

**HEALTH CHECK REPORT TO TATTENHALL PARISH COUNCIL IN RESPECT OF
THE TATTENHALL & DISTRICT NEIGHBOURHOOD PLAN 2010-2030 (Revision)
(File version dated 12/10/23)**

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Report (Ver. 1): 7 December 2023

Tattenhall & District Neighbourhood Plan

Produced by Tattenhall Parish Council

Health Check November/December 2023¹: Undertaken by Cat Loveday BSc (Hons) MSc MRTPI

The Tattenhall & District Neighbourhood Plan (TDNP) was originally made in June 2014. Tattenhall Parish Council (TPC) has elected to undertake a review. This has been informed by a knowledge of the local area and the views of the local community, which are integral elements of the neighbourhood planning process.

Tattenhall Parish Council is of the opinion that although the modifications being proposed are “material”, they do not change the nature of the Tattenhall and District Neighbourhood Plan, as originally made in 2014 (see penultimate paragraph on page 5 of the TDNP). Therefore, it is intended that the modification proposal is to be examined under the terms of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended)², the principal implication being that the modified TDNP would not require a referendum in order to be made.

The modified TDNP is in the process of review and there is reference to consultation on the TPC website, however the Plan has not yet been consulted upon under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended).³ The review includes a statement on the nature of the changes to the TDNP in order to comply with Regulation 14(a)(v). The Plan is supported by a draft Basic Conditions Statement and reference to the Strategic Environmental Assessment (SEA) Screening Opinion and consideration of the Conservation of Habitats and Species Regulations 2017 (as amended) ('the Habitats Regulations') through Habitats Regulations Assessment (HRA) screening. An email was provided to evidence this in the review process however all further documentation should be referenced/made available once received as part of the consultation process and for review by the examiner. A draft Consultation Statement, due to the stage at which the health check is being undertaken, was not included. The Consultation Statement will be critical to the overall content and justification of the TDNP and should be prioritised following the review and conclusion of the Regulation 14 consultation.

¹ This report is based on the version of the TDNP emailed to IPE Ltd on 7th November 2023 and supporting documents available on the Parish Council website:

<https://tattenhallpc.co.uk/the-parish-council/the-neighbourhood-plan/>

² View at: <http://www.legislation.gov.uk/ukpga/2017/20/schedule/1/enacted>

³ View the 2012 Regulations (as amended) at: [The Neighbourhood Planning \(General\) Regulations 2012 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2012/24/schedule/1/enacted)

The following health check report notes the updates to the Plan reflect changes in national and local policy and are, in the main, clearly evidenced. Cheshire West and Chester Council (CWaC/the Council) has adopted both its Part 1 and Part 2 Local Plans⁴ since the TDNP was made in 2014 and the National Planning Policy Framework has been subject to several iterative updates. The TDNP is generally well structured and straightforward to follow. There is scope to enhance and improve the content of the Plan and its evidence to maximise its chance of proceeding to submission and a successful examination.

The suggestions for consideration are made below. The Basic Conditions Statement is clear and well-structured and has regard to the national and local planning context to ensure the Plan will deliver appropriate forms of sustainable development within the area. The Consultation Statement will help to present the TDNP as a clear and cohesive product of community engagement.

Overall, the draft TDNP provides clear and reasoned justification but it does require some further focused work to be undertaken, most notably in relation to Policy 6. Further discussion with CWaC officers is recommended to assist with procedural elements for the next stage of the process and to ascertain the Council's view on the scope and merits of the proposed changes. We also concur with the comments on the policies made by CWaC in the version of the Plan provided and do not generally repeat them. However, we do in several instances seek to supplement them with our own further observations.

Summary of Recommendations

1. Process

- The TDNP has been developed by the Parish Council. Much work has clearly been undertaken leading to the current draft Plan. The statutory Regulation 14 consultation exercise has yet to be undertaken on this draft. The Consultation Statement (CS) must be produced to support the TDNP prior to the submission of the Plan to CWaC. When drafted, the CS and the Basic Conditions Statement (BCS) should contain the appropriate details of procedural compliance and an up-to-date consideration of the applicable Basic Conditions that should be met by any Neighbourhood Plan (NP) intending to be made. Both should include narrative explanations of what activities were undertaken and with what results and effect upon the draft TDNP.

⁴ The Local Plan (Part One) Strategic Policies, adopted in 2015, and the Local Plan (Part Two) Land Allocations and Detailed Policies adopted in 2019.

- The SEA and HRA Screening determination has been undertaken and concluded that it is unlikely that the Neighbourhood Plan will result in any significant environmental effects or any significant impacts on protected European sites and, as such, that a full SEA or HRA is not required. This is discussed within the draft BCS, and it will also be relevant to include key documentation to support the opinions issued by CWaC in the appendix to this document.
- It is noted that the schedule of changes submitted could sit alongside a standalone statement from the Parish Council required under Regulation 14(a)(v). This statement (the essence of which is presently contained within, and could be extracted from, the draft Plan itself) would address whether the modifications contained in the draft Plan are so significant or substantial as to change the nature of the neighbourhood development plan which the draft Plan would replace, giving reasons for this opinion. A similar statement will need to be provided on submission to CWaC (Regulation 15(1)(f)) and it is suggested that the statement would be better presented as a discrete document (akin to the Basic Conditions Statement and Consultation Statement).
- It is noted that the Parish Council's assessment as to the significance of the changes to the TDNP is that these are material modifications but are not so significant or substantial as to change the nature of the plan. In our view, the most significant changes relate to Policy 6 and the de-designation of 9 Local Green Spaces (LGSs) and new designation of a further 4 (albeit we are not entirely if there are 8 new LGS in total). Whilst this does not, on the face of it, change the nature of the plan, since the made plan already includes LDS designations, it does nonetheless change the potential designation of land and policies affecting those areas. It should be noted, in this context, that the assessment of a neighbourhood plan involves the exercise of a degree of planning judgement, and, in our experience, this is particularly so in relation to the determination that the examiner makes as to the significance of the changes to the plan. Therefore, whilst a definitive view cannot be provided by the health check at this stage, it will be advantageous to seek to secure agreement with CWaC on this matter, given CWaC too will be required to produce a formal statement for the examiner.
- Further liaison and correspondence with CWaC would be advised to ensure, as far as practical, that the authority is in agreement with the process of the TDNP production, its draft content and (as noted above) the Parish Council's view on whether the modifications contained in the draft Plan are so significant or substantial as to change the nature of the neighbourhood development plan which the draft plan would replace.
- Evidence should be provided indicating how the issue of equality has been considered. An Equalities Impact Statement would be a helpful addition and CWaC may be able to advise further on this matter. There is also guidance available [here](#).

2. Content

- The consultation TDNP is drafted to take into account the existing TDNP, national planning policy, the existing Development Plan and community feedback to date. The TDNP has regard to the requirement to plan positively for sustainable forms of development (which is also a Basic Condition). The BCS uses the opportunity to expand, with additional commentary, how sustainable development will be secured through each of the policies of the TDNP.
- The TDNP has a 'vision' and a series of 'objectives' which inform the policies of the Plan; subject to CWaC's suggestion that further consideration might be given to the issues of sustainability and design in relation to the objectives, these are clear.
- There are 6 policies within the draft TDNP, some of which are retained, and some have been revised or updated to varying degrees. Whilst the policies appear rooted in the community, specific amendments are necessary to ensure they are adequately justified, have regard to national policy, are in general conformity with the strategic policies of the Development Plan and will be effective in implementation. In particular we have concerns about the coherence of the information following Policy 6 in the Plan, which we consider needs to be subject to further review and supporting evidence. More detailed comments for consideration are set out in Part 3 of this health check report.
- Liaison with CWaC should be made to ensure the general conformity of the TDNP with the current strategic policies of the Development Plan and to avoid repetition with the existing Local Plan.⁵ A 'Statement of Common Ground' (SoCG) with CWaC would be a useful addition to the evidence base prior to formal submission for examination. The Basic Conditions Statement systematically reviews each policy and confirms general conformity with the strategic policies of the Local Development Plan and due regard to the National Planning Policy Framework (NPPF).
- The implementation and monitoring section shows a sound approach and is backed up by evidence gathered by the Parish Council in relation to planning applications and decisions over the plan period and use of the TDNP policies. This could be expanded within the TDNP explaining how the policies will be monitored for their effectiveness objectively going forward; this would aid in consolidating

⁵ See Paragraph 16 f) of the NPPF.

thought and comments around the approach of the Local Planning Authority to focus on solutions and ways forward to ensure the effectiveness of the TDNP. A helpful guide is available [here](#).

Part 1 – Process

	Criteria	Source	Response/Comments
1.1	Have the necessary statutory requirements been met in terms of the designation of the neighbourhood area?	TDNP	<p>Section 3 of the BCS erroneously refers to the designation of the neighbourhood plan area on 24 October 2014, <u>post-dating</u> the Plan being made on 4 June 2014. It would appear from CWaC's website the area was first designated on 17 January 2013. The revised designation of the neighbourhood plan area subsequently came into effect 12 April 2023 and is shown on page 1 of the review TDNP.</p> <p>We suggest the explanation on page 6 of the TDNP under 'Designated Area review' could be a bit more fulsome to assist the reader.</p> <p>The BCS should include a copy of the confirmation and any relevant report/minutes of the redesignation from CWaC.</p> <p>Subject to the necessary corrections and inclusion of documentation within the TDNP's supporting evidence, the statutory requirements appear capable of being demonstrated.</p>
1.2	If the area does not have a parish council, have the necessary statutory requirements been met in terms of the designation of the Parish Council?	TDNP	The TDNP is being produced by Tattenhall Parish Council.
1.3	Has the plan been the subject of appropriate pre-submission consultation and publicity, as set out in the legislation, or is this underway?	TDNP	<p>The revised TDNP references recent community consultation. The Regulation 14 consultation is yet to be undertaken; this should precede submission of the TDNP to CWaC.</p> <p>It is suggested the statement to be provided by the Parish Council for the purposes of compliance with Regulation 15(1)(f) of the 2012 Regulations (at submission stage) is presented as a discrete document (akin to the Basic Conditions Statement and</p>

			<p>Consultation Statement). This can be coupled with the schedule of Policy changes and additions document as submitted for review.</p> <p>It should be noted that the first task of the examiner will be to make a determination as to the legal procedure the examination will follow (and consequently this affects whether a referendum will be necessary or not).⁶</p> <p>It is noted that the Parish Council's assessment as to the significance of the changes to the TDNP is that a these are material modifications but are not so significant or substantial as to change the nature of the plan. In our view, the most significant changes relate to Policy 6 and the de-designation of 9 Local Green Spaces (LGSs) and new designation of a further 4 (or possibly 8? – see Part 3 below). Whilst this does not on the face of it change the nature of the plan - since the made plan already includes LDS designations - it does nonetheless change the potential designation of land and policies affecting those areas.</p> <p>The assessment of a neighbourhood plan involves the exercise of a degree of planning judgement and, in our experience, this is particularly so in relation to the determination that the examiner makes as to the significance of the proposed changes to the plan.⁷</p> <p>Therefore, whilst we cannot provide a definitive view in this regard, it will be important to seek to discuss and ideally reach a shared view with CWaC on this</p>
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⁶ If the examiner agrees the changes are material but not so significant or substantial as to change the nature of the plan, they will advise that the examination can proceed under Schedule A2 of the 2004 Act. However, if the examiner considers that the changes are so significant and substantial to change the nature of the plan, they must advise the local planning authority and qualifying body of this and provide reasons for that view. Flowing from this, the examiner would invite the qualifying body to either withdraw the plan or have the plan examined under Schedule 4B to the Town and Country Planning Act 1990 (as amended) i.e., as if it was an entirely new plan (and a referendum would be a necessary part of the process of making the plan).

⁷ See Paragraph 10(1) of Schedule A2.

			<p>matter, bearing in mind that CWaC will also be required to provide a formal statement in relation to this assessment under Regulation 17(e)(ii).</p> <p>A draft Consultation Statement has not yet been produced. This should be drafted as soon as possible. The CS should include what changes are made to the TDNP in response to the feedback received.</p> <p>At present, the balance of evidence suggests that the Qualifying Body, following Regulation 14 pre submission consultation, should be capable of demonstrating through the TDNP and the Consultation Statement (in due course) that the Plan has been subject to appropriate pre-submission engagement.</p>
1.4	Has there been a programme of community engagement proportionate to the scale and complexity of the plan?	TDNP	<p>The Consultation Statement provides an opportunity to explain the chronological details of consultation activities, which include community engagement. This could include a clear narrative to support the list of activities undertaken which explains the outcome of each engagement activity, who was involved and specifically how they informed the content of the revised TDNP.</p> <p>Based on the previous Plan and current review documentation, the indications suggest that there will have been a programme of community engagement proportionate to the scale and complexity of the Plan albeit the details must be captured within the Consultation Statement in due course.</p>
1.5	Are arrangements in place for an independent examiner to be appointed?	TDNP	<p>This is touched upon but there is no information provided on this. Whilst the qualifying body has not yet reached the stage of submitting the TDNP to CWaC under Regulation 15, it is advised that discussions could begin or be scheduled on how to identify a suitable independent examiner.</p> <p>Whilst the general approach is to assess the resumes/CVs provided by prospective examiners, you may also find it helpful in coming to a decision by reading examples of the approaches to reports produced on other reviewed NPs that have been examined under Schedule A2 to the 2004 Act.</p>

1.6	Are discussions taking place with the electoral services team on holding the referendum?	No source	Dependent on the determination a future examiner will make on the nature of the changes to the made TDNP (as contained in the revised TDNP), a referendum may not be a legal requirement. ⁸ However, as the Plan continues to advance, it would be prudent to discuss a contingency scenario with CWaC in the event that an examiner recommends a referendum will be necessary.
1.7	Is there a clear project plan for bringing the plan into force and does it take account of local authority committee cycles?	No source	There is no definitive outline set out for bringing the revised TDNP into force. This could be developed in liaison with CWaC.
1.8	Has a SEA screening been carried out by the LPA?	TDNP/Email Screening Opinion	CWaC have provided an email to confirm the position but the full screening opinion was yet to be issued at the time of writing. The Parish Council will need to consider the full opinion when received and update the draft Plan as required; including any detailed consultation comments received. In summary, CWaC have concluded that it is unlikely there will be any significant environmental effects arising from the TDNP. As such, the TDNP does not require a full SEA to be undertaken.
1.9	Has a HRA screening been carried out by the LPA?	TDNP/Email Screening Opinion	<p>The CWaC HRA Screening was included as an email, which evidences consideration of the Habitats Regulations. This screening concluded that the TDNP is unlikely to have significant impact on European sites and therefore the TDNP does not require a full Habitats Regulations Assessment (HRA) to be undertaken.</p> <p>Once the full HRA Screening Opinion is received, it will be important for the Parish Council to consider the detailed comments made through the course of the necessary consultations and update the draft Plan as required.</p>

⁸ It should also be noted that where a modification proposal is examined under Schedule A2 to the 2004 Act, the examiner's recommendations are binding (c/f Paragraphs 12 & 13 of Schedule 4B to the 1990 Act: [Town and Country Planning Act 1990 \(legislation.gov.uk\)](https://www.legislation.gov.uk))

			<p>Attention is drawn to the fact that the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 were made on 5 December 2018 and came into force on 28 December 2018. These amend the prescribed Basic Condition related to Habitats Assessments - the revised Basic Condition took effect from 28 December 2018. See the following link: http://www.legislation.gov.uk/uksi/2018/1307/contents/made (Regulation 3). This amendment follows the ruling of the European Court in People over Wind and Sweetman on 12 April 2018.</p>
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Part 2 – Content

	Criteria	Source	Response/Comments
2.1	Are policies appropriately justified with a clear rationale?	TDNP	<p>The TDNP is informed by a clear understanding of the existing Development Plan in the CWaC area.</p> <p>The TDNP has a ‘vision’ and ‘objectives that are clearly justified in relation to the existing Development Plan and linked to community consultation.</p> <p>There are 6 planning policies within the TDNP. These deal with housing growth, local character, local economy, local facilities, transport and communications, landscape and environment.</p> <p>The Plan objectives are related to the policies and the links between the objectives of the Plan and the policies which follow are clear.</p> <p>The policies are supported by text which in the main, and subject to Policy 6, essentially provide an evidenced and robust/reasoned justification for each one.</p> <p>There is a necessity to ensure that some policies are clearer⁹ in their wording to aid future effective implementation. Some examples for potential amended wording are identified below (see detailed comments in Part 3). We recommend further liaison with CWaC regarding any revised policy wording/approach, particularly given CWaC has also provided comments on the version of the draft Plan we have reviewed.</p> <p>Each policy is clearly identified by separated text boxes. There is no doubt what constitutes proposed planning policy.</p>

⁹ See PPG Reference ID: 41-041-20140306.

2.2	Is it clear which parts of the draft plan are intended to form the statutory neighbourhood plan and will be subject to the independent examination, and which parts would not be tested by the independent examination?	TDNP	<p>The TDNP clearly identifies which parts of the Plan are planning policies and what will be the subject of examination.</p> <p>It would be advised that a clear contents page with sections outlined as the preface to the Plan would aid this clarity for the reader; it is noted that the Plan is at draft stage, but this would helpfully be added prior to further consultation.</p> <p>For the purposes of clarity, we would also recommend the Plan contains section and paragraph numbering, to enable ease of reference to relevant parts of the Plan's content. Similarly, the policies should have headings e.g. Policy 1: Housing (we note CWaC has also commented to this effect).</p>
2.3	Are there any obvious conflicts with the NPPF?	TDNP	There are no obvious conflicts identified. Part 3 below identifies if there are instances where clarity could be enhanced.
2.4	Is there a clear explanation of the ways the plan contributes to the achievement of sustainable development?	TDNP	<p>The TDNP is drafted in a broadly positive manner. The TDNP contains reference to sustainable development and explains how this is embedded within the TDNP (in line with the Basic Conditions).</p> <p>The Basic Conditions Statement addresses the concept of sustainable development, and this is cross referenced to the specific policies of the TDNP.</p> <p>The TDNP and its evidence capably indicate the ability to contribute to the achievement of sustainable development and how this will be secured.</p>
2.5	Are there any issues around compatibility with human rights or EU obligations?	TDNP Basic Conditions Statement	There are no issues identified with regard to human rights or EU Obligations. These matters are addressed in the Basic Conditions Statement and supporting evidence. The production of an equalities impact assessment/statement clearly indicating how equality has been addressed in the Plan production process would also allow for the examiner to be clear that there are no issues arising. CWaC may be able to advise and assist further.

			The screening of the SEA and HRA (under retained EU law) have been evidenced but as these documents were not available to review, any detailed matters arising from consultation will need to be addressed prior to submission for examination.
2.6	Does the plan avoid dealing with excluded development including nationally significant infrastructure, waste and minerals?	TDNP Basic Conditions Statement	The TDNP policies do avoid dealing specifically with such excluded development.
2.7	Is there consensus between the local planning authority and the qualifying body over whether the plan meets the Basic Conditions including conformity with strategic development plan policy and, if not, what are the areas of disagreement?	TDNP Basic Conditions Statement	<p>There is no evidence to demonstrate a clear consensus between the Parish Council and CWaC albeit the former is liaising with the latter.</p> <p>This should be remedied by ensuring records of minuted meetings/correspondence are taken and that liaison takes place ideally prior to submission. Any areas of obvious disagreement should be obviated or minimised. A SoCG would be helpful. If appropriate, the Parish Council could consider the Locality advice on establishing a Memorandum of Understanding with CWaC (and others). A guide is available here.</p> <p>At present it cannot be concluded that there is consensus with CWaC and that there are no potential issues of general non-conformity (i.e., disagreement) with the strategic Development Plan policies of the extant Development Plan. Advice on the issue of 'conformity' is available here.</p> <p>As noted above, it would also be helpful to come to a shared view with CWaC officers on the nature of the changes to the made Plan.</p>
2.8	Are there any obvious errors in the plan?	TDNP	Some areas for clarification have been identified in Part 3 of this health check, most notably in relation to the supporting information to Policy 6.
2.9	Are the plan's policies clear and unambiguous and do they reflect the	TDNP	Detailed comments are made below on the content and drafting of the TDNP's policies which appear in line with and reflective of the community feedback received to date and the existing Plan principles.

	community's land use aspirations?		<p>The Consultation Statement was not included for review as the Regulation 14 consultation on the changes is yet to occur.</p> <p>It is critical that the policies should be further reviewed in light of the consultation responses once received. A final 'sense check' and refinement to ensure that the policies are clear and effective is required at the end of this process (regard should be had to the advice in the Planning Practice Guidance (PPG)).¹⁰</p>
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¹⁰ See PPG Reference ID: 41-041-20140306.

Part 3 - Detailed Comments

These detailed comments address all matters, both of significance and of a more minor nature, across the draft TDNP Revision and are presented in page order.

It is recognised that many policies derive from the existing made TDNP yet, for the purposes of this health check, the consultation Plan has been considered anew. This fulsome approach is appropriate given, in our experience, there is a generally held misconception that NPs examined under the statutory review provisions in Schedule A2 will be considered only to the extent of the revisions made. The requirement of the examiner is still to examine the whole draft Plan as submitted.¹¹ Notwithstanding this, the examiner's assessment of policies that are largely unchanged may, in practice, be relatively cursory if it is clear that the review has been undertaken thoroughly i.e., taking all the relevant changed circumstances into account in determining the extent of appropriate revisions. Equally, should the examiner determine that the Plan, if it is to proceed, should be examined under the 'standard' Schedule 4B procedure¹², the examiner will test compliance of the entire plan.

General Matters

1. As noted in 2.2 above (and by CWaC), we would recommend the Plan contains section numbering, paragraph numbering, and policies headings.
2. Throughout the TDNP and before submission, all policies should be reviewed against the advice of the PPG which states: "A policy in a neighbourhood plan should be clear and unambiguous. It 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. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared".¹³

¹¹ See Paragraph 11 of Schedule A2 to the 2004 Act.

¹² Schedule 4B to the Town and Country Planning Act 2004 (as amended). This process would necessitate a referendum before the Plan is made.

¹³ PPG Reference ID: 41-041-20140306.

3. Regard should also be had to the helpful Locality advice on how to write planning policies¹⁴ which includes the following, “The golden rule is that your policies should be clear, precise, positive, relevant and capable of being delivered. They also need to be evidence based (see Box 1)”.

Box 1 – Top tips for writing planning policies

Write in everyday English – try to avoid jargon and stick to common sense language.

Avoid duplication – there is little point in addressing issues that are already covered by the policies in your Local Plan.

Be clear – avoid ambiguity and be as precise as you can about the intention of your policy.

Vision and objectives – each planning policy should stem from a clear vision for your neighbourhood and help deliver at least one of your plan’s objectives.

Stand out – the policies are the centrepiece of your neighbourhood plan – make them stand out by putting them in a box in clear bold text.

Evidence – you can’t just include policies on a whim, they need to be backed up by robust evidence and rooted in the feedback from your public engagement.

Keep it local – your planning policies cannot conflict with Central Government policy or challenge the strategic elements of your local authority’s planning policies

Targets – use your policies to set targets or provide indicators which can be used to monitor success

Be positive – word policies to welcome development that meets your expectations instead of turning development away.

Delivery – your policies need be capable of being delivered within the time frame.

¹⁴ <https://neighbourhoodplanning.org/toolkits-and-guidance/write-planning-policies-neighbourhood-plan/>

4. Some policies of the TDNP would benefit from further focused amendments (and, in the case of Policy 6, further review) to maximise their effectiveness, ensure clarity and achieve precision.
5. The Locality 'Roadmap'¹⁵ advises that the input of district council officers will often be useful in ensuring that the planning policies of any NP are suitably drafted as it can be a time consuming and challenging task. It is recommended that further liaison be undertaken with CWaC prior to the submission of the Plan for examination.

Preface

6. A contents page is always helpful, and this would aid navigation of the Plan. This can also be used to signpost each policy and theme in the Plan to allow for ease of use by decision-makers.

Introduction

7. The introductory sections of the Plan are clear. There is historical detail included which gives a background to the village development, this could be rationalised to a more succinct summary.

Location and History

8. Page 2 Paragraph 9 includes a reference to shortlisting for Area of Outstanding Natural Beauty status. This paragraph is unclear and should clearly state that there is not a designation at this time, otherwise it could be considered as misleading. Current status can be reviewed prior to submission of the TDNP.

¹⁵ <https://neighbourhoodplanning.org/toolkits-and-guidance/create-neighbourhood-plan-step-by-step-roadmap-guide/>

Plan Preparation

9. Page 3 - The information provided on the making of the Plan is clear and outlines the key stages of the preparation process. This is supported by the BCS. The Consultation Statement can be used effectively to further illustrate the role of consultation and evidence gathering in taking community considerations into account.

Vision and Objectives

10. The vision and objectives are clearly set out and are derived from the made TDNP. The Consultation Statement offers an opportunity to explain how these have been established with regard to the community engagement.
11. Page 4 – It would be useful to state whether the objectives remain unchanged as a result and in light of the policy changes proposed. This can be included in the policy changes and additions table or in the summary of the 5-year review. If a policy change impacts on one of the Plan's objectives this can then also be updated through the review process.

5 Year Review

12. Pages 4-7 – The material detailing the view of the Parish Council on the nature of the modifications should be separated from the review draft Plan in a statement, as outlined in the table of comments above. Otherwise, the inclusion of all the options in the review draft Plan itself may cause confusion once the review Plan is adopted.
13. The change to the Neighbourhood Area and a short summary of the review could usefully be retained in this introductory section of the Plan.

Policy Performance

14. Page 6 – The review of policy performance through the Plan objectives provides a useful summary and reasoned justification for the changes and the focus of the review.

15. Clarity around Objective 1 and the housing strategy outlined in the Plan needs to be stated and discussed. The narrative around Objective 1 should be reworded to ensure that the presumption in favour of sustainable development is not undermined. Rewording of the section around the reasoning for the housing strategy and to ensure that the TDNP accords with the NPPF, is necessary as it currently reads as if the objective is aimed at blocking development. This could be more successfully achieved by drawing on the objective data included in the table on Page 9 or taking a similar approach.
16. Consideration of Objective 4 draws the distinction between ‘encouraging’ and ‘supportive’. This is a useful finding that could be applied equally to recommendation 5 on cycling provision.

Tattenhall Village Design Statement Review

17. Page 7 – It would be useful to detail the status of the Design Code in terms of adoption and provide some description of whether the introduction of the Design Code has any implications for the Plan review.

Neighbourhood Plan Policies

18. Well explained and clear introduction.

Housing Growth

19. Page 8 Paragraph 5 – The reference to the (Census, 2021) should be moved to the end of the sentence. There is also a footnote on the first line that was unclear what it was referencing so this needs to be moved to the same page or deleted.
20. Page 8 Paragraph 6 – Clarity over the order of service centre that Tattenhall is defined as in the Local Plan is required to ensure this in line with the definition used by CWaC. It is referred to as both “strategic” and “key” at different points.
21. Page 8 Paragraph 9 – Confirmation that the revised 3 dwelling threshold in Policy 1 for affordable housing is drawn from Local Plan policy would be useful here, at the point that SOC1 is mentioned.

22. Page 9 Paragraph 2 – The data provides a clear and reasoned justification from the Housing Needs Report to inform the policy, as amended.

23. Page 10 – Community feedback – in the review consultation, it would be useful to seek an update to this feedback. It may not be necessary to ask all questions again however where changes to policies are proposed this would provide up to date set of evidence of the community's wishes.

Policy 1

24. Page 11 – Point 2 – Delete “or planning condition”. This reference to the use of a planning condition as an alternative to a Section 106 Agreement is not a realistic or practical option, as it is more easily challenged and overcome than a legal agreement and cannot, for all practical purposes, be relied on by a Local Authority to ensure that a new dwelling “remains an affordable dwelling for local people in perpetuity”. Delete the reference for the option “or planning condition” for clarity.

25. Point 3 – Suggest rephrasing/merging of the first two sentences as follows for clarity: “Proposals which have capacity of three or more dwellings or comprise an area of 0.1 hectares or more, must include at least 30% affordable housing and comply with SOC1.” The inclusion of the final part of Point 3 “and the allocation of funding must be discussed with the Parish Council” raises questions around the practicality of a requirement that any proposal from 3 dwellings upwards would need this type of discussion – suggest removal of this requirement due to the implications of resourcing this and potential impact on speed and efficiency of decisions.

26. Points 4 and 5 – As CWaC has observed, these might be better captured in Policy 2.

Local Character

Policy 2

27. We would encourage the Qualifying Body to consider the numerous helpful points raised by CWaC. In addition:

- Point 5 – Ensure reference to Appendix is updated.
- Point 8 – This point will stand once the DEFRA metric is adopted. Providing the TDNP is not finalised until such time as this is part of the National approach this point can remain, albeit there is no need to repeat the statutory and National policy position. However, for clarity the point might

be amended to read: "Development proposals must clearly demonstrate how they will provide a minimum 10% net gain in biodiversity using the latest DEFRA metric calculation."

28. Policy 2 includes updates to ensure key documents are revised and the additional elements are all considered reasonable and commensurate with the evidence. The discussion included in the proposed changes and amendments document should be transferred into the justification and evidence for this policy (and in relation to all policy changes proposed).

Local Economy

29. Page 14 Paragraph 2 – Remove reference to "mobile individuals" as this is unclear – clarify if the reference relates to commuters or another group.

Policy 3

30. Subject to the two points raised by CWaC, the update to Policy 3 brings the text in line with the Design Code and is clear.

Local Facilities

Policy 4

31. We concur with the points raised by CWaC. There is an opportunity here to emphasise the protection of active frontages.

Transport and Communications

Policy 5

32. In addition to the comments of CWaC
- Point 1 – The phrasing "give rise to unacceptable highway dangers" is unclear and should be replaced. Consider rewording to "negatively impact highway safety". To read – "Development that would negatively impact highway safety and congestion will not be permitted".

- Point 2 – Consider using more emphasis on the TDNP’s support for improving cycling provision.
- Point 5 – This point should be clarified to be clear if these schemes will be development that adds parking spaces or just the parking provision itself would be supported.

Local Green Spaces

Policy 6

33. We have some difficulty with Policy 6 and the detail in the information that follows. In the made Plan, Policy 6 designates as LGS 15 Sites of Open Space Value, 4 Sites of Sport, Recreation and Amenity Value and 11 Sites of Nature Conservation Value. Policy 6 of the review Plan dispenses with this system and now lists 21 sites (with individual maps) as LGS, which are then, confusingly, followed by 4 other sites (without maps) which are, according to the large scale map on page 43, Designated Local Wildlife Sites.
34. The policy changes and additions document notes that Sites a6 -a11 and a13-15 which were designated as LGS in the made Plan are now removed and 4 new sites are added (nos. 6, 7, 13 and 14), one of which is The Mill Brook and Keys Brook Wildlife Corridor. Lastly, there are 4 sites in the review Plan nos. 22-25 (although only 3 in the policy changes and additions document) moved from the original Neighbourhood Plan list to the list of Local Green Spaces. This is all very confusing.
35. There are a number of points that follow:
 - The removal of 9 sites previously designated in the made TDNP requires an explanation (and the landowners of these sites that are proposed to be de-designated should be specifically informed). Whilst we have encountered neighbourhood plans that seek to extend or revise existing LGS boundaries, we have not come across the de-designation of LGS before. This might be the case, in part, because NPPF Paragraph 101 states that LGS should be capable of enduring beyond the end of the plan period. The only references we can find to explain the de-designations are the duplicated comment ‘No justification after applying CWaC criteria’ in the policy changes and additions document. To what CWaC criteria is the Qualifying Body referring? In any event, any locally derived criteria could not undermine the substance of the national criteria in NPPF Paragraph 102. The removal of these sites, in our view, needs to be fully justified in terms of how they no longer meet the criteria in the NPPF (in contrast to having met the criteria previously).

- In the same vein, the level of detail and justification for a number of the LGS sites is too brief. In seeking to provide a more robust assessment, it would be beneficial to demonstrate some engagement with community about their views on the value of these LGS. Bear in mind if one accepts the principle that an LGS can be de-designated, there is the opportunity and chance that landowners could challenge the remaining designations as part of the Regulation 14/16 consultations. Therefore, any continuing LGS need to be subject to the same review process and robustly justified.
- in relation to the additional 4 new areas of LGS (nos. 6, 7, 13, and 14), the owners of these new sites should be notified of the proposed designation and this should occur prior to any Regulation 14 consultation.¹⁶
- Sites 22-25 require specific mapping as with the other sites in the policy. According to the large scale map on page 43, these sites are listed there as Designated Local Wildlife Sites. It would aid clarification for it to be made clear that these sites are LGS (if that is indeed the case). Furthermore, and in particular, consideration should be given to the suitability of designating The Mill Brook and Keys Brook Wildlife Corridor as an LGS.

In conclusion, the Qualifying Body should discuss this Policy 6 and this section of the draft TDNP further with CWaC as we consider it requires substantial review. We also agree with CWaC that the Policy itself should simply list the sites to be designated (and de-designated) and explain the protection afforded by virtue of Paragraph 103 of the NPPF. A single map (with key) should be provided to illustrate all the sites: given CWaC is the likely holder of the necessary Ordnance Survey licence, officers may be able to assist. The accompanying assessments and individual site maps should then, when reviewed and updated, form an Appendix to the Plan. To inform this review work, we suggest you utilise the Locality guidance [here](#) on the designation of Local Green Spaces.

Views and Vistas

36. Pages 44-46 – The map of the views and vistas do not relate to a policy in the TDNP. It should be made clear that this is a list for reference and further information and not a policy of the Plan.

¹⁶ PPG Reference ID: 37-019-20140306.

APPENDIX

37. Page 49 – Summary – There are some issues with the wording used here and the comments made regarding CWaC. The suggestion would be to ensure that the account is more objective in approach. The ongoing working relationship between the decision makers at CWaC and the Parish Council should be considered in redrafting of this section. In my view the summary would be more effective if reworded for example, remove “TDNP Policies were routinely ignored by planning officers” and “It is hard to avoid the conclusion that the developers were pre-empting the plan”. The negative tone of these statements does not fit with the style and approach of the rest of the draft TDNP. The statements that include the data could be retained. Consider reframing statements to focus on how the Parish Council will work with CWaC and developers going forward.

Monitoring and Review

38. Appendix. The TDNP sensibly includes data and commentary on the monitoring and review of the Plan. To accompany this work, it may be helpful, possibly in liaison with CWaC, to develop further indicators to measure the success of the TDNP in applying the policies and in securing its vision/objectives.

39. The Locality advice on monitoring is relevant and also includes a suggested table to assist at Figure 7, page 24 of their guide available [here](#):

[see next page]

A spreadsheet could be created to record:

- how much each policy is being used;
- Issues that are being addressed effectively and consistently;
- Issues not being addressed adequately by each policy

April				
Policy	Usage	Issues Addressed	Issues not addressed satisfactorily	Comments
Policy 1	2	Affordable provision within the development	Housing mix does not meet aspirations	Policy too vague on housing mix.
Policy 2	3			

Figure 7: Possible spreadsheet to monitor effectiveness of policies.

General

40. The main focus of this report has been on undertaking an assessment of the TDNP, and its policies, in its current draft form. The TDNP (and key supporting documents) should be reviewed and updated to accommodate the necessary amendments arising from Regulation 14 and subsequent feedback from stakeholders. A thorough proof-read and sense check should be made of the Plan and its supporting documents (including the Basic Conditions Statement, Consultation Statement, Regulation 15 (1)(f) Statement, HRA/SEA etc) prior to the subsequent submission stage. The TDNP itself should also be proof-read by an independent person to check for typographical and presentational errors.

41. Finally, it is recognised that the above comments will necessitate some further review of the draft Plan, to provide both clarifications and additions. The time and effort that has clearly been put into the TDNP to date is noteworthy. If it can be amended with regard to the above suggestions (and those of CWaC), then it will have an increased likelihood of ultimately being submitted for a successful examination.

Cat Loveday
Advisor