

TATTENHALL AND DISTRICT NEIGHBOURHOOD PLAN REVIEW

Draft Modification Statement

Prepared in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

FEBRUARY 2026

Table of Contents

1. Introduction.....	3
2. Background	4
3. Modification - The 'Change the Nature of the Plan' Test	6
4. Conclusion.....	8

1. Introduction

1.1 As the 'Qualifying Body', Tattenhall and District Parish Council ("the Parish Council") proposes to modify the made Tattenhall and District Neighbourhood Plan ("the made Plan") of 4th June 2014. This Statement is submitted with the pre-submission version of the modified Neighbourhood Plan, ("the Modified Plan") alongside a Modification Proposal, in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended).

1.2 The Parish Council considers that the proposals represent material modifications to the Made Plan, and in view of the nature of the revision to the Plan period which is now aligned to the proposed 15 year Local Plan period 2025 – 2040, the rewriting of Policy 1 (Housing Growth) and the introduction of two new Policies, 7 and 8 (Site Allocations), are considered sufficiently substantial or significant as to change the nature of the Made Plan. In which case, the modifications will require a referendum in accordance with the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017/1243. Regulation 14 of the amended 2012 Regulations requires:

"in relation to a modification proposal, a statement setting out whether or not the qualifying body considers 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".

1.3 This Statement serves this purpose and notes the following additional requirements in the Planning Practice Guidance (PPG):

- 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

1.4 In accordance with the requirements of the PPG as stated above¹, this document is therefore setting out the background reason to this modification, sets out what the modification is and will set out the reasons as to why the Parish Council believe that this modification of the plan is so significant or substantial as to change the nature of the plan and trigger a referendum.

¹ Paragraph: 085 Reference ID: 41-085-20180222

2. Background

2.1 The made Plan covers the period 2010 - 2030. The designated neighbourhood area covers the same area as the parish boundary. On 4th June 2014 it was agreed by Cheshire West and Chester Council to 'make' the Tattenhall and District Neighbourhood Plan, following a referendum held on Thursday 24th October 2013.

2.2 Local residents voted to approve the Tattenhall and District Neighbourhood Plan by 905 votes to 38 at the referendum. The turnout of eligible voters was 51.86% , the highest recorded at the time for a neighbourhood plan vote.

2.3 With the "made" Plan reaching its 5-year anniversary in late 2019, the Parish Council initiated a review, triggered not only by the passage of time but the adoption of the Cheshire West and Chester Local Plan Part One 2015 and Part Two 2019. The review has been informed by:

- Monitoring the performance of the NP against its stated Objectives.
- The preparation of a Tattenhall and District Design Code document.
- The Regulation 18 emerging Local Plan (summer 2025).
- The provisions of the updated NPPF 2024, Planning Practice Guidance, the 2024 update to the standard method calculation for determining housing need.² and the 2025 consultation of a further revised NPPF.

2.4 There was a period of delay due to covid but following research and evidence gathering informal consultation was carried out in 2024, followed by a Regulation 14 consultation in March/April 2025. That version of the Pre-Submission Plan made modest alterations, which were considered material but not so significant as to change the nature of the Plan. It did not seek to introduce any new policies, nor did not propose to modify the Plan period.

2.5 Following the Regulation 14 consultation, it became clear that some developers considered the Plan to be not positively prepared. This perception arose because the Plan did not allocate any specific development sites and did not support development outside the existing settlement boundary, as defined in Policy 1. The proposed modifications did not alter the Plan period. As such, it was able to demonstrate that there was sufficient housing supply within the defined settlement boundary to meet the identified need, based on the revised standard method housing requirement for the five-year period to 2030. The evidence also showed a recent history of housing over-delivery. The Plan was intended to address only short-term growth pending the adoption of the emerging Local Plan. However, it was unclear whether Policy 1 would successfully engage paragraph 14 of the National Planning Policy Framework (NPPF), which the Plan intended to do.

2.6 Shortly after the conclusion of the Regulation 14 consultation, CWAC approved the publication of a Regulation 18 consultation for the emerging Local Plan in June 2025. The plan is targeting submission in December 2026, with adoption in 2028.

2.7 The CWAC Regulation 18 consultation took place on the 4th July to the 29th August 2025 and proposed three "options" for growth across the district. Option A, retain the Green Belt, indicated a potential 500 – 1,500 homes in and around Tattenhall, with options B and C, indicating lower growth models of up to 500 homes.

² The change resulted in LHN for Cheshire West and Chester increasing substantially from 532 dpa to over 1,900 dpa. The current local plan requirement is 1,100 dpa.

2.8 Given the combination of potential growth options for Tattenhall, the continuation of the presumption in §11d (tilted balance) remaining in place with no current Local Plan, no 5 YHLS (1.89years) at CWAC and given the pressure by local developers seeking to bring forward applications with the continued policy vacuum, the Neighbourhood Plan took the decision to further revise the proposed modified plan to include site allocations.

2.9 This was with the intention of amending the settlement boundary in Policy 1 and introducing site allocations to engage §14 NPPF but also to enable CWAC to use the modified NP as a material consideration in respect of determining speculative applications once it completes the Regulation 16 stage, citing the prematurity argument as required.

2.10 The Parish Council worked with consultants ONH during September and October 2025 to produce a Settlement Spatial Plan for the parish, to consider different potential futures for the parish depending upon potential levels of growth, identifying the principal individual and cumulative positive and adverse effects of housing development in each scenario on the existing infrastructure capacity (social, green, transport, employment etc), looking to identify the sustainable limit of growth for the parish. This was then considered by the community during a period of engagement during late October/early November 2025 to determine a preferred option from a short list of three scenarios. A copy of the SSP slide deck can be found on the [Parish Council Neighbourhood Plan](#) website.

2.11 Once the preferred community option was known, engagement then took place with land interests, CWAC Planning, Highways and Transport Teams and the ward councillor in November, December and January, prior to developing a final preferred scenario which was then distilled into available land parcels to bring forward as site allocations in a new policy (Policy 7.) As a result of these discussions, the opportunity for a further new policy (Policy 8) was developed, based upon a natural flood management scheme being worked up by a local landowner. Given the potential future resilience this proposal would bring in terms of mitigating flood risk for the whole of the village, it was felt important to include this within the Plan.

2.12 The SSP work was also informed by the early stages of the SEA being prepared to accompany the Neighbourhood Plan and dialogue has been ongoing with CWAC Planning Policy Team to ensure smooth passage of the revised modified plan once it has been submitted at the Regulation 15 stage.

2.13 The Parish Council, as the Qualifying Body, has taken a pragmatic approach in seeking to manage their own growth and identifying the sustainable limits of development and have worked hard alongside land interests to iterate proposals.

2.14 As such, the Pre-submission version of the Plan now amends the Plan period to 2045 and allows for up to 600 homes which is considered the sustainable limit of growth for the settlement, beyond which the cost of required upgraded infrastructure, including a new Primary School, would require a scale of growth incompatible with the character and location of the village. Whilst CWAC have been unable to provide indicative housing number prior to the Regulation 14, they have confirmed that a figure of between 500 and 600 homes would indeed be appropriate.

2.15 Turning to the individual policies, the original review of the made Plan identified, in the light of the lived experience, some issues in respect of application of the some policies. In particular, the Parish Council considered that Policy 2 (Local Character) required visual clarification to set out the local community's expectations. This has been achieved through the production of a Tattenhall Design Guidance and Codes document, based on the National Model Design Code, which has been introduced into the Plan.

2.16 The modified Plan policy wording has also been informed by the responses provided to the first

Regulation 14 consultation held in 2025, drawing out and strengthening individual elements of the vision for the Plan through minor amendments to existing policy wording. The existing policies have also been amended, where necessary, to ensure they are compatible with the new decision-making policies in the new NPPF, currently undergoing consultation. Whilst it is anticipated that the modified Plan will be submitted to CWAC during May 2026 and thus may be examined under the current NPPF, notwithstanding that, in order to have functional weight post adoption, they should be in conformity with the new NPPF. This will be set out in the Basic Conditions Statement, prepared for the submission stage.

2.17 Overall, the proposed changes to the Neighbourhood Plan allow the plan to better emphasise and clarify the golden thread of sustainability for Tattenhall as a parish which seeks to maintain its local heritage and its setting create better connections for wellbeing, active travel and biodiversity. It also ensures that the parish can positively respond to a national agenda which seeks to promote new development, whilst maintaining a well-balanced and resilient community which provides opportunities for jobs, affordable housing and healthy living, respects the high quality of the surrounding countryside and not going beyond its sustainable limits.

3. Modification - The 'Change the Nature of the Plan' Test

Modified Policies.

3.1 The Parish Council accepts that the proposed modifications change the nature of the Made Plan.

3.2 **Policy 1 – Housing Growth (Modified).** Policy 1 has been substantially updated to reflect changes in national and local planning policy since the Plan was made in 2014, and to align the Neighbourhood Plan with the current development plan framework. The previous policy approach has been replaced with a settlement-boundary-led approach supported by a clear spatial strategy.

This is a material modification, as it changes the decision-making framework for housing development and replaces the previous numerical housing approach with a settlement boundary and criteria-based policy. However, the modification does not change the overall nature of the Neighbourhood Plan, as it continues to support managed and proportionate growth while protecting village character, in line with the original Plan's objectives.

3.3 **Policy 2 – Local Character (Modified)** Policy 2 has been refined and strengthened to improve clarity, consistency with national policy, and effectiveness in decision-making. The core intent of protecting local character and distinctiveness remains unchanged.

The modifications:

- Move previous policy wording from the made Plan Policy, relating to a 30 home limit, introduced to ensure development followed the existing pattern of smaller pockets of growth, has been reframed design policy rather than a spatial one to ensure that within larger developments, smaller character areas are introduced as part of the design and layout.
- Update references to include the Tattenhall and District Design Code (2022 or subsequent versions).
- Clarify protection of important views identified in Appendix A.
- Strengthen tree protection measures, including clearer justification for removal and a requirement for replacement native planting at a ratio of 2:1.
- Introduce explicit protection for ancient, veteran and mature native trees, hedgerows, ponds and woodland.

This is a material modification, as it introduces new requirements and clearer environmental safeguards that affect how development proposals are assessed. However, it does not change the nature of the Plan, as it reinforces and updates the original design-led and landscape-protection principles already embedded in the made Plan.

3.4 Policy 3 – The Local Economy (Modified) Policy 3 has been updated to support economic development while ensuring compatibility with village character and residential amenity.

The modifications:

- Clarify that small-scale expansion relates to employment floorspace.
- Refine spatial references to development within the settlement boundary
- Introduce an explicit requirement for compliance with the Tattenhall and District Design Code.
- Introduce a sequential test for main town centre uses outside the defined local centre, to protect its vitality and viability, requested by CWaC at the previous Regulation 14 consultation.

This is a material modification, as it adds policy tests and strengthens design and town-centre protection requirements. The changes do not alter the nature of the Plan, as they remain consistent with the original objective of supporting a strong local economy while safeguarding local character and amenities.

3.5 Policy 4 – Local Facilities (Modified). Policy 4 has been subject to minor but important refinements to improve clarity and policy effectiveness.

The modifications:

- Strengthen requirements to consider cumulative impacts of development.
- Clarify support for appropriate development that enhances the vitality and viability of Tattenhall village centre,

This is a non-material modification, as it does not introduce new policy directions but clarifies and strengthens the application of existing principles. The changes do not alter the nature of the Plan.

3.6 Policy 5 – Transport and Communications (Modified). Policy 5 has been updated to reflect modern infrastructure requirements and to strengthen mitigation expectations.

The modifications:

- Recognise that congestion, not just highway dangers, is now a relevant consideration.
- Identify the need for walking and cycling connectivity improvements to make use of the existing public rights of way network and other corridors (disused railway and canal towpath)
- Strengthen wording to require full mitigation of traffic impacts
- Update broadband requirements to specify a minimum of 30 Mbps, reflecting current standards.

This is a material modification, as it updates infrastructure standards and strengthens development requirements. However, it does not change the nature of the Plan, as it remains focused on promoting sustainable transport, connectivity, and safe movement within the parish.

3.7 **Policy 6 – Landscape and Environment (Modified).** Policy 6 has been retained in full with one minor non-material modification to update the reference to village character with the source document now being the Tattenhall and District Design Code rather than the Village Design Statement. No additions and amendments to the designated Local Green Spaces (LGS) are proposed, which is reflective of the intention of LGS designations to endure beyond the Plan period.

3.8 **Policy 7 – Site Allocations (New).** Policy 7 is a new policy which allocates circa 43 hectares of land north and south of Frog Lane for a phased, residential-led mixed-use scheme of up to 600 dwellings, as shown on the Policies Map. This policy introduces a clear, plan-led spatial direction for housing growth, and sets site-specific requirements to ensure the scale of development is coordinated with infrastructure and environmental mitigation.

This is a significant and substantial modification because it introduces a site allocation framework that did not exist in the made Plan, identifies a specific location (and phasing) for strategic-scale growth, and adds extensive new development requirements that will materially influence decision-making. As such, Policy 7 contributes directly to the Parish Council's conclusion that the modifications change the nature of the made Plan.

3.9 **Policy 8 – Natural Flood Management (New)** Policy 8 is a new policy which safeguards land off Burwardsley Road (as shown on the Policies Map) for delivery/expansion of a natural flood risk management scheme, including measures such as new bunding and river re-meandering, subject to agreement with the Environment Agency.

This is a material modification because it introduces a new land safeguard and a new policy direction on flood management and environmental infrastructure, with direct implications for the future use of the safeguarded land and how related proposals are assessed.

In combination, the material alteration of Policy 1 and the introduction of Policy 7 and Policy 8 supports the Parish Council's position that the package of changes is significant enough to change the nature of the Plan.

Strategic Environmental Assessment and Habitat Regulations Assessment

3.10 The Parish Council carried out a combined Screening Opinion and Scoping Consultation in September /October 2025, knowing that the introduction of a site allocations policy would be considered to have the potential for significant environmental effects and would therefore be required to prepare a Strategic Environmental Assessment (SEA) in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 and European Directive 2001/42/EC. A draft SEA accompanies the pre-submission version of the Plan.

3.11 CWAC will undertake a request for screening opinion and make a determination for Habitats Regulations Assessment (HRA) / Marine Plan in relation to the modified Plan in accordance with the Conservation of Natural Habitats and Wild Flora and Conservation of Habitats and Species Regulations 2010 (as amended) and European Directive 92/43/EEC. Any subsequent assessment will be prepared by CWAC at the Regulation 15 stage.

4. Conclusion

4.1 The proposed modifications are necessary and timely. They will bring clarity and consistency to aid decision making. The modifications are in conformity with the spirit of the plan but are considered significant enough to change the nature of the plan for the reasons set out above.