

**Notes of Tattenhall Neighbourhood Plan Review Working Group
Meeting with Transition Tattenhall
Held virtually via Zoom
7th August 2024**

PRESENT:

Adele Evans, Iain Keeping (Chairman), Ann Wright (Clerk).

Transition Tattenhall: Nick Benefield, Annette McDonald, Alex Radley, Pete Radley.

Purpose of Meeting: To received Transition Tattenhall's Comments on the Neighbourhood Plan & Design Code.

It was noted the review of the Neighbourhood Plan has started in 2019, and is now at the point of local informal consultation which will be followed by formal Reg. 14 consultation.

It was noted at the start of the process a wide range of people had been involved in the review and it had been decided as the review progressed no significant changes were required to the Plan or its policies.

The Review has been supported by professional consultants and has been reviewed by a number of professional bodies including Locality, Centre for Sustainable Energy as well as Cheshire West & Chester Council.

It was confirmed the Design Code had been based on the Village Design Statement 2009.

Neighbourhood Plan Policies

The following discussion took place regarding proposed policies.

Representatives from Transition Tattenhall stated they were not against the proposed revised Plan but wanted to make a number of comments and that they regard themselves as a lobbying/campaigning group.

It was noted the Design Code is not yet policy but its inclusion in the Plan will make it policy once the revised Plan has been made.

Objectives

It was raised that the Plan's objectives did not include a reference to reducing carbon footprint, the climate emergency or biodiversity as such the Group was asked to consider adding additional wording to objective 7.

Policy 1

It was discussed if the Plan can tighten up on affordable properties being truly affordable and if it can be made mandatory for developers to provide rental properties.

Policy 2

It was discussed that stating at least 30% would allow developers to round down the number affordable properties supplied. It was noted that rounding down would result in less than 30% being supplied so would not meet the policy requirement.

It was reported that there had been discussions as to whether amending this policy would be in conformity with CW&C policy which states developers should work towards 'a target of 30%'. However CW&C have not raised any concerns to date regarding this policy amendment.

It was discussed that developers frequently challenge the viability of providing affordable houses and get away with reducing the number provided.

Policy 2

It was suggested strengthening wording around 'Take every opportunity....' and 'to encourage, as a minimum.'

It was discussed if the word adjacent should be replaced with contiguous.

A discussion took place as to why '*Development that does not meet these criteria will not be permitted*' was removed. It was explained the Plan does not have the authority to 'not permit' any development. It was agreed to review where this recommendation had come from while noting the review working group had agreed this change.

It was noted references to Building for Life had been removed as it is included in the CW&C Local Plan and that Neighbourhood Plans cannot duplicate Local Plans.

It was noted the Design Code does not deal with sustainability or climate change.

It was suggested that the policy requiring tree replacement should include a fully funded maintenance plan e.g. 30 years.

It was suggested that biodiversity net gain payments should be retained in the area of the development. It was noted that CW&C have passed a policy that biodiversity net gain payments received by the authority are allocated to the Borough as a whole.

It was noted that it is important to take part in the CW&C Local Plan Review regarding this policy and others.

Policy 3

It was suggested that changes to agricultural properties should not lead to agricultural intensification.

Policy 4

It was suggested the policy should seek to protect trees from utility services works.

Policy 5

It was highlighted there is no mention of low traffic neighbourhood, noting that this would be difficult to introduce in existing developments but could be introduced in new developments.

The policy should also include that new developments should offset carbon created by the traffic they generate.

The Plan should consider centralised parking.

Policy 6

No comments.

All comments made by Transition Tattenhall attached.

Plan Review Timescales

It was hoped the Plan review would be completed early spring 2025.

Master Planning

It was noted that the new NPPF is seeking development of green belt and is moving towards 50% affordable properties delivery, it was agreed this will lead to interesting discussions on economic viability of development and may result in increased density of new developments.

Design Code

Concern was voiced regarding the weak wording in the document.

It was reported that Upton Parish Council has passed a moratorium on development of houses which are not carbon neutral and it was understood that this had be agreed by CW&C. It was agreed the Clerk would investigate this.

Standard Planning Observations

It was agreed to work together to develop a standard response to planning applications.

Retro Fitting

A discussion took place regarding flexibility in the Design Code or Neighbourhood Plan to allow retro fitting of features to improve sustainability of properties. It was agreed the Clerk would seek advice on this.

Transition Tattenhall representatives were encouraged to review the CW&C Local Plan parts 1 and 2.

Actions

- Neighbourhood Review Group consider amendments suggested.
- Transition Tattenhall & Parish Council to consider developing a standard planning application response. (TT provide draft by mid-September)
- Transition Tattenhall & Parish Council to consider what we would like to be addressed as part of the review of the CW&C Local Plan.

Ann Wright
8th August 2024.

Tattenhall & District Neighbourhood Plan 2024 Review

Draft Modification Proposal

In addition to the policy changes below, the Plan includes

1. A map of the new designated Neighbourhood area.
2. A policy map with former and new Neighbourhood areas, Tattenhall Service Centre/Settlement boundary, Local Wildlife Sites and wildlife corridors.
3. Outcome of the plan review against stated objectives.
4. The reason for replacement of Tattenhall Village Design Statement with the Design Code. DC says at Code 1 - 1A that it is **guidance not policy**
5. Housing Growth, justification and evidence. Affordable housing need is redefined with reference to surveys.

Changes to policies are detailed in the table below:

Existing Policies	Proposed changes	Reasons
Objectives	Not Changed	
POLICY 1 Housing Growth To enable managed housing growth in the Parish: Proposals involving up to 30 homes will be allowed within or immediately adjacent to the built-up part of Tattenhall village over the period 2010 to 2030;]	Replaced with: To enable managed housing growth in the Parish: 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.	The proposed change brings the policy into conformity with CWaC Local Plan. The settlement boundary had not been defined at the time of the original Plan. Development adjacent to the Service Centre boundary is now covered in Policy SOC2 : "Rural exception sites <i>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. "</i> And Policy DM 24: <i>"In line with Local Plan (Part One) policy <u>SOC 2</u>, small affordable exception sites will be supported adjacent to key or local service centres subject to meeting the additional requirements set out below.</i>

Tattenhall & District Neighbourhood Plan Review

Existing Policies	Proposed changes	Reasons
		<i>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:</i> <i>1. currently live in the parish and have been living there continuously for at least five years; or</i> <i>2. have permanent employment in the parish; or</i> <i>3. have close family members (defined as children, parents, siblings only) who have been residing in the parish continuously for at least five years; or</i> <i>4. people who have previously lived in the parish for a continuous period of at least 10 years.</i> <i>Once a local affordable need has been established a suitable site should be identified following a thorough assessment of alternatives in consultation with the Parish Council and local community. Rural exception sites will only be permitted where the local need cannot otherwise be met on sites within an identified settlement boundary, including on sites for market housing on which an element of affordable housing is required.</i> <i>The allocation and occupancy of rural exception properties will be restricted to people/households who can meet the local connection test. After first occupation a geographical cascade approach will apply as agreed with the Council."</i> Policy STRAT 9 <i>" ...</i> <i>Within the countryside the following types of development will be permitted;</i> <i>• Development that has an operational need for a countryside location such as for agricultural or forestry operations.</i> <i>• Replacement buildings.</i> <i>• Small scale and low impact rural / farm diversification schemes appropriate to the site, location and setting of the area.</i> <i>• The reuse of existing rural buildings, particularly for economic purposes, where buildings are of permanent construction and can be reused without major reconstruction.</i> <i>• The expansion of existing buildings to facilitate the growth of established businesses proportionate to the nature and scale of the site and its setting.</i> <i>Development must be of an appropriate scale and design to not harm the character of the countryside..."</i>

Existing Policies	Proposed changes	Reasons
Smaller scale development of exception sites will be allowed within the hamlets of Gatesheath and Newton-by-Tattenhall over the period 2010 to 2030. Exceptions will be made where additional housing development involves the redevelopment of brownfield land (subject to its environmental value), the conversion of existing buildings or affordable housing-led 'exceptions' schemes. 'Exceptions' schemes will be allowed to contain an element of 'enabling' market housing, but no more than 30% in any individual scheme	Removed	The proposed change brings the policy into conformity with CWaC Local Plan STRAT9, SOC2 and DM24.
Housing proposals of 3 or more dwellings must: Provide a mix of homes taking into account objectively identified housing needs, and include an element of affordable housing as specified in the Local Plan. The affordable housing will be subject to a S1065 Legal Agreement, or planning condition, ensuring that it remains an affordable dwelling for local people in perpetuity.	Replaced with: Housing proposals of 3 or more dwellings must: Provide a mix of homes taking into account objectively identified housing needs, and: Include an element of affordable housing as specified in the Local Plan. The affordable housing will be subject to a S106 Legal Agreement ensuring that it remains an affordable dwelling for local people in perpetuity. Proposals which have capacity of three or more dwellings or comprise an area of 0.1 hectares or more, must include at	The proposed change seeks to maximise affordable housing development in the local area, now defined as the Neighbourhood Plan area, is justified by the Tattenhall Housing Needs Report 2023. The original Neighbourhood Plan (Housing Growth, Justification and evidence, p12) stated "<i>There is a requirement to provide 35% affordable units on-site...</i>" which was considered as policy although not included under Policy 1. would be more rational to say 'one third by number, rounded up to the next whole dwelling unit'

Existing Policies	Proposed changes	Reasons
	least 30% affordable housing and comply with Local Plan (Part One) SOC1. 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. In determining the type and tenure mix, proposals should have full regard to the Tattenhall Housing Needs Report December 2023 or any subsequent updates	
Respect and, where possible, enhance the natural, built and historic environment.	Removed	Covered in Policy 2
Maintain Tattenhall's strong and established sense of place.	Removed	Covered in Policy 2
POLICY 2 Local Character Development will be supported where it: Respects 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	Replaced with: Development will be supported where it: 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.	Wording changed to be more specific.

Existing Policies	Proposed changes	Reasons
Incorporates, wherever possible, locally distinctive features such as Cheshire railings and fingerposts	Not changed	
Does not unacceptably erode the important, predominantly undeveloped gaps between the three settlements of Tattenhall, Newton-by- Tattenhall and Gatesheath	Replaced with: Does not erode the important, predominantly undeveloped gaps between the three settlements of Tattenhall, Newton-by-Tattenhall and Gatesheath.	"Unacceptably" is considered vague and does not support maintenance of the gap between the 3 settlements which is not explicit in Local Plan Part 2 Policy GBC 3.
Fully accords with the Tattenhall Village Design Statement	Fully accords with the Tattenhall and District Design Code (2022) or any subsequent version	Tattenhall Village Design Statement has been replaced by Tattenhall and District Neighbourhood Plan Design Code in compliance with the National Planning Policy Framework.
Respects local landscape quality ensuring that views and vistas are maintained wherever possible (See Appendix A)	Not changed	
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 measures and green energy generation	Not changed	Weak. Include presumption that all developments will incorporate these features. Require developer to demonstrate impracticability/unviability. State that economics is not an acceptable basis for lack of incorporation.
	Added: 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	Adds wildlife and biodiversity protections lacking in the original Neighbourhood Plan. 'adjacent' - do you mean 'contiguous with'?

Existing Policies	Proposed changes	Reasons
	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.	'...to encourage, as a minimum...'
Development that does not meet these criteria will not be permitted.	Removed	why?
In order to gauge whether good design is at the heart of proposed new developments, applicants should include with their planning applications an assessment of how their scheme performs against the twelve criteria set out in Building for Life.	Removed	The design code now covers this. No, it does not. The code makes no reference to a requirement for a Building for Life assessment at all. Also, you need to set a target for how many 'greens' would make a development acceptable (BfL12 suggests 9 out of 12, to qualify for 'Built for Life' accreditation)..
Outdoor advertisements will be controlled to prevent an unacceptable proliferation of signage which would undermine the visual amenity of the village.	Not changed	If the Design Code is to become policy, it must be specifically referred to and enabled in the NP eg 'Developer to demonstrate compliance with all requirements of the Design Code' or similar. Nb The 12 BfL criteria deal with character, built form, architectural and landscape context, accessibility, etc and do not include any reference to sustainability or energy efficiency

Existing Policies	Proposed changes	Reasons
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 should not involve the loss of important trees and schemes should allow space for such trees to mature, to avoid any later pressure for their removal.	Replaced with: 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.	Strengthens wildlife and biodiversity protections to the original Neighbourhood Plan. '...and provided with a 30 year maintenance plan fully funded by the applicant'
Proposals must be designed to retain and protect ancient, veteran and mature trees, hedgerows, ponds, areas of woodland.	Not changed	
POLICY 3 The Local Economy The following types of employment development will be supported: The conversion of existing buildings and the small-scale expansion of existing employment premises across the Parish.	Not changed	

Existing Policies	Proposed changes	Reasons
Small-scale new build development within or adjacent to Tattenhall village and within or adjacent to the adjoining hamlets.	Not Changed	
All new employment development should respect the character of its surroundings by way of its scale and design, not harm the surrounding landscape, and safeguard residential amenity and road safety.	Replaced with: 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.	Adds requirement for compliance with the Design Code.
POLICY 4 Local Facilities 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 should also be taken of the cumulative impacts arising from the new development combined with other schemes that have planning permission.	Replaced with: 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.	Change in emphasis from “should” to “must” as it has much stronger weight and is more difficult to argue there is no need to do it.
Where new development proposals bring new utility services (particularly mains gas) to parts of the village that currently are	Replaced with: Where new development proposals bring new utility services to parts of the village that currently are not served by them,	Emphasis on gas provision is considered inappropriate at a time of reducing reliance on fossil fuels. All other wording remains unchanged Proposals for new utility services must demonstrate measures to be taken to prevent felling of or damage to trees with amenity value in accordance with policy 2.

Existing Policies	Proposed changes	Reasons
not served by them, this will be seen as a positive benefit.	this will be seen as a positive benefit.	
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 allowed.	Replaced with: 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 should also be taken of the cumulative impacts arising from the new development combined with other schemes that have planning permission. 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. 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.	Adds strength and support for preservation and enhancement of the commercial centres of the settlements not covered by Local Plan Policies ECON 1 and ECON 2. Proposals for new utility services must demonstrate measures to be taken to prevent felling of or damage to trees with amenity value in accordance with policy 2.

Existing Policies	Proposed changes	Reasons
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.	Not changed	
POLICY 5 Transport and Communication Development should: 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 any impacts. Development that would give rise to unacceptable highway dangers will not be permitted.	Replaced with: Development must: 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.	Change in emphasis as it has much stronger weight and is more difficult to argue there is no need to do it. .
Maximise opportunities to walk and cycle, including between Tattenhall, Newton by Tattenhall and Gatesheath as well as supporting public transport where possible.	Replaced with: Maximise opportunities to walk and cycle, including between Tattenhall, Newton by Tattenhall and Gatesheath, the linking of existing public rights of way , as well as supporting public transport where possible.	Includes links to existing rights of way. The modified policy is responding to the increased emphasis on walking and cycling and improving the existing network. (see Route Hierarchy, Tattenhall & District Design Code 2023). Proposals for new utility services must demonstrate measures to be taken to prevent felling of or damage to trees with amenity value in accordance with policy 2.
Make provision for high-speed broadband to serve it. High Speed Broadband - Development of new, high-speed broadband infrastructure to serve the parish will be supported	Replaced with: Make provision for 30 megabit per second high-speed broadband to serve it.	Change to meet general conformity with Local Plan.

Existing Policies	Proposed changes	Reasons
	Development of new 30 megabit per second high-speed broadband infrastructure to serve the parish will be supported	
Car Parking in Tattenhall Village Centre Schemes to increase car parking provision to serve Tattenhall village centre will be supported in principle.	Not changed	Proposals must demonstrate measures to be taken to prevent felling of or damage to trees with amenity value in accordance with policy 2.
POLICY 6 Landscape and Environment	Added: 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.	Adds wildlife and biodiversity protections lacking in the original Neighbourhood Plan. contiguous? ...as a minimum...
The areas listed below are designated 'Local Green Spaces' which are protected from new development unless very special circumstances can be demonstrated:	Not changed	Sites listed in the original plan have been retained without addition and with no change to the wording. The original maps have also been retained without change other than to show the boundary to the new Neighbourhood Plan area.

