. However, it was only one consideration. Indeed, the community's preferred option was Scenario 2, whereas the eventual allocation is Scenario 4. That change itself demonstrates that community preference did not determine the outcome. Scenario 4 emerged only after the SEA, land availability and landowner engagement, consideration of infrastructure capacity and engagement with CWaCC officers had been taken into account.

Lichfields particularly argue that the Chester Road site was excluded from consideration because the SEA did not assess it as a freestanding alternative. That is not an accurate description of the process.

Current application sites formed part of the initial evidence used to construct the scenarios and the individual sites within those scenarios were separately assessed through the Site Options Assessment.

The question for the SEA was not simply whether the Chester Road site was capable of development in isolation, but whether the alternative spatial strategy of which it formed part represented a preferable reasonable alternative to the strategy ultimately selected.

The Parish Council therefore considers that the process satisfied both elements of the national guidance: individual sites were considered through the site assessment exercise, while the SEA provided a proportionate assessment of reasonable alternative spatial strategies.

The fact that a land interest would prefer a more dispersed strategy or would attach different weight to the merits of its client's site, does not make the approach to SEA unlawful.

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.

As per Q16 b) TPC notes that the wording was included directly in response to United Utilities' Regulation 14 representation, which confirmed that the sites are located on water catchment land. TPC accepts CWaC's Regulation 16 comment that the circumstances in which a risk assessment would be required should be clearer. TPC would therefore support revised wording 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