

Tattenhall & District Neighbourhood Plan 2024 Review

MODIFICATIONS STATEMENT

Tattenhall & District Parish Council, the Qualifying Body, has undertaken a review of its Neighbourhood Plan (NP).

The made NP was prepared by a Steering Group of parish councillors and local residents and was subject to examination in August 2013. Following independent examination and a successful referendum, the Plan was Made in June 2014.

The review of the NP began in late 2019 and has been informed by:

- Monitoring the performance of the NP against its stated Objectives;
- Cheshire West & Chester Council (CWaC) Local Development Plan; and
- The provisions of the NPPF and Planning Practice Guidance.

This 'Statement of Modifications' has been prepared to set out the modifications proposed to the made NP and to accord with the requirements of the Neighbourhood Planning (General) Regulations 2012 as amended and Planning Practice Guidance.

PLANNING PRACTICE GUIDANCE

The process for reviewing and updating neighbourhood plans varies according to the degree of change which is proposed. Planning Practice Guidance identifies three types of modification.

- Minor (non-material) modifications to a neighbourhood plan or order are those which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum.
- Material modifications which do not change the nature of the plan or order would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan.
- Material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.

The modifications to the Tattenhall & District NP which are proposed in the review are considered to be material which do not change the nature of the plan, as detailed in the following sections. In these circumstances, Planning Practice Guidance mentions that qualifying bodies (such as the Parish Council) should follow the process set out in guidance, with the following additional requirements:

- the qualifying body must (at the pre-submission publicity and consultation stage and when the modified plan is submitted to the local planning authority) state whether they believe that the modifications are so significant or substantial as to change the nature of the plan and give reasons
- the local planning authority must (when sending the modified plan to the independent examiner) state whether they believe that the modifications are so significant or substantial as to change the nature of the plan and give reasons. The local planning authority must also submit a copy of the original plan to the independent examiner
- the qualifying body must decide whether to proceed with the examination after the examiner has decided whether the modifications proposed change the nature of the plan

This Statement of Modifications sets out the modifications which are proposed to the made NP, and the view of the Parish Council as to whether the modifications are so significant or substantial as to change the nature of the plan.

MODIFICATIONS TO THE MADE NP

The modifications which are proposed to the planning policies of the made NP are set out in detail in the Table below.

There are no changes to the Objectives nor are any new policies proposed. The original NP was Made before the Local Development Plan and material changes are proposed to bring policies into general conformity with CWaC Local Development Plan policies.

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: <i>To enable managed housing growth in the Parish:</i> 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. <i>The following development proposals outside the settlement boundary of Tattenhall will be permitted;</i> Development that has an operational need for a countryside location such as for agricultural or forestry operations. The reuse or replacement of existing buildings. Small scale and low impact rural / farm expansion and diversification schemes appropriate to the site, location, scale and setting of the site.	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, DM24 and STRAT9. These have been reviewed and distilled into Policy 1. Farm diversification schemes are included although it is acknowledged that with extended permitted development rights applying to farms, some changes of use and development are not subject to planning permission. 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> <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 lo-</i>

Existing Policies	Proposed changes	Reasons
	Where necessary to meet local affordable housing needs, demonstrated by or in collaboration with Tattenhall and District Parish Council. These rural exceptions sites will be for 100% affordable housing on small sites which would otherwise not be appropriate for housing adjacent to the defined Tattenhall Settlement Boundary. 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. Development must be of an appropriate scale and design to not harm the character of the countryside.	<i>cal 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. 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> Whilst a Neighbourhood Plan should not directly repeat Local Plan Policies, it is not felt appropriate to merely quote respective Local Plan policy numbers within Policy 1, given the age of the Local Plan. Therefore, whilst the proposed changes to this policy are in conformity with the Local Plan, they have been distilled for local application to Tattenhall.
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.

Existing Policies	Proposed changes	Reasons
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 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. In determining the type and tenure mix, proposals should have full regard to the Tattenhall Housing Needs Report December 2023 or any subsequent updates	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.
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

Existing Policies	Proposed changes	Reasons
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.
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	Not changed	

Existing Policies	Proposed changes	Reasons
energy efficiency measures and green energy generation		
Development that does not meet these criteria will not be permitted.	Removed	
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.
Outdoor advertisements will be controlled to prevent an unacceptable proliferation of signage which would undermine the visual amenity of the village.	Not changed	
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.
Proposals must be designed to retain and protect ancient, veteran and mature trees, hedgerows, ponds, areas of woodland.	Not changed	

Existing Policies	Proposed changes	Reasons
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	
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	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.

Existing Policies	Proposed changes	Reasons
the new development combined with other schemes that have planning permission.		
Where new development proposals bring new utility services (particularly mains gas) to parts of the village that currently are not served by them, this will be seen as a positive benefit.	Replaced with: 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.	Emphasis on gas provision is considered inappropriate at a time of reducing reliance on fossil fuels. All other wording remains unchanged
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: 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 .	The plan is not empowered to “allow”.
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	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	 Change in emphasis as it has much stronger weight and is more difficult to argue there is no need to do it. .

Existing Policies	Proposed changes	Reasons
would give rise to unacceptable highway dangers will not be permitted.	that would give rise to unacceptable highway dangers and congestion will not be permitted.	
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).
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. Development of new 30 megabit per second high-speed broadband infrastructure to serve the parish will be supported	Change to meet general conformity with Local Plan.
Car Parking in Tattenhall Village Centre Schemes to increase car parking provision to serve Tattenhall village centre will be supported in principle.	Not changed	
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 Local Green Spaces maps, 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.

Existing Policies	Proposed changes	Reasons
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.

Content of the Appendices remains unchanged from the made plan.

Views and Vistas

There are no changes proposed. The views are an integral part of Policy 2.

Number	Description
1	Glimpsed views to the church across the park
2	The landscaped setting of the church and churchyard
3	Views to Tattenhall Hall across the Mill Field and the public footpath behind the modern housing
4	The landscape setting in front of and to the side of Tattenhall Hall
5	Views to the Rookery from the Millennium Mile footpath and churchyard
6	The visual prominence of the Clough Williams-Ellis houses on the corner of Frog Lane and Rocky Lane
7	The views across the fields from Chester Road to Brook Hall

8	The visual setting of the Righi – its open setting looking over fields
9	Views to Bolesworth Castle and the setting of its gatehouse
10	Glimpses between Nine Houses and Pluto House and the Bear and Ragged Staff public house
11	The sequential view stretching from the eastern edge of the conservation area from Burwardsley Road to Tattenhall Hall. In particular from Sport Tattenhall and Flacca Court towards the Sandstone Ridge and Bolesworth Castle.
12	Boundary edge dividing cottages on one side of the small lane leading to Mill Bank
13	Views from the edge of the conservation area towards Beeston Castle, the Peckforton Hills and Bolesworth Castle
14	Boundary edge dividing Tattenhall Park Primary School from houses located to the south of Tattenhall Road
15	Views from the disused railway line to the village and the Peckforton Hills and Sandstone Ridge
16	Views from Gatesheath & Newton to the Peckforton Hills and Sandstone Ridge.

OTHER MODIFICATIONS TO THE MADE NP

A number of minor (non-material/inconsequential) modifications to the made NP are proposed.

In addition to the policy changes, the proposed Plan includes:

- A map of the new designated Neighbourhood area.
- A policy map with former and new Neighbourhood areas, Tattenhall Service Centre/Settlement boundary, Local Wildlife Sites and wildlife corridors.
- Outcome of the Plan review against stated objectives.

- The reason for replacement of Tattenhall Village Design Statement with the Design Code.
- Housing Growth, justification and evidence. Affordable housing need is redefined with reference to surveys.

DO THE MODIFICATIONS CHANGE THE NATURE OF THE PLAN?

The Parish Council considers that a minority of the modifications materially affect the policies in the made NP but do not change the nature of the plan or order. The Parish Council considers that the modified Plan requires examination but not a referendum.

The reasons for this are as follows:

- the modification some existing policies bring the Plan into general conformity with CWaC Local Development Plan;
- there are no substantial modifications to most existing policies;
- there is no change to existing Local Green Space Designation;
- changes to some wording of policies is for purposes of clarity and emphasis;
- addition of a design code builds on a pre-existing design policy, Tattenhall Village Design Statement;
- the modified designated Neighbourhood area is minor and necessitated by a small change to the Parish boundary;
- the inclusion of a settlement boundary to Tattenhall Key Service Centre brings the Plan into General conformity with CWaC Local Development Plan and replaces the ill-defined “built-up part of Tattenhall village”.