

Report on Calveley Neighbourhood Plan 2017 - 2030

An Examination undertaken for Cheshire East Council with the support of the Calveley Parish Council on the Regulation 15 submission version of the Plan.

Independent Examiner: Andrew Mead BSc (Hons) MRTPI MIQ

Date of Report: 29 October 2018

Intelligent Plans and Examinations (IPE) Ltd, Regency Offices, 37 Gay Street, Bath BA1 2NT

Registered in England and Wales. Company Reg. No. 10100118. VAT Reg. No. 237 7641 84

Contents

	Page
Main Findings - Executive Summary	3
1. Introduction and Background	3
• Calveley Neighbourhood Plan 2017 – 2030	3
• The Independent Examiner	4
• The Scope of the Examination	4
• The Basic Conditions	5
2. Approach to the Examination	6
• Planning Policy Context	6
• Submitted Documents	7
• Site Visit	7
• Written Representations with or without Public Hearing	7
• Modifications	7
3. Procedural Compliance and Human Rights	8
• Qualifying Body and Neighbourhood Plan Area	8
• Plan Period	8
• Neighbourhood Plan Preparation and Consultation	8
• Development and Use of Land	9
• Excluded Development	9
• Human Rights	9
4. Compliance with the Basic Conditions	9
• EU Obligations	9
• Main Issues	10
• Issue 1: Housing Growth and the Local Economy	11
• Issue 2: Parish Identity	14
• Issue 3: Safeguarding Assets	15
• Issue 4: Transport	17
• Parish Council Aspiration	18
5. Conclusions	18
• Summary	18
• The Referendum and its Area	18
• Overview	19
Appendix: Modifications	20

Main Findings - Executive Summary

From my examination of the Calveley Neighbourhood Plan (the Plan/CNP) 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 – the Calveley Parish Council;
- The Plan has been prepared for an area properly designated – the whole of the Parish of Calveley as shown on page 6 of the submitted Plan;
- The Plan specifies the period in which it is to take effect: 2017 - 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

Calveley Neighbourhood Plan 2017 - 2030

- 1.1 Calveley, with a parish population of 280¹, is a small rural parish located on the A51 between Nantwich and Tarporley, adjoining the Shropshire Union Canal. Small areas of residential development lie on either side of the A51, but there is no typical recognisable village centre where one might expect a shop, church, etc. The Calveley Primary Academy is located in open countryside over a mile from the village.
- 1.2 The process to commence preparation of the CNP began in January 2016 with an open Parish Council meeting and the subsequent formation of a Steering Group. A Neighbourhood Plan (NP) questionnaire was circulated, school children became involved, farmers and adjoining parishes were consulted and discussions regularly took place with Cheshire East Council (CEC). The CNP now represents over two years' work by those involved.

¹ 2011 Census.

- 1.3 The vision for the area, which has evolved through the Plan process indicates that, in 2030, Calveley will be a small rural community with a recognisable centre where people who feel safe and secure want to live. The full vision can be read at Section 5 Vision and Objectives (page 12) of the CNP, although an additional final sentence is shown in the diagram on page 19. The gist of the vision recognises the predominantly agricultural economy, modest residential development, the limited impact of traffic and the protection of natural and man-made assets.
- 1.4 Four objectives for the CNP were developed from the vision which concerned the Parish Identity; Safeguarding Assets; New Development; and Transport Movement. The objectives constitute the sub headings for the groups of policies.

The Independent Examiner

- 1.5 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Calveley Neighbourhood Plan by CEC, with the agreement of the Calveley Parish Council (the Parish Council).
- 1.6 I am a chartered town planner and former government Planning Inspector with previous experience of examining neighbourhood plans. 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

- 1.7 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.
- 1.8 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'). The examiner 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 effect²;
- 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').

1.9 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

1.10 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 CNP 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.

1.11 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the neighbourhood plan should not be likely to have a significant effect on a European Site (as

² See paragraph 3.3 below

defined in the Conservation of Habitats and Species Regulations 2017) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007), either alone or in combination with other plans or projects.

2. Approach to the Examination

Planning Policy Context

- 2.1 The development plan for this part of CEC, not including documents relating to excluded minerals and waste development, is the Cheshire East Local Plan Strategy (CELPS) adopted in July 2017 and the saved policies of the Crewe and Nantwich Borough Local Plan (C&NBLP) 2011. The Proposals Maps from the C&NBLP and other Local Plans in East Cheshire are saved for the purposes of determining planning applications.
- 2.2 The CELPS establishes the overall development strategy for the borough which is to deliver a minimum of 36,000 homes and 380ha of employment land over the local plan period to 2030, distributed across a settlement hierarchy which focuses on the Principal Towns and Key Service Centres. The remainder of the development is distributed to the Local Service Centres and to Other Settlements and Rural Areas (OSRA). The OSRA, which include Calveley, are expected to accommodate about 68ha of employment land and 2,950 new homes. The C&NBLP delineates a settlement boundary around Calveley, outside which the land is defined as open countryside.
- 2.3 The emerging Cheshire East Site Allocations and Development Policies Development Plan Document (the emerging SAPD) will include detailed development management policies and an adopted Policies Map, which will replace the saved policies from the C&NBLP. The emerging SAPD was published in August 2018.
- 2.4 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 24 July 2018, replacing the previous 2012 NPPF. The transitional arrangements for local plans and neighbourhood plans are set out in paragraph 214 of the 2018 NPPF, which provides 'The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019'. A footnote clarifies that for neighbourhood plans, 'submission' in this context means where a qualifying body submits a plan to the local planning authority under Regulation 15 of the 2012 Regulations. The CNP was submitted to CEC in July 2018. Thus, it is the policies in the previous NPPF that are

applied to this examination and all references in this report are to the March 2012 NPPF and its accompanying PPG.

Submitted Documents

- 2.5 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the Calveley Neighbourhood Plan 2017 – 2030;
 - the map on page 6 of the Plan which identifies the area to which the proposed NP relates;
 - the Consultation Statement, November 2017;
 - 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, August 2017; and
 - the requests for additional clarification sought in my letters of 14 and 18 September 2018 and the responses provided by the Parish and District Councils, which are available on CEC's website³.

Site Visit

- 2.6 I made an unaccompanied site visit to the NP Area on 12 September 2018 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

- 2.7 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum. As noted in paragraph 2.5 above, the Parish and District Councils helpfully answered in writing the questions which I put to them in my letters of 14 and 18 September. No requests for a hearing were received.

Modifications

- 2.8 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal

³ View at: <https://www.cheshireeast.gov.uk/planning/neighbourhood-plans/neighbourhood-plans-a-f/calveley-neighbourhood-plan.aspx>

requirements. For ease of reference, I have listed these modifications separately in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Calveley Neighbourhood Plan has been prepared and submitted for examination by Calveley Parish Council, which is a qualifying body. It extends over the whole of the Calveley Parish which constitutes the area of the Plan designated by CEC on 22 June 2016.
- 3.2 It is the only neighbourhood plan for Calveley Parish and does not relate to land outside the designated NP Area.

Plan Period

- 3.3 The Plan specifies clearly the end of the period during which it takes effect, which is 2030. The date aligns with the end date of the CELPS, which is also 2030. The date of the commencement of the period stated in the Basic Conditions Statement is 2017⁴. The date of commencement of the period shown on the front cover of the Draft CNP which was the subject of publicity under Regulation 14 of the 2012 Regulations was 2017. However, the date of commencement of the plan period on the front cover of the submitted CNP is 2018. Therefore, I consider this date to be an error and so, to be consistent with the Basic Conditions Statement, the front cover of the submitted plan should be altered to 2017 **(PM1)**.

Neighbourhood Plan Preparation and Consultation

- 3.4 The comprehensive Consultation Statement dated November 2017 indicates that the Parish Council first considered producing a neighbourhood plan in January 2016. A Steering Group was formed following an open Parish Council meeting. The Steering Group liaised with CEC officers and engaged with neighbouring Councils at Alpraham, Cholmondeston and Wettenhall, and Wardle.
- 3.5 During June 2016, a questionnaire, developed from the earlier Community Plan for Calveley, was delivered to every household in the parish with a consequent very high completion rate. In addition, the views of pupils at Calveley Primary Academy were obtained about key issues and themes about the future of the village. The Steering Group was represented at the annual school fair in December 2016 where objectives and progress were explained to several parents. The local farming community was consulted, albeit with a limited response and contact was made with all residents to

⁴ Basic Conditions Statement: second page of the unpaginated document.

enquire whether they held any land where they were intending to seek permission for new homes. Regular progress reports were submitted to the Parish Council and posted on the parish website and parish noticeboards.

- 3.6 The Draft CNP was published for consultation under Regulation 14 of the 2012 Regulations for seven weeks from 11 December 2017 to 28 January 2018. Consultation in accordance with Regulation 16, when the Plan was submitted to CEC, was carried out for a period of just over six weeks from 9 July to 24 August 2018. Eight responses were received. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the Calveley Neighbourhood Plan, 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

- 3.7 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

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

Human Rights

- 3.9 The Basic Conditions Statement comments that the preparation of the CNP has been positively prepared, based on community consultation and taking account of the CEC Statement of Community Involvement to ensure none of the policies infringe on any human rights under the Human Rights Act 1998. CEC states in the Regulation 16 consultation response that it is satisfied that the CNP does not breach, and is compatible with, EU Obligations and Convention rights (within the meaning of the Human Rights Act 1998). I have considered the matter independently and I have found no reason to disagree with that position.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The CNP was screened for SEA by CEC, the report of which was submitted with the Plan in accordance with the legal requirement under Regulation 15(e)(i) of the 2012 Regulations. The Council found that it was unnecessary to undertake SEA. Neither Historic England (HE), Natural England (NE) nor the Environment Agency (EA), when consulted,

disagreed with that assessment. Having read the SEA Screening Opinion, and considered the matter independently, I agree with that conclusion.

- 4.2 The CNP was further screened by CEC for Habitats Regulations Assessment (HRA) which concluded that there were no habitats or circumstances which would trigger HRA. On the basis of the information provided, my independent consideration and noting that the CNP does not include site allocations for development, I support the conclusions of CEC.

Main Issues

- 4.3 Having considered whether the Plan complies with various procedural and legal requirements, it is now necessary to deal with whether it complies with the Basic Conditions; particularly the regard it pays to national policy and guidance, the contribution it makes to the achievement of sustainable development and whether it is in general conformity with strategic development plan policies. I test the Plan against the Basic Conditions by considering specific issues of compliance with all the Plan's policies.
- 4.4 As part of that assessment, I consider whether the policies are sufficiently clear and unambiguous, having regard to advice in the PPG. The CNP should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence⁵.
- 4.5 Having regard to the CNP, the consultation responses, written evidence⁶ and the site visit, I consider that there are four main issues for this examination. These are:

Issue 1: Whether the CNP policies for future housing growth and supporting the local economy are in general conformity with the adopted strategic planning policies, whether they would contribute to the achievement of sustainable development and whether they have regard to national policy and guidance?

Issue 2: Whether the CNP policies to create a parish identity for Calveley have regard to national guidance, contribute to sustainable development and generally conform with strategic statutory planning policies?

Issue 3: Whether the CNP policies for safeguarding man-made and natural assets have regard to national guidance, contribute to sustainable

⁵ PPG Reference ID: 41-041-20140306.

⁶ The other evidence includes my letters of 14 and 18 September 2018 to the Calveley Parish and Cheshire East Councils seeking clarification and the replies of 17 and 28 September 2018.

development and generally conform with strategic statutory planning policies?

Issue 4: Whether the CNP policies for transport have regard to national guidance, are in general conformity with strategic statutory policies and contribute to sustainable development?

Issue 1: Housing Growth and the Local Economy

- 4.6 The CELPS defines Calveley as being within the Other Settlements and Rural Areas (OSRA) category which, overall, is expected to accommodate about 68ha of employment land and 2,950 new homes. CELPS Policy PG2 indicates that growth and investment in OSRA should be confined to proportionate development at a scale commensurate with the function and character of the settlement and confined to locations well related to its existing built-up area. A Housing Needs Advice Report (HNAR) produced by CEC in October 2016 used three calculations to determine what might be a suitable housing target for Calveley. The 19 new homes proposed in the CNP is a similar order of magnitude to the 17.5 suggested by the HNAR.
- 4.7 The C&NBLP delineates a settlement boundary around Calveley, outside which the land is defined as open countryside. Within the settlement boundary, housing development should be in accord with saved C&NBLP Policy RES.4. The CNP correctly describes the current settlement boundary as restrictive in that the proposed number of new dwellings would not be able to be accommodated. However, the footnote to bullet point one of CELPS Policy PG6 explains that settlement boundaries will be reviewed and defined through the production of the emerging SAPD and neighbourhood plans. Therefore, I consider that the delineation of the new settlement boundary and the accommodation of up to 19 dwellings within that boundary is in general conformity with the strategic policies of the development plan for the area. In addition, the identification of up to 3.25ha for employment development is in general conformity with CELPS Policies EG.1 and EG.2. Nevertheless, I shall recommend some minor modifications to CNP Policies 3.1, 3.2 and 3.3 as follows, so that they are sufficiently clear and unambiguous for effective development management.

- 4.8 Policy 3.1.B refers to the Environmental and Landscape Mapping document produced in support of the CNP⁷. The CNP web site dates the publication as November 2016. However, the reference to Section 2 page 73 of the Supporting Information in CNP Policy 3.1.B is misleading because there is no Section 2 and the Supporting Information document is unpaginated other than in the Contents list. In addition, the references in the policy to “natural assets” and “locally valued features” are too generalised and without justification to be sufficient for development management. Consequently, I shall reword the policy and give exact references **(PM2)**.
- 4.9 Policy 3.2.A states that proposals for new housing development should deliver a mix of homes to meet local needs. The term “local needs” is then defined in the policy as smaller homes for first time buyers and downsizing retired people or affordable housing, where local needs assessment identified such dwellings as necessary and agricultural workers dwellings (where the need is considered essential). I consider that focussing exclusively on local needs and excluding market housing does not have regard to national advice to aim for a wide choice of high quality homes⁸. Therefore, I shall modify the first phrase of Policy 3.2.A to *include the delivery* of a mix of homes to meet local needs **(PM3)**. This would also ensure the policy has regard to CELPS Policy SC 4. The addition of a final sentence to the policy will clarify and emphasise the need to provide for affordable housing within the housing mix **(PM4)**. Finally, the policy subheading should be altered to Housing Mix, because that reflects its contents, rather than “Potential Development” **(PM5)**.
- 4.10 Policy 3.3.A identifies various constraints on development within the settlement, one of which is the effect on “amenity”. I consider that, to be effective as a development management tool, the effect should be redefined as “residential amenities” **(PM6)**. Finally, the diagram on page 28 of the CNP shows the proposed settlement boundary and the allocated sites, thereby acting as a proposals map. In order that the CNP provides for effective development management, the map should be ordnance survey based and I recommend that the plan submitted on 28 September 2018 by the Parish Council, in response to my request, is substituted **(PM7)**. However, the map shows two settlement boundaries, the existing boundary and the one which is proposed. To clarify the definitions, the existing settlement boundary should have its provenance noted in the key, especially as the boundary overlaps the adjoining parish of Alraham,

⁷ I have examined the CNP on the basis of the separate, supporting information documents found on the CEC website. I have not had reference to a consolidated Supporting Information document which was produced by the qualifying body, as this was not available on the internet, unlike the individual reports. I can only reference and rely on information supporting the CNP which is provided in published documents (i.e. those that have been made available to the public).

⁸ NPPF paragraph 50.

which is outside the NP Area. Therefore, C&NBLP should be added to the notation **(PM8)**. In addition, the line delineating the proposed settlement boundary should be continued across allocation A to coincide with the boundary of the area of the Plan and the Parish **(PM9)**.

- 4.11 Policy 3.4 considers ancillary housing sites and aims to provide smaller new homes. The justification states that the existing housing stock in Calveley includes a large proportion of substantial houses which, together with an ageing population, will increase the need for more manageable homes. The provision of new smaller homes will enable the current owners of the large houses to remain in the parish whilst making the large homes available to younger people with growing families. The aim of the policy is to support the development of modest new homes away from the village centre whilst protecting Calveley's rural environment. Nevertheless, notwithstanding the laudable aim of the policy, it has to be set against NPPF paragraph 55 which advises that new isolated homes in the countryside should be avoided unless there are special circumstances.
- 4.12 CNP Policy 3.4.A states that limited modest development of single or pairs of houses will be acceptable on sites within a small gap on country lanes. This would not offer an acceptable level of precision compared to the phrasing used in CELPS Policy PG.6, which would offer a preferable means of managing housing development proposals. This indicates that infill development of one or two houses may be permitted in a small gap in an otherwise built up frontage and is the phrase I shall use to modify Policy 3.4.A **(PM10)**. The policy continues by preventing development on "productive" agricultural land which ignores its quality or the possibility that it is being used unproductively for a short time. Therefore, in order to have the necessary precision for development management, to have regard to NPPF paragraph 112 and to generally conform with Policy SD 1 which respectively seek to take account of or protect the best and most versatile (bmv) agricultural land, I shall recommend an appropriate modification to Policy 3.4.A **(PM11)**.
- 4.13 Policy 3.4.B states that housing along country lanes will be in line with "The Review of Housing Stock" in Section 2, page 27, of the Supporting Information document. I have comments similar to those in paragraph 4.8 above. This reference is misleading because there is no Section 2 and the document which is available on the CNP web site only has thirteen pages. Therefore, to enable effective development management, I shall modify the policy to state the exact reference of the document **(PM12)**. Furthermore, rather than be excessively prescriptive about the detail of future housing as suggested on page 10 of the Supporting Information document, the policy should take it into account **(PM13)**.
- 4.14 CNP Policy 3.4.C would generally conform with CELPS Policy SD 2 Sustainable Development Principles. However, CNP Policy 3.4.D fails to [Intelligent Plans and Examinations \(IPE\) Ltd, Regency Offices, 37 Gay Street, Bath BA1 2NT](#)

acknowledge that, although applications for planning permission must be determined in accordance with the development plan, material considerations may indicate otherwise⁹. Therefore, Policy 3.4.D should be deleted **(PM14)**.

- 4.15 Accordingly, with the recommended modifications, I consider that the CNP policies for housing and supporting the local economy would generally conform with strategic statutory policies, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Issue 2: Parish Identity

- 4.16 An objective of the CNP is to retain the current character of Calveley but with the addition of a recognisable centre. The Plan aims to encourage a village centre in the area known as The Chantry and which, as I saw on my inspection, would be the natural focus for the development of community facilities and the relatively small amount of new housing.
- 4.17 CNP Policy 1.1.A supports proposals which would add to the vitality of the parish so that Calveley develops its community atmosphere. The policy has regard to government advice about supporting a rural economy in NPPF¹⁰. Policies 1.2, 1.2.A and 1.2.C refer to creating a Community Hub. As stated by CEC in its Regulation 16 consultation response, community hubs usually refer to buildings within which services are provided and the use of the term “village centre”, where appropriate, would remove this ambiguity.
- 4.18 Overall, CNP Policies 1.2.A, 1.2.B and 1.2.C have regard to NPPF para 28 and generally conform with CELPS Policy SD 1 (13). However, in order to enable development to be managed effectively and consistently, I shall rephrase Policies 1.2.A and 1.2.B, changing the terminology from “community hub” to “village centre” **(PM15)**.
- 4.19 CNP Policy 1.3 is sub-headed “Design Guide” and Policy 1.3.A requires development to comply with the Vernacular Study which was produced as supporting information for the Plan. Whereas the Study would be a useful tool in the design process, requiring compliance is at variance with NPPF, which advises that innovation should not be stifled¹¹. Therefore, in order to ensure Policy 1.3.A has regard to national guidance, I shall modify it so that it takes account of the Study and delete the final sentence **(PM16)**.

⁹ NPPF paragraph 2.

¹⁰ NPPF paragraph 28: bullet point 4.

¹¹ NPPF paragraph 58: bullet point 4; paragraph 60.

- 4.20 Policies 1.3.B, 1.3.C, 1.3.D and 1.3.E have regard to national guidance and generally conform with CELPs Policy SD 2 Sustainable Development Principles, subject to minor clarification amendments to provide for effective development management. Policy 1.3.C should be modified so that roofscapes relate to surrounding dwellings rather than be directly linked to them **(PM17)**. Not all new development will be subject to flood risk and, therefore, Policy 1.3.E should be prefaced by “Where appropriate” **(PM18)**.
- 4.21 The Canal-side Masterplan is described in the Plan as an aspiration. Each item in the subsequent list is described as a policy. Accordingly, the aspiration is more properly headed as Policy 1.4: Canal-side Masterplan. The text in the red font which immediately follows has no policy content, is more akin to justification and should be described as such in the Plan, with a change to make an accurate reference to the Mini Master Plan supporting information document **(PM19)**.
- 4.22 Policies 1.4.A, 1.4.B, 1.4.C, 1.4.D, 1.4.E, 1.4.F, 1.4.G, 1.4.H and 1.4.I all seek to guide the delivery of the canal-side master plan. The policies have regard to national guidance to plan positively for the provision and use of shared space¹². The policies also generally conform with CELPS Policies SC 1 Provision of Leisure and Recreation and SC 3 Health and Wellbeing.
- 4.23 However, to be consistent with the conclusion in paragraph 4.17 above, “Community Hub” in Policy 1.4.A should be replaced by “village centre” **(PM20)**. Policy 1.4.E is too imprecise to manage development effectively and I shall rephrase it **(PM21)**. Policy 1.4.I requires the planting of attractive hedgerows to reduce noise from the adjoining railway and the A51. I support planting within the canal side area as provided for in Policy 1.4.I. which would be in general conformity with CELPS Policy SD 2. Noise attenuation is a different issue. In my experience, planting a hedge would not be effective. I shall recommend an appropriate modification as **PM22**.
- 4.24 Accordingly, with the recommended modifications, I consider that the CNP policies for establishing a parish identity would have due regard to national policy, would generally conform with strategic statutory policies, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Issue 3: Safeguarding Assets

- 4.25 CNP Policy 2.1.A considers farm buildings, but the aims of the policy to achieve consistency of style, scale and their dispersal is incapable of implementation due to that fact that most will be permitted development

¹² NPPF paragraph 70: bullet point 1.

under the Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 6 Class A. In any event, the requirement to seek the dispersal of farm buildings may not contribute to sustainable development either economically or environmentally. Therefore, I shall delete the policy **(PM23)**.

- 4.26 Whereas Policy 2.1.B recognises the need to safeguard designated and non-designated heritage assets and thereby has regard to national guidance and generally conforms with CELPS Policy SE 7¹³, the Plan makes inaccurate references to the Possible Local Heritage List and Environmental and Landscape Mapping Supporting Information document. I shall correct the references in the policy as **PM24**.
- 4.27 Policy 2.1.C requires new dwellings to be designed according to house typology as shown in the Vernacular Study and Design Guide. As in most of the other references to supporting information, the incorrect details are included in the Plan and I shall correct them. In addition, the policy is too prescriptive and does not allow for innovation¹⁴. Therefore, I shall also modify the policy so that the Study and Design Guide is taken into account rather than make it a requirement to be followed **(PM25)**. Otherwise, the policy has regard to national guidance and generally conforms with CELPS Policy SE 1.
- 4.28 CNP Policy 2.2 seeks the protection of the natural environment. Policies 2.2.A and 2.2.B have regard to national guidance and generally conform with CELPS Policy SE 3, subject to the following modifications. In order to have the necessary precision for effective development management, in Policy 2.2.A, I shall replace the phrase “nourish the natural features” with “enhance the natural features” and replace “susceptible features” with “vulnerable features” **(PM26)**.
- 4.29 Policy 2.3.A is within the section aimed at maintaining and enhancing views. The policy refers to the proposals map on page 28 of the CNP. However, there are no views marked on the map and I presume that the reference should be to the key views shown on Fig 5 of the supporting document Environment and Landscape Mapping dated November 2016. I shall recommend the appropriate modification **(PM27)**.
- 4.30 Policy 2.3.B aims to retain green verges, level hedges and clear views along narrow and curved lanes not obstructed by non-natural objects. The policy can be achieved by landscaping conditions on new planning permissions for development within the limitations of the conditions or obligation and generally has regard to national guidance¹⁵. The policy

¹³ NPPF paragraphs 126, 131, 132 and 135.

¹⁴ NPPF paragraphs 59 and 60.

¹⁵ NPPF paragraph 109.

would also be in general conformity with CELPS Policy SE 4 which deals with landscape. However, I consider that the requirement to retain level hedges, regardless of location, height, width and species, is too detailed to be practical or enforceable. Therefore, I shall delete the requirement **(PM28)**.

- 4.31 The objective of CNP Policy 2.4 is to retain the agricultural character of the NP Area. Each of Policies 2.4.A, 2.4.C and 2.4 D generally conforms with CELPS Policy SE 4 and, in contributing to conserving and enhancing the natural environment, has regard to one of the core planning principles in NPPF¹⁶. However, in seeking to protect all existing productive farmland, Policy 2.4.B is contrary to national guidance and CELPS Policy SE 2 (4) and I shall modify the policy by the inclusion of the need to recognise the economic and other benefits of the best and most versatile agricultural land¹⁷. This would ensure that the policy has regard to national guidance and is in general conformity with the adopted Local Plan **(PM29)**.
- 4.32 Accordingly, with the recommended modifications, I consider that the CNP policies for safeguarding man-made and natural assets would have due regard to national policy, would generally conform with strategic statutory policies, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Issue 4: Transport

- 4.33 Policy 4 deals with transport and movement, with Policies 4.1.A, 4.1.C, 4.1.D and 4.1.E seeking to improve pedestrian accessibility. Each of the policies have regard to national guidance and are in general conformity with CELPS Policies SD 1, SE 1 (1) (iv) and Policy CO 1. Policy 4.1.B includes a final sentence which places an unreasonable restriction on development in that any additional traffic will compromise safety in some way, albeit marginally. Therefore, I shall add to the policy the qualification of significance **(PM30)** so that it has regard to national guidance¹⁸.
- 4.34 Policy 4.2.A aims to prevent development which would significantly increase the amount of traffic and queuing onto the A51 and country lanes. NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. To ensure that the policy has regard to national guidance, I shall modify it by the inclusion of the final phrase of the sentence above **(PM31)**. The policy would also then be in general conformity with CELPS Policy CO 1.

¹⁶ NPPF paragraph 17: bullet point 7.

¹⁷ NPPF paragraph 112.

¹⁸ NPPF paragraph 32: bullet point 3.

- 4.35 The aim of the group of three policies within Policy 4.3 is to safeguard verges on country lanes. Policies 4.3.A, 4.3.B and 4.3.C generally conform with CELPS Policy SD 1, one of the aims of which is to support the safety of residents.
- 4.36 Therefore, with the recommended modifications, I consider that the policies on transport would generally conform with strategic statutory policies, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Parish Council Aspiration (PCA)

- 4.37 Section 3.5 of the Plan describes a PCA which is not within the scope of neighbourhood planning. Although a PCA is not within the scope of the examination, I would advise that for the avoidance of doubt, the phrase 'Aspiration: Redrawing the Parish Settlement Boundary' is deleted and the remainder of the text is added to the justification on pages 25 and 26 of the CNP. The section further includes statements which are inaccurate and misleading and have no place in a document which forms part of the development plan. Beneath the sub heading "Other Areas", a statement is made that development in open countryside is not permissible in accordance with the Local Plan and NPPF. This is incorrect, as explained in NPPF paragraph 55 and CELPS Policy PG 6 (3). Similarly, development in the open countryside would not necessarily be contrary to CNP Policies 2.3, 2.4 and 3.1, whether or not they are modified as recommended.

5. Conclusions

Summary

- 5.1 The Calveley 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 made recommendations to modify a number of policies to ensure 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. The Calveley Neighbourhood Plan, as modified, has no policy which I consider

significant enough to have an impact beyond the designated neighbourhood plan boundary, requiring the referendum to extend to areas beyond the boundary of the Plan.

- 5.4 CEC commented that the parish and plan area joint boundary does not reflect the built form of Calveley and a number of residences are excluded which physically adjoin the village but are within an adjoining parish as confirmed by the map supplied by CEC. However, the Parish Council confirmed that only the properties within the parish were part of the consultation process used in preparing the CNP. In addition, the severance of settlements by administrative boundaries is not uncommon. Therefore, I do not accept that the circumstances are so unusual that the referendum should be extended to residents of the properties in the adjoining parish. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated NP Area.

Overview

- 5.5 In conducting the examination, I enjoyed reading the Plan and found it captured the character and appearance of the parish. The Basic Conditions Statement was well presented and extremely helpful. The Steering Group and the Parish Council are to be commended for their efforts in producing a thoughtful, comprehensive and well-illustrated document which, incorporating the modifications I have recommended, will make a positive contribution to the development plan for the area and will assist in creating sustainable development.

Andrew Mead

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Front cover	Alter the front cover to: "Calveley Neighbourhood Plan 2017 – 2030 Calveley Parish Council
PM2	Policy 3.1.B	Delete text of policy and reword to: "Development will not be permitted which would significantly adversely affect the "Open Landscape" and "Enclosed Landscape" shown on Fig 6 and the "Key Views" shown on Fig 5 of the Environmental and Landscape Mapping document in support of the Neighbourhood Plan: November 2016".
PM3	Policy 3.2.A	Delete: "deliver". Substitute: "include the delivery of" .
PM4	Policy 3.2.A	Add final sentence: "Where applicable, affordable housing should be provided in accordance with Policies SC 5 and SC 6 of the Local Plan."
PM5	Policy 3.2.A	Alter sub-heading of policy to: "Housing Mix" .
PM6	Policy 3.3.A	Delete: "amenities". Insert: "residential amenities" .
PM7	Policy 3.3.B	Replace the map currently shown on page 28 with the map submitted by

		Calveley Parish Council on 28 September 2018.
PM8	Policy 3.3.B: map	Add: "Crewe and Nantwich Borough Local Plan" to the notation for the "Settlement Boundary".
PM9	Policy 3.3.B: map	Complete boundary of proposed settlement boundary across Allocated Site A.
PM10	Policy 3.3.A	Add: "... small gap within an otherwise built up frontage on country lanes."
PM11	Policy 3.3.A	Delete final sentence. Add final phrase "... country lanes taking into account the economic and other benefits of the best and most versatile agricultural land. "
PM12	Policy 3.4.B	Delete: "(in Section 2, page 27 of the Supporting Information document)".
PM13	Policy 3.4.B	Delete: "... be in line with...". Insert: "... take account of... ".
PM14	Policy 3.4.D	Delete the policy.
PM15	Policy 1.2 Policies 1.2.A and 1.2C	Delete heading of Policy 1.2 and insert "Village Centre" . Delete references to: "hub of the community" and "Community Hub". Insert: "... village centre... ".
PM16	Policy 1.3.A	Delete: "... comply with the Vernacular Study." Insert: "... take into account the Vernacular Study and Design Guidance in support of the Neighbourhood Plan January 2017. "
PM17	Policy 1.3.C	Delete: "... directly linked ...". Insert: "... related ...".

PM18	Policy 1.3.E	Insert: "Where appropriate..." at beginning of first sentence.
PM19	Aspiration 1.4	Delete references to "Aspiration" in the heading. Insert: "Policy 1.4" . Insert sub heading: "Justification" . Delete: Section 2, page 89 of the Supporting Information document. Insert: "... the Canal Side Mini MasterPlan November 2016" .
PM20	Policy 1.4.A	Replace "... community hub..." with "... village centre..." .
PM21	Policy 1.4.E	Delete: "Preferred used on this site must predominantly include..." Insert final phrase at end of sentence "... will be supported."
PM22	Policy 1.4.I	Delete the policy. Insert: "Where appropriate, proposals for development should include a scheme of landscaping and measures to attenuate noise from the adjacent railway and the A51."
PM23	Policy 2.1.A	Delete the policy.
PM24	Policy 2.1.B	Delete both references to: (Section 2, page 55 of the Supporting Information document). Insert: "Calveley Neighbourhood Plan Calveley Parish Council 2017" . Delete: (Section 2, page 73 of the Supporting Information document) Insert: "...document in support of the Neighbourhood Plan: November 2016..." .
PM25	Policy 2.1.C	Delete: "... according to ...".

		<p>Insert: "... taking into account ...".</p> <p>Delete: Vernacular Study and Design Guide (Section 2, page 13 of the Supporting Information document).</p> <p>Insert: "... Vernacular Study and Design Guidance in support of the Neighbourhood Plan January 2017 ..." .</p>
PM26	Policy 2.2.A	<p>Delete: "... nourish ...".</p> <p>Insert: "... enhance ...".</p> <p>Delete: "... susceptible ...".</p> <p>Insert: "... vulnerable ...".</p>
PM27	Policy 2.3.A	<p>Delete "... in the proposals map on page 28."</p> <p>Insert: "... in the "Key Views" shown on Fig 5 of the Environmental and Landscape Mapping document in support of the Neighbourhood Plan: November 2016".</p>
PM28	Policy 2.3.B	Delete: "... level ...".
PM29	Policy 2.4.B	<p>Delete first sentence.</p> <p>Insert: "Where development proposals will result in the loss of farmland, the economic and other benefits of the best and most versatile agricultural land will be taken into account."</p>
PM30	Policy 4.1.B	Alter final sentence to "... that significantly compromises ...".
PM31	Policy 4.2.A	<p>Delete: "... will not be permitted."</p> <p>Insert: "... will only be refused on traffic grounds where the residual cumulative impacts of development are severe."</p>