

Cheshire West and Chester Council

Tarporley Neighbourhood Plan Decision Statement

1. Summary

- 1.1. Following an independent examination and hearing, Cheshire West and Chester Council now confirms that the Tarporley Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum.

2. Background

- 2.1. On 27th March 2014 Cheshire West and Chester Council designated Tarporley Neighbourhood Area for the purpose of preparing a Neighbourhood Plan in accordance with , in accordance with section 61G of the Town and Country Planning Act 1990.
- 2.2. Following the submission of the Tarporley Neighbourhood Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on 30th November 2015.
- 2.3. Cheshire West and Chester Council appointed an independent examiner, Nigel McGurk BSc(Hons) MCD MBA MRTPI, to examine whether the Plan meets the necessary basic conditions and legal requirements and should proceed to referendum.
- 2.4. The examiner's report concludes that subject to modifications recommended by the examiner, the plan meets the basic conditions set out in the legislation and the Tarporley Neighbourhood Plan should proceed to referendum.
- 2.5. The Council's Cabinet Member for Development and Infrastructure, Councillor Brian Clarke, accepts the Examiner's recommendations and has agreed that the Neighbourhood Plan will now proceed to referendum (21st March 2016).
- 2.6. Having considered each of the recommendations made by the examiner's report, and the reasons for them, the Council has decided to make the modifications to the draft plan set out in Appendix A, Table 1a to ensure that the draft plan meets the basic conditions set out in legislation. The Council has decided to make the modifications to the draft plan and set out in Appendix A, Table 1b below for the purpose of correcting errors or to provide clarity to the Plan.

3. Decision and Reasons

- 3.1. The Council has made the modifications, proposed by the examiner, to ensure that the draft plan meets the basic conditions, and for the purpose of correcting errors in

the text to enhance the clarity of the plan. These are set out in Tables 1a and 1b of Appendix A.

- 3.2. The Council has considered whether to extend the area in which the referendum is to take place. In April 2015 the Tarporley Parish Council boundary was subject to a minor change, to include around 25 properties. This does not affect the designated Neighbourhood Area but is located immediately adjacent to it. Taking this into account, the Examiner concluded that it would be sensible and logical to extend the Referendum area to include the whole of the area that falls within the Parish Council boundary. The Council agrees with this recommendation and the Plan will proceed to referendum based on the Tarporley Parish Council area.
- 3.3. The examiner has concluded that subject to the modifications proposed, the Plan meets the basic conditions and other relevant legal requirements and should proceed to referendum. The Council concurs with this view. Therefore to meet the requirements of the Localism Act 2011 a referendum which poses the question '**Do you want Cheshire West and Chester Council to use the Neighbourhood Plan for Tarporley to help it decide planning applications in the neighbourhood area?**' will be held in Tarporley.
- 3.4. The date on which the referendum will take place is agreed as Thursday 5th May 2016.

APPENDIX A

Schedule of Modifications – Tarporley Neighbourhood Plan

Table 1a: Examiner recommended modifications

Draft Policy Number or Paragraph	Examiners Proposed modification	Action Taken
Proposals map	Attach the Proposals Map to the Neighbourhood Plan – either to the inside cover, or within the document itself; and reference it in the Contents	Modification made as set out by the Examiners recommendation. New Appendix IV included with the Proposals Map.
Page 4	Page 4, delete first paragraph and change second paragraph to “ <i>The Neighbourhood Plan includes...</i> ”	Modification made as set out by the Examiners recommendation.
	Change last paragraph to “ <i>The Neighbourhood Plan will be used to inform decisions...</i> ”	Modification made as set out by the Examiners recommendation.
List of Policies	Delete List of Policies page	The list of policies has not been deleted from the Neighbourhood Plan as it is useful for users of the Plan.
Figure 1 Neighbourhood Plan process diagram	Diagram page 11, change red box to a blue box and delete the “we are here” reference	Modification made as set out by the Examiners recommendation.
Para. 1.2.1	Para 1.2.1, line 1, delete “...Submission Draft...”	Modification made as set out by the Examiners recommendation.
Para. 1.2.8	Para 1.2.8, line 1, delete “...Draft...”	Modification made as set out by the Examiners recommendation.
Para. 1.2.9	Para 1.2.9, line 1, delete “...Draft...”	Modification made as set out by the Examiners recommendation.
Para. 1.4.1	Para 1.4.1, line 1, delete “...Draft...” and line 10, delete “...draft...” (retain other Draft references earlier in the paragraph, which are appropriate)	Modification made as set out by the Examiners recommendation.
Para. 1.5.3	Para 1.5.3, change to “...how <i>these were considered and used to revise and update the Neighbourhood Plan.</i> ”	Modification made as set out by the Examiners recommendation.
Para. 1.6	Delete Para 1.6	Paragraph deleted.

Draft Policy Number or Paragraph	Examiners Proposed modification	Action Taken
Para. 3.3.1	Para 3.3.1, lines 1, 4 and 9, change “32” to “34”	Modification to lines 1 and 4 made as set out by the Examiners recommendation. Modification to line 9: no action. Final two sentences are deleted (see editorial amendments below).
Para. 3.3.1	Para 3.3.1, line 5, change to “...Area for the provision of at least 300 dwellings...”	Modification made as set out by the Examiners recommendation.
Para. 3.3.3	Delete text in paragraph 3.3.3 and replace with “ <i>The Neighbourhood Plan’s strategy is supportive of appropriate development that delivers significant infrastructure improvements, for example, development that could bring major health benefits, such as the replacement of GP surgeries and/or the hospital beyond the settlement boundary.</i> ”	Modification made as set out by the Examiners recommendation.
Para. 3.3.4	Delete paragraph 3.3.4.	Paragraph deleted.
Para. 3.3.5	Para 3.3.5 change first bullet point to “ <i>Policy TH2 provides for flexibility and enabling development.</i> ” Delete rest of first bullet point.	No action. Policy TH2 has been deleted by the examiner so it does not make sense to retain this reference. See editorial amendments below.
Para. 3.3.6	Delete para 3.3.6	Paragraph deleted.
Para. 3.3.7	Delete para 3.3.7	Paragraph deleted.
Para. 4.0.1	Para 4.0.1, delete third sentence	Modification made as set out by the Examiners recommendation.
Page 23 Para. 4.0.2	First line, change to “ <i>Neighbourhood Plans must have regard to national policies and advice and be in general conformity with the strategic policies of the development plan for the area. Consequently, Tarporley Neighbourhood Plan’s Policies have been prepared...</i> ”	Modification made as set out by the Examiners recommendation.

Draft Policy Number or Paragraph	Examiners Proposed modification	Action Taken
	Delete the “Local Planning Policies” box at the end of each section	Modification made as set out by the Examiners recommendation.
Policy TE1	Delete the text of Policy TE1 and replace with a new Policy TE1 <i>“The development of new businesses and the expansion of existing businesses in Tarporley will be supported, subject to development respecting local character and residential amenity, and the residual cumulative impacts on highway safety and the local transport network not being severe. The regeneration and small scale expansion of existing business sites, or the sympathetic conversion of existing buildings, for business and enterprise, will be supported.”</i>	Modification made as set out by the Examiners recommendation.
Policy TE2	Policy TE2, delete first sentence and change second sentence to <i>“The re-development or...”</i>	Modification made as set out by the Examiners recommendation.
Policy TE3	Policy TE3, end first paragraph <i>“...be supported.”</i> (delete rest of paragraph)	Modification made as set out by the Examiners recommendation.
Policy TE3	Change line three in the second paragraph to <i>“...resisted. At any one time, the majority of ground floor units in Tarporley’s defined shopping area should be within Class A1 retail, or community facility/service use.”</i> (delete rest of paragraph)	Modification made as set out by the Examiners recommendation.
Policy TE3	Change last sentence to <i>“...located within the defined shopping area and proposals should...”</i>	Modification made as set out by the Examiners recommendation.
Policy TE4	Policy TE3, delete final sentence	This should read policy TE4; modification made to policy TE4 as set out by the Examiners recommendation.

Draft Policy Number or Paragraph	Examiners Proposed modification	Action Taken
Policy TE5	Policy TE5, delete text and replace with <i>“The expansion of existing, and development of new, tourism and related facilities will be supported where it is proportionate to its location in scale and type.”</i>	Modification made as set out by the Examiners recommendation.
Policy TEH1	Policy TEH1, change opening paragraph to <i>“The design and layout of new developments should respect local character and demonstrate, where appropriate, consideration of the Village Design Statement.”</i>	Modification made as set out by the Examiners recommendation.
Policy TEH1	Change second paragraph to <i>“Development adjoining open countryside should provide a sympathetic transition and where appropriate, landscaping should integrate with wildlife corridors. The provision of features beneficial to wildlife within developments will be supported.”</i>	Modification made as set out by the Examiners recommendation.
Policy TEH1	Delete third and fourth paragraphs and change fifth paragraph to <i>“New development should take the following into account, where appropriate:”</i>	Modification made as set out by the Examiners recommendation.
Policy TEH1	Delete Sub-heading A and Criterion 1	Modification made as set out by the Examiners recommendation.
Policy TEH1	Change Criterion 3 to <i>“Existing mature trees should be retained and protected...be planted.”</i>	Modification made as set out by the Examiners recommendation.
Policy TEH1	Delete Criterion 4 and change Criterion 5 to <i>“Development proposals should respect the “green roadways/corridors” or...village. These are shown...”</i>	Modification made as set out by the Examiners recommendation.
Policy TEH1	Delete last sentence of Criterion 9	Modification made as set out by the Examiners recommendation.

Draft Policy Number or Paragraph	Examiners Proposed modification	Action Taken
Policy TEH1	Delete Criteria 10 and 11	Modification made as set out by the Examiners recommendation.
Policy TEH1	Create new <i>Policy TEH2 – Views</i> . Delete Sub heading B (page 45)	New policy TEH2 Views created as the Examiners recommendation.
Policy TEH1	New Policy TEH2, delete Criteria 13 and replace with <i>“Development must respect important views into and out of the village. These views are identified on Map 5 “Key Viewpoints” below and listed in the Appendices.”</i>	Modification made as set out by the Examiners recommendation.
Policy TEH1	Replace Criteria 14 with new <i>Policy TEH3 – Local Green Space</i> and delete <i>“C Green Spaces”</i>	New policy TEH3 local green spaces created as the Examiners recommendation.
Policy TEH1	Policy TEH3, delete Criterion 14 and replace with <i>“Local Green Space is designated at the nine sites shown on Map 6 and supporting plans. These are listed in the Appendices. Development of Local Green Space is not permitted, other than in very special circumstances.”</i>	Modification made as set out by the Examiners recommendation.
Policy TEH1	Create a new set of plans clearly showing the precise boundaries of each Local Green Space on an OS Base	Modification made as set out by the Examiners recommendation. New set of Plans for protected local green spaces included within Appendix I.
Policy TEH1	Delete Criterion 15 and delete Map 7	Modification made as set out by the Examiners recommendation.
Policy TEH1	Delete Criterion 16	Modification made as set out by the Examiners recommendation.

Draft Policy Number or Paragraph	Examiners Proposed modification	Action Taken
Policy TEH1	NB. the above recommendations will require the subsequent Policy Numbering to be changed. For clarity, the Policy numbering below follows that in the Submission version of the Neighbourhood Plan	The policy and map numbering in the Neighbourhood Plan has been amended to take account of the Examiners recommendations.
Policy TEH2	Delete Policy TEH2 and paragraphs 4.214 and 4.215	Modification made as set out by the Examiners recommendation.
Policy TEH3	Policy TEH3, delete "General Principles" and Criteria A, B, C and D	Modification made as set out by the Examiners recommendation.
Policy TEH3	Change opening sentence to " <i>New residential development will be required to demonstrate consideration of the following design principles and the detailed guidance contained within the Village Design Statement:</i> "	Modification made as set out by the Examiners recommendation.
Policy TEH3	Criterion E, delete "and to provide a mix of tenures."	Modification made as set out by the Examiners recommendation.
Policy TEH3	Criterion G, delete second sentence	Modification made as set out by the Examiners recommendation.
Policy TEH3	Criterion H, delete first sentence	Modification made as set out by the Examiners recommendation.
Policy TEH3	Criterion I, delete "...and be of sufficient...planted."	Modification made as set out by the Examiners recommendation.
Policy TEH3	Delete criteria K and L (and above sub-title)	Modification made as set out by the Examiners recommendation.
Policy TEH4	Policy TEH4, second line, change to "...significance. <i>Development</i> should seek..."	Modification made as set out by the Examiners recommendation.
Policy TH1	Delete Policy TH1 and paragraphs 4.3.9 - 4.3.16 inclusive	Policy and paragraphs deleted in line with the Examiners recommendation.

Draft Policy Number or Paragraph	Examiners Proposed modification	Action Taken
Maps	Delete settlement boundary from Maps (NB. For clarity, this does not mean that development can take place anywhere in the Neighbourhood Area – the existing development plan policies are unaffected)	Settlement Boundary deleted from the Draft Neighbourhood Plan (existing development plan policies unaffected).
Policy TH1/1	Policy TH1/1, delete second sentence and bullet points. Replace with <i>“The development of housing will be supported, subject to there being no loss in the number of spaces provided by the existing car park and safe access to local facilities being maintained.”</i>	Modification made as set out by the Examiners recommendation.
Map 1	Map 1, ensure that the allocated site incorporates the whole of the car park, up to its eastern boundary with the allotments.	Modification made as set out by the Examiners recommendation.
Policy TH2	Delete Policy TH2 and paragraphs 4.3.33 – 4.3.35 inclusive	Policy and paragraphs deleted in line with the Examiners recommendation.
Policy TH3	Delete Policy TH3 and paragraphs 4.3.36 to 4.3.38 inclusive	Policy and paragraphs deleted in line with the Examiners recommendation.
Policy TH4	Policy TH4, delete first paragraph	Paragraph deleted in line with the examiners recommendation.
Policy TH4	End Policy at the end of the third paragraph (delete remaining text <i>“In relation...planning permission.”</i>)	Modification made as set out by the Examiners recommendation.
Table 1	Table 1, opening sentence, add <i>“During the first 16 week period the Affordable...who, in the first instance:”</i>	Modification made as set out by the Examiners recommendation.
Policy TH5	Policy TH5, delete second sentence and change first sentence to <i>“New housing, including nursing homes and older persons accommodation, which is designed..schemes.”</i>	Modification made as set out by the Examiners recommendation.

Draft Policy Number or Paragraph	Examiners Proposed modification	Action Taken
Policy TIFC1	Policy TIFC1, delete first paragraph and three bullet points and replace with <i>“The provision of new community facilities and services will be supported, subject to respecting residential amenity and local character.”</i>	Modification made as set out by the Examiners recommendation.
Policy TIFC1	Change second paragraph to <i>“The change of use of existing facilities to other uses or redevelopment will only be supported where it can be demonstrated that:”</i>	Modification made as set out by the Examiners recommendation.
Policy TIFC1	Change Criterion 2, to <i>“The proposal is accessible...”</i>	To make it clearer that this criterion relates to proposed alternative provision, reword criterion 2 to begin ‘It is accessible...’
Policy TIFC1	Delete and replace Criterion 3 with <i>“For private commercial facilities, it can be demonstrated, further to twelve months pro-active marketing, that the use is no longer viable.”</i>	Modification made as set out by the Examiners recommendation.
Policy TIFC2	Policy TIFC2, delete and replace text with <i>“The provision of new multi-purpose sport and recreation facilities with access for all members of the community will be supported subject to it respecting local character and residential amenity.”</i>	Modification made as set out by the Examiners recommendation.
Policy TIFC3	Policy TIFC3, delete <i>“...to suitable locations outside the settlement boundary...”</i>	Modification made as set out by the Examiners recommendation.
Policy TIFC3	Delete Criterion A and Criterion F	Modification made as set out by the Examiners recommendation.
Policy TIFC3	Change ending of Criterion B to <i>“...facilities and services; and”</i> (delete <i>“...and accessibility;”</i>)	Modification made as set out by the Examiners recommendation.

Draft Policy Number or Paragraph	Examiners Proposed modification	Action Taken
Policy TIFC4	Policy TIFC4, delete third sentence "For residential...Tarporley."	Modification made as set out by the Examiners recommendation.
Policy TIFC4	Delete second paragraph and delete Criterion E	Modification made as set out by the Examiners recommendation.
Policy TIFC4	Change sentence above Criteria A-C to <i>"The provision of the following, as part of new development, will be supported:"</i>	Modification made as set out by the Examiners recommendation.
Policy TIFC4	Change Criterion A to <i>"Safe...materials, designed to provide...cars. Pathways should be...wheelchairs</i> and change Criterion B to <i>"Cycle racks along the High Street."</i>	Modification made as set out by the Examiners recommendation.
Policy TIFC4	Criterion C, change end to <i>"...fields with new paths."</i>	Modification made as set out by the Examiners recommendation.
Policy TIFC4	Change Criterion D to <i>"The creation of new footpaths that link to existing footpaths, roadways and/or the village centre."</i>	Modification made as set out by the Examiners recommendation.
Policy TIFC5	Policy TIFC5, delete all text. Replace with <i>"The development of advanced high quality communications infrastructure, including high speed broadband, will be supported, subject to: i) development being kept to a minimum consistent with the efficient operation of the network; ii) any development being sympathetic to its surroundings and camouflaged where appropriate."</i>	Modification made as set out by the Examiners recommendation.

Table 1b: Additional Editorial amendments to the Tarporley Neighbourhood Plan

The table below lists minor editorial amendments that are required to provide factual updates, reflect modifications made elsewhere in the plan and to correct errors.

Draft policy number, paragraph or page	Amendment	Reason
Front cover, inside cover and contents page.	Title and date on the front cover updated. Contents page updated.	To ensure the text reflects the Examiners modifications elsewhere in the Plan.
Para 2.3.2	Delete “set out the proposed scale and phasing of new development to”. Insert “New housing development should include <i>affordable housing with house types and sizes...</i> ”	To ensure the text reflects the Examiners modifications elsewhere in the Plan.
Para. 3.3.1	Include footnote adjacent to “at least 34 units” to clarify the source of this information as the Council’s Annual Monitoring Report 2015. Delete the last two sentences of 3.3.1 with reference to the settlement boundary.	To ensure the text reflects the Examiners modifications elsewhere in the Plan.
Para. 3.3.2	Deleted text “The settlement boundary has been drawn in response to” and replace “ <i>There are local concerns...</i> ”	To ensure the text reflects the Examiners modifications elsewhere in the Plan.
Para. 3.3.5	Amend first bullet to refer to policy TH1 “Policy TH1 protects the number of car parking spaces and safe access to facilities while supporting some new housing development”	To provide clarification.
Para. 4.1.8	Delete final sentence: “More detailed information about the responses to the Questionnaire Survey can be found in Appendix I”	To ensure the text reflects the modifications elsewhere in the Plan.
Para 4.1.24	Delete “and this has been added to the policy”.	For clarification, to ensure the text reflects the modifications elsewhere in the Plan.

Draft policy number, paragraph or page	Amendment	Reason
Para. 4.2.11	Amend Table (ii) to read Table (iii)	To ensure the text reflects the Examiners modifications elsewhere in the Plan.
Para. 4.3.2	<p>To replace text “number 263 dwellings” with “number 266 dwellings” in line with the Annual Monitoring Report (2015).</p> <p>Delete reference to page 54 below and Appendix III.</p> <p>Delete “A further 5 dwellings with extant planning permission, granted prior to the plan period, have been built out and completed since the commencement of the Period.”</p>	<p>To ensure the text reflects the Examiners modifications elsewhere in the Plan.</p> <p>To ensure the figures within the report relate to the Plan period 2010-2030.</p>
Para. 4.3.3	<p>“Cheshire West and Chester Council has recently produced an up to date Housing Land Monitor (HLM, April 2015) <i>and Annual Monitoring Report (2015)</i> showing the breakdown of completions and commitments by spatial area will be detailed in the Annual Monitoring Reports. Table B.2 in the AMR 2015 sets out the Housing completions and commitments in the key service centres, identifying the following for Tarporley for the period 2010-2030: completions (94 units), outstanding commitments (172 units), remaining requirement (34 units). The HLM 2015 indicates that the 2014/2015 completions for Tarporley are 52 (net) dwellings (the individual sites are listed in Appendix One of the HLM). A schedule of sites accompanies the HLM which shows the planning permissions, and number of units that are outstanding by spatial area. Tarporley has 172 net dwellings that have an extant planning permission”</p>	To ensure the text reflects the Examiners modifications elsewhere in the Plan and provide clarity with the Council’s monitoring information.

Draft policy number, paragraph or page	Amendment	Reason
Para. 4.3.4	Amend to include “ <i>These are included within the outstanding commitments above</i> ”.	To provide clarity and ensure the text reflects the Examiners modifications elsewhere in the Plan.
Para. 4.3.6	Delete: “Following this consultation process, and further discussions with Cheshire West and Chester Council, the Parish Council also made the decision that the Neighbourhood Plan should determine the settlement boundary to provide greater certainty for residents and developers.	To provide clarity and ensure the text reflects the Examiners modifications elsewhere in the Plan regarding the settlement boundary.
Para. 4.3.21	Amend Table (i) to Table (ii)	To ensure the text reflects the Examiners modifications elsewhere in the Plan.
Para. 4.3.29	Delete final sentence in view of examiners modification; “The comments were carefully considered and used to inform amendments to policy TH4 including inserting an extra paragraph requiring that the ratio of rented to shared ownership should be determined by considering rented need as demonstrated by the housing register and amending the final paragraph.	To ensure the text reflects the Examiners modifications elsewhere in the Plan.
Para. 4.3.22	Amend to state “at least 34 new homes”	To ensure the text reflects the Examiners modifications elsewhere in the Plan.
Policy TH1/1	Amend policy numbering to new TH1.	To ensure the text reflects the Examiners modifications elsewhere in the Plan.
Policy TIFC3	Amend to delete; “affordable or market” for clarification.	For clarification to be consistent with Local Plan (Part One) policy SOC1 and SOC3.
Appendix I	Delete Appendix I, table (iii) on Sports and Leisure Land.	To ensure the Appendices reflect the Examiners modifications elsewhere in the Plan.

Draft policy number, paragraph or page	Amendment	Reason
Appendix I	<p>The order of the tables in the Appendix is amended to;</p> <ul style="list-style-type: none"> (i) Green Roadways and Corridors (ii) Key Viewpoints (iii) Protected Local Green spaces <p>Maps are included after each table to identify the sites listed. Individual site maps are included for the protected local green spaces.</p>	<p>To ensure the sequence of tables reflects the amendments made to the NDP based on the Examiners modifications.</p> <p>The maps are inserted to reflect the examiners modification, to show the precise boundaries of the local green space on an OS base.</p>
Appendix I	<p>Table (i) Green roadways and corridors – factual amendments made to the numbering of sites 12-16. Former site ‘wooded area at the bottom of Nantwich road where it joins the A49/A51’ is excluded.</p>	<p>To ensure consistency with the text and mapping and ensure all sites fall within the designated Neighbourhood Area boundary.</p>
Appendix III Planning applications resulting in additional dwellings – Tarporley Parish	Appendix deleted.	<p>To ensure the Appendices reflect the Examiners modifications elsewhere in the Plan.</p>
Appendix IV Policy TH3 Supporting Evidence	Appendix deleted.	<p>To ensure the text reflects the Examiners modifications elsewhere in the Plan.</p>
New Appendix III Bibliography	Cheshire West and Chester Annual Monitoring Report (2015) included in the list of documents.	<p>To ensure the text reflects the Examiners modifications elsewhere in the Plan.</p>