Report on Tattenhall & District Modified Neighbourhood Plan 2025-2045

An Examination undertaken for Cheshire West and Chester Council with the support of the Tattenhall Parish Council on the May 2026 submission version of the Tattenhall & District Modified Neighbourhood Plan.

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Date of Report: 22 October 2026

Contents

Main Findings - Executive Summary 4
1. Introduction and Context 4
Tattenhall & District Modified Neighbourhood Plan 2025 – 2045 4
The Independent Examiner 5
Submitted Documents 5
Planning Policy Context 6
2. Procedural Considerations 6
Initial Determination 6
The Scope of the Examination 7
The Basic Conditions 9
Site Visit 9
Written Representations with or without Public Hearing 9
Examiner Modifications 10
3. Compliance Matters and Human Rights 10
Qualifying Body and Neighbourhood Plan Area 10
Plan Period 10
Neighbourhood Plan Preparation and Consultation 10
Development and Use of Land 11
Excluded Development 11
Local Nature Recovery Strategy 11
Climate Change 11
Human Rights 12
4. Assessment of the Basic Conditions 12
Assimilated Obligations 12
Main Issues 13
POLICY 1: HOUSING GROWTH 14
POLICY 2: LOCAL CHARACTER 14
POLICY 3: THE LOCAL ECONOMY 15
POLICY 4: LOCAL FACILITIES 16
POLICY 5: TRANSPORT AND COMMUNICATIONS 16
POLICY 6: LANDSCAPE AND THE ENVIRONMENT 17
POLICY 7: SITE ALLOCATIONS 17
POLICY 8: FLOOD MANAGEMENT LAND 21
Alterations to the Text 21
All Other Matters 22

5. Conclusions 22
Summary 22
The Referendum and its Area 22
Overview 22
Appendix: Proposed Modifications 24

Main Findings - Executive Summary

From my examination of the Tattenhall & District Modified Neighbourhood Plan (the Plan/TMNP) and its supporting documentation, including the representations made, I have concluded that subject to the modifications (**PMs**) set out in this report, the Modified Plan meets the Basic Conditions.

I have also concluded that:

- The Modified Plan has been prepared and submitted for examination by a qualifying body – the Tattenhall Parish Council (TPC);
- The Modified Plan has been prepared for an area properly designated, as shown on Fig. 1 on page 3 of the Modified Plan;
- The Modified Plan specifies the period to which it is to take effect – 2025-2045; and
- The policies relate to the development and use of land for a designated neighbourhood area.

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

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

1. Introduction and Context

Tattenhall & District Modified Neighbourhood Plan 2025–2045

1.1 Set within attractive gently undulating rural countryside, Tattenhall is located about 15 km south east of Chester, close to the A41 heading towards Whitchurch. The population of Tattenhall in 2021 was 2,443.[1] It is the subject of the Tattenhall & District Neighbourhood Plan which was "made" (approved and adopted) in June 2014 by Cheshire West and Chester Council (CWaCC).

1.2 In the following years, the main source of Government planning policy, the National Planning Policy Framework (NPPF) has been updated. Moreover, the Cheshire West and Chester Local Plan (CWaCLP) (Part One) was adopted in 2015 with the CWaCLP (Part Two) adopted in 2019. The Neighbourhood Development Plan has been updated to ensure that it remains up to date and reflects the needs and aspirations of the residents.

[1] 2021 Census.

The Independent Examiner

1.3 As the Modified Plan has now reached the examination stage, I have been appointed as the examiner of the Tattenhall & District Modified Neighbourhood Plan 2025-2045 by CWaCC with the agreement of TPC.

1.4 I am a chartered town planner and former government Planning Inspector. I am an independent examiner and do not have an interest in any of the land that may be affected by the Modified Plan.

Submitted Documents

1.5 I have considered all policy, guidance and other reference documents relevant to the examination, including those submitted which comprise:

- the Modified Tattenhall & District Neighbourhood Plan 2025-2045 (May 2026);
- the Modified Tattenhall & District Neighbourhood Plan Modifications Statement (May 2026);
- the statement from Cheshire West and Chester Council (CWaCC) on the nature of the proposed modifications (See CWaCC Modifications Statement received 17 September 2026):
- the map (Fig 1) on page 3 of the Plan Area, which identifies the area to which the proposed Modified Neighbourhood Plan relates;
- a copy of the extant Tattenhall & District Neighbourhood Plan 2010-2030, as made;
- the Basic Conditions Statement (May 2026);
- the Habitats Regulations Assessment (HRA) and Marine Plan Screening Determination (May 2026);
- the Environmental (SEA) Report (May 2026);
- the HRA Appropriate Assessment (May 2026);
- the Consultation Statement (May 2026);
- the Indicative Housing Requirements for Tattenhall (May 2026);
- the Site Selection Report (May 2026);
- the Design Code (2023);
- all the representations which have been made in accordance with the Regulation 16 consultation;
- the responses from TPC and CWaCC received on 22 September 2026 in answer to my questions of clarification dated 8 September 2026, and a response from Johnson Mowat (representing Gladman Development Limited) dated 28 September 2026; and
- a response from CWaCC, dated 30 September 2026, providing comments on the Johnson Mowat letter of 28 September 2026.[2]

[2] View at: https://planningpolicy.cheshirewestandchester.gov.uk/neighbourhood-planning/tattenhall-and-district-neighbourhood-plan

Planning Policy Context

1.6 As noted in paragraph 1.2 above, the Development Plan for this part of Cheshire West and Chester Council, is the Local Plan (CWaCLP) (Part One) Strategic Policies, adopted in January 2015, and the CWaCLP (Part Two) Land Allocations and Detailed Policies, adopted on 18 July 2019. A new Local Plan is in the early stage of preparation, with a scoping consultation in progress during the examination and which ended on 28 September 2026. Given this early stage, the findings were not available to inform the examination of this Neighbourhood Plan.[3]

1.7 This Plan has been prepared in the context of the version of the National Planning Policy Framework (NPPF) published in December 2024. A revised NPPF was published on 17 August 2026. However, the revised version does not apply for the purposes of this examination.[4] Unless otherwise stated, all references in the report are to the December 2024 NPPF and the accompanying Planning Practice Guidance (PPG).

2. Procedural Considerations

Initial Determination

2.1 The Modified Tattenhall & District Neighbourhood Plan was submitted for examination in June 2026 on the basis that the Tattenhall Parish Council throughout the Modified Plan preparation process has considered that, as the proposed modifications include new and revised policies, they are a substantial and significant modification to the Plan made in 2014. This is confirmed in the Modification Statement.[5] Similarly, CWaCC in their Modification Statement (received on 17 September 2026) echoes this position.

2.2 Nonetheless, on my appointment as the examiner of the Plan, I considered whether the modifications contained in the draft Modified Plan "are so significant or substantial as to change the nature of the neighbourhood development plan which the draft plan would replace", in accordance with paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). The main implication at that time being, should I have taken a view that the modifications were not significant or substantial, then the Plan examination would have proceeded under Schedule A2 to the 2004 Act, rather than Schedule 4B to the Town and Country Planning Act 1990 (as

[3] A Scoping Consultation, which ran from 7 September to 28 September 2026, sought views on what the new Local Plan should contain: https://planningpolicy.cheshirewestandchester.gov.uk/new-local-plan

[4] See the transitional arrangements provided by Annex A, Paragraph 6 of the August 2026 NPPF: National Planning Policy Framework - GOV.UK

[5] View at: https://planningpolicy.cheshirewestandchester.gov.uk/neighbourhood-planning/tattenhall-and-district-neighbourhood-plan

amended) ('the 1990 Act'). As a practical and key consequence, the Modified Plan would not have required a referendum prior to being made.

2.3 Following my initial assessment of the Modified Plan, its supporting documents and representations made at the Regulation 16 stage, I wrote to both Councils on 8 September 2026[6] with my determination, made under Paragraph 10(1) of Schedule A2, to advise that, in my assessment, the proposed modifications contained in the Modified Plan are so significant or substantial as to change the nature of the made Plan which the Modified Plan would replace.

2.4 Accordingly, I therefore invited the Tattenhall Parish Council as the qualifying body (in accordance with paragraph 10(5) of Schedule A2) to decide whether to proceed with the examination of the Modified Plan under the provisions of Schedule 4B to the 1990 Act, which in turn would require a referendum prior to the Modified Plan being made.

2.5 The TPC confirmed on 22 September 2026 that it had determined to proceed with the examination of the Modified Plan under Schedule 4B.[7] Therefore, it is on that basis that I have undertaken my examination of the Modified Plan. For clarification, my examination has also considered the entirety of the Modified Plan and has not been confined to those parts of the Modifications Plan which contain modifications to the made Tattenhall & District Neighbourhood Plan made in 2014.

The Scope of the Examination

2.6 As the independent examiner I am required to produce this report and recommend either:

(a) that the neighbourhood plan is submitted to a referendum without changes; or

(b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or

(c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

2.7 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended)('the 1990 Act'). The examiner must consider:

- Whether the plan meets the Basic Conditions.

[6] View at: https://planningpolicy.cheshirewestandchester.gov.uk/neighbourhood-planning/tattenhall-and-district-neighbourhood-plan
[7] View in link at footnote above.

- Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
  - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
  - it sets out policies in relation to the development and use of land and does not go beyond the scope of what may be included in a draft plan[8];
  - it specifies the period during which it has effect;
  - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
  - it does not include provisions and policies for 'excluded development';
  - so far as the qualifying body considers appropriate, and having regard to the subject matter of the plan, it is designed to secure that the development and use of land in the neighbourhood area contribute to the mitigation of, and adaptation to, climate change[9]; and
  - so far as the qualifying body considers appropriate, and having regard to the subject matter of the plan, it takes account of any local nature recovery strategy, under section 104 of the Environment Act 2021, that relates to all or part of the neighbourhood area.[10]
- Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended)('the 2012 Regulations').

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

[8] See s.38B(A1) and s.38B(2C)(a) of the 2004 Act.
[9] This additional requirement was commenced on 25 March 2026 by virtue of *The Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026*, which brought into force section 98 of the Levelling-up and Regeneration Act 2023.
[10] See footnote above.

The Basic Conditions

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

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in that area than if the neighbourhood development plan were not to be made[11];
- be compatible with, and not breach, assimilated obligations[12]; and
- Meet prescribed conditions and comply with prescribed matters.

2.10 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Neighbourhood Development Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.[13]

Site Visit

2.11 I made an unaccompanied site visit to the Neighbourhood Plan Area on 15 September 2026 to familiarise myself with the Plan Area and visit relevant sites and locations referenced in the Modified Plan and evidential documents.

Written Representations with or without Public Hearing

2.12 This examination has been dealt with by written representations. Several representors expressed a view suggesting that a hearing may be necessary. However, sufficient written evidence has been provided which I

[11] This Basic Condition applies from 25 March 2026 by virtue of *The Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026*, which brought into force section 99 of the Levelling-up and Regeneration Act 2023. This replaces the former Basic Condition which required a neighbourhood plan to be in general conformity with the strategic policies of the development plan for the area.
[12] See: The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023, which replaced the previous reference to 'EU' obligations.
[13] This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

have supplemented by my site visit and, in all respects, the representations clearly articulate their submissions to the Modified Plan and has enabled me to reach conclusions on the matters concerned.

Examiner Modifications

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

3. Compliance Matters and Human Rights

Qualifying Body and Neighbourhood Plan Area

3.1 The Modified Tattenhall & District Neighbourhood Plan 2025–2045 has been prepared and submitted for examination by the Tattenhall Parish Council which is the qualifying body. The initial Neighbourhood Plan Area was designated on 17 January 2013, with the revised Neighbourhood Area designated on 12 April 2023. I am satisfied it is the only Neighbourhood Plan for the area and does not relate to land outside the designated Neighbourhood Plan Area.

Plan Period

3.2 The Modified Plan clearly specifies the period to which it is to take effect, which is from 2025 to 2045. The period of the existing made Plan is from 2010 to 2030.

Neighbourhood Plan Preparation and Consultation

3.3 Details of the Modified Plan preparation, events, activities and consultation are set out in the comprehensive Consultation Statement (CS), as submitted to CWaCC. Section 2 comprises a timeline of events showing that the initial Review Committee meeting took place in March 2019 with regular meetings and events through to the Parish Council meeting in May 2026 to review the responses to the Regulation 14 Consultation.

3.4 Regulation 14 consultation took place between 23 February 2026 and 13 April 2026. The main issues and concerns raised by residents and statutory consultees and how they were considered by TPC are included as tables on pages 9 - 68 of the CS.

3.5 At the Regulation 16 stage, between 18 June 2026 and 30 July 2026, thirty-six representations were received, including one from CWaCC. I sought clarification on a number of issues from TPC and CWaCC on 8 September 2026 and received responses from TPC and CWaCC on 22 September 2026. I also accepted a further related submission from

Johnson Mowat, on behalf of Gladman Developments Limited, on 28 September 2026. CWaCC provided comments on the Johnson Mowat submission in a letter dated 30 September 2026.

3.6 I confirm that the legal requirements have been met by the consultation process. In addition, there has been regard to the advice in the PPG on plan preparation and engagement.

Development and Use of Land

3.7 The Modified Plan sets out policies in relation to the development and use of land in accordance with Section 38A of the 2004 Act and does not exceed the appropriate scope of a neighbourhood plan.[14]

Excluded Development

3.8 The Modified Plan does not include provisions and policies for "excluded development".[15]

Local Nature Recovery Strategy

3.9 There is a local nature recovery strategy (LNRS) (under section 104 of the Environment Act 2021) in place that relates to the Neighbourhood Plan Area. This is the Local Nature Recovery Strategy for Cheshire and Warrington and which covers West and East Cheshire, the Dark and South West Peaks of the Peak District National Park and Warrington Borough. 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. Having read the Plan and, in particular, Policies 2, 6, 7, and 8, I agree with TPC and I am satisfied that the Modified Plan is compatible with the LNRS.

Climate Change

3.10 TPC considers that the Neighbourhood Plan has been designed, where appropriate, to ensure that the development and use of land in the Neighbourhood Plan 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. Collectively, Policies 2, 5, 7 and 8 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. I am satisfied that, overall, the Plan as proposed to be modified, does not conflict with the

[14] See s.38B(A1) and s.38B(2C)(a) of the 2004 Act.
[15] The meaning of 'excluded development' is set out in s.61K of the 1990 Act.

aims of securing development which contributes to the mitigation of, and adaptation to, climate change.

Human Rights

3.11 The Basic Conditions Statement (BCS) advises that the Modified Plan has had regard to the rights and freedoms guaranteed under the European Convention of Human Rights and complies with the Human Rights Act. The Neighbourhood Plan has been subject to extensive engagement with those people local to the area who could be affected by its policies and their views have been taken into account in finalising the Plan. I have considered this matter independently and I have found no reason to disagree with the statement in the BCS and I am satisfied that the policies will not have a discriminatory impact on any particular group of individuals.

4. Assessment of the Basic Conditions

Assimilated Obligations

4.1 The Environmental (SEA) Report (May 2026) explains that the Screening Opinion & Scoping Report, consulted on with the statutory bodies in September – October 2025, concluded that an Environmental Report is needed to assess the extent to which the Modified Plan will contribute to the achievement of sustainable development. I address matters raised in relation to the Environmental Report in paragraphs 4.23, 4.28 and 4.29 below and conclude that the approach and conclusions of the SEA are acceptable.

4.2 Natural England, when consulted, commented that a Habitats Regulations Assessment is necessary because of the potentially likely significant effects to the River Dee and Bala Lake Special Area of Conservation (SAC). This is due to habitat degradation or loss caused by potential water concerns, both alone and in-combination with other plans and projects. The Habitats Regulations Assessment and Marine Plan Screening Determination then made by CWaCC was that the Modified Tattenhall & District Neighbourhood Plan is likely to have an adverse effect on River Dee and Bala Lake Special Area of Conservation (SAC), alone or in combination with other plans and projects.

4.3 As such, Appropriate Assessment (AA) was considered to be required. The subsequent AA concluded that sufficient measures were available to ensure that there were no adverse impacts from the development either alone or in combination. However, to ensure that the measures required were enacted during the development, it was recommended that Policy 7 was amended and the following text has been added to the policy:

"Ensure no adverse effect on the integrity of the River Dee and Bala Lake/ Afon Dyfrdwy a Llyn Tegid SAC and the River Dee SSSI[16], having regard to the Strategic Environmental Assessment and any Habitats Regulations Assessment accompanying the Plan, and demonstrate, through appropriate hydrological and drainage assessments, that adjacent watercourses and their catchments are protected, including through the use of sustainable drainage systems (SuDS), wastewater controls, and construction management measures to maintain or improve water quality and flow regimes."

4.4 Consequently, following AA, it was concluded that there would be no adverse impact on the River Dee and Bala Lake SAC either alone or in combination with other plans and projects. Natural England commented, *"Thank you for consulting us on the modified Tattenhall and District Neighbourhood Plan, as well as the associated SEA and HRA/Appropriate Assessment. We welcome the changes that have been made and the further assessment undertaken, which has removed our concerns."* Therefore, I am satisfied that the Modified Tattenhall & District Neighbourhood Plan is compatible with the relevant assimilated obligations.

Main Issues

4.5 Having considered whether the Modified Plan complies with various procedural and legal requirements, it is now necessary to deal with whether it complies with the remaining Basic Conditions, particularly the regard it pays to national policy and guidance, the contribution it makes to the achievement of sustainable development and whether it undermines policies which for housing development is provided for in the Local Plan for the area. I test the Modified Plan against the Basic Conditions by considering specific issues of compliance of all the Plan's policies.

4.6 As part of that assessment, I also consider whether the policies are sufficiently clear and unambiguous, having regard to advice in the PPG. A neighbourhood plan policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.[17]

4.7 Accordingly, having regard to the Modified Tattenhall & District Neighbourhood Plan, the consultation responses, other evidence and the site visit, I consider that the main issues in this examination are whether the draft Plan's policies: (i) have regard to national policy and guidance; (ii) do not result in the development plan for the area proposing less housing development than would have been the case if the plan were not to be made; and (iii) would contribute to the achievement of sustainable

[16] Site of Special Scientific Interest (SSSI).
[17] PPG Reference ID: 41-041-20140306.

development. I shall consider the eight policies in the sequence in which they appear in the Plan.

POLICY 1: HOUSING GROWTH

4.8 Policy 1 defines the settlement boundary for Tattenhall and also describes requirements for housing mix and affordable housing. The Policies Map shows an area within the centre of the village but remaining outside the settlement boundary. I note that TPC do not wish to see this area of land developed, but there are other designations which protect it from possible development such as Local Green Space, the Local Wildlife Site and designated heritage assets. Nevertheless, the land is outside the settlement boundary in the adopted Local Plan (Part Two) and I see no reason to revise the boundary to include the central area, especially in view of the extent of land allocated for housing in Policy 7.

4.9 The policy includes three references to the (as was) emerging draft 2025. It would not be appropriate to update these references to the 17 August 2026 NPPF since the draft Plan was submitted under Regulation 15 prior to this date (and for the reasons set out in paragraph 1.7 above). I shall recommend that the references be substituted by an appropriate phrase, where appropriate. I shall also recommend the substitution of "where supported by up-to-date evidence" by *"where supported by the latest Housing Needs Assessment"*.

4.10 CWaCC suggested including the full local connection cascade in the policy to replace or supplement "short eligibility cascade". However, it seems to me that the full cascade for Rented Affordable Housing and Low Cost Home Ownership could be included in the supporting text and the policy should remain as phrased, with which, on further consideration, CWaCC agreed. With the above recommendations, Policy 1 would have regard to national guidance[18] and meet the Basic Conditions. **(PM1)**

POLICY 2: LOCAL CHARACTER

4.11 Policy 2 comprises five Clauses (A.–E.) which support development proposals subject to various criteria. Clause A (second bullet point) seeks the incorporation of local distinctive features and I shall recommend that this is qualified by *"wherever suitable"*, rather than "wherever possible".

4.12 The third bullet point requires development not to unacceptably erode gaps between Tattenhall, Newton-by-Tattenhall and Gatesheath. I queried whether the latter two places were large enough to be classified as settlements and, in noting the helpful responses from TPC and CWaCC, I am satisfied that they may be deemed as such for the purposes of administering the policy. I am not convinced that the countryside identified in the "gaps" is any more attractive than other parts of the rural surroundings of Tattenhall, but I agree that its mostly undeveloped

[18] NPPF: paragraphs 61, 63, 83 and 84.

appearance helps to maintain the separate identities of Tattenhall, Newton-by-Tattenhall and Gatesheath. I note that CWaCC accept that it is unlikely that any housing development around Tattenhall would hinder the Council in its consideration of options for housing development in the emerging Local Plan. Therefore, I shall not recommend deleting the third bullet point but will recommend altering "unacceptably" (which begs the question, to whom is it unacceptable?) to *"significantly"*. I shall also recommend the addition of a phrase seeking to retain the identity and local distinctiveness of the settlements.

4.13 I note the representation concerning View 7 in Appendix A but, having looked at various views on my visit to the area, I am satisfied that the fifth bullet point does not result in the policy failing to meet the Basic Conditions. The description of each view could be fine-tuned ad infinitum on what might or might not be seen, depending on the breadth of the view and, in my opinion, the description of the views is adequate for development management purposes.

4.14 In the second bullet point of Clause B, however, TPC accepts that the phrase "landscape structure" could be expressed more clearly for development management purposes and would support a focused amendment to clarify its meaning: *"incorporate variation in layout, density, building type, materials and landscape treatment, including the arrangement of open space, trees, hedgerows, planting and other green infrastructure."* I agree.

4.15 In the fourth bullet point I shall recommend that the phrase which includes "avoid large scale homogenous estate layouts" is replaced by *"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 Tattenhall."* as suggested by TPC.

4.16 I shall recommend that the first sentence of Clause C. is expanded and a later sentence is deleted to avoid unnecessary repetition. As CWaCC comment, Clause D. is dealt with by national guidance and is superfluous.[19] I accept that, in Clause E., hedgerows are already referred to in Clause C, but I accept the additional reference in the context of the Clause. However, the use of "meaningful" is meaningless for development management purposes and I shall recommend that the word is deleted. With the modifications, Policy 2 will have regard to national guidance[20] and meet the Basic Conditions. **(PM2)**

POLICY 3: THE LOCAL ECONOMY

4.17 Policy 3 supports certain types of employment development. There are three Clauses (A.–C.), the second of which, Clause B., is not a policy statement but is more of an explanation and I shall recommend that it is

[19] NPPF: paragraph 16 f).
[20] NPPF: paragraphs 132, 135, 136 and 187

removed to the supporting text. Both Councils agreed to a rewording of the first bullet point in Clause A. to become: *"The conversion of existing buildings to employment development ..."*, which I shall recommend. I queried the statement of "outside of the defined local centre …" in Clause C. where there is no defined local centre in the Plan. CWaCC suggested a succinct rephrasing of Clause C. which I shall recommend: *"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."* With the modifications, Policy 3 will have regard to national guidance[21] and meet the Basic Conditions. **(PM3)**

POLICY 4: LOCAL FACILITIES

4.18 Policy 4 supports the delivery and retention of community facilities. I queried the use of the term "proportionate" in Clause A. TPC agreed that the term could be clarified to make the policy 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 proposed an amendment to the opening of Clause A, which is supported by CWaCC, with which I agree and shall recommend as a modification which is described in the Appendix.

4.19 I also queried the reference to cumulative impacts of new development combined with other schemes which have planning permission, and agree with the CWaCC response that the 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. Therefore, I shall recommend the deletion of the second sentence of Clause A. With the modifications, Policy 4 will have regard to national guidance[22] and meet the Basic Conditions. **(PM4)**

POLICY 5: TRANSPORT AND COMMUNICATIONS

4.20 Policy 5 considers traffic, transport, parking and broadband infrastructure. I consider that the first sentence of Clause A. should only apply to significant development such as proposals for 50 dwellings and above and for major commercial development. Although TPC suggested that the second sentence would then apply to all development, it virtually repeats national guidance in NPPF paragraph 116 and so I shall recommend it should be deleted.[23] The final bullet point of Clause A duplicates Clause B and I shall recommend that the final bullet should be deleted but, at the same time, adding to the remaining Clause: "... *at least_30 megabit per second* ..." because higher speeds may be possible in the future." Finally, having questioned the use of "proportionate" in existing Clause C., TPC

[21] NPPF: paragraphs 85, 88, 90 and 91.
[22] NPPF: paragraphs 96 and 98.
[23] NPPF: paragraph 16 f).

suggested rephrasing the first part of the clause which I support and will recommend. With the modifications, including renaming the Clauses, Policy 5 will have regard to national guidance[24] and meet the Basic Conditions. **(PM5)**

POLICY 6: LANDSCAPE AND THE ENVIRONMENT

4.21 Policy 6 Clause A. designates:

a. fifteen Local Green Spaces;
b. four sites of sport, recreation and amenity value; and
c. eleven sites of nature conservation value.

These are the same as those in the made Plan. Clause B. of the policy requires the consideration of the wildlife value, landscape, green spaces and ecological networks when new development is proposed. CWaCC and TPC agreed that this should be qualified to new development, excluding changes of use and householder applications. I shall recommend the modification. Policy 6 will then have regard to national guidance[25] and meet the Basic Conditions. **(PM6)**

POLICY 7: SITE ALLOCATIONS

4.22 Policy 7 allocates land to the north and south of Frog Lane for up to 600 dwellings. Development proposals will be supported provided they accord with requirements set out in the Policy. Clause A., Phase 1 of the allocation, refers to approximately 400 homes south of Frog Lane and includes 18 requirements. Clause B., Phase 2 of the allocation, refers to approximately 200 homes north of Frog Lane and includes 12 requirements.

Strategic Environmental Assessment (SEA)

4.23 There is a claim in the Regulation 16 representations that the site selection justification set out in the SEA is inadequate to the extent that it is unlawful. CWaCC commented that the SEA report considers and assesses the four different "growth scenarios". TPC considered that these scenarios were the only reasonable alternatives and that 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. Given the additional explanation from TPC, I agree with the conclusion that the SEA is acceptable.

Accessible/adaptable Homes (Clause A.ii.)

4.24 A.ii. requires all bungalows to be built to M4(3)(a) wheelchair adaptable standard and other properties to M4(2) accessible standard. However, the evidence does not support the requirement for all bungalows to be built at

[24] NPPF: paragraphs 109, 111, 117 and 119.
[25] NPPF: paragraphs 106 – 108, 187, 192 and 193.

this standard and I consider that the requirement is dealt with adequately in the CWaCLP (Part Two) (Policy DM 26) and I shall recommend that Clause A.ii should be deleted.

Open Space (Clause A.v.) (Clause B.v.)

4.25 In order to clarify requirement A.v. and ensure consistency with B.v., both of which deal with publicly accessible public open space, CWaCC considers that criterion 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)"* which I shall recommend.

4.26 In requirement B.v., the reference to pitches should be separated into a different criterion because, whereas allotments and amenity greenspace are calculated on a per dwelling basis, requirements for pitches are determined differently to other open space typologies and don't have a quantity standard. The need is based on the population a proposed development generates and is based on Sport England's pitch calculator tool and the CWaCC 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 triggers onsite sports pitch need. The suggested wording for the 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"*.

4.27 In addition, I accept the sentence requested by TPC: *"secured by legal agreement with an option to transfer ownership to the Parish Council or a nominated local community body".* However, it also seems to me that the accessible public open space issue should also be dealt with as in requirement A.v. which I shall recommend as described in the Appendix below.

Heritage assets (Clause A.ix.)

4.28 Representations from Historic England dated 28 July 2026 comment that the inclusion of the allocations in the Neighbourhood Plan does not appear to be accompanied by sufficient evidence to demonstrate that the sites can be developed without harm to the historic environment, which includes both the conservation area and other heritage assets and their settings. TPC respond that heritage issues were specifically considered through the site-selection process before the preferred allocation was chosen.

4.29 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 consider that the methodology described in HEAN3 and HEAN8 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 7 A.ix. secures this through the requirement for a Heritage Statement. TPC has suggested a revision to requirement A.ix., to which CWaCC agreed subject to an additional reference to the Development Plan, all of which I support and shall recommend.

Habitat Mitigation Area (Clause A.xii.)

4.30 On requirement A.xii, CWaCC agree that the Plan currently conflicts with the implementation of the planning permission at Gifford Lea and also agree with the amendments proposed by TPC to refer to the criterion within Policy 7B (rather than 7A) and revise the clause as shown in the Appendix, which I shall recommend.

Water efficiency measures (Clause A.xv.) (Clause B.viii.)

4.31 TPC and CWaCC agree to the deletion of "where feasible and viable" from A.xv. (second bullet point) and B.viii. (second bullet point) and a revision to the requirement which I shall recommend.

Habitats Protection (Clause A.xv.) (Clause B.viii.)

4.32 In considering 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 it underpins, suggesting a hydrological link to the site. It seems to me that Policy 7 A.xv. and Policy 7 B.viii. already deal with these points very effectively. CWaCC consider that the policy should not be amended.

Water and waste-water measures (Clause A.xvii.) (Clause B.xi.)

4.33 In clarification of the risk assessment of the impact of development on public water supplies in requirement A.xvii., CWaCC 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. This also applies to the identical requirement B.xi.

Mineral Safeguarding Areas (Clause A.xviii.) (Clause B.xii.)

4.34 The Plan will be read alongside the Local Plan (Part Two) as part of the Development Plan. Therefore, as agreed by both Councils, it seems to me that there is no need to refer to Mineral Safeguarding policies in requirements A.xviii and B.xii. Therefore, I shall recommend they are deleted.

Access arrangements (Clause B.ii.)

4.35 Representations suggested varying the proposed access arrangements required for Allocation B. at item ii. However, I agree with TPC that the requirement should remain as drafted in order to encourage vehicles not to drive through the village centre.

Public Rights of Way (Clause B.vii.)

4.36 Representations proposed amending the requirement so that the provision of public access should be explored. However, this would weaken this part of the policy and so CWaCC suggested retaining the existing wording, but with the addition of *"where feasible and supported by the local authority"* at the end of criterion a. which I support and shall recommend.

Omission Sites

4.37 Representations sought additional allocations for housing on (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).

4.38 TPC provided a comprehensive reply to my question seeking clarification on the reasons why those areas of land were not allocated in the Plan and I agree with their conclusions on each site.

Land at Park Avenue

4.39 TPC agree that the land at Park Avenue recently allowed on appeal 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. I recommend that an updated settlement boundary map should include this site for the referendum version of the Plan. **(PM7)**

Land immediately to the west of Millbrook Meadow development

4.40 Representations queried why the land is within the revised settlement boundary (See representation 17190 Mr & Mrs Graham and Glynis Ward). TPC 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. Although TPC state that they would have no objection to the settlement boundary being modified to exclude it as shown in the representation, I consider that to merit inclusion within the settlement boundary in the draft Plan Review, the land has met the various tests set out in the statutory process for the Plan, including SEA, otherwise it would not have been included prior to the Regulation 14 Consultation. The delivery of 600 houses is described as an approximation and, in any event, such provision is not a maximum target. Therefore, I see no reason to recommend altering the settlement boundary to exclude the land in question and reduce the amount potentially available for housing development.

4.41 Accordingly, with the modifications which I shall recommend to the site specific requirements in Clauses A and B, Policy 7 will have regard to national guidance[26] and meet the Basic Conditions. **(PM8)**

POLICY 8: FLOOD MANAGEMENT LAND

4.42 Policy 8 safeguards land off Burwardsley Road for the delivery of a natural flood risk management scheme. TPC accepted the Regulation 16 comment from CWaCC 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. CWaCC agreed with the amendment which I shall recommend. The policy would then have regard to national guidance[27] and meet the Basic Conditions. **(PM9)**

Alterations to the Text

4.43 A consequence of the acceptance of the recommended modifications would be that amendments might have to be made to the explanation within the Plan in order to make it logical. Other amendments might also include minor contextual updates, correcting minor inaccuracies, cross referencing and any renumbering of paragraphs and policies. None of these alterations would affect the ability of the Plan to meet the Basic Conditions and could be undertaken as minor, non-material changes.[28]

[26] NPPF: paragraphs 60, 98, 019 – 111, 132, 135, 136, 170, 181, 182, 187, 192 – 194, 202, and 203.
[27] NPPF: paragraphs 161 – 163, 172, 187 and 192.
[28] PPG Reference ID: 41-106-20190509.

All Other Matters

4.44 In this examination, despite the Modified Neighbourhood Plan being a review of the made Plan, I have considered afresh the whole of the draft Plan. I have reviewed each policy in terms of its consistency with national policy. Other than the issues that are discussed above, I am satisfied that there are no other matters which affect the Basic Conditions.

5. Conclusions

Summary

5.1 The Tattenhall & District Modified Neighbourhood Plan 2025–2045 has been duly prepared in compliance with the procedural requirements. My examination has assessed whether the Modified Plan meets the Basic Conditions and other legal requirements. I have had regard to all the responses made following consultation on the Modified Plan and the evidence documents submitted with it.

5.2 I have set out modifications to Policies 1, 2, 3, 4, 5, 6, 7, and 8 to ensure the Modified Plan meets the Basic Conditions and other legal requirements. I recommend that the Modified Plan, once further modified, proceeds to referendum.

The Referendum and its Area

5.3 I have considered whether the referendum area should be extended beyond the designated area to which the Plan relates. The Modified Plan as recommended to be modified in the report, has no policy which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be that of the designated Neighbourhood Plan Area.

Overview

5.4 Inevitably, considerable time and effort have been devoted to the development and production of this well written, succinct Modified Plan and I congratulate those who have been involved. I appreciated the comprehensive documentation which was submitted from both Councils, especially the helpful and constructive comments made in response to my questions. The Modified Plan should continue to prove to be a useful tool for future planning and change within and around Tattenhall over the coming years.

Andy Mead

Examiner

Appendix: Proposed Modifications

Proposed Mod. no. (PM)	Policy/other reference	Modification
PM1	Policy 1	Amend Clause A. by the deletion of "National Decision-Making Policy (NDMP) S3". Amend Clause B.ii. to: ***"include the provision of on-site affordable housing in accordance with national guidance. The affordable housing will be subject to a S106 Legal Agreement ensuring that it remains an affordable dwelling for local people in perpetuity, where supported by the latest Housing Needs Assessment. A short eligibility cascade shall also be included within the agreement."*** Amend Clause B.iii. by the deletion of: "in accordance with NDMP HO8" and the substitution of: ***"in accordance with national policy."*** Amend the final phrase of Clause B.iii. to: ***"... in the first instance, where possible and appropriate, and where there is an identified need."*** Describe the full eligibility cascade for Rented Affordable Housing and Low Cast Ownership in the supporting text.
PM2	Policy 2	Amend Clause A.: (second bullet point) by the deletion of "possible" and the substitution of ***"suitable"***. (third bullet point) by the deletion of "unacceptably" and the substitution of ***"significantly"*** and the addition at the end of the sentence of the phrase: ***"... in order to retain the identity and local distinctiveness of the settlements."***

		Amend Clause B.: (second bullet point) by its deletion and substitution by: ***"incorporate variation in layout, density, building type, materials and landscape treatment, including the arrangement of open space, trees, hedgerows, planting and other green infrastructure;"***. (fourth bullet point) by its deletion and substitution by: ***"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 Tattenhall."*** Amend Clause C. by replacing the first sentence with: ***"New development should seek to safeguard significant trees, including veteran and mature trees, and to enhance woodland and hedgerows in line with the relevant Cheshire and Warrington Local Nature Recovery Strategy priorities and actions (W2 and W3), including ensuring retained trees are protected from damage during and after construction and have space to mature."*** and the deletion of the third sentence. Delete Clause D. Amend Clause E. by the deletion of "meaningful".
PM3	Policy 3	Amend Clause A. (first bullet point) to: ***"The conversion of existing buildings to employment development ..."***. Amend Clause A. (second bullet point) to: ***"New commercial premises, where they accord with national policy".***

		Delete Clause B. and include it in the supporting text. Amend Clause C. to: ***"Outside 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."***
PM4	Policy 4	Amend the first sentence of Clause A. to: ***"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."*** Delete the second sentence of Clause A.
PM5	Policy 5	Amend Clause A. to: ***"Significant development of 50 or more new dwellings or major commercial development should identify the realistic levels of traffic and movement it is likely to generate across all modes, including walking, cycling and public transport."*** Delete the second sentence. Create a new Clause B. from second bullet point of Clause A.: ***"Where appropriate, new development should maximise opportunities to walk, cycling and use public transport, including between Tattenhall, Newton by Tattenhall and Gatesheath, including…".*** Delete the existing Clause B. Create a new Clause C.: ***"In addition, provision should be made for at least 30***

		megabit per second high speed broadband to serve the parish." Create a new Clause D.: ***"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 and they do not result in unacceptable impacts on traffic congestion, highway safety or the quality of the public realm, and where they are designed to support accessibility to local services."***
PM6	Policy 6	Amend Clause B to: ***New development, excluding changes of use and householder applications, should: etc…".***
PM7	Policies Map and Inset	Extend the settlement boundary to include the Land at Park Avenue allowed on appeal.
PM8	Policy 7	**Clause A.** Delete Clause A.ii. Amend Clause A.v. to: ***"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)"*** Amend Clause A.ix. to: ***"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 the Development Plan (or any subsequent revisions)." Replace Clause A.xii.to read: ***"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."*** Delete Clause A.xii. (to be removed to Clause B. and become a new requirement). Amend Clause A.xv (second bullet point) 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'."*** Amend Clause A.xvii. to: **"E*arly engagement with United Utilities is encouraged to establish whether a risk assessment should be provided having regard to the potential effect of the development proposed on public water supplies with the identification and implementation of any required mitigation measures including a management plan."*** Delete Clause A.xviii. **Clause B.** Insert new requirement in Clause B.: ***"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." Amend Clause B.v. to: ***"Open space, including allotments and informal recreation spaces, to be provided in accordance with the quantity standards referenced in the Local Plan Policy DM 35 (or any replacement version of DM 35). 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 secured by legal agreement with an option to transfer ownership to the Parish Council or a nominated local community body."*** Amend Clause B.vii. a. by the addition of: ***"where feasible and supported by the local authority"*** at the end of the requirement. Amend Clause B.viii. (second bullet point) 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'."*** Amend Clause B.xi. to: **"E*arly engagement with United Utilities is encouraged to establish whether a risk assessment should be provided having regard to the potential effect of the proposed development on public water supplies with the identification and implementation of any required***

		mitigation measures including a management plan." Delete Clause B.xii.

PM9	Policy 8	Amend Clause C. to: **"*Where development would affect the safeguarded land, early engagement with United Utilities is encouraged to establish whether a risk assessment should be provided having regard to the nature and scale of the development and its potential effect on public water supplies.*"**