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Report on Wilmslow Neighbourhood Plan 2016-2030

An Examination undertaken for Cheshire East Council with the support of the Wilmslow Town Council on the March 2019 submission version of the Plan.

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Main Findings - Executive Summary

From my examination of the Wilmslow Neighbourhood Plan (the Plan/WNP) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – Wilmslow Town Council;
- The Plan has been prepared for an area properly designated – the parish of Wilmslow as shown on Map 1 of the Plan;
- The Plan specifies the period to which it is to take effect – 2016-2030; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Wilmslow Neighbourhood Plan 2016 - 2030

- 1.1 The Neighbourhood Area covers the parish of Wilmslow which encompasses the town and its rural setting and is located within the north of the Borough of Cheshire East some 14 miles from the City of Manchester. The population of Wilmslow was just over 25,000 in 2018. The town is a thriving commercial centre, with some 230 retail units and a strong office and business sector. It has a number of listed buildings with five conservation areas within the Plan area and is noted for the high quality of its housing. There are a number of private and public sport and recreation facilities, and a range of cultural activities promoted by clubs and societies together with good educational provision. The town is easily accessible to the nearby Manchester Airport and is well serviced by rail, road, bus and cycle routes.
- 1.2 Wilmslow town sits within the Green Belt and is surrounded by attractive countryside with easy access to National Trust sites and national parkland. Nearby natural features include the Bollin River Valley and Lindow Common. Over half the designated Neighbourhood Plan Area consists of pastoral farmland, river valleys, moss land and heathland. There are a

number of Priority Habitats and designated and non-designated nature conservation sites within the parish, and the natural environment is integrated into the built environment of the town and is easily accessible.

- 1.3 The WNP was commissioned by Wilmslow Town Council and prepared by volunteer residents comprising the Wilmslow Neighbourhood Plan Steering Group (WNPSG), which was confirmed early in 2016. Following an application submitted to Cheshire East Council (CEC) the Neighbourhood Area was formally designated on the 22 June 2016.

The Independent Examiner

- 1.4 As the Plan has now reached the examination stage, I have been appointed as the examiner of the WNP by CEC, with the agreement of the Wilmslow Town Council.
- 1.5 I am a chartered town planner and partially retired government Planning Inspector, with more than 40 years of experience in the private and public sectors. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

The Scope of the Examination

- 1.6 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.7 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). As the examiner, I must consider:
- Whether the Plan meets the Basic Conditions;
 - Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;

- it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development';
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
 - whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended)('the 2012 Regulations').

1.8 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

1.9 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

1.10 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood development plan does not breach the requirements of

2. Approach to the Examination

Planning Policy Context

- 2.1 The Development Plan for CEC, not including documents relating to excluded minerals and waste development, is the Cheshire East Local Plan Strategy July 2017 (CELPS) and the saved policies of the Macclesfield Borough Local Plan 2004 (MBLP). The saved policies are to be replaced by CEC through an emerging Site Allocations and Development Policies Document (SADPD). In the preparation of the WNP regard has been paid to the emerging SADPD².
- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published on 19 February 2019, and all references in this report are to the February 2019 NPPF and its accompanying PPG³.

Submitted Documents

- 2.3 I have taken into account all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the submission draft Wilmslow Neighbourhood Plan 2016 - 2030, February 2019
 - Map 1 of the Plan which identifies the area to which the proposed Neighbourhood Development Plan relates;
 - the Consultation Statement, February 2019;
 - the Basic Conditions Statement, undated;
 - all the representations that have been made in accordance with the Regulation 16 consultation;
 - the Strategic Environmental Assessment (SEA) Screening Opinion prepared by CEC; and
 - the requests for additional clarification sought in my letters of 9 and 25 April 2019 and the subsequent responses, which are available on the CEC website⁴.

¹ This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

² See PPG Reference ID: 41-009-20190509.

³ See paragraph 214 of the NPPF. The Plan was submitted under Regulation 15 to the local planning authority after 24 January 2019.

⁴ View at: <https://www.cheshireeast.gov.uk/planning/neighbourhood-plans/neighbourhood-plans-n-z/poynton-neighbourhood-plan.aspx>

Site Visit

- 2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 29-30 May to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

- 2.5 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulate the objections to the Plan and present arguments for and against the Plan's suitability to proceed to a referendum.

Modifications

- 2.6 Where necessary, I have recommended modifications to the Plan [**PMs**] in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body (QB) and Neighbourhood Plan Area

- 3.1 The Wilmslow Neighbourhood Plan has been prepared and submitted for examination by Wilmslow Town Council which is a qualifying body for an area that was designated by CEC on 22 June 2016.
- 3.2 It is the only neighbourhood plan for the Plan area and does not relate to land outside the designated Neighbourhood Plan Area.

Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2016 to 2030.

Neighbourhood Plan Preparation and Consultation

- 3.4 Following the confirmation of the WNPSG early in 2016, and the designation of the Neighbourhood Plan Area in June 2016, the WNPSG has issued press releases to inform local residents of its activities and invite contributions and report progress. A website was set up and advertised widely, with information made available and all relevant documents posted on the website. Community and business groups were contacted at

each stage of the consultation process and a consultation register was established.

- 3.5 An initial questionnaire was sent to every household in the Plan area in 2016. Some 1,200 responses to the questionnaire were received and analysed by the WNPSG. The findings from the questionnaire led to the formation of specific subject groups which focussed on the town centre, environment, transport and housing, and consultants were appointed to assist the WNPSG with the following stages of the WNP.
- 3.6 The second stage of consultation covered the publication of the Emerging Policies Document (EPD) which provided a broad outline of the WNP policies. The EPD was sent to schools, local groups and businesses and published on the website. It was widely advertised, and events were held by the WNPSG to encourage public engagement. Feedback from this stage of consultation was used to guide the preparation of fully prepared policies which were incorporated into the first draft of the WNP, which was then published for Regulation 14 consultation which lasted for 6 weeks.
- 3.7 A summary document of the Draft WNP together with a questionnaire was distributed to every household in Wilmslow and sent to businesses with interests in the town. Displays were set up in the Parish Hall and Town Library and events were held at the Wilmslow Show (July 2018) with public drop in sessions on the 15 and 29 August 2018.
- 3.8 Some 283 people provided feedback to the Regulation 14 consultation. All the comments, including those made by CEC, were considered by WNPSG, and final amendments to the WNP and its policies were made to produce the Submission Version of the WNP.
- 3.9 The Submission Version of the Plan was then the subject of a further round of consultation, as required by Regulation 16 of the 2012 Regulations, which closed on 29 March 2019. This led to 19 responses all of which I have had regard to in preparing this report. Therefore, I am satisfied that a transparent, fair and inclusive consultation process has been followed for the WNP that has had regard to advice in the PPG on plan preparation and is procedurally compliant in accordance with the legal requirements.

Development and Use of Land

- 3.10 Subject to one modification, the Plan generally sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act. The final paragraph to Policy PR1 does not relate to the development of use of land and I have recommended a modification in paragraph 4.74 [**PM28**] to make this policy legally compliant.

Excluded Development

3.11 The Plan does not include provisions and policies for 'excluded development'.

Human Rights

3.12 CEC is satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998), and from my independent assessment I see no reason to disagree.

4. Compliance with the Basic Conditions

EU Obligations

4.1 The Neighbourhood Plan was screened for SEA by CEC, which found that it was unnecessary to undertake SEA.

4.2 There are no designated sites of European significance within the Neighbourhood Plan Area and five sites within 15km proximity of the WNP Area boundary. Due to the nature of the policies, the generally small scale of development proposed, and the distance to such sites, the effect of the Plan on these sites is not considered by CEC to be significant.

4.3 Natural England has indicated by letter dated 22 January 2018 that there are unlikely to be significant environmental effects from the proposed Plan. The SEA also concluded that the WNP is unlikely to have a significant effect on the environment or on designated sites and therefore Habitats Regulation Assessment is not required. Having read the Strategic Environmental Assessment Screening Opinion, and from my independent assessment of this matter, I have no reason to disagree.

Main Issues

4.4 I have approached the assessment of compliance of the WNP with the Basic Conditions, in particular the regard it pays to national policy and guidance, the contribution it makes to sustainable development and whether it is in general conformity with strategic development plan policies as two main matters:

- General issues of compliance of the Plan, as a whole; and
- Specific issues of compliance of the Plan Policies.

General issues of compliance of the Plan, as a whole

Compliance with National Policy

- 4.5 The WNP sets out the background and context to its preparation and provides a broad description of the character and appearance of the Plan area with its attractive urban and rural areas. The vision and objectives of the WNP are set out together with the Spatial Strategy and aspirations for sustainable development within the Neighbourhood Plan Area. The policy sections then cover five broad areas:
- 1) Strategic Policies (SP1 to SP3);
 - 2) Natural and Built Environment (NE1 to NE6 and TH1 to TH4);
 - 3) Infrastructure (TA1 to TA5 and CR1 to CR5);
 - 4) Managing Growth (H1 to H3, and E1 to E3); and
 - 5) Town Core Policies (TC1 to TC6, PR1 to PR3 and KS1 to KS7).
- 4.6 The first 6 sections of the WNP provide a comprehensive introduction together with an outline of the aspirations and objectives for the ensuing policies. To make it clear that the Plan is based on the most up to date version of the National Planning Policy Framework (NPPF) I recommend that the reference in the date for the NPPF is modified to 2019 [**PM1**].
- 4.7 Section 5 is entitled "Spatial Strategy", and section 7 lists "Strategic Policies". The NPPF advises that strategic policies should be contained in local plans or a spatial development strategy, and that neighbourhood plans contain "just non-strategic policies". To comply with this advice and be clear that the WNP is not a strategic plan, the term "spatial strategy" and title "strategic policies" should be modified in the WNP. The simple insertion of "local" before "spatial strategy" would ensure there is no confusion in the WNP with the intentions set out in the NPPF for the different levels of plan making [**PM2**]. For the title to the three policies, it would be appropriate to rename them as "Local Policies" [**PM3**].
- 4.8 In my letter of the 26 April setting out questions to the QB and to CEC, I raised the matter of duplication of policies or parts of policies which are set out in the CELPS. Paragraph 16f) of the NPPF states that plans should avoid unnecessary duplication of policies which apply to a particular area, including policies in the NPPF. I will address this issue in relation to each of the Plan policies under my section on specific issues of compliance.
- 4.9 It is clear from the WNP that the community is enthusiastic to address issues of climate change and environmental improvement. However, these matters are addressed in national policy, including the Written Ministerial Statement of 25 March 2015 (WMS). It would place unfair burden on developers and on local people who wish to extend their properties if they are required to make provisions which exceed the level set in national and local plan policy. I consider whether there are specific local circumstances

and sufficient evidence to support such provisions where they are proposed in individual policies below.

- 4.10 The designation of sites as Local Green Space (LGS) through Policy CR3 is clearly well supported within the local community. However, the NPPF sets a significantly high bar for LGS designation given the list of criteria in paragraph 100 which state that it should only be used where the green space is “demonstrably special to a local community” and is “not an extensive tract of land”. LGS are to be managed in line with Green Belt policy where new development is ruled out “other than in very special circumstances” and the designation is expected to endure beyond the end of the Plan period. Further detailed guidance for the designation of LGS is set out in PPG. In these circumstances, careful consideration is required to ensure that LGS designation is justified.
- 4.11 I consider the designations listed in Policy CR3 and Appendix 9 against the policy and guidance set out in NPPF and PPG later in the report. Those which do not meet the criteria in national policy and advice are listed for deletion in **PM19** and **PM20**.

Contributes to the Achievement of Sustainable Development

- 4.12 The approach to sustainable development is set out in the preamble to the WNP and sets out how the goals of economic, social and environmental policy have been integrated into the policy making.
- 4.13 Through the provisions of the CELPS, the requirements for residential and employment land in Wilmslow are largely addressed. The WNP identifies sites within the town core with potential for development which will contribute to a flexible supply of development land. In addition, the WNP allows for development to take place within the settlement boundary and promotes the redevelopment of previously developed land.
- 4.14 In order to ensure that the WNP reflects the provisions made in the CELPS, allocations for both residential and employment land, together with the two areas of safeguarded land identified in the CELPS should be referenced in the WNP. It would be appropriate to include the CELPS proposals in the Context Plan and in Proposals Map 3 [**PM4**].
- 4.15 The WNP makes provision for the conservation and enhancement of the natural environment. Subject to the detailed comments and modifications which I set out below for individual policies I am satisfied that the Plan makes a positive contribution to the achievement of the economic, social and environmental aspects of sustainable development.

General Conformity with Strategic Policies in the Development Plan

- 4.16 The WNP has been developed with proper regard to the strategic direction and policies of the CELPS (July 2017). In addition to the CELPS, proper regard has been paid to the saved policies of the MBLP (2004) as they apply to the Wilmslow area. CEC has been involved throughout the preparation of the WNP, and subject to some minor modifications, is generally supportive of its policies. Subject to some detailed comments and modifications which I make to the Plan's policies below, I am satisfied that the WNP is in general conformity with strategic policies of the development plan.
- 4.17 Consultation on the First Draft SADPD closed on the 22 October 2018. The SADPD is the second stage in the preparation of the Local Plan for Cheshire East and deals with non-strategic site allocations and detailed policies to guide decisions on planning applications. The emerging SADPD is at an early stage and is yet to be tested at examination. It is not a statutory requirement for a neighbourhood plan to be in conformity with the policies of an emerging Local Plan. However, the WNPSG has had regard to and generally sought to be in accord with the policies and proposals of the emerging SADPD.

Specific issues of compliance of the Plan Policies

Policies SP1, SP2 and SP3

- 4.18 As stated above, the first set of policies require a modification to become Local Policies. Since the policies are not yet modified, I refer to the policies as referenced in the submitted WNP in this report.
- 4.19 **Policy SP1** seeks to achieve standards for energy efficiency and construction in excess of those required by legislation in all new development. In the Written Ministerial Statement of 25 March 2015⁵, the Government announced that it is not appropriate to refer to any additional local technical standards or requirements relating to the construction of new dwellings in neighbourhood plans. The standards applied to residential development form Part L of the building regulations.
- 4.20 No local circumstances have been put forward to justify more rigorous technical standards for dwellings within Wilmslow, neither has any assessment of the impact on viability been carried out. In order to accord with government policy, Policy SP1 requires modification to ensure that it does not apply to residential development and that it does not place

⁵ View at: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2015-03-25/HCWS488/>

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additional burdens on non-residential development without proper justification.

- 4.21 Paragraph four of the policy is ambiguous⁶ with its reference to compliance with the “spirit” of the policy and should be deleted. In paragraph seven the introduction of a monitoring requirement to be carried out by unidentified parties is imprecise and would be difficult to apply. This should also be deleted. **PM5** sets out the changes required to ensure that the policy meets the Basic Conditions.
- 4.22 In the explanatory text, the publication and target referred to in paragraph 7.4 does not form a part of Government policy. As such, it cannot provide justification for the approach taken in SP1 and the reference is potentially misleading. To reflect the modified policy, paragraph 7.5 should make it clear that the policy affects primarily non-residential developments. To ensure that the explanatory text mirrors the modifications to the policy, paragraphs 7.6 and 7.8 should be deleted. **PM6** sets out the changes required for the WNP to accord with Government policy and meet the Basic Conditions.
- 4.23 **Policy SP2** sets a requirement for “all new development” to enhance the contribution which applications make to sustainable spaces. It is quite appropriate for the WNP to encourage the achievement of this objective, but as drafted the policy is over prescriptive and does not provide for those cases where it is not practical or viable to make such a contribution. As proposed, the first paragraph of SP2 should be modified.
- 4.24 CELPS Policy SE3 makes provision for the conservation and enhancement of biodiversity and will ensure that appropriate mitigation can be secured through the planning application process. Nevertheless, I understand that it is important to the community to include reference to detailed provisions which they value, even where those provisions can already be found in national and local plan policy. Although some criteria listed under paragraph one repeat matters covered through CELPS policy, they highlight those aspects which are of particular local importance and should therefore remain.
- 4.25 However, the Town Council has no power to impose planning conditions in the grant of planning permission and therefore paragraph 3 of the policy should be modified.
- 4.26 There is no reference to “Green Biophilic Points” as identified in paragraph 4 of Policy SP2 in national or local policy, and the criteria listed below conflict with Government policy where they encourage a provision

⁶ PPG Reference ID: 41-041-20140306 states that a neighbourhood plan policy should be clear and unambiguous.

“beyond mitigation requirements”. Modifications are therefore required to this part of the policy.

- 4.27 **PM7** sets out modifications to ensure that Policy SP2 continues to include much of its current detail without being more onerous in its requirements than policy as set out in the NPPF and CELPS.
- 4.28 **PM8** sets out modifications required to the explanatory text to mirror the modifications to Policy SP2.
- 4.29 **Policy SP3** repeats much of the provision made for the achievement of sustainable transport systems in Policy CO 1 of the CELPS. To ensure that the WNP avoids unnecessary repetition, and that it does not impose more onerous requirements for new development than those set out in national policy or in the CELPS, I put forward a modification [**PM9**] to ensure that Policy SP3 covers the detailed issues which are relevant to Wilmslow and appropriate to a neighbourhood plan.

Policies NE1, NE2, NE3, NE4, NE5 and NE6

- 4.30 In the application of **Policy NE1** to all the undeveloped countryside around the town, the WNP includes those sites which have been allocated or safeguarded for development in the CELPS. I have put forward a modification [**PM4**] to ensure that the CELPS sites are included on the Context Plan and Proposals Map in the WNP to recognise their change in status. However, the sites were generally undeveloped countryside at the time of the Landscape Character Assessment so detailed information is available to inform a future development scheme. It is appropriate that the existing character of each site should be taken into account in the design of its future development.
- 4.31 I make one modification to delete the reference to “spirit of place” which is too nebulous to be included within a policy [**PM10**].
- 4.32 **Policy NE2** meets the objectives of the WNP to protect the special characteristics of landscapes of particular importance and meets the Basic Conditions.
- 4.33 **Policy NE3** deals with the Green Links as shown in Appendix 4. It has been confirmed that the routes shown in orange are intended to be indicative. Modifications are required to make this clear in the WNP [**PM11** and **12**].
- 4.34 Requirements for the provision of contributions to infrastructure such as cycle routes by new development are subject to the tests in paragraph 56 of the NPPF. As submitted, **Policy NE4** puts forward a blanket requirement for contributions such that it is not clear whether such

contributions would be either directly related to the development or reasonably related in scale and kind to the development. **PM13** would ensure that the policy meets the tests in NPPF paragraph 56.

- 4.35 The first two paragraphs of **Policy NE5** are consistent with national and local plan policy. Paragraph 3 has regard to paragraph 170 of the NPPF, but the reference to “Biodiversity Net Gain: Good Practice: Principles for Development” and to the delivery of the 10 biophilic points introduces requirements which are not in national policy and should be deleted. [**PM14**].
- 4.36 Subject to a modification to avoid the criteria being unduly prescriptive[**PM15**], in view of the particular characteristics of the residential areas of Wilmslow, **Policy NE6** is justified.

Policies TH1, TH2, TH3 and TH4

- 4.37 **Policy TH1** applies to proposals for development so would not prevent schemes at the town entrances or gateways which already have permission. In view of the character of the setting of the town entrances and gateways there is good reason for this policy which complies with the Basic Conditions.
- 4.38 **Policy TH2** provides protection to the important Lindow Moss landscape with the “find spot” of the Lindow Man, and **Policy TH3** covers designated and non-designated heritage assets. The policies comply with the Basic Conditions.
- 4.39 Although **Policy TH4** is quite prescriptive in the level of detailed criteria set out for the design of new development within the three Wilmslow Parks, there is enough flexibility built into the policy to enable innovative design provided that it reflects the particular local characteristics of each of the Parks. The policy complies with the Basic Conditions.

Policies TA1, TA2, TA3, TA4 and TA5

- 4.40 Parking standards for the Borough are set out in the CELPS (Appendix C). The reference in **Policy TA1** to the 6 Cs Design Guide which is not development plan policy could be confusing. Furthermore, the requirement in bullet point 1 for all parking to be “on plot” could be over restrictive for schemes where shared parking areas are more appropriate, and there may also be examples where tandem parking provides the best design solution within a scheme. **PM16** sets out the modifications which should be made to ensure that Policy TA1 is in general conformity with the CELPS and provides sufficient flexibility for new developments to make efficient use of land. In paragraph 10.6 of the explanatory text, there is a further reference to the 6 Cs Design Guide. However, this relates to the

measurements of parking spaces and provides guidance which does not conflict with the wording of the policy as modified.

- 4.41 Although **Policy TA2** is largely covered by CELPS Policies CO 1 and CO 4, the policy provides a Wilmslow specific level to the goals set out within the CELPS policies. In particular it identifies specific junctions for improvement and links the policy in to Policy TA5. The policy complies with the Basic Conditions.
- 4.42 **Policy TA3** sets a requirement in the third paragraph for “all new development, which generates demand for additional parking” to demonstrate how it will provide adequate off-street parking provision. It is quite appropriate for the WNP to encourage the achievement of this objective, but as drafted the policy is over prescriptive and does not provide for those cases where it is not practical or viable to make such provision. As proposed, the third paragraph of TA3 should be modified. **[PM16A]**
- 4.43 Policy H4 has been removed from the submitted WNP so the reference in **Policy TA4** should be deleted. It would be unreasonable to require compliance with minimal distances between residential sites and schools, and the reference to “contributions” should also be modified to indicate that they will only be sought where appropriate. **[PM17]**
- 4.44 **PM18** would ensure that the fourth bullet point of **Policy TA5** complies with the tests set out in the NPPF for a requirement for contributions towards improvements to cycle links.

Policies CR1, CR2, CR3, CR4 and CR5

- 4.45 **Policies CR1** and **CR2** comply with the Basic Conditions.
- 4.46 **Policy CR3** lists some 35 sites to be designated as Local Green Space (LGS). The justification for the designations is provided in Appendix 9 to the WNP, and the sites are shown on the Proposals Map. In response to my questions, dated 26 April 2019, Appendix 9 has been supplemented by a more detailed table of information to provide justification for the designations.
- 4.47 Having reviewed the more detailed assessment, and following my visit to Wilmslow, I am concerned that the methodology and overall assessment for LGS designation has not been sufficiently rigorous to comply with national policies and guidance in relation to a number of the proposed designations.
- 4.48 The NPPF sets a high bar for LGS designation given the criteria set out in paragraph 100. In particular, LGS must be “demonstrably special to a

local community” and hold “a particular local significance.” It should also be “local in character and not an extensive tract of land.” Further advice is set out in PPG Reference ID: 37-005-20140306 to Reference ID: 37-022-20140306.

- 4.49 I understand that the proposed LGS are important to the local community, and that the majority have been identified by local residents for designation. Nevertheless, the available evidence must sufficiently demonstrate why sites are ‘demonstrably special’ and of ‘particular local significance’ to distinguish them from other green areas and open spaces which have similar features in order to reach the high bar necessary for LGS designation.
- 4.50 I have given careful consideration to each of the proposed LGS, and where there is any doubt as to whether the designations would comply with national policy and advice, I set out my reasoning for deletion or retention below.
- 4.51 A number of the proposed LGS are located within the Green Belt. PPG states that where land is already protected by Green Belt policy, consideration must be given as to whether any additional local benefit would be gained through designation as LGS. Furthermore, a number of these sites are of such an area as may be defined, in my view, as “extensive” and have the potential for conflict with the criteria in NPPF.
- 4.52 Having visited those LGS which are subject to Green Belt policy, I consider that designation as LGS would not add to the level of protection enjoyed by proposed designations LGS2, LGS4, LGS5, LGS6, LGS7, LGS8, LGS10 and LGS21. These proposed designations should be deleted.
- 4.53 In addition to the Green Belt designation, LGS12 and LGS14 include playing fields which benefit from the protection in paragraph 97 of the NPPF. The LGS designation would not provide any additional level of benefit and LGS12 and LGS14 should also be deleted.
- 4.54 There are LGS designations which are subject to Green Belt policy which should be retained. The designation of these smaller scale local sites, which include LGS1, LGS11, LGS15, LGS32, and LGS33, would provide recognition for their particular significance to local residents.
- 4.55 Other proposed LGS which are of a larger scale but which are not protected by Green Belt include LGS3, LGS9, and LGS24. LGS3 is centrally located within the Lacey Green residential area and is in active use for recreation with a skateboard/BMX ramp and a playground. Carnival Field (LGS9) was the site of the first Wilmslow Carnival in 1909. The site has continued to accommodate the Carnival, it is centrally located within a local residential area and provides open space for other informal

recreational activities. LGS24 is also centrally located within a residential area and provides a playground and for other informal recreational activities. I am satisfied that these larger scale proposals which have no other protective designation meet the tests of being “demonstrably special” to the local community.

- 4.56 While it is recognised in PPG that areas that may be considered as LGS may be crossed by public rights of way (PROW), it states that there is no need to designate linear corridors as LGS simply to protect PROW which are protected under other legislation. LGS34 is the corridor through which FP 43 passes. It is a very attractive route and the LGS would be defined by the mature hedgerows to either side. However, the green corridor lies within the Green Belt, and the route benefits from the additional protection in its status as a PROW. The proposal for designation as LGS would not add to its protection or comply with Government policy and advice. It should therefore be deleted.
- 4.57 LGS35 is also a corridor defined by the route of a PROW. BR 153 passes between mature hedgerows with the Lindow Moss landscape to the south and the area of land which has been removed from the Green Belt and designated in the CELPS for safeguarding (LPS 59) to the north of the bridleway. I understand the QB’s concern to secure the future of this attractive corridor. However, designation as LGS would not add to the protection afforded by its status as a PROW, coupled with its continued designation as Green Belt in the CELPS. It should therefore be deleted.
- 4.58 **PM19** lists the LGS to be deleted from Policy CR3 for the reasons which I set out above. To reflect the modification to Policy CR3, the LGS listed to be deleted in PM19 require deletion from Proposals Map 1 and from Appendix 9 [**PM20**].
- 4.59 **Policy CR4** reflects and adds to CELPS Policy SC 1 and complies with the Basic Conditions.
- 4.60 **Policy CR5** reflects and adds to CELPS Policy SC 3 and complies with the Basic Conditions.

Policies H1, H2 and H3

- 4.61 The priority given to the use of previously developed sites is set out clearly in Government and CELPS policy. The repetition of the policy in the first paragraph of **Policy H1** does not add any locally specific dimension to the policy and therefore is not necessary. In the second paragraph, Policy H1 seeks to prescribe the circumstances in which a green field site should come forward for development. The development of green field sites is covered in the NPPF and in the CELPS and neither the national or local plan policy specifies in such detail the type of green field site which

may come forward. This part of Policy H1 as submitted would be over prescriptive and more onerous than the policy set at national or local level and as a result it does not meet the Basic Conditions.

- 4.62 With regard to the remainder of the policy, there is no need to refer to previously developed sites in the Green Belt which are as stated, dealt with in National Guidance. In addition, the list of criteria in the policy repeat those covered in the CELPS and in the Cheshire East Design Guide.
- 4.63 Since Policy H1 either repeats national and local plan policy or is over prescriptive, it should be deleted [**PM21**]. The general approach to housing delivery is set out in the explanatory text, and with some modification, this will provide an appropriate background to the approach taken in the WNP [**PM22**].
- 4.64 **Policy H2** repeats provisions made in CELPS Policies SE1, SD2 and SE13, but adds a local landscape dimension and addresses the matter of gateways which is important to the local community. These local issues are interwoven with requirements set out in the CELPS and provide an integrated set of principles to apply to new residential development within Wilmslow. This is a reasonable approach.
- 4.65 The second paragraph duplicates the requirements for master planning and design coding for major developments in CELPS Policy SE1, but enables the new allocations in the WNP (KS2-7) to be integrated into those requirements. Again, this is a reasonable approach.
- 4.66 I do have concerns about the first sentence of the final paragraph which seeks to limit the subdivision of larger properties. Although it is qualified by "where possible", there is no such objective in national or local policy, and no additional evidence and reasoning is provided for a more onerous requirement in the WNP. **PM23** sets out the modification necessary for this policy to meet the Basic Conditions.
- 4.67 **Policy H3** reflects elements of the CELPS policies, but these are integrated with the aspirations of the community to achieve a range of housing development. There is a need for more clarity in paragraphs 1 and 2 and **PM24** sets out a modification to achieve this and to ensure that the policy complies with the Basic Conditions.

Policies E1, E2 and E3

- 4.68 **Policies E1, E2 and E3** comply with the Basic Conditions.

Policies TC1, TC2, TC3 and TC4

- 4.69 **Policies TC1 and TC2** comply with the Basic Conditions.

- 4.70 **Policy TC3** deals with matters which are subject to change in the General Permitted Development Order 2015 (as amended) Schedule 2 Part 3, which deal with the change of use from offices to dwelling houses. The qualification at the beginning of the policy makes it clear that it applies “Where planning permission is required” and can therefore apply in changing circumstances. The second paragraph is however over prescriptive in its requirement for the retention of specified ground floor uses. **PM25** provides for flexibility in the provisions of that paragraph.
- 4.71 As submitted, **Policy TC4** is not clearly expressed. There is some confusion about the use classes and there is a reference to granting planning permission which is not within the power of WTC. **PM26** clarifies the policy and ensures that it falls within the remit of a neighbourhood plan.
- 4.72 **Policy TC5** complies with the Basic Conditions.
- 4.73 In view of the encouragement given in paragraph 85 a) and f) of the NPPF to residential uses within town centres, the first sentence of the second paragraph of **Policy TC6** is over restrictive. The list of criteria above the paragraph makes clear the preferences of the WNP and the criteria listed under the third paragraph provide further guidance. **PM27** sets out the modification necessary for this policy to meet the Basic Conditions.

Policies PR1, PR2 and PR3

- 4.74 **Policy PR1** includes non-land use matters in the final paragraph which should be deleted for the policy to comply with the Basic Conditions [**PM28**].
- 4.75 **Policies PR2 and PR3** meet the Basic Conditions.

Policies KS1, KS2, KS3, KS4, KS5, KS6 and KS7

- 4.76 The six Key Opportunity Sites identified through **Policies KS2 – KS7** have the potential to deliver some 200-250 new dwellings within the Wilmslow Town Core. They have been chosen for several reasons, which include the potential for the site to become vacant or change its use over the lifetime of the NP and/or the desirability of a redevelopment to improve the contribution made by key sites to the quality of the townscape.
- 4.77 Notwithstanding the allocations are not necessary to meet a requirement for additional housing sites in the CELPS through the identification of the development potential of each site within the WNP, the QB seeks to encourage the sites to come forward. In addition to the potential for improvement to the physical fabric of the town, development of the sites

would meet demands within the Town Core for new housing, community uses and parking.

- 4.78 The broad policy approach for the key sites is set out clearly in **Policy KS1** which meets the Basic Conditions. **Policies KS2 – KS7** each provide a well defined outline brief for any future development together with a list of site development criteria. Each policy is supported by a map which illustrates the key features, constraints and opportunities for each site. The policies provide a positive framework for the potential redevelopment of sites which could make a sustainable and valuable contribution to the future character of the town. **Policies KS2 – KS7** meet the Basic Conditions.

Appendix 6

- 4.79 In my letter to the QB and CEC of the 26 April I referred to the comments from Historic England and in responding to my letter the QB submitted an amended version of Appendix 6 to incorporate matters raised by Historic England where relevant to heritage assets within the Wilmslow Parish. **PM29** requires the substitution of the amended Appendix 6 into the WNP.

5. Conclusions

Summary

- 5.1 The Wilmslow Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard to all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have set out in the Appendix the modifications required to a number of policies together with the relevant explanatory text to ensure that the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates.
- 5.4 The Wilmslow Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary. It is not therefore necessary for the referendum to extend to areas beyond the boundary. I recommend

that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Overview

- 5.5 The WNP is a comprehensive and detailed document, clear in its intentions for the future of Wilmslow. Its production has undoubtedly required a high level and standard of work by a group of committed volunteers from the local community. I commend the Town Council and the Neighbourhood Plan Steering Group for producing a neighbourhood plan which seeks to fulfil the wishes and aspirations of their local community whilst recognising the requirements of national and local plan policy. With the modifications appended to my report the WNP should provide an effective Plan for the management of the future planning of Wilmslow.

Wendy Burden

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Pages 21 paragraph 6.3	Amend reference to NPPF 2018 to NPPF 2019.
PM2	Pages 16 - 20	Insert "Local" before "Spatial Strategy"
PM3	Pages 24 - 28	Insert "Local" before "Strategic Policies". Amend all SP Policies to LP.
PM4	Pages 18 and 106	Include sites allocated in CELPS for housing and employment land together with safeguarded sites in Context Plan and Proposals Map 3.
PM5	Page 25	Amend Policy LSP1 as follows: In line 1: Insert "non-residential" after "All New". In paragraph 2 delete "demonstrate how they have embraced" and insert "seek to incorporate". Delete paragraph 3 starting "All new development". Delete paragraph 4 starting "Householder applications". In paragraph 5 delete "will be required to demonstrate how they have used" and insert "should seek to incorporate". Delete paragraph 7 starting "Schemes on strategic—".
PM6	Pages 25-26	Delete paragraph 7.4. In paragraph 7.5 delete "all new" after "will affect" and insert "primarily non-residential". Delete paragraph 7.6. Delete paragraph 7.8.

PM7	Page 26 Policy SP2	<p>Replace first paragraph with: "Where appropriate and practicable, new development should seek to enhance the contribution which applications make to the town's green and blue infrastructure networks. Proposals will be encouraged to meet the following criteria:".</p> <p>Amend paragraph 3 to: "Where appropriate, conditions will be put forward to be applied to any planning permission to secure the delivery of these measures".</p> <p>Delete "Green Biophilic Points" and insert "provisions".</p> <p>Delete "beyond mitigation requirements" from criteria 1. and 2.</p>
PM8	Page 27	<p>In paragraph 7.9 after "SP2" replace "seeks" with "encourages" and after "elements" replace "should" with "could".</p> <p>In paragraph 7.10 after "alongside" replace "the requirement to replace" with "the mitigation of", and after "this policy is" replace "the requirement" by "the encouragement".</p> <p>Delete paragraph 7.11.</p>
PM9	Page 28 Policy SP3	<p>Delete paragraph 1.</p> <p>Delete paragraph 2 above bullet points and insert "New development, where relevant, will be supported when it can demonstrate that it has:".</p> <p>Delete paragraph 3 below bullet points.</p>
PM10	Page 31 Policy NE1	<p>In first bullet point: insert "and special attributes" after "characteristics".</p> <p>Delete fourth bullet point.</p>
PM11	Page 36 Explanatory text	<p>Insert before the last sentence in paragraph 8.25:</p> <p>"The routes shown in orange on Appendix 4 show indicative Green Links which could come forward as part of proposals for development in these areas."</p>

PM12	Appendix 4	Amend orange annotation in key to "Indicative route for Proposed Green Link".
PM13	Page 37 Policy NE4	Amend second paragraph: Insert "Where applications for major development would have a material impact on the existing or proposed routes listed in Appendix 5," before "contributions". Delete in second paragraph: "from all major developments".
PM14	Page 38 Policy NE5	In para 3 delete: from "including but" to "Policy SP2"
PM15	Page 39 Policy NE6	Last sentence of paragraph one: Insert after "should", "seek to".
PM16	Page 49 Policy TA1	In bullet point one: delete "will be on plot" and insert "should avoid" before "impacting". In bullet point 2: insert after "in line with", "the Cheshire East Local Plan Strategy Appendix C: Parking Standards, or if superseded, to the latest parking standards guidance". Delete "paragraphs 3.173 and 3.174 of the '6 Cs Design Guide". Delete bullet points 3 and 4. Delete second paragraph. Delete final paragraph and insert: "Within the town core, minimum parking requirements may be relaxed where the application can demonstrate predicted parking profiles, from a suitable data source, that would support the safe operation of the local highways network. Such evidence should take account of: <ul style="list-style-type: none"> • Availability and cost of parking on site and close by • The regularity and frequency of public transport • The accessibility of the site by safe walking and cycling routes • Operational needs of the proposed development

		<ul style="list-style-type: none"> The relationship between different land uses, such as the proximity of housing to employment, shops and leisure uses. <p>For the key Town Core sites (as identified on the Proposals Map and in Policies KS1-7), parking should be delivered in accordance with the KS policies.”</p>
PM16A	P53 Policy TA3	<p>Amend paragraph 3 as follows:</p> <p>Delete “All new”</p> <p>Delete “must demonstrate how it will” and replace with “should wherever possible seek to”.</p>
PM17	Page 54 Policy TA4	<p>In paragraph 1 insert after “achieve this”, “where they would be appropriate.”</p> <p>Delete the final sentence.</p>
PM18	Page 55 Policy TA5	<p>Delete bullet point 4 under second paragraph and insert: “Applications for major development which would have a material impact on the provision of identified cycle improvement links set out below and detailed within Appendix 8, will be encouraged, to provide improvements to existing and the provision of new infrastructure, and contributions towards these provisions will be sought:”</p>
PM19	Page 60 Policy CR3	<p>Delete from Policy CR3 the following: LGS2, LGS4, LGS5, LGS6, LGS7, LGS8, LGS10, LGS12, LGS14, LGS21, LGS34, LGS35.</p>
PM20	Proposals Map 1 and Appendix 9	<p>Delete LGS2, LGS4, LGS5, LGS6, LGS7, LGS8, LGS10, LGS12, LGS14, LGS21, LGS34 and LGS35 from Proposals Map 1 and from Appendix 9.</p>
PM21	Page 65 Policy H1	<p>Delete Policy H1.</p>
PM22	Page 65 paragraphs 12.5 – 12.6	<p>In paragraph 12.5 final sentence: delete “This policy seeks to promote” and insert “The promotion of”, before “Brownfield First”, and insert “is supported” after “Green Belt”.</p>

		In paragraph 12.6 final sentence: delete "this policy is seeking to address" and "too", and add "are also addressed" after "issues".
PM23	Page 66 Policy H2	In paragraph 3 which starts "Proposals which", delete the first sentence.
PM24	Page 67 Policy H3	In paragraph 1 delete after "housing mix " and insert: taking account of the most up to date housing information including, where available, the Cheshire East Housing Needs Audit". In paragraph 2 insert after "Applications", "which contribute to providing one or more of the house types below" and delete "where they provide".
PM25	Page 76 Policy TC3	In paragraph 2 delete after "Map)", "must be supported by the retention of", and insert "should where appropriate retain".
PM26	Page 77 Policy TC4	In paragraph 1 delete "new retail" and "of", and replace "permitted" with "supported". In paragraph 2 delete from after "uses" and before "enhance", and insert "will only be supported where planning permission is required in ground level units where the proposal would". In paragraph 4 delete "It supports" and insert "are supported" after "Proposals".
PM27	Page 82 Policy TC6	In the second paragraph (starting "Schemes") delete the first sentence.
PM28	Page 85 Policy PR1	Delete the final paragraph.
PM29	Page 126	Replace Appendix 6 with the version revised to reflect the comments of English Heritage.