

CLIENT ADVICE NOTE

Project: Tattenhall Neighbourhood Plan
Ref: 4014_024
Date: 1st May 2024

TATTENHALL MODIFIED NEIGHBOURHOOD PLAN REVIEW (PRE-REG14)

The purpose of this advice note is for ONH to respond to Tattenhall and District Parish Council (T&DPC) following a review of the pre-submission draft of the proposed modified Tattenhall Neighbourhood Plan Review ('modified TNP'), prior to the Regulation 14 consultation being undertaken.

ONH has been requested to consider the draft policies as presented and detail any significant concerns.

A copy of the current draft of the proposed Tattenhall Neighbourhood Plan (dated 16th April 2024), the draft basic conditions statement (dated March 2024) and draft schedule of changes (dated 16th April 2024) have been provided for this purpose.

It is noted that the previous version of the draft TNP was subject to a Health Check Report in December 2023 and as assumption is made that this version is a result of any recommended changes arising at that time and following subsequent engagement with Chester West and Cheshire (CWaC) Council.

The following work has been undertaken to complete this review:

- 1) A review of the proposed modified TNP as presented with recommendations set out in Table 1.
- 2) All existing and proposed policies compared in the Made TNP and Table of Changes (Modification Proposal) for errata or inconsistency, set out in Table 2.
- 3) A review of all proposed policy wording detailed in the Table of Changes with suggested policy rewording, where appropriate, also detailed in Table 2.
- 4) All proposed policy wording reviewed for consistency with the National Planning Policy Framework (December 2023) the Chester West and Chester (CWaC) Local Plan (Part One) Strategic policies (adopted January 2015) and the Local Plan (Part Two) Land Allocations and Detailed Policies (adopted July 2019).

(Please note the draft supporting text of the Basic Condition Statement (BCS) has not been reviewed. Table one of the BCS has been used to cross check consistency with National and Local Planning Policy - however, this document will require updating to the latest version of the National Planning Policy Framework (2023) or any subsequent edition, prior to submission at Regulation 15)

General overview

The review of the Made TNP has been prepared with attention to detail and clearly a significant amount of work has been undertaken to date which is to be commended.

As a reminder, in accordance with The Neighbourhood Planning (General) Regulations 2012 before submitting a neighbourhood plan modification proposal to the local planning authority, a qualifying body must undertake the Regulation 14 consultation. It is required to:

- (a) publicise, in a manner that is likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area—
 - (i) details of the modification proposals for a neighbourhood development plan
 - (ii) details of where and when the modification proposals for a neighbourhood development plan may be inspected;
 - (iii) details of how to make representations.
 - (iv) the date by which those representations must be received, being not less than 6 weeks from the date on which the draft proposal is first publicised;
 - (v) in relation to a modification proposal, a statement setting out whether or not the qualifying body consider that the modifications contained in the modification proposal are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal would modify, giving reasons for why the qualifying body is of this opinion;
- (b) consult any consultation body referred to in paragraph 1 of Schedule 1 whose interests the qualifying body considers may be affected by the modification proposals for a neighbourhood development plan and
- (c) send a copy of the modification proposals for a neighbourhood development plan to the local planning authority.

The following checklist (Table 1) sets out general observations and proposed actions to ensure the draft modified TNP is ready for its Regulation 14 Consultation.

Table 1 - Checklist.

REFERENCE	OBSERVATIONS	ACTION
Draft modified TNP Front cover	The TNP should be identified as pre-submission draft for Regulation 14	Insert “Prepared by Tattenhall and District Parish Council for Pre-Submission consultation under the Neighbourhood Planning (General) Regulations 2012 (as amended)” and date, on front cover.
Draft modified TNP contents page	The introduction of sections and paragraph numbering is useful. However, for simplicity and ease of reference for the reader when consulting the policies, it is recommended to simplify the sections to reflect the Made TNP contents page. The detailed contents and section numbering system could lead to confusion. Given this is a review of the current neighbourhood plan, it is easier for the reader if the arrangements of the contents reflect that of the original plan if possible, so it is clearly set out and able to be compared.	Two suggested amendments: 1) Suggest remove the references to the justification and community views to accompany each policy in the contents page. 2) As Section 4 is stated as Neighbourhood Plan Policies, it may be clearer to have all of the Policies (1-6) contained within Section 4, rather than having their own section. E.g 4. Neighbourhood Plan Policies..... 8 POLICY 1 Housing Growth POLICY 2 Local Character POLICY 3 The Local Economy..... Section 5 is then Plan Delivery and Implementation etc...

Draft modified TNP Supporting Text	Sections 1 and 2 have been subject to minor narrative changes to support the updated information available as part of the review. Section 3 has been expanded to reflect the monitoring of the Made TNP which is excellent. The supporting text, however, does not detail any community involvement in the review process to date. Section 5 .1- Housing Growth figures state 1,150, an increase of 60 from the Made TNP, stated as 1,090 but housing in the village has increased by 94 from 847 to 941? Section 5.5 states “<i>The original Tattenhall Neighbourhood Plan stipulated a requirement to provide 35% affordable units on site, with a provision of both intermediate and affordable rent</i>”.	Between Section 3 and Section 4 add a paragraph or two setting out the detail of any community engagement which has taken place as part of this review prior to Regulation 14. Given that the previously community engagement to shape the original Plan was undertaken in 2012, local input to reflect the updating of the Plan would be helpful to demonstrate it is community led. Suggest check figures in Section 5.1 justification for consistency. Suggest amending 5.5 to state that the supporting text of the TNP.....otherwise it sounds as if there was an affordable housing policy in the Made Plan.
Draft modified TNP Delivery and Implementation	This section has been omitted from the proposed modified version of the TNP. A delivery and implementation section allows for the reader to understand the community priorities for infrastructure and community projects which may arise out of development through CIL/S106.	Whilst not a requirement, it is suggested that this section is considered for reinstatement and/or updating to reflect current priorities for expenditure.
Mapping.	There should be a Policies Map to cover the TNP area which identifies the settlement boundary as is it referred to in Policy 1, identifies any wildlife corridors (Policy 2) and any rights of way and opportunities to improve connectivity between them (Policy 5)	Insert policy map identifying the Settlement boundary (Policy 1) and Wildlife Corridors (Policy 2) and rights of way and connecting links 9 Policy 5) It is also recommended that if the TNP is able to undertake GIS mapping to create an overall policies map (including existing mapping for Local Green Spaces) then it can be uploaded onto the CWaC interactive mapping, which will assist case officers and developers when considering where specific policies apply.
Draft Schedule of Changes	Required for the Regulation 14, this is well set out. For compliance with <u>The Neighbourhood Planning (General) Regulations 2012</u> this	Rename document to Draft Modification Proposal

	document should be renamed “Draft Modification Proposal”. Prior to submission of the modified TNP to CWaC, this document will need to be finalised.	
Draft Modification Statement	Required for the Regulation 14, this document needs to briefly summarise the changes made to the Made TNP, (the Modification Proposal provides the detail) and the updated evidence obtained. The draft TNP contains most of the required information, it just need to be evidenced separately. It will also need to state the nature of the modification. Prior to submission of the modified TNP to CWaC, this document will need to be finalised.	Create Draft Modification Statement (2 - 3 pages) and include wording to state that the Parish Council considers the modifications to be material but not so significant or substantial as to change the nature of the made TNP, stating that CWaC have reviewed the proposals and agrees with this assessment. The statement will just summarise that the plan is being reviewed to respond to the adoption of the Local Plan, the updated NPPF, updated evidence and monitoring of the current policies within the Made TNP, so that it is set out clearly and succinctly why this review is being undertaken (Please note it is good practice but not a legal requirement to review a Made Neighbourhood Plan)
List of Statutory Consultees	Confirm with CWaC that they can supply the list of Statutory Consultees in good time ready for the start of the Regulation 14. (some LPAs can take several weeks to supply this)	Obtain list from CWaC as soon as possible.
Evidence Base	The T&DPC website has already published the documents listed below as part of its evidence base which will be required to be available for the Regulation 14 consultation including the SEA Scoping Report, Design Code and Housing Needs report December 2023.	Upload any other evidence which will be relied upon as supporting documentation, to the parish council website before the Reg 14 commencement date.
TNP Area Designation	The designation NP boundary has changed between the Made TNP and the proposed modified TNP. The area was first designated on 17 January 2013 with the revised designation of the neighbourhood plan area subsequently came into effect on 12 April 2023. Include as part of evidence base.	May be useful in the supporting text of the Plan (Section 3.3) to insert a map of the new boundary overlaying the old one - as per the SEA screening report so the reader can see the differences clearly.
SEA Screening Opinion	Carried out by CWaC in September 2023, no SEA/HRA required. This screening opinion will need to be evidenced for Reg 14 (already on website) and submitted with the submission version of the modified TNP to CWaC for Regulation 15	No action required.

Consultation Statement	A Consultation Statement is not required to be produced at this stage but is required at the submission stage. This will need to evidence what changes are made to the draft modified TNP in response to the comments received during the Regulation 14 consultation.	It is useful to start writing this document prior to the Reg 14 to document how community input has shaped the TNP review so that this can be added to the consultation statement which will be prepared prior to submission of the modified TNP to CWaC.
Basic Conditions Statement	This document will need to be updated with the current version of the NPPF.	Update in due course.

Schedule of Changes (Modification proposal)

In the table below, Column 1 is the policy name and number in the Made and proposed modified TNP as set out in the current Schedule of Changes. Column 2 is any observations and Column 3 are actions for the group to consider including suggested amendments to proposed policy wording.

POLICY NAME AND NUMBER	OBSERVATIONS / ACTIONS	SUGGESTED POLICY REWORDING
Policy 1 Housing Growth	Statement 1 - The existing wording of this statement does not comply with the Local Plan as it is contrary to STRAT9. In the explanation of STRAT 9 para 5.73 (Page 41 Local Plan Part One) it is stated that <i>“Land beyond the settlement boundaries will be classed as countryside and subject to the requirements of STRAT9”</i> Policy 1 statement 1 currently reads that development outside the settlement boundary will be permitted (in an adjacent location) but then goes on to say it should comply with STRAT9 which does not allow for development outside of the settlement boundary (with stated exceptions) This statement for Policy 1 also conflicts with the current proposed wording of Policy 2 (statement 3) which states that no development will be permitted outside of the current residential curtilage between Tattenhall and the two hamlets which would erode the gap between them but Policy 1 statement 1 does allow this.	Statement 1 - This will need reconciling with CWaC as the original wording of Policy 1 statement 1 was approved prior to the Local Plan being adopted but as a result is no longer consistent. Clearly there was an intention when the TNP was made to allow a degree of development outside of an undefined village boundary (as was) prior to a settlement boundary being drawn but now one is in place the Policy will need to be revisited.

	Please also note that SOC2/DM24 relates to rural exception sites, which, are by definition, exceptions to policy and therefore not within the scope of statement 1 Policy . Statement 2- removed, with reasoning given. Statement 3-The intention here is to provide clarity and local definition to the Local Plan supported by the HNA for Tattenhall. Suggest adding a reference to the Tattenhall Housing Needs Report in the statement. Suggest removing reference to SOC1 as this says up to 30% and this statement says at least 30%. Statement 4- removed with reasoning given. Statement 5-removed with reasoning given.	Statement 3 - suggested wording (additional in red) 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. 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. <i>In determining the type and tenure mix, proposals should have full regard to the Tattenhall Housing Needs Report December 2023 or any subsequent updates</i>
Policy 2 Local Character	Statement 1 - in proposed changes highlight in red ‘safeguards or enhances’ for ease of reference to demonstrate changes in wording. Statement 2 - Not changed. Statement 3 By the alteration of the wording to introduce “<i>beyond the curtilage of existing residential property</i>” the policy now conflicts with Policy 1 and also excludes any other type of development (farm diversification, rural businesses etc..) The group may wish to consider rewording this policy so it does not conflict with Policy 1(Housing Growth) which states that development of up to 30 homes will be permitted adjacent to the settlement boundary (but this would, by definition, erode the “gap”). In addition, the Policies Map should identify the location of these “gaps” on the basis that whilst there is settlement boundary for Tattenhall, one does not exist for the other two settlements, so it is unclear which residential curtilage it relates to.	Statement 3 - consider identifying and adding the “gaps” between the settlements to a Policies Map so they are clear and ensure that the proposed wording does not conflict with Policy 1 statement 1. Suggest inclusion of this statement as part of the discussion with CWaC on Policy 1.

	Statement 4 suggest rewording for clarity (see next column) as latter part of sentence not required. Statement 5- Not changed. Statement 6 - Not changed (<i>although it is noted there is an inconsistency with the words in brackets (Carbon Neutral) appearing in the Draft TNP but not the Schedule of Changes.</i>) Statement 7 - New. The intention is clear, however it requires evidence and clarity. Suggest re-wording for clarity (see next column) The Policies Map will need to show the location of any wildlife corridors. The Local Plan Part 1 policy ENV4 maps local wildlife sites & DM44 shows restoration areas (the CWaC policies map shows where these are within the TNP area) Alternatively, suggest contacting Cheshire Wildlife Trust and asking them what the policy seeks to achieve as they can undertake a search (£75-£150) which will provide mapping and details of the local wildlife sites designations to evidence the policy wording. There is a base ecological network document for the Local Plan written in 2016 which should be reviewed. This Statement would sit better within Policy 6 as it relates to Landscape and Environment rather than Local Character. It also sits nicely with the sites of nature conservation value in Policy 6 Statement 8 - New. Again, the intention is clear but unfortunately the statement merely repeats national legislation as the 10% is a legal requirement. Suggest removal. Statement 9 - removed. Statement 10 - removed.	Statement 4 - Current proposed wording: 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. Suggested proposed wording (existing policy wording in black): Fully accords with the Tattenhall and District Design Code (2022) or subsequent version. Statement 7 Current proposed wording: 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. Suggested proposed wording: Development proposals within or adjacent to designated local wildlife sites or sites of nature conservation value, as shown on the Policies Map, should clearly demonstrate how they have incorporated appropriate measures to safeguard and enhance these areas. All other development proposals should demonstrate the incorporation of habitat enhancement measures, including bat boxes, swifts' bricks and hedgehog routes, to encourage and protect wildlife. Suggest move to Policy 6
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	Statement 11- Not changed. Statement 12 - under proposed changes, for clarity, highlight in red the word 'must' and the new wording at the end of the statement.	
Policy 3 The Local Economy	Statement 1 - Not changed Statement 2 - Not changed. This now refer to “within or adjacent to the Tattenhall Settlement Boundary” to accord with Policy 1 and Policy 2? Statement 3 - under proposed changes, for clarity to highlight the new wording relating to the Design Code in red.	Statement 2 - suggest change to reference defined settlement boundary.
Policy 4 Local Facilities	Statement 1 - under existing policy highlight in red the changed word “should” and add to reasons why there is a change in emphasis and then state all other wording remains unchanged. Statement 2 - under existing policy, highlight in red the words to be removed “(particularly mains gas)” and after reason, state all other wording remains unchanged. Statement 3 - remove statement one and two as repetition of above. Suggest remove the word “appropriate” as too subjective. Under existing policy, highlight in red the changed word “allowed” and give reason for increased emphasis on support and then state all other wording remains unchanged. Statement 4 - The wording of this policy requires clarity. It currently states that all changes of use which require planning permission will be resisted and then goes on to make a statement in respect of 12 months marketing but not stating whether this will maintain resistance to the proposed change of use. Suggest re-wording this policy using the existing policy wording.	Statement 4 Current proposed wording: Change of use of shops and related commercial services for the local community which require planning permission will be resisted. 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. Suggested proposed wording (existing policy wording in black): Development proposals which result in the loss of shops and related commercial services for the local community will be resisted unless it can be demonstrated that reasonable efforts have been made to secure their continued use for these purposes. Such evidence must include details of marketing the site at a suitable price and tenure, over a continuous period of not less than 12 months,
Policy 5 Transport and Communication	Statement 1 - under the proposed changes highlight the words 'must', 'fully' 'and congestion' in red. In reasons state wording in red denotes change in emphasis. Is there documentation in the evidence base to support why the change in emphasis is required? In changing the emphasis from 'should' to 'must and 'mitigate' to 'fully mitigate' it is much stronger. Statement 2 - under proposed changes, amend spelling and highlight in red 'the linking of existing public rights of way" in red show changes. In reasons, suggest adding wording that the modified policy is responding to the increased emphasis on walking and cycling and improving the existing network. Do the group have an active travel map so you can highlight where there are opportunities to improve links? Statement 3 - under proposed changes highlight in red '30megabit per second' to demonstrate. Suggest adding back in the second sentence from the existing policy, as sentence 1 relates to new development ensuring connection, sentence 2 is support for the infrastructure required from the utility company to bring such services to the village. (unless infrastructure is in place) Statement 4- Not changed.	Statement 3. Current proposed wording: Make provision for 30 megabit per second high-speed broad-band to serve it. Suggested proposed wording (existing policy wording in black):

		Make provision for 30 megabit per second high-speed broadband to serve it. Development of new, 30 megabit per second high-speed broadband infrastructure to serve the parish will be supported
Policy 6 Landscape and Environment	Not changed. Under existing policies, add title 'Landscape and Environment' next to the policy number. For consistency between the policy and the appendix change appendix lettering to small letters (policy says " a1" but appendix says " A1")	Suggest amend capital letters.