

EXAMINER'S REPORT

APPLETON PARISH THORN WARD NEIGHBOURHOOD PLAN

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INTRODUCTION

1. This is an independent examination of a Neighbourhood Plan prepared by the Parish Council in consultation with the local community. The Localism Act 2011 provided local communities with the opportunity to have a stronger say in their future by preparing neighbourhood plans, which contain policies relating to the development and use of land.

2.If the plan is approved(or “made” as the legislation states) following a local referendum it will form part of the statutory development plan. It will be an important consideration in the consideration of planning applications as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.

3.The Plan covers the Thorn Ward in the parish of Appleton in Warrington Borough Council’s area.

4.I have been appointed by the Borough Council, in consultation with the Parish Council, to carry out this independent examination.

5.I confirm that I am independent of the Parish Council and the local planning authority and have no interest in any land, which is affected by the Neighbourhood Development Plan. I am a Chartered Town Planner with over 30 years experience working at a senior level in local government and as a private consultant. I am a member of the Royal Town Planning Institute.

6.This report is the outcome of my examination of the submitted version of the Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the District Council puts the plan forward to a referendum and it then receives the support of over 50% of those voting, then the Plan will be “made” by the Council as the Local Planning Authority.

BACKGROUND DOCUMENTS

7.I have considered the following documents as part of this examination;

The Neighbourhood Plan submitted to the Borough Council under regulation 15 of the Neighbourhood Planning (General) Regulations 2012,
Basic Conditions Statement produced by Kirkwells Planning Consultants
Consultation Statement May 2016,
Strategic Environmental Assessment (SEA) & Habitats Regulations Assessment (HRA) Updated February 2016,
Appleton Parish Thorn Ward Neighbourhood Development Plan reg.16 Consultation Responses,

The following documents prepared by Warrington Borough Council :
Local Plan Core Strategy,
Strategic Housing Land Availability Assessment 2015
The Mid-Mersey Strategic Housing Market Assessment 2016
Warrington A Landscape Character Assessment 2007
Supplementary Planning Document Design and Construction, October 2010

National Planning Policy Framework (NPPF); National Planning Policy Guidance (NPPG)

THE EXAMINATION

8.The nature of the independent examination is set out in Section 8 of Schedule 4B to the Town and Country Planning Act 1990. (as amended)

9.The examiner has to make a recommendation as to whether the Plan should be submitted to a referendum, with or without modifications, and whether the area for the referendum should extend beyond the plan area.

10.As a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to allow adequate consideration of an issue or to allow a person a fair chance to put a case. I am satisfied from the information that has been made available to me that the examination can be carried out without a hearing.

11. I visited the Plan area on the 4th October 2016 and observed all the areas within it from various public vantage points.

PROCEDURAL MATTERS

12.It is necessary to determine that the plan complies with the following procedural matters¹;

- The Plan has been prepared and submitted by a qualifying body
- The Plan has been prepared for an area that has been properly designated
- The Plan specifies the period to which it has effect, does not include provisions about excluded development and does not relate to more than one neighbourhood area
- The policies relate to the development and use of land for a designated neighbourhood area.

¹ Paragraph 8(1) of Schedule 4 B of the Town and Country Planning Act 1990 (as amended)

12. The Parish Council is authorized as the qualifying body² to act for the purposes of a neighbourhood development plan if the area of the plan includes the whole or any part of the area of the Council.

13. The Parish Council applied to the Borough Council for the formal designation of the plan area as a Neighbourhood Area. Following advertisement and public consultation I am informed the Council approved the neighbourhood area application on the 26th May 2015.

14. The Plan clearly states that it relates to the period 2015-2027.

15. The Plan does not include any provision about development that is “excluded development”³, such as minerals, waste disposal and major infrastructure projects.

16. I am satisfied that the plan does not relate to more than one neighbourhood area.

PUBLIC CONSULTATION

17. The submitted consultation statement identifies the public consultation process and notes that a range of relevant organisations and local people were consulted during the Plan process. It is clear the Steering Group have been thorough in consulting and documenting the process at appropriate stages of the emerging Plan.

18. The consultation process as described in the submitted Consultation Statement has been inventive and wide to encompass a range of individuals, businesses and organizations. It has involved surveys, workshops and a “drop-in” event at relevant points during the preparation of the Plan. Neighbouring Parish Councils have been consulted and the targeting of young people for a specific consultation event is noteworthy.

19. The Parish Council completed the requirement under the terms of Regulation 14 of the Neighbourhood Planning Regulations 2012 to consult the residents of the Plan area, people who work in the area and consultation bodies, for a 6-week period (27th February- 4th April 2016) on the draft plan, prior to its submission to the Borough Council.

20. The Consultation Statement provides a comprehensive breakdown of the nature and extent of consultation responses and how these have been taken into account. The main elements of the consultation responses are appropriately incorporated into the policy justifications.

21. I am satisfied that the consultation exercise has been sufficient and has properly been integrated into the policies, which have emerged.

² as determined by Section 61G(2) of the Town and Country Planning Act 1990

³ as defined in Section 61K, of the Town and Country Planning Act 1990

BASIC CONDITIONS

22. It is necessary to decide whether the Neighbourhood Development Plan meets the “basic conditions” specified in the Act.⁴ This element of the examination relates to the contents of the Plan.

23. The Plan meets the basic conditions if :

- a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the plan,
- b) the making of the plan contributes to sustainable development,
- c) the making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- d) the making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,

24. The analysis of conformity with the basic conditions is carried out below. Note this is not in the order specified above.

SUSTAINABLE DEVELOPMENT

25. The Plan demonstrates a commitment to achieving sustainable development in environmental, social and economic terms as described in the National Planning Policy Framework (NPPF). It seeks to maintain the environmental attributes of this sensitive area, by identifying and protecting important green spaces, encouraging locally distinctive architecture and safeguarding the area’s landscape attributes. Also it provides appropriate policies to manage surface water to combat climate change. In social terms it seeks to provide an appropriate mix of open market and affordable housing and promotes retention of viable community facilities. The Plan promotes accessibility to local employment opportunities and homeworking..

26. The Basic Conditions Statement explains the manner in which the Plan promotes sustainable development. I consider the Plan contributes to sustainable development.

EU OBLIGATIONS, HUMAN RIGHTS REQUIREMENTS

27. A neighbourhood plan must be compatible with the European Union Directives as incorporated into UK law, in order to be legally compliant. Key directives and UK legislation are the Strategic Environmental Assessment (SEA) Directive 2001/42/EC, Environmental Assessment of Plans and Programmes Regulations 2004 and the

⁴ Contained in Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

Habitats and Wild Birds Directives 92/43/EEC and Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

28. A neighbourhood plan should also take account of the requirements to consider human rights.

29. On behalf of the Parish Council, Kirkwells planning consultants made screening reports in relation to the need for Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment. These are contained in the submitted document titled "Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment, Screening Report – Version 2 , Updated February 2016

30. The report considers whether the Plan proposals have significant environmental effects in relation to the criteria set out in Schedule 1 of the EU SEA Directive and the Environmental Assessment of Plans and Programme Regulations 2004.

31. It is concluded that an SEA is not required as the plan supports the Warrington BC Local Plan Core Strategy which was subject to a Sustainability Appraisal, including an SEA in 2012 which states that it has no significant environmental effects. The SEA carried out in relation to the Core Strategy considered the option for development of the main strategic development site in the Plan area at Appleton Cross and also took account of the Appleton settlement boundaries within which is the proposed housing site at Stretton Road/Pepper Street. The Plan carries these higher order policies forward. The plan proposals are non –strategic, limited to the local level and seek to minimise negative environmental effects.

32. The required consultations with the Environment Agency, Natural England and Historic England reveal they support the conclusions in the submitted screening report.

33. I am satisfied that an SEA is not required.

34. The Plan area does not contain any designated "Natura 2000" habitat sites where impacts may trigger the need for an appropriate assessment under the EU Habitats Regulations. There are however such sites within the region with the potential to be affected. Natural England have confirmed in a letter of the 1st February 2016 that there is no need for further work including an "appropriate assessment" as long as the Plan does not alter the strategic policy framework assessed in the "Warrington Local Plan Habitats Regulation Assessment, Screening Report and Strategic Environmental Assessment". On the basis of the above and that the Neighbourhood Plan has only local implications, I am satisfied that an "appropriate assessment" is not required.

35. I am satisfied that there are no human rights issues, which need addressing.

GENERAL COMMENTS and RECOMMENDATIONS ON THE PLAN IN RELATION TO BASIC CONDITIONS

36.I will set out the recommendations separately in bold type headings.

37.In order to comply with the NPPF requirements development plan policies should be clear to allow the public to easily interpret them and avoid any unnecessary confusion. The Plan is on the whole successful in achieving this but I wish to make some recommendations relating to grammar and issues, which need correction or clarification. These relate to in the first 5 sections of the Plan, which basically set the context for the Plan policies. They are ordered in the manner in which they appear in the text.

RECOMMENDATION 1

Page 6 First paragraph delete “recently”, as it is no longer recent.

Page 8 After Map 1 insert “on page 41”, to aid use of the plan.

Page15 At the end of the first paragraph insert. “The Landscape Character Assessment states”. This clarifies the origin of the quote.

Page 18 In the penultimate paragraph delete the second reference to “size’, insert “population”. This clarifies that this relates to population size.

Page 19 in the section referring to the “Drop-in-Event(October 2015) there is reference to the map of options in Appendix D. The map needs a key explaining the green and buff coloured notations for the sites, which are highlighted.

CONFORMITY WITH NATIONAL AND LOCAL STRATEGIC POLICIES

38.The submitted Basic Conditions Statement analyzes the manner in which the Plan relates to national and local planning policy. It relates Plan policies to specific aspects of the National Planning Policy Framework (NPPF). The Statement further compares the relevant policies in the Local Plan Core Strategy 2014 to individual plan policies.

39.I have analyzed the Plan in relation to these strategic policies and guidance issued by the Secretary of State. I have concluded it is in general conformity with them provided certain modifications are made, which I have recommended for inclusion below.

SPECIFIC RECOMMENDATIONS REGARDING THE DRAFT POLICIES AND BASIC CONDITIONS

HOUSING

40. Warrington Borough Council have noted that is not currently able to identify sufficient land to meet its likely housing need in accordance with the requirements of the National Planning Policy Framework (NPPF). This means that the Council will need to undertake a more fundamental review of the Core Strategy Local Plan than previously envisaged in its Local Development Scheme which sets out the programme of work required to formulate its planning policies. This further work requiring a search for further housing sites is important and could have future implications for the neighbourhood plan. I agree with the Council that this needs to be reflected in the Plan and I recommend alterations to include this.

41. The Borough Council has correctly commented in the final consultation on the neighbourhood plan that following a legal challenge and judgment by the appeal court on 13th May 2016, the government's has amended national planning policy guidance (NPPG) whereby the Borough Council cannot secure affordable housing provision on sites of 10 or less proposed dwellings and the cumulative floor space is less than 1000 sq. metres.

42. In addition, I agree with the Council, there is a need to identify that the Housing and Planning Act 2016 places a duty on the promoting the supply of starter homes as a part of affordable housing provision.

RECOMMENDATION 3

Add the following to paragraph 6.1.3:

“Warrington Borough Council has updated and published its “Strategic Housing Land Availability Assessment” (SHLAA), 2015 to identify the land available for housing over the next 15 years and undertaken with neighbouring planning authorities the “Mid Mersey Strategic Housing Market Assessment” (SHMA), 2016, to establish the ‘Objectively Assessed Need’ for housing in Warrington.”

Delete existing paragraph 6.1.4 and add the following:

“Through undertaking this work, the Council is not currently able to identify sufficient land to meet its likely housing need in accordance with the requirements of the National Planning Policy Framework (NPPF). This means that the Council will need to undertake a more fundamental review of the Plan than currently envisaged in the LDS with further work required to enable the Council to assess the options for and

Implications of meeting its housing need in full”

Delete existing paragraph 6.1.10 and add a new paragraphs instead as follows:

“Since the Local Plan was adopted, updates to national policy in the NPPG mean the Council is no longer able to secure affordable housing on sites of 10 or fewer homes or when the proposed cumulative floor space is less than 1000sq. metres. The Housing and Planning Act 2016 has also been published following the adoption of the Local Plan. The Act places a duty on the Council to promote the supply of Starter Homes in carrying out its relevant planning functions. Forthcoming regulations will require provision of a proportion of Starter Homes on all sites above a certain threshold. Consequently the Council has prepared a Draft Planning Obligations SPD that is currently subject to public consultation and elaborates on how Policy SN2 will be applied in practice, taking into account this new legislation and guidance.

The threshold will now be 11 residential units with qualifying sites required to provide a minimum of 20% affordable housing on-site. In accordance with Policy SN2 this target increases to 30% on sites of 15 or more dwellings where they are greenfield sites or located outside of inner Warrington. Planning obligations relating to affordable housing will be sought for residential developments of 11 or more units.

50% of the affordable housing should be for rented and 50% intermediate provision. Starter Homes will be considered as intermediate provision.

The level, tenure and mix of affordable housing will be considered on a site by site basis subject to viability, other policy and planning obligation requirements, any vacant building credit and forthcoming regulations under the Housing and Planning Act 2016.

In accordance with Local Plan Core Strategy Policy SN2, affordable housing should normally be provided on-site. Only where exceptional circumstances exist and where the Council is satisfied that it would deliver a better outcome, will off-site provision be accepted.

Where exceptionally, housing cannot be provided on or off-site, a commuted sum will be required in lieu of provision to secure delivery of affordable housing on sites elsewhere in the borough.”

POLICY AT-H1 Scale and type of new housing within Appleton Thorn.

43.The policy is properly justified on the basis of the quoted national and local policies but there are aspects, which need clarification .

44.The reference in the policy to “in order to retain the rural character” is misleading. It is not necessary to include a justification for a policy in the policy wording itself.

45.There is adequate justification achieved in the preceding text. Furthermore, it is not strictly correct as some of the criteria in the policy do not relate to rural character but issues such as housing mix, parking and neighbour amenity.

46.In criterion (a), the term “loss of a green space” does not clearly take account of a situation where there may be a partial loss of this space or development which compromises its character. It would be more precise to refer generally to development, which may compromise the quality and value of the green space.

47.Map 6 does not adequately identify the green space. The scale of the map does not show the site in the detail necessary to easily identify where it is located and it is not clear what the significance is of the red line. The map would also benefit from a key.

48.In criterion (b) “detrimental to the open rural character” is rather vague and not readily applicable to the built –up area within the settlement boundary. It is also unnecessary given that there are other criteria relating to density, design and scale and function, which adequately cover character issues.

49.Criterion (e) refers to residential amenity and then qualifies this with a reference in brackets to “noise generating” activities. This gives the impression that residential amenity is simply about the impact of noise. The wording needs to be expanded to include a wider reference to residential amenity including space separation.

RECOMMENDATION 3

Delete “In order to retain the rural character of the designated area”.

Alter criterion (a) as follows:

“Does not involve the loss or reduce the character or value of a local green space, designated within this Neighbourhood Plan as indicated on Map 6.”

Alter Map 6 to a different scale to show the site in a wider context. Produce a key to identify the notations on the plan.

Delete criterion (b)

Alter criterion(e) as follows:

“Provides appropriate residential amenity for future occupiers. In particular, development should have adequate space about the dwelling, private amenity areas and not suffer from noise pollution.”

POLICY AT-H2 Design Principles – Land at Appleton Cross

50. The supporting text highlights that the site has been identified in the SHLAA but more elaboration is required of the policy context to justify the inclusion of the land as a development site. However, the reference in paragraph 6.1.18 could be interpreted as giving disproportionate weight to the views of the developer and should be altered.

51. Most of the policy criteria are unambiguous and are clear and justified in producing an acceptable development. There are however some aspects which need correction.

52. Criterion (g) is not necessary or appropriate as the requirements governing the nature of details to be submitted with planning applications are governed by national and local validation criteria. These are matters of planning process rather than policy.

53. In the regulation 14 consultation, Arup have expressed concerns that limiting development on the site to no more than 2 storeys is unduly restrictive and prohibits a reasonable response to market demand in the area. I agree with the Parish Council that there is a clear predominance of 2 storey dwellings in the plan area and the adjoining suburbs of Warrington and it is important the scale of the new dwellings is appropriate to the area. In order to conform to the NPPF and Core Strategy development in this situation on the edge of the Green Belt should carefully respect the scale of surrounding development but also be viable and allow for a range of dwelling types. I, therefore, consider to meet basic conditions the site should be predominantly 2 storey but there is scope for some 2.5 storey dwellings allowing rooms in the roof but retaining a relatively low profile in keeping with the area. There is a need for an explanation and justification for this requirement and criterion (k) should be amended in these respects.

54. Criterion (l) relating to housing mix would benefit from a more explicit requirement to meet identified housing needs as identified in the 2011 Census data (Appendix C) and the Mid Mersey Strategic Housing Market Assessment 2016. The policy AT H-3, relating to housing development at Stretton Road/Pepper Street identifies a need for small family housing. The evidence quoted above, clearly identifies that the plan area has significantly less one and two-bedroomed accommodation than local and national averages. In order to respond to this evidence and ensure consistency between these two housing sites it is necessary to require that provision of one and two bedroomed housing is a priority. This can be effectively achieved by making more explicit reference to the evidence in the supporting text and altering the criterion (l).

55. The Community Health Partnerships and the Acting Director of Public Health have identified that the increase in population represented by the Plan proposals will

generate a need for new health care facilities. The Borough Council has also identified Appleton Cross site is the potential site for a local centre which could include a health centre. The need to reserve a site for a health centre should be recognised in the policy criteria.

RECOMMENDATION 4

Add a new second sentence to paragraph 6.1.17

“The land is not within the Green Belt and offers scope for a natural extension of the built form of the surrounding suburban development. It offers good scope for connection to the local highway network. Development of the site for housing will help meet the housing targets the Borough Council is endeavoring to meet.”

Add the following new paragraphs after 6.1.17

“A particular issue concerns the scale and size of the proposed dwellings. The site abuts the Green Belt and the suburban area of Warrington. The predominant scale of dwelling is two-storeys. In accordance with the core principles and paragraph 88 of the NPPF, it is important that the green belt is protected from harm and as the dwellings will be readily visible in the green belt landscape, they need to respect the rural character. It is also necessary to bear in mind the proximity of the site to the urban area and that a range of dwelling types can be provided to meet the identified demand for housing. There is therefore a need to restrict the scale and height of dwellings to a reasonable degree in order that it respects the prevailing character in the area, particularly the green belt from where it is most visible.

The 2011 Census data, shown in Appendix C illustrates that the plan area has significantly less 1 and 2 bedroomed accommodation than the local and national average and a higher proportion of 4 and 5 bedroomed dwellings. The lack of smaller and affordable housing is identified as a response in the public consultation and also in the Mid Mersey Strategic Housing Market Assessment (SHMA) 2016. The policy needs to seek to provide for housing needs identified in appropriate assessments and needs surveys, for open market and affordable units.”

Alter paragraph 6.1.18 as follows:

Delete “to ensure that this policy is in accordance with their proposals for the site”, insert in place of these words “to seek to develop a shared view for the development of the site.”

Delete criterion (g).

In criterion (k) alter the wording as follows:

“Dwellings will be no more than 2.5 storeys (i.e. dwellings of two storeys with rooms in the roof served by dormers or roof lights) in keeping with the surrounding

developments.”

Alter criterion (l) as follows:

“A mix of housing tenures, types and sizes shall be provided. The housing mix shall be based on the needs identified in the latest relevant data on housing needs. In particular, one and two bedroomed dwellings shall be provided to address identified needs.”

In criterion (n) after low cost market homes, add “including starter homes”.

Add an extra criterion:

(q) A site shall be reserved within the site to provide a local centre which shall include a health centre. Such site shall be reserved as a local centre unless there is evidence that such provision is not necessary or viable.

POLICY AT-H3 Design Principles – Land at Stretton Road/Pepper Street

56. Criterion (a) refers to the maximization of public open space. This is an imprecise term and confusing. Furthermore, two potential indicative outcomes for the location of public open space are referred to in Maps 4a and 4b. This is, again, confusing and inappropriate for inclusion as a policy. The policy further identifies in criteria (e) and (f) the need to protect the setting of the church and village hall and that there is a requirement for green open space fronting Stretton Road. It is clear the Steering Group is attempting to respond to the concerns of NJL Consulting on behalf of Bloor Homes but the above policy needs to be clarified.

57. It is apparent that neither Steering Group nor Bloor Homes wish to define the area of open/green space precisely at this stage. It is therefore recommended that the maps 4a and b be removed. The remaining criteria (e) and (f) can be retained to assert the need for this open space but it needs to be further clarified in criterion (f) that this is open space which should be accessible to the public. These matters can be finalized as part of the consideration of a planning application but the policy as recommended clearly asserts the need for the open space in this location.

58. Criterion (k) needs to be extended to include protection of residential amenities from intrusive overlooking.

59. Criterion (l) is not necessary or appropriate as the requirements governing the nature of details to be submitted with planning applications are governed by national and local validation criteria. These are matters of planning process rather than policy.

60. Criterion (m) needs to be specific that the “features” are ‘architectural’

61. The criterion (o) is imprecise and needs to be varied for the same reasons as explained above in relation to criterion (k) in policy AT-H2.

62. The criterion (q) require an indeterminate amount of smaller family housing and start (should be “starter”) homes. This is uncertain and confusing. The need for one and two bedroomed dwellings is justified by the 2011 Census figures in Appendix C the 2016 SHMA and the public consultation response. The link to the evidence needs to be more explicit in the supporting text and policy to properly define the housing need. The type of family housing and amount to be provided needs to be linked to evidence to support the policy and make it more precise and easily implemented.

63. The requirement for starter homes in criterion (q) is recognised but in accordance with government advice in its National Planning Policy Guidance (NPPG) the reference to starter homes should be as part of “intermediate housing”.

RECOMMENDATION 5

Insert the following paragraph after 6.1.19

“There is an identified shortage of 1 and 2 bedroomed dwellings as referred to above in relation to policy ATH-2. Public consultation identified a preference for smaller family housing. The policy needs to respond to this evidence on housing mix”

Delete criterion (a) and maps 4a and 4b, renumber other criteria as appropriate

Alter criterion (f) as follows:

“Open green space, which is accessible to the public, will be incorporated along the frontage of Stretton Road to retain the open character of the central village core and help achieve the objectives of criterion (e), above.”

Alter criterion (k) as follows:

“The setting of existing dwellings and the amenities of their residents will be respected in the layout of any development proposals.”

Delete criterion (l)

In criterion (m) after “reflect” insert “architectural”.

Alter criterion (o) as follows :

“Dwellings will be no more than 2.5 storeys (i.e. dwellings of two storeys with rooms in the roof served by dormers or roof lights) in keeping with the surrounding developments”

Add to criterion (p):

“in accordance with the needs identified in the latest Census, Strategic Housing Market Assessment or relevant housing needs survey. In particular one and two bedroomed dwellings shall be provided to address identified needs.”

Delete criterion(q)

In criterion(s) after “low cost market homes” add “including starter homes”.

DESIGN, BUILT and NATURAL ENVIRONMENT

POLICY AT-- D1 Design of Development in Appleton Parish Thorn Ward.

64.The reference in paragraph 6.2.5 needs to clarify that the workshops were those conducted as part of consultation on the plan.

65.In criterion(e) there is a need to explain that the Glossary explains in more detail the nature of backland development more clearly. This is policy wording and therefore has to be immediately clear to the reader.

66.The reference in criterion (l) to “originality, innovation and initiative” has an element of subjective judgment, which is inappropriate for inclusion as a policy. This aim could , however, be reflected as general advice in the supporting text.

RECOMMENDATION 6

In the first sentence of paragraph 6.2.1 after ”Core” add “Strategy

In paragraph 6.2.5 in the first sentence add “consultation” before “workshops”.

In criterion (e) insert brackets after “backland development’ and insert (see Glossary for the definition)

Delete criterion(i) and add as a last sentence to paragraph 6.2.5“The Parish Council encourages originality, innovation and initiative .”

POLICY AT-D2 Protecting and enhancing local landscape character and views

67.The policy seeks to protect views and map 5 identifies “protected views”. Protection of the landscape setting is an important planning consideration but apart from particularly iconic views, often involving celebrated national heritage assets it is difficult to provide adequate objective evidence to justify the relative quality of views and their protection. I agree with the comments received from Arup at the pre-submission consultation stage that with respect to the choice of views the plan “does not appear to be supported by evidence of any sort, or have clear methodology behind their choice and definition.” This has not been corrected in the final submission.

68.The Parish Council has, however, identified an important need to protect the landscape from sporadic development, which interrupts the landscape setting. I have recommended more appropriate policy on which allows this issue to be a part of the

policy. I have deleted the need for reference to the submission of landscape appraisals and impact studies for the same reasons I specify above in paragraph in relation to criterion (l) in policy AT-H3.

69. Criterion (e) is unclear as to what it means or is seeking to achieve. There are strategic policies in the Core Strategy, which establish the settlement boundary and provide policies to restrict development outside of it. Other design policies and criteria in the neighbourhood plan also add detail to these strategic policies to effectively contain most development within the settlement boundary to protect the historic settlement pattern. Criterion (e) does not add to this and therefore introduces an element of confusion and should be deleted.

70. Criterion (f) refers to “appropriate new uses” for traditional farm buildings. This is vague. There needs to be a cross reference to the appropriate Borough Council policy which relates to the conversion of these buildings.

71. Criterion (f) also refers to local materials and techniques which can be interpreted either as locally sourced or materials which are used commonly in the local traditional farm buildings generally but which may not necessarily be from the immediate area. This needs clarifying

RECOMMENDATION 7

*Delete criterion (d), map 5 and the accompanying photographs.
Insert the following as a replacement criteria “ Preserve the settings of open landscapes or buildings of architectural or historic character by avoiding whenever possible the siting of development in highly visible and intrusive positions or where it is unrelated to existing built development or landscape features”*

Delete criterion (e).

In criterion (f) reword as follows :

Conserve traditional farm buildings through continued and appropriate new uses in accordance with the Borough Council’s Core Strategy policy QE 8 and adopted Supplementary Planning Document “Design and Construction, October 2010 or any subsequent relevant policies or guidance. Repairs and alterations should wherever possible use materials and techniques which have been used in the construction of the traditional farm buildings in the local area ”

POLICY AT-D3 Flood Risk, Water Management and surface water run-off

72. There are no areas within the Plan coverage, which are shown as vulnerable to flood risk on the Environment Agencies flood risk map. Criterion (a) would therefore seem unnecessary.

73. There is a need to explain the need for water management and surface water run-off.

RECOMMENDATION 8

Insert an extra paragraph immediately after 6.2.8

Whilst the plan area is not recognized as being vulnerable to flood risk, in accordance with the NPPF there is a need to take account of climate change and create sustainable development, which seeks to prevent flooding elsewhere. Delete criterion (a)

TRAFFIC AND HIGHWAYS

Policy AT-TH1 POLICY AT-H1 Traffic Management and Transport Improvements

74.The Plan should be clear about what matters can be covered as planning policies and other aspirational issues which are related to planning and development but cannot be controlled under planning legislation. In this case the criteria (a) to (f) refer to highway improvements and traffic management, which independently do not require planning permission and cannot be included as policy. However, these are important aspirations for the community and can be referred to in the plan as such.

75.Developer contributions and Community Infrastructure Levy payments are related to planning application proposals and it is possible to have policies in the plan, which identify and prioritise schemes, which may benefit from this finance.

RECOMMENDATION 9

Delete all of the policy wording up to the end of criterion(f).

Insert as a new paragraphs after paragraph 6.3.4

The Parish Council is keen to work with the highway authorities to achieve the following

- (a) Traffic calming measures, pedestrian priority schemes and the reduction in traffic speeds on routes through the village centre;*
- (b) Continuous pavements on Stretton Road to Stretton (appropriate to rural location); Lumb Brook Road to Wrights Green and Grappenhall Lane to junction with Barleycastle Lane.*
- (c) Appropriately located pedestrian crossings;*
- (d) Highway improvements, including investigation of potential for a roundabout at Arley Road crossroads.*
- (e) Public transport improvements.*
- (f) Measures to alleviate adverse parking issues in three areas of the village i.e. the school, the playing fields, and the prison.*

In accordance with paragraph 204 of the NPPF planning obligations may be placed on developments to achieve off-site highway works and sustainable transport improvements provided they are

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development*

In the glossary in the planning obligations definition add "and Community Infrastructure Levy (CIL)"

POLICY AT-H2 Policy AT-H2 Sustainable Transport measures

76. This policy is acceptable and allows appropriate negotiation for these measures on-site and elsewhere where they are justified under paragraph 204 of the NPPF.

EMPLOYMENT

POLICY AT-E1 New local employment opportunities

77. The explanation of the broader policy context is not clear. It needs to make reference to national and local constraints on development in the green belt. The term small scale is imprecise and not relevant given that other Council and neighbourhood plan policies, including criterion(b), can control the scale of development.

78. It does not seem possible to give priority to the re-use of brownfield land when dealing with sporadic proposals for small-scale employment development. In most cases a single site will be proposed and considered on its merits. This aspect of the policy should, therefore, be deleted as it is confusing.

79. In criterion (e) the term "close to existing highway" is open to interpretation and would be more precise and relevant if it related to the quality of the connection to the existing highway network. Similarly "unacceptable impact on traffic" is vague and needs more precision.

RECOMMENDATION 10

Insert a new paragraph after 6.4.2

The NPPF is concerned to promote a prosperous rural economy. In the Plan area the NPPF and the Local Plan Core Strategy effectively direct new employment provision to within the settlement boundary. In the NPPF paragraphs 89 and 90, development in the Green Belt is essentially restricted to existing employment sites, farm diversification and appropriate conversion of buildings.

Reword the first sentence of the policy as follows :

Proposals for the development of employment opportunities, including homeworking will be permitted provided they conform to national and local policies and the following criteria

Reword criterion (a) as follows :

Give priority to the conversion of an existing building where this option exists

Reword criterion (e) as follows;

Have a good connection to the highway network and are acceptable in terms of highway safety and parking provision.

COMMUNITY FACILITIES and OPEN SPACES

POLICY AT-CF1 Protection of local green spaces

80. This policy is well founded on advice in the NPPF. Map 6 does not make it easy to identify where the site is for those with limited knowledge of the village. It should be replaced at a scale, which shows the site in a wider physical context with adjacent street names.

RECOMMENDATION 11

Replace Map 6 with a map at a scale showing the site in a wider area to assist with its identification.

POLICY AT-CF2 Protection and enhancement of local community facilities

81. The policy is properly justified. The reference to prioritization in the second sentence is unclear as to how that will operate. There are minor grammatical errors, which need correcting.

82. The policy indicates new-build community facilities may be acceptable adjacent to the settlement boundary which is Green belt land. The NPPF and Local Plan Core Strategy green belt policies do not generally allow this development in the Green Belt and in order to conform to basic conditions the reference to “adjacent to the settlement boundary” should be deleted. In some case change of use of buildings or land to community facilities including playing fields may be acceptable in the green belt.

83. The requirement in criterion(d) to integrate services is part of business management and not an aspect of development, which can be controlled under planning legislation

RECOMMENDATION 12

In the policy, alter the second sentence as follows:

The proposed re-use of local community facilities will only be permitted for other

health, education or community type uses (such as village halls, local clubhouses, health centres, schools and children's day nurseries).

In the second part of the policy reword the sentence immediately before criterion(c) as follows:

New community facilities should be located within the settlement boundary or if in the Green Belt in conformity with the advice in the NPPF paragraphs 89 and 90 which allows some change of use of buildings/land or limited infilling. All proposals shall conform to the following criteria:

Delete criterion (d)

POLICY AT-CF3 Community facilities and Community Infrastructure Levy

84.This policy provides a useful basis for the allocation of CIL monies and developer contributions.

85.There should be reference to the need for such contributions to be justified and in accordance with NPPF and NPPG advice.

RECOMMENDATION 13

*Delete first sentence of the policy and replace with the following :
Development should support proposals for improved community facilities and infrastructure in the parish where justified in accordance with the advice on planning obligations in the NPPF, paragraph 204 and the NPPG paragraph 001.
Delete "(where appropriate)" from the second sentence.*

SUMMARY

86.I have completed an independent examination of the Neighbourhood Development Plan.

87.The Parish Council has carried out an appropriate level of consultation and clearly shown how it has responded to the comments it has received. I have taken into account the further comments received as part of the consultation under Regulation 16 on the Neighbourhood Planning Regulations 2012.

88.I have recommended some modifications to the wording of the policies in order to satisfy the basic conditions and to ensure that they provide a clear basis for decision-making and are consistent with national and local adopted planning policies.

89.Subject to these modifications I am satisfied that the plan meets the basic conditions, as follows :

a) has regard to national policies and advice contained in guidance issued by the

Secretary of State,

b) the making of the plan contributes to sustainable development,

c) the making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority,

d) the making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,

90. I am also satisfied that the Plan meets the procedural requirements of Schedule 4B of the Town and Country Planning Act 1990.

91. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if it is to be extended, the nature of that extension.

92. The Plan area abuts the boundary with the sub-urban southeastern extremity of the built-up area of Warrington. In this vicinity is the proposed Appleton Cross housing site. However it is separated from the dwellings to the west of the Plan boundary with trees and a river, which is an effective natural barrier. I do not consider in the context of this Plan this strategic housing site will have a significant impact in terms of traffic or pressure on services in the urban area to the west of the site. There is no evidence to suggest that the referendum area should extend beyond the boundaries of the plan area as it is currently defined.

93. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area authorised by Warrington Borough Council.

94. I am therefore pleased to recommend that the Appleton Parish Thorn Ward Neighbourhood Development Plan as modified by my recommendations should proceed to a referendum.