

# **UPDATED TATTENHALL & DISTRICT NEIGHBOURHOOD PLAN 2023 – BASIC CONDITIONS STATEMENT**

**SEPTEMBER 2023**

## **1. INTRODUCTION**

This Statement has been prepared by Tattenhall & District Parish Council (“the Parish Council”) to accompany its submission to the local planning authority, Cheshire West & Chester Council, of the Updated Tattenhall & District Neighbourhood Plan 2023 (“the Neighbourhood Plan”) under Regulations 15 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”).

## **2. BACKGROUND**

The Parish Council commenced preparation of the original Tattenhall & District Neighbourhood Plan in March 2011 in response to the desire of the local community to have a greater say in future planning decisions. The Tattenhall & District Neighbourhood Plan was made in June 2014, and was one of the first Neighbourhood Plans in Cheshire. The original Neighbourhood Plan had been overwhelmingly supported at referendum, on 24th October 2013. Of the 1822 residents eligible to vote, 945 votes were cast (51.86%). Of those who voted, 905 voted YES to the Neighbourhood Plan, which represents 95.97% approval.

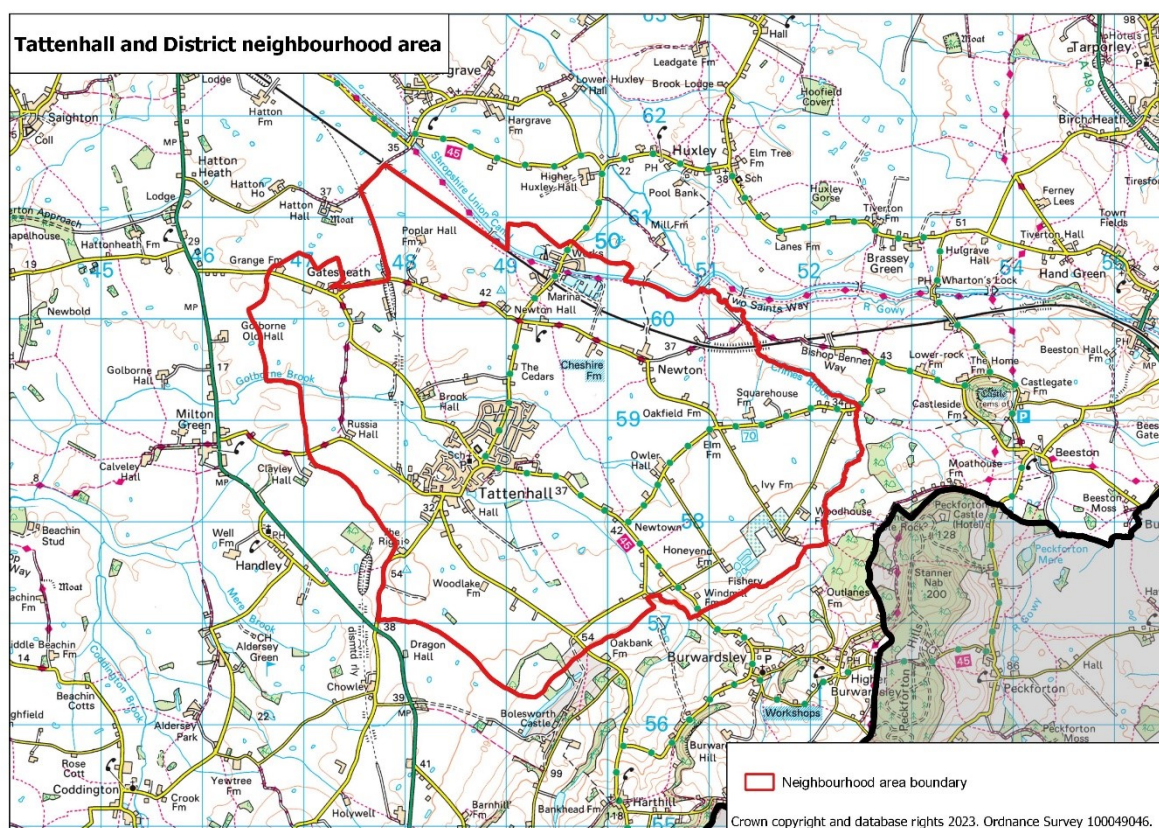
However, the original Neighbourhood Plan had been made before the official adoption of the Local Plan (2015) and before the National Planning Policy Framework update of 2019. Whilst recognising that the Neighbourhood Plan was a successful planning document being used to help consider planning applications and appeals, it was considered that to ensure its continued effectiveness, the Neighbourhood Plan should be reviewed and updated to ensure that its policies remained consistent with local and national guidance. This Basic Conditions Statement has been prepared to accompany the Updated Tattenhall & District Neighbourhood Plan 2023. The Basic Conditions Statement which accompanied the original Tattenhall & District Neighbourhood Plan of 2014 can be viewed at: <https://consult.cheshirewestandchester.gov.uk/kse/event/20346>

## **3. THE UPDATED TATTENHALL & DISTRICT NEIGHBOURHOOD PLAN 2023 DESIGNATED AREA**

The Civil Parish of Tattenhall & District was formally designated as a Neighbourhood Area through an application made by Tattenhall & District Parish Council (a relevant body for the purposes of section 61G of the Town and Country Planning Act 1990) on 10 July 2014 in accordance with the Neighbourhood Planning Regulations 2012 (part 2 S6) and was approved by Cheshire West & Chester Council on 21 October 2014. Subsequent changes to the parish boundary resulted in small areas of the parish being outside the Neighbourhood Area and small areas of an adjacent parish being included. An application to adjust the Neighbourhood Area was made and the updated area was designated by Cheshire West and Chester Council on 12 April 2023.

The Civil Parish of Tattenhall & District includes the settlements of Gatesheath and Newton-by-Tattenhall.

The Neighbourhood Plan does not relate to more than one neighbourhood area and there are no other neighbourhood development plans in place within the Neighbourhood Area.



Tattenhall & District neighbourhood area, designated 12 April 2023

#### 4. THE PROPOSAL

The policies described in the Updated Tattenhall & District Neighbourhood Plan 2023 relate to planning matters (the development and use of land) in the designated Neighbourhood Area. It has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012

The Updated Tattenhall & District Neighbourhood Plan is to have effect from 2023 to 2030.

The Updated Tattenhall & District Neighbourhood Plan does not:  
contain policies relating to excluded development in accordance with the Regulations;  
deal with County matters (mineral extraction and waste development, nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990).

#### 5. BASIC CONDITIONS STATEMENT

This Statement addresses each of the four 'basic conditions' required in the Regulations and explains how the submitted Updated Tattenhall & District Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act.

The Regulations state that a Neighbourhood Plan will be considered to have met the basic conditions if:

- a. having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,
- b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,
- c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,
- d. the making of the order contributes to the achievement of sustainable development,
- e. the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- f. the making of the order does not breach, and is otherwise compatible with, retained EU obligations (The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018), and
- g. prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.

## **5.1 BASIC CONDITION 1 – HAVING REGARD TO NATIONAL POLICY**

Tattenhall & District Parish Council believes that the Updated Tattenhall & District Neighbourhood Plan, as submitted, properly demonstrates due regard to National Policy, specifically that set out in the National Planning Policy Framework (NPPF) 2021. Paragraphs 29-30 of the NPPF describe how Neighbourhood Planning can be used to give communities direct power to deliver a shared vision for their neighbourhood, and deliver the sustainable development that they need. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development that is at the heart of national policy. For planning to deliver sustainable development, the NPPF gives policy guidance in key areas, the following of which, where relevant to the Neighbourhood, the Updated Tattenhall & District Neighbourhood Plan has had close regard:

- Building a strong, competitive economy
- Ensuring the vitality of town centres
- Supporting a prosperous rural economy
- Promoting sustainable transport
- Delivering a sufficient supply of homes
- Achieving well-designed places
- Promoting healthy and safe communities
- Meeting the challenge of climate change and flooding
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

The conformity between the policies of the Updated Tattenhall & District Neighbourhood Plan and the guidance given in the National Planning Policy Framework is demonstrated in further detail in Table 1 on the following pages.

## **5.2 BASIC CONDITION 2 – CONTRIBUTION TO SUSTAINABLE DEVELOPMENT**

The NPPF highlights that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. These objectives should not be undertaken in isolation as they are mutually dependent.

1. An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at

the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

2. A social objective– to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' the health, social and cultural well-being.
3. An environmental objective – to protect and enhance our natural, built and historic environment; including making efficient use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and updating to climate change including moving to a low carbon economy.

The pursuit of sustainable development remains at the heart of the Updated Tattenhall & District Neighbourhood Plan, as is highlighted by the Neighbourhood Plan's vision.

Tattenhall & District will continue to be a distinctive rural parish, whilst evolving and expanding in a way that respects and reflects the distinctive character of rural villages intersected by open countryside. There will be a range of community facilities and businesses that will both expand and prosper within an attractive environment. Current and future generations will enjoy a strong sense of community, a high quality of life, and a flourishing natural environment.

The Updated Tattenhall & District Neighbourhood Plan seeks to ensure the protection of the countryside; preservation of heritage and character; management of housing supply; protection of the local economy and jobs; improvement of infrastructure; enhancement of community wellbeing; and adaption to climate change.

The role of each Neighbourhood Plan policy to the contribution of delivering sustainable development is demonstrated in further detail on the following pages.

### **5.3 BASIC CONDITION 3 – BE IN CONFORMITY WITH STRATEGIC LOCAL POLICIES**

The original Tattenhall & District Neighbourhood Plan was made in 2014, which was before the adoption of the Cheshire West & Chester Local Plan Part One, which was adopted in July 2017. This was one of the main reasons that it was considered necessary to update the original Neighbourhood Plan, so as to ensure that it remains in general conformity with the Local Plan (Part One) Strategic Policies and (Part Two) Land Allocations and Detailed Policies.

The Cheshire West & Chester Local Plan (Part One) Strategic Policies was adopted in January 2015. The Cheshire West & Chester Local Plan (Part Two) Land Allocations and Detailed Policies was adopted in July 2019.

The Updated Tattenhall & District Neighbourhood Plan 2021 has, therefore, been produced taking full consideration of the policies in Cheshire West & Chester Local Plan Part One and Part Two. Cheshire West & Chester Council has been extremely helpful and supportive of the Updated Tattenhall & District Neighbourhood Plan, and has been involved from the outset. This has helped to ensure general conformity and minimised any potential conflict between policies.

This Basic Conditions Statement demonstrates that the Updated Tattenhall & District

Neighbourhood Plan 2023 does not conflict with the strategic policies of the Cheshire West & Chester Local Plan policies. The Neighbourhood Plan seeks to add detail to the overall strategic policy of the Cheshire West & Chester Local Plan, and be flexible enough to work alongside it.

The general conformity of each Updated Tattenhall & District Neighbourhood Plan 2023 policy to the Cheshire West & Chester Local Plan Strategy is highlighted in detail in Table 1 below.

## UPDATED TATTENHALL & DISTRICT NEIGHBOURHOOD PLAN 2023 POLICIES

**TABLE 1 - General conformity with local Planning Policies, regard to National Policy Guidance and contribution To Sustainable Development**

<p><b>Updated Tattenhall &amp; District Neighbourhood Plan 2023 Policy</b></p>	<p><b>POLICY 1</b></p> <p><b>Housing Growth</b></p> <p><i>To enable managed housing growth in the Parish:</i></p> <ol style="list-style-type: none"> <li>1. Proposals involving up to and not exceeding 30 homes on any one site will be allowed within the settlement boundary of Tattenhall, to meet the housing requirements established in the CWaC Local Plan. Proposals outside the settlement boundary of Tattenhall must comply with Local Plan policies STRAT9, SOC2 and DM24.</li> </ol> <p><i>Housing proposals of 3 or more dwellings must:</i></p> <ol style="list-style-type: none"> <li>2. Provide a mix of homes taking into account objectively identified housing needs, and</li> <li>3. Include an element of affordable housing as specified in the Local Plan. The affordable housing will be subject to a S106 Legal Agreement, or planning condition, ensuring that it remains an affordable dwelling for local people in perpetuity.</li> <li>4. Proposals which have a capacity of three or more dwellings or comprise an area of 0.1 hectares or more, must include at least 30% affordable housing. Provision of affordable houses must otherwise comply with SOC 1. Affordable housing provision will be sought on site unless there are exceptional circumstances which can be demonstrated to justify off-site contributions. Any off-site contributions must go towards the provision of affordable housing in Tattenhall Neighbourhood Plan Area in the first instance and the allocation of funding must be discussed with the Parish Council.</li> </ol>
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<p>Cheshire West &amp; Chester Local Plan Strategic Policies (2015) and Land Allocations and Detailed Policies (2019)</p>	<p><b>Policy STRAT8 – Rural area.</b> The key service centres will accommodate at least the amount of residential development set at 250 dwellings for Tattenhall by 2030.</p> <p><b>Policy STRAT9 - Green Belt and countryside.</b> Development is restricted to that which requires a countryside location and cannot be accommodated within identified settlements.</p> <p><b>Policy SOC1 - Delivering affordable housing.</b> Affordable homes will be sought within all new residential development sites in the rural areas that have a capacity of three or more dwellings or comprise an area of 0.1 hectares or more. The Council will seek to maximise the proportion of affordable housing provided up to a target of 30%. Within this target, the proportion, type, tenure and size of affordable housing sought in each case will depend on site specific circumstances and the overall effect on the viability of the scheme and will take account of the most up to date assessment of affordable housing needs.</p> <p>Where scheme viability may be affected and where proposals do not meet the identified proportion, mix and type of affordable housing, then applicants will be expected to justify any alternative proposals through the submission of a full open book viability appraisal.</p> <p>Affordable housing must be dispersed throughout the site unless there are specific circumstances or benefits that warrant otherwise. Market and affordable homes on sites should be indistinguishable and achieve the same high quality design.</p> <p>Affordable housing should include provisions to remain at an affordable price for future households or for the subsidy to be recycled to enable the delivery of new or additional affordable housing.</p> <p>New and innovative ways to provide affordable housing will be encouraged, along with the re-use of long term empty homes.</p> <p><b>Policy SOC2 - Rural exception sites.</b> Where necessary to meet local affordable housing needs, schemes for 100% affordable housing may be permitted on small sites which would otherwise not be appropriate for housing adjacent to key service centres and local service centres including those in the Green Belt. Where it is essential to enable the delivery of affordable housing to meet local needs, a small, subsidiary element of market housing may be permitted on such sites.</p> <p><b>Policy DM24 - Rural exception sites.</b> A current affordable local need for the development must be demonstrated through an up to date independent assessment of local housing need prepared by the Parish Council or in collaboration with the Parish Council. Local housing need must relate to people who have a strong local connection to the parish in which the development is proposed. Unless defined differently in a neighbourhood plan, local connection means people or households who: currently live in the parish and have been living there continuously for at least five years; or have permanent employment in the parish; or have close family members (defined as children, parents, siblings only) who have been residing in the parish continuously for at least five years; or people who have previously lived in the parish for a continuous period of at least 10 years.</p>
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Comments	<p>Tattenhall service centre has achieved the minimum requirement for 250 dwellings and the NP policies will allow additional limited development. In order to be in general conformity with Local Plan policies, the updated NP has removed the elements of Policy 1 which:</p> <p>allowed developments up to 30 homes immediately adjacent to the built-up part of Tattenhall village.</p> <p>allowed up to 30% enabling market housing in rural exception sites</p> <p>allowed developments of up to 30 homes within the hamlets of Gatesheath and Newton-by-Tattenhall.</p> <p>The updated NP has not replaced with duplication of Local Plan strategic policies.</p> <p>The stated requirement for 35% affordable element of homes in the original NP has been reduced to “at least 30%” which is in general conformity with “up to a target of 30%” in SOC1. The policy supports the demonstrated need for affordable homes by not restricting the affordable element to less than 30%.</p>
National Planning Policy Framework (2021)	<p>Para 29 of the NPPF highlights that neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies. Neighbourhood Plan Policy 1 fully supports the strategic spatial distribution of development by allowing for housing development in appropriate locations and within the settlement boundary.</p> <p>The NPPF states that it is important that the needs of groups with specific housing requirements are addressed. Para 62 states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).</p>
Contribution to the achievement of sustainable development	<p>Neighbourhood Plan ensures that new development is in accessible locations in order to reduce the need for car borne travel and encourage use of public transport. The NP contributes to meeting the identified housing needs for Tattenhall and encourages redevelopment on brownfield land by limiting to small scale developments within the settlement boundary of Tattenhall service centre. Policy 1 protects, enhances and manages the character and appearance of the landscape and townscape, maintaining local distinctiveness and sense of place.</p>

<p><b>Updated Tattenhall &amp; District Neighbourhood Plan 2023 Policy</b></p>	<p><b>POLICY 2</b></p> <p><b>Local Character</b></p> <p><i>Development will be supported where it:</i></p> <ol style="list-style-type: none"> <li>1. Safeguards or enhances the local character and historic and natural assets of the surrounding area, and takes every opportunity, through design and materials, to reinforce local distinctiveness and a strong sense of place.</li> <li>2. Incorporates, wherever possible, locally distinctive features such as Cheshire railings and fingerposts.</li> </ol>
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	<ol style="list-style-type: none"> <li>3. Does not erode, beyond the curtilage of existing residential property, the important, predominantly undeveloped gaps between the three settlements of Tattenhall, Newton-by-Tattenhall and Gatesheath.</li> <li>4. Can demonstrate full accordance with the Tattenhall and District Design Code (2022) or any updated version. This may include (but is not limited to) construction, design, energy efficiency and landscaping.</li> <li>5. Respects local landscape quality ensuring that views and vistas are maintained wherever possible.</li> <li>6. Takes every opportunity, where practicable and viable, to incorporate features that improve its environmental performance thereby reducing carbon emissions. These can include both energy efficiency (Carbon Neutral) measures and green energy generation.</li> <li>7. Planning applications for new dwellings, must clearly demonstrate how they have incorporated appropriate measures to secure and enhance connectivity of wildlife corridors including the Mill Brook and Keysbrook wildlife Corridors.</li> <li>8. Development proposals must clearly demonstrate how they will provide a net gain in biodiversity using the latest DEFRA metric calculation.</li> <li>9. Outdoor advertisements will be controlled to prevent an unacceptable proliferation of signage which would undermine the visual amenity of the village.</li> <li>10. The removal, or cutting back, of any trees that have a significant amenity value without an arboricultural report by a reputable company will be resisted. New development must not involve the loss of important trees and schemes must allow space for such trees to mature, to avoid any later pressure for their removal. Where there is a loss of trees, they must be replaced with native species at the ratio of 2 for 1.</li> <li>11. Proposals must be designed to retain and protect ancient, veteran and mature trees, hedgerows, ponds, areas of woodland.</li> </ol>
Cheshire West & Chester Local Plan Strategic Policies (2015) and Land Allocations and Detailed Policies (2019)	<p><b>Policy ENV2 – Landscape.</b> The Local Plan will protect and, wherever possible, enhance landscape character and local distinctiveness.</p> <p><b>Policy ENV 3 - Green Infrastructure.</b> The Local Plan will support the creation, enhancement, protection and management of a network of high quality multi-functional Green Infrastructure.</p> <p><b>Policy ENV 6 - High quality design and sustainable construction.</b> The Local Plan will promote sustainable, high quality design and construction.</p>
Comments	By seeking to ensure that development demonstrates no net losses in biodiversity, and identifying important areas which will require evaluation should development proposals be brought forward, Policy 2 is in general compliance with Local Plan policies. Tattenhall and District Design Code sets out requirements for design and construction in general conformity with Local Plan Policies.



National Planning Policy Framework (2021)	<p>The NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development. Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. They should establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.</p> <p>Policy NR4 states that proposals for development that would result in the loss of or damage to sites of nature conservation or geological importance will only be allowed if there are overriding reasons for allowing the development and there are no suitable alternatives. Where unavoidable loss or damage to a site is likely as a result of a proposed development, measures of mitigation and compensation will be required on or adjoining the site to ensure there is no net loss of environmental value.</p>
Contribution to the achievement of sustainable development	<p>Neighbourhood Plan policy 2 contributes to the achievement of sustainable development by performing a social role, providing for development to meet the needs of present and future generations, an environmental role, and protecting the natural environment ensuring that development is well-sited, and that Tattenhall remains an attractive place to work, visit and invest. Policy 2 protects, enhances and manages the character and appearance of the landscape and townscape, maintaining local distinctiveness and sense of place.</p>

<p><b>Updated Tattenhall &amp; District Neighbourhood Plan 2023 Policy</b></p>	<p><b>Policy 3</b></p> <p><b>The Local Economy</b></p> <p><i>The following types of employment development will be supported:</i></p> <ol style="list-style-type: none"> <li>1. The conversion of existing buildings and the small-scale expansion of existing employment premises across the Parish.</li> <li>2. Small-scale new build development within or adjacent to Tattenhall Village and within or adjacent to the adjoining hamlets.</li> <li>3. All new employment development must respect the character of its surroundings by way of its scale and design, not harm the surrounding landscape, safeguard residential amenity and road safety, and demonstrate accordance with the Tattenhall and District Design Code (2023) or any updated version.</li> </ol>
<p>Cheshire West &amp; Chester Local Plan Strategic Policies (2015) and Land Allocations and Detailed Policies (2019)</p>	<p><b>Policy ECON 1 - Economic growth, employment and enterprise.</b> The Council will promote sustainable economic growth in the borough and wider sub-region, supporting existing businesses, encouraging indigenous business growth and attracting new inward investment. The creation of new job opportunities across a range of sectors will be supported.</p> <p><b>Policy DM 7 - Rural diversification of land based businesses.</b> Proposals for the diversification of agricultural and other land based rural businesses will be supported where they meet the requirements of Local Plan (Part One) policy STRAT9 and additional criteria including “development proposals must minimise and mitigate any impacts on the character, amenity, visual appearance and landscape quality of the area, or on any wildlife habitats, the significance of historic assets, and where possible lead to environmental improvements in line with other relevant development plan policies”</p>
<p>Comments</p>	<p>The Neighbourhood Plan is in general conformity with the local plan policy, supporting businesses and employment, reflecting Tattenhall’s role as a key service centre, whilst ensuring that valued environmental assets are protected from inappropriate development and that the sites can be accessed sustainably.</p>
<p>National Planning Policy Framework (2021)</p>	<p>Neighbourhood Plan policy 3 helps deliver the NPPF’s aim of building a strong and competitive economy. The NPPF highlights the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.</p>
<p>Contribution to the achievement of sustainable development</p>	<p>Neighbourhood Plan policy 3 contributes to the achievement of sustainable development by performing an economic role, providing opportunities for growth and for employment and businesses to develop, an environmental role, protecting the natural environment, and a social role, allowing for more employment opportunities for the community to enjoy.</p>

<p><b>Updated Tattenhall &amp; District Neighbourhood Plan 2023 Policy</b></p>	<p><b>Policy 4</b></p> <p><b>Local Facilities</b></p> <ol style="list-style-type: none"> <li>1. Proposals for 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. Account must also be taken of the cumulative impacts arising from the new development combined with other schemes that have planning permission.</li> <li>2. Where new development proposals bring new utility services to parts of the village that currently are not served by them, this will be seen as a positive benefit.</li> <li>3. Appropriate development that supports the vibrancy and vitality of Tattenhall village centre by diversifying and enhancing the range of local shops and related commercial services for the local community will be supported.</li> <li>4. Change of use of shops and related commercial services for the local community which require planning permission will be resisted unless it can be demonstrated any replacement use will provide equal or greater benefits to the community. Proposals must demonstrate that the site has been marketed for freehold or leasehold purposes for the current use at a reasonable commercial price for at least twelve months without an appropriate offer being received.</li> </ol>
<p>Cheshire West &amp; Chester Local Plan Strategic Policies (2015) and Land Allocations and Detailed Policies (2019)</p>	<p><b>Policy ECON 1 - Economic growth, employment and enterprise.</b> The Council will promote sustainable economic growth in the borough and wider sub-region, supporting existing businesses, encouraging indigenous business growth and attracting new inward investment. The creation of new job opportunities across a range of sectors will be supported.</p> <p><b>Policy DM 5 - Protection and refurbishment of employment land and premises.</b> Development proposals that would result in the loss of employment land or premises (use classes B1, B2, B8 or other similar employment uses) will only be supported where they meet the requirements of Local Plan (Part One) policy ECON 1 and additional criteria, including “the development would meet relevant requirements of neighbourhood plan policies on the protection of employment land and local priorities”.</p>
<p>Comments</p>	<p>The Neighbourhood Plan is in general conformity with these local plan policies, supporting businesses and employment, reflecting Tattenhall's growth and role as a key service centre, whilst ensuring that valued environmental assets are protected from inappropriate development and that the sites can be accessed sustainably.</p>

National Planning Policy Framework (2021)	Neighbourhood Plan policy 4 helps deliver the NPPF's aim of building a strong and competitive economy. The NPPF highlights the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
Contribution to the achievement of sustainable development	Neighbourhood Plan policy 4 contributes to the achievement of sustainable development by performing an economic role, providing opportunities for growth and for employment and businesses to develop, an environmental role, protecting the natural environment, and a social role, allowing for more employment opportunities for the community to enjoy.

<b>Updated Tattenhall &amp; District Neighbourhood Plan 2023 Policy</b>	<p><b>Policy 5</b></p> <p><b>Transport and Communication</b></p> <p><i>Development must:</i></p> <ol style="list-style-type: none"> <li>1. Identify the realistic level of traffic it is likely to generate. It must assess the potential impact of this traffic on pedestrians, cyclists, road safety, parking and congestion within the parish and include measures to mitigate fully any impacts. Development that would give rise to unacceptable highway dangers and congestion will not be permitted.</li> <li>2. Maximise opportunities to walk and cycle, including between Tattenhall, Newton by Tattenhall and Gatesheath, the linking of exiting public rights of way, as well as supporting public transport where possible.</li> <li>3. Make provision for 30 megabit per second high-speed broadband to serve it.</li> </ol> <p><i>Car Parking in Tattenhall Village Centre:</i></p> <ol style="list-style-type: none"> <li>4. Schemes to increase car parking provision to serve Tattenhall village centre will be supported in principle.</li> </ol>
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Cheshire West & Chester Local Plan Strategic Policies (2015) and Land Allocations and Detailed Policies (2019)	<p><b>Policy STRAT 10 - Transport and Accessibility.</b> New development will be required to demonstrate that:</p> <p>Satisfactory arrangements can be made to accommodate the additional traffic before the development is brought into use</p> <p>Appropriate provision is made for access to public transport and other alternative means of transport to the car</p> <p>New developments will be expected to provide adequate levels of car and cycle parking taking account of:</p> <p>The accessibility of the development</p> <p>The type, mix and use of the development</p> <p>The availability of, and opportunities for, public transport</p> <p>Local car ownership levels</p> <p><b>Policy STRAT 11 – Infrastructure.</b> To ensure the delivery of infrastructure improvements, to secure the future of sustainable communities throughout Cheshire West and Chester, and meet the wider sustainability objectives of the borough, the Council will:</p> <p>support measures to protect, enhance or improve access to existing facilities, services and amenities that contribute to the quality of life of residents, businesses and visitors, including access to information and communication technologies (ICT).</p>
Comments	The Neighbourhood Plan Policy 5 is in general conformity with these local plan policies, seeking to ensure that transport is safe and sustainable and by protecting and enhancing footpaths and links.
National Planning Policy Framework (2021)	Neighbourhood plan policy 5 seeks to help deliver one of the NPPF's aims of promoting sustainable transport. Para 112 indicates that developments should give priority first to pedestrian and cycle movements and as far as possible to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use.
Contribution to the achievement of sustainable development	Neighbourhood Plan Policy 5 contributes to the achievement of sustainable development by performing an environmental role, protecting the natural, built and historic environment and encouraging more people to feel able to walk and cycle safely around the town, a social role, making the town a safer place with less pollution, and an economic role, ensuring that Tattenhall remains an accessible place to live, visit, work and invest.

<b>Updated Tattenhall &amp; District Neighbourhood Plan 2023 Policy</b>	<p><b>Policy 6</b></p> <p><b>LOCAL GREEN SPACES</b></p>
Cheshire West & Chester Local Plan Strategic Policies (2015) and Land Allocations and Detailed Policies (2019)	<p><b>Policy SOC 6 - Open space, sport and recreation.</b> The Council will seek to protect, manage and enhance existing open spaces, sport and recreation facilities to provide a network of diverse, multi-functional open spaces.</p> <p><b>Policy ENV 4 - Biodiversity and geodiversity.</b> The Local Plan will safeguard and enhance biodiversity and geodiversity through the</p>

	identification and protection of sites and/or features of international, national and local importance.
Comments	The Neighbourhood Plan is in general conformity with these local plan policies, seeking to protect and enhance the important amenity, play and recreation facilities and services in Tattenhall and the hamlets of Gatesheath and Newton-by-Tattenhall, ensuring that the current and future residents of the communities continue to enjoy an outstanding quality of life.
National Planning Policy Framework (2021)	Neighbourhood Plan policy CW1 seeks to help deliver the NPPF aim of promoting healthy communities. Para 99 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
Contribution to the achievement of sustainable development	Neighbourhood Plan Policy 6 contributes to the achievement of sustainable development by performing an environmental role, protecting valued green spaces, a social role, allowing for the protection and provision of amenity, play and recreation facilities which contribute to the communities' social and cultural well-being, and an economic role, ensuring that they remain valued and attractive places to live, visit, work and invest.

#### 5.4 BASIC CONDITION 4: BE COMPATIBLE WITH EU OBLIGATIONS

A Strategic Environmental Assessment (SEA) screening was undertaken by Cheshire West & Chester Council. The screening confirms that a Strategic Environmental Assessment is not required for the Updated Neighbourhood Plan – see Tattenhall & District SEA Screening Assessment, available at [\[reference needed\]](#)

The screening was submitted to the statutory environmental bodies (English Heritage, Natural England and the Environment Agency).

A Habitat Regulation Assessment (HRA) screening opinion was sought from Cheshire West & Chester Council in order to confirm whether an HRA was required to support the Plan. The screening exercise concluded that there were no European sites that would be affected by the proposals within the Updated Neighbourhood Plan - see Tattenhall & District SEA Screening Assessment, available at [\[reference needed\]](#)

The Updated Tattenhall & District Neighbourhood Plan 2023 is fully compatible with the European Convention on Human Rights, transposed into UK law by the Human Rights Act 1998. It has been prepared within the existing framework of statute, national planning policy and guidance, and local level strategic planning policies, which are both compatible with the



Convention. In accordance with established process, the Plan has been produced in full consultation with the local community and it is subject to independent examination. The Plan does not contain policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national and local levels.

The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights ("The Convention"). The Convention includes provision in the form of Articles, the aim of which is to protect the rights of the individual. Section 6 of the Act prohibits public bodies from acting in a manner, which is incompatible with the Convention. Various rights outlined in the Convention and its First Protocol are to be considered in the process of making and considering planning decisions, namely: Article 6 protects the right to a fair and public hearing before an independent tribunal in determination of an individual's rights and obligations. The process for Neighbourhood Plan production is fully compatible with this Article, allowing for consultation on its proposals at various stages, and an independent examination process to consider representations received.

Article 14 provides that "The enjoyment of the rights and freedoms set forth in ... [the] ... European Convention on Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."

The Neighbourhood Plan Steering Group and Parish Council has developed the policies and proposals within the Plan in full consultation with the community and wider stakeholders to produce as inclusive a document as possible. In general, the policies and proposals will not have a discriminatory impact on any particular group of individuals.

## **5.5 BASIC CONDITION 5: COMPLIANCE WITH PRESCRIBED MATTERS**

There are no other prescribed matters.