



Report on The Moulton Neighbourhood Plan 2015-2030

An Examination undertaken for Cheshire West and Chester Council with the support of the Moulton Parish Council on the 2017 submission version of the Plan.

Independent Examiner: Bob Yuille MSc DipTP MRTPI

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

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Main Findings - Executive Summary

From my examination of the Moulton Neighbourhood Plan (the Plan) 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 Parish Council;
- The Plan has been prepared for an area properly designated – the parish of Moulton as shown on the map facing page 2 of the Plan;
- The Plan specifies the period to which it is to take effect, that is 2015 - 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

Moulton Neighbourhood Plan 2015 - 2030

- 1.1 Moulton is a small, compact former salt working village located near the River Weaver in a predominantly rural parish between the towns of Northwich and Winsford. The Moulton Neighbourhood Plan builds on work done as part of the preparation of the Moulton Parish Plan (2004) and the Moulton Village Design Guide (2009).

The Independent Examiner

- 1.2 As the Plan has now reached the examination stage, I have been appointed as examiner by Cheshire West and Chester Council (the Council), with the agreement of Moulton Parish Council (the Parish Council).
- 1.3 I am a chartered town planner and former government Planning Inspector, with considerable experience of examining development 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

- 1.4 As the independent examiner I am required to produce this report and recommend either:
- (a) that the Plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the Plan as modified is submitted to a referendum; or
 - (c) that the Plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.5 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 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').
- 1.6 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

- 1.7 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.
- 1.8 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 Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017¹.

2. Approach to the Examination

Planning Policy Context

- 2.1 The Development Plan for the area, not including documents relating to excluded minerals and waste development, is the Cheshire West and Chester Local Plan (Part One) Strategic Policies adopted in 2015 (the Local Plan) and the saved policies of the Vale Royal Borough Local Plan First Review Alteration, which was adopted in 2006.
- 2.2 The Local Plan (Part Two) Land Allocations and Detailed Policies (the emerging Local Plan) was submitted for examination on 12 March 2018 and the examination hearings were held between 17 and 27 September 2018. The Inspector conducting this examination has published a number of Main Modifications which were being consulted upon during the preparation of this report. While there is no requirement for the Plan to be in general conformity with any strategic policies in the emerging Local

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.

Plan, there is an expectation that the ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. The local planning authority should work with the qualifying body to produce complementary neighbourhood and local plans².

- 2.3 The planning policy for England is set out principally in the National Planning Policy Framework (the Framework). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented.
- 2.4 A revised Framework was published on 24 July 2018, with a further revised version on 19 February 2019, replacing the previous 2012 Framework. The transitional arrangements for local plans and neighbourhood plans are set out in paragraph 214 of the 2018 (and subsequent 2019) Framework, which provides that '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 Moulton Neighbourhood Plan was submitted to the Council in August 2018. Thus, it is the policies in the original, 2012 Framework that are applied to this examination and all references in this report are to the March 2012 Framework 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 Moulton Neighbourhood Plan 2015 - 2030, written in 2017;
 - the map facing page 2 of the Plan which identifies the area to which the proposed Plan relates;
 - the Moulton Neighbourhood Plan Consultation Report, August 2018;
 - the Basic Conditions Statement, produced by Urban Imprint;
 - all the representations that have been made in accordance with the Regulation 16 consultation;
 - the answers to the questions I raised in my letters of 3 December 2018; 25 January 2019; 6 February 2019 and 14 February 2019; and
 - the Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA) Screening Determination for the Plan (September 2018) prepared by the Council.

(All of these documents are available on the Council's web site)³

² Paragraph 184 of the Framework and PPG Reference ID: 41-009-20160211.

³ [View](https://consult.cheshirewestandchester.gov.uk/portal/cwc_ldf/np/moulton_pub) at:

Site Visit

- 2.6 I made an unaccompanied site visit to the Neighbourhood Plan Area on 13 February 2019 to familiarise myself with the area and visit relevant sites referred to in the Plan and evidence.

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.

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 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 Plan has been prepared and submitted for examination by Moulton Parish Council, which is a qualifying body for an area that was designated by the Council on 6 March 2013.
- 3.2 It is the only Neighbourhood Plan for the parish. However, I do have concerns that two policies are not confined to the development and use of land in the whole or any part of the designated Neighbourhood Plan Area⁴. These are *Policy H1 Key Settlement Gap* and *Policy EOS4 Key Views*, which I deal with respectively in paragraphs 4.12- 4.14 and 4.42-4.43 below. Providing PM2 and PM14 are made, the Plan does not relate to land outside the designated Neighbourhood Plan Area.

Plan Period

- 3.3 The Plan specifies clearly on its cover the period to which it is to take effect, which is from 2015 to 2030.

⁴ Section 38A(2) of the 2004 Act.

Neighbourhood Plan Preparation and Consultation

- 3.4 The Parish Council has confirmed that it has consulted widely on the various versions of the Plan and its precursor documents. A Village Survey has been carried out and local people have been consulted by way of the parish newsletter which is delivered to every property in the parish. Various public meetings and events have been used to obtain comment on the Plan and information about the Plan has been placed on the Parish Council website and various social media outlets. Copies of the Plan have also been made available at various locations in the parish.
- 3.5 At the Regulation 14 stage the Plan underwent a 10 week consultation process between December 2017 and February 2018. The responses received are set out in Appendix 3 of the Consultation Report. At the Regulation 16 stage, an 8 week consultation process was carried out which elicited 13 responses and these responses are considered in this report.
- 3.6 With these points in mind, I am satisfied that the Plan has been publicised in a manner that is likely to bring it to the attention of people who live, work or carry on business in the parish of Moulton; that the consultation process has met the legal requirements and that it has had due regard to the advice on plan preparation and engagement in the PPG.

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 Council 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 and HRA by the Council, which found that it was unnecessary to undertake either SEA or HRA. The

statutory consultees do not dispute this finding. Having read the Screening Opinion, I support this conclusion.

Main Issues

- 4.2 Having considered whether the Plan complies with the various legal and procedural requirements it is now necessary to deal with the question of whether it complies with the remaining Basic Conditions (see paragraph 1.7 of this report), particularly 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. I should say at this point that the purpose of the examination is not to delve into matters that do not fundamentally affect the Plan's ability to meet the Basic Conditions. I do not, therefore, deal with representations which, in effect, seek to improve the Plan but which are not necessary to meet the Basic Conditions. From my reading of the Plan, the consultation responses and other evidence I consider that in this examination there are two main issues relating to the Basic Conditions. These are:
- General issues of compliance of the Plan as a whole; and
 - Specific issues of compliance of the Plan's policies.

General Issues of Compliance

Regard to National Policy and Guidance and General Conformity with Strategic Development Plan Policies

- 4.3 The Plan contains six groups of policies which relate to general principles; housing; design and heritage; environment and open space; transport; and community facilities and tourism. These policies aim to promote sustainable development that is in keeping with the character of Moulton; to sustain the village by providing the right type and tenure of housing; to ensure high quality design and the safeguarding of heritage assets; to protect and preserve Moulton's natural environment; to encourage development where proper consideration has been given to traffic impact and transport provision; and to protect the village's existing services and provide new ones.
- 4.4 These aims have regard to the Framework, the core principles of which (paragraph 17) seek to drive and support sustainable growth while taking account of the different roles and character of different areas; which seek to secure high quality design, to conserve heritage assets and to conserve and enhance the natural environment; which seek to focus development in locations which are, or can be made, sustainable in terms of their accessibility and which seek to deliver sufficient community and cultural facilities to meet local needs. I am satisfied, therefore, that, subject to

the proposed modifications set out below, the Plan has regard to national policy and guidance and meets the Basic Conditions in this regard.

- 4.5 Similarly the Plan deals with many of the matters covered by the strategic policies in the Local Plan. The Local Plan seeks to achieve sustainable development in different categories of settlement - a point dealt with in more detail below - as well as ensuring the provision of high quality design (*Policy ENV 6*). In addition, the Local Plan seeks to protect heritage assets (*Policy ENV 5*); to safeguard and enhance biodiversity and geodiversity (*Policy ENV 4*); to ensure that additional traffic is accommodated safely and appropriately (*Policy STRAT 10*); and to strengthen the provision of health, cultural, sports and leisure facilities (*Policy SOC 6*). I am satisfied, therefore, that, subject to the proposed modifications set out below, the Plan is in general conformity with the strategic policies in the Local Plan and meets the Basic Conditions in this respect.

Contribution to Sustainable Development

- 4.6 The contribution that the settlement of Moulton and its surrounding rural area is intended to make to sustainable development is set out in broad terms in the Local Plan. The spatial strategy of the Local Plan seeks to direct development to the four main urban areas in the district and to direct a lesser amount of development towards ten Key Service Centres. It also acknowledges that in the remainder of the rural area there are smaller settlements which have a lower level of services and access to public transport but could accommodate some small-scale development. These are called Local Service Centres and it is into this category of settlement that Moulton falls, being defined as such in *Policy R 1* of the emerging Local Plan.
- 4.7 The Local Plan (paragraph 5.67) deliberately avoids imposing levels of development on Local Service Centres as it is considered that the local community is best placed to understand its needs in terms of supporting local services or meeting a specific housing need through, amongst other things, the preparation of neighbourhood plans. Local Plan *Policy STRAT 8* does, however, advise that the amount of development in each Local Service Centre will reflect the scale and character of the settlement and the availability of services, facilities and public transport. The supporting text to Local Plan *Policy STRAT 9* states, amongst other things, that settlement boundaries will be defined for Local Service Centres and that land beyond the settlement boundary will be treated as countryside. Local Plan *Policy STRAT 9* also seeks to restrict development in the countryside to that which requires a countryside location.

- 4.8 The Plan specifically recognises Moulton's status as a Local Service Centre, it defines a settlement boundary for Moulton which reflects that proposed in the emerging Local Plan, it encourages suitable development within that settlement boundary and takes a generally restrictive approach to development in the countryside. In all of these respects it follows closely the broad definition in the Local Plan of what, for a parish such as Moulton, would amount to a suitable contribution to sustainable development. I am satisfied, therefore, that, subject to modifications which I propose later in this report to individual policies, the Plan as a whole meets the Basic Conditions in this respect.

Specific Issues of Compliance

Proposals Map

- 4.9 The Moulton Neighbourhood Plan Proposals Map is purely diagrammatic. This would make it difficult for a decision maker determining planning applications to apply policies relating to map-based designations such as the Settlement Boundary, Key Views, Local Green Space and so on. Such policies would not, therefore, be clear and unambiguous and could not be applied consistently and with confidence⁵. In this respect, they would not have sufficient regard to the advice in the PPG and would thus breach the Basic Conditions. The Parish Council accept that this is the case and have produced a Proposals Map on a map base. This should be substituted for the Proposals Map on page 35 of the Plan as indicated in **PM1**.

General Principles

- 4.10 *Policy GP1 Settlement First* seeks to focus development within the settlement boundary of Moulton and to restrict development in the countryside. As indicated in paragraph 4.8 above, such an approach is consistent with *Policy STRAT 8* and *Policy STRAT 9* of the Local Plan. It also has regard to the Framework (paragraph 17) insofar as this seeks to drive and support sustainable growth while taking account of the different roles and character of different areas. This policy meets the Basic Conditions.
- 4.11 *Policy GP2 Sustainable Development* seeks to secure development proposals that mitigate and or reduce impact on climate change. This is in general conformity with Local Plan *Policy STRAT 1* which includes a similar aim and has regard to the Framework (paragraph 17) which also supports the transition to a low carbon future in a changing climate. *Policy GP2* meets the Basic Conditions.

⁵ PPG Reference ID: 41-041-20140306.

Housing

- 4.12 *Policy H1 Key Settlement Gap* seeks to protect a gap between Moulton and the neighbouring village of Davenham. There is considerable public support for this policy and, having visited the area, I can see that there is a threat of the two villages coalescing. There is, therefore, merit in maintaining the separate identity of these villages. However, the majority of that gap is outside the Plan area. This is contrary to the legal requirement that the Plan's policies relate to the development and use of land in the whole or any part of the designated Neighbourhood Plan Area.
- 4.13 Notwithstanding this, the Parish Council has confirmed that the Key Settlement Gap proposed in the Plan has the same boundaries as that proposed in the emerging Local Plan (Map Change 220). *Policy GBC 3* of the emerging Local Plan seeks to achieve the same ends as *Policy H1* of the Plan. The Inspector conducting the Examination into the emerging Local Plan has proposed no modifications to the wording of *Policy GBC 3* or the boundaries of the area it refers to. There is, therefore, a very high probability that emerging *Policy GBC 3* will be adopted unchanged, and the objective of *Policy H1* will be achieved through the Local Plan route.
- 4.14 *Policy H1* should be deleted as proposed in **PM2**. However, given the importance that local people attach to preserving this gap, reference to it should be included in the supporting text as shown in **PM2**.
- 4.15 *Policy H2 Location of New Residential Development* supports new residential development within the defined settlement boundary, or in the case of schemes for 100% affordable housing, adjacent to that boundary. This is generally consistent with the approach taken in the Local Plan in which the supporting text to *Policy STRAT 9* anticipates the definition of settlement boundaries for villages such as Moulton. Moreover, *Policy STRAT 8* and *Policy STRAT 9* seek to focus development within settlements such as Moulton rather than in the surrounding countryside. *Policy SOC 2* makes provision for rural exception sites (that is, sites providing 100% affordable housing) to villages such as Moulton.
- 4.16 *Policy H2* also has regard to the Framework which, amongst other things, seeks to take account of the different roles and character of different areas (paragraph 17) and requires that the need for all types of housing, including affordable housing, be addressed (paragraph 159).
- 4.17 It is suggested that the settlement boundary should be extended to include land off Niddries Lane as this is the best and most logical site to meet future development needs. However, having visited the village and

observed the amount of recent development that has taken place, particularly the two large new housing estates, I take the view that, bearing in mind the scale and character of the settlement and the availability of services, facilities and public transport, Moulton has made a suitable contribution to sustainable development.

- 4.18 Moreover, I note that the settlement boundary proposed in the Plan is the same as that proposed in the emerging Local Plan and there is no proposal to revise that boundary. I do not, therefore, consider that there is a justification to extend the settlement boundary referred to in *Policy H2*.
- 4.19 However, as the Council points out, this policy as currently worded contains an element of repetition. In the interest of clarity, it should be reworded as shown in **PM3**. With that modification in place I am satisfied that *Policy H2* meets the Basic Conditions.
- 4.20 *Policy H3 Infill* supports infill development within the village, something that is consistent with the aims of Local Plan *Policy STRAT 8* and seeks to prevent what the Plan describes as 'garden grabbing', an aim that has regard to the advice in the Framework (paragraph 54) which enables policies to resist the inappropriate development of gardens. In the interest of clarity, however, the policy should make clear that it applies within the settlement boundary and the term infill should be defined as shown in **PM4**. With these changes in place, *Policy H3* meets the Basic Conditions.
- 4.21 *Policy H4 Housing Mix* seeks to indicate the mix of housing that will be appropriate. This is in general conformity with the Local Plan (*Policy SOC 3*) and with the Framework (paragraph 159) which also seek to secure a mix of housing, both market and affordable, which the population is likely to need. *Policy H4* meets the Basic Conditions.
- 4.22 *Policy H5 Development of Regent Street* sets out criteria for the development of this brownfield site. Questions have been raised as to the suitability, availability and deliverability of this site. Having visited the site - an area of garages, outdoor parking, grass and trees - I am satisfied that it is within the settlement boundary, it is predominantly brownfield land and it is not of high environmental value. Its development would, therefore, be consistent with the provisions of *Policy STRAT 1* of the Local Plan and would, I note, receive the support of the local community. I am satisfied, therefore, that the site is suitable for development.
- 4.23 As to the site's availability and deliverability, the Parish Council own the land, are in discussions with agents and developers and have had three serious expressions of interest. That being so there is, I consider, a realistic prospect of the site being delivered within 5 years.

- 4.24 The site is a significant one in the context of Moulton and, in terms of the Basic Conditions, I can see no objection to it having its own policy in the Plan even though it could be delivered under the terms of other policies in the Plan and the Local Plan. The site is not included in the Council's Brownfield Land Register but that does not preclude it coming forward for development. The Council and the Parish Council have confirmed that *Policy H5* is not being treated as a site allocation and I can see no reason why the proposed development of this site would undermine the findings of the SEA and HRA.
- 4.25 The development of this site is not intended to preclude other similar sites coming forward so there is no necessity for it to have been the subject of a comparative site assessment exercise.
- 4.26 However, *Policy H5* does refer to appropriate levels of parking being provided and, in the interests of clarity and consistency, this should be tied back to the Council's parking standards as shown in **PM5**. With this modification in place I am satisfied that *Policy H5* meets the Basic Conditions.

Design and Heritage

- 4.27 *Policy DH1 General Design* seeks to achieve development with a high quality of design that responds to its context. Such an aim has regard to the Framework (paragraph 56 for example) which seeks to achieve the same end and is in general conformity with the Local Plan (*Policy ENV 6*) which similarly promotes high quality design. At a more detailed level, all of the criteria identified in the policy will not be applicable to all types of development so, in order to avoid being over prescriptive, the phrase '*in all cases*' should be replaced with the phrase '*where relevant*' as shown in **PM6**. With this modification in place I am satisfied that *Policy DH1* meets the Basic Conditions.
- 4.28 *Policy DH2 Heritage Assets* seeks to ensure that the design of development takes account of such assets. In broad terms, this aim has regard to and is in general conformity with the Framework (paragraphs 126 – 141) and with the Local Plan (*Policy ENV 5*) as these seek to achieve essentially the same end. However, as the Parish Council accepts, the precise wording of the policy does not distinguish clearly between the significance of designated as opposed to non-designated heritage assets in the decision-making process. *Policy DH2* should, therefore, be amended as shown in **PM7**.
- 4.29 *Policy DH2* helpfully refers to Appendix 1 in which all designated and non-designated heritage assets in the Plan area are set out. There is however

an error in this which needs to be amended, the Moulton Mound (or Bowl Barrow) is a designated, not a non-designated asset. In the interests of clarity, a footnote should be added alerting readers to check that these lists are updated from time to time. These modifications are shown in **PM8**. With this modification *Policy DH2* meets the Basic Conditions.

- 4.30 *Policy DH3 Streets and Footpaths*. This policy starts with a broad statement seeking to support development which improves the public realm beyond the development site. It is difficult to see what relevance such a general statement has to a policy which purports to deal solely with streets and footpaths. Moreover, such improvements could only legitimately be sought if they were necessary to make the development acceptable in planning terms, were directly related to the development and were fairly and reasonably related in scale and kind to the development (paragraph 204 of the Framework). This aspect of *Policy DH3* does not pay sufficient regard to the Framework in this respect and I have been referred to no policies in the Local Plan that it could be said might underpin this approach. This aspect of *Policy DH3* should, therefore be deleted as shown in **PM9**.

- 4.31 In the interests of clarity the second paragraph should be replaced with the wording set out in **PM10**.

Environment and Open Space

- 4.32 *Policy EOS1 Natural Environment & Biodiversity* seeks, where possible to ensure that development maintains existing trees, hedgerows and waterbodies in the Plan area. Such a policy has regard to the Framework (paragraph 109) insofar as this seeks to conserve and enhance the natural environment and is in general conformity with the Local Plan (*Policy ENV 4*) which has a similar aim. In the interests of clarity and consistency some minor re-wording of the policy is required as set out in **PM11**. With this modification in place *Policy EOS1* meets the Basic Conditions.
- 4.33 *Policy EOS2 Local Green Space* identifies eight such spaces in the Plan area. *Policy ENV2* of the Local Plan supports the designation of Local Green Spaces. The Framework also acknowledges that local communities should identify such spaces but advises (paragraphs 76 to 78) that, amongst other things, this designation will not be appropriate for most green areas or open space and that it should only be used where; firstly, the green space is in reasonably close proximity to the community it serves; secondly, where the green space is demonstrably special to a local community and holds particular local significance; and thirdly, where it is local in character and not an extensive tract of land.

- 4.34 I will deal at the outset with the first and third of these criteria. All of the proposed Local Green Spaces are within the settlement boundary proposed for the village so, clearly, they are close to the community they serve. The largest of these proposed sites is just over 2ha in extent: others are considerably smaller. None of these proposed sites can, therefore, be regarded as an extensive tract of land. Six of these proposed sites adjoin each other. However, each of these sites have distinct use, character and appearance and are separated by clear boundaries so it would not be appropriate to regard them as a single site. However, even if this were done their cumulative area would be less than 5 ha. I am satisfied, therefore that, individually and cumulatively, these six sites do not amount to an extensive tract of land.
- 4.35 This leaves the matter of whether each of the proposed Local Green Spaces is demonstrably special to the community and holds particular local significance. For the most part I am satisfied that the evidence indicates that the proposed sites meet this criterion.
- 4.36 However, this is disputed insofar as one of the proposed Local Green Spaces (the natural wetland site) is concerned. In the document entitled 'Local Green Space Assessment' the proposed designation of this site is justified by the statement that '*This area of natural wetland is important for wildlife and biodiversity*'. However, while the site contains a small pond fed by a brook running along one of its boundaries, the field as a whole appears to be agricultural in character rather than a wetland habitat and, being in Flood Zone 1, it is in an area with a relatively low risk of flooding.
- 4.37 There is evidence that the pond and brook are inhabited by the Great Crested Newt and on my site inspection I saw what appeared to be newt fencing between the site and recently developed houses. However, the Great Crested Newt is a protected species and would remain protected regardless of whether the site is designated as a Local Green Space.
- 4.38 I also note that the public cannot gain access to this site (although this in itself does not preclude designation) and that while it can be seen from adjoining development, it does not feature in any of the Key Views identified in the Plan. In this instance, I am not satisfied that there is sufficient evidence to demonstrate that this site is indeed a wetland habitat and demonstrably special to the local community, or that it holds particular local significance. This site should, therefore, be deleted as shown in **PM12**. Otherwise, I am content that the remaining seven sites should be designated as Local Green Spaces.
- 4.39 In the interests of clarity the boundaries of the remaining Local Green Spaces should be shown on the Proposals Map as indicated in **PM12**.

- 4.40 *Policy EOS3 Green Infrastructure* seeks to ensure that development provides new, and safeguards existing, green infrastructure. However, it does not define that term nor is the term green infrastructure specifically referred to on the Proposals Map. Given that I have proposed that the Key Settlement Gap be deleted (see **PM2**) it can be deduced that the existing green infrastructure in the Plan area consists of wildlife corridors (which are covered by *Policy EOS1 Natural Environment & Biodiversity*) and Local Green Spaces (which are covered by *Policy EOS2 Local Green Space*). References in *Policy EOS3* to safeguarding existing green infrastructure serves no practical purpose as they would simply duplicate other policies. Such references should, therefore, be deleted as shown in **PM13**.
- 4.41 *Policy EOS3* also requires development to provide new green infrastructure and link to key footpaths. However, much development in the Plan area will, necessarily, be on infill sites which may not have the capacity to make such provision. The policy should, therefore, be qualified to state that such provision should be made where possible - as shown in **PM13**. In its modified form, I am satisfied that *Policy EOS3* has regard to the Framework which seeks to plan positively for the creation of green infrastructure (paragraph 114) and is in general conformity with Local Plan *Policy ENV 3* which seeks to achieve the same end. *Policy EOS3* as modified meets the Basic Conditions.
- 4.42 *Policy EOS4 Key Views* seeks to safeguard four key views, the location of which are indicated diagrammatically on the Proposals Map. From each of the identified points it is possible to obtain distinctive views of the countryside around Moulton. In general terms, such a policy is consistent with the Framework (paragraph 109) and the Local Plan (*Policy ENV 3*) which variously seek to protect landscape character and distinctiveness.
- 4.43 However, Moulton sits in an elevated position and commands views over the lower lying land in adjacent areas. This is particularly true for the two east facing viewpoints, both of which are close to the boundary of the Plan area and which look outwards across neighbouring parishes. As previously noted, it is not within the legal remit of the Neighbourhood Plan to devise policies which will apply outside the designated Neighbourhood Plan Area, and which would control development in nearby parishes. *Policy EOS4* should, therefore, be modified to make clear that it only applies to development in the Plan area (**PM14**).

Transport

- 4.44 *Policy T1 Sustainable Transport* seeks to promote means of transport other than the private car. Such an approach has regard to the

Framework (paragraph 17) and the Local Plan (*Policy STRAT 10*), which seek to attain a similar end. This policy meets the Basic Conditions

- 4.45 *Policy T2 Parking* seeks the provision of adequate parking in new developments and refers to the Council's Parking Standards Supplementary Planning Document. This has regard to the Framework which anticipates the provision of such local parking standards, and is in general conformity with the Local Plan (*Policy STRAT 10*), which similarly seeks the provision of adequate parking. This policy meets the Basic Conditions.
- 4.46 *Policy T3 Traffic Management* seeks to ensure that development proposals, regardless of scale, should demonstrate that they have considered their wider impacts on traffic throughout the parish. However, as the Council has pointed out, while it is required that the additional traffic from all new development must be capable of being accommodated safely and satisfactorily (*Policy STRAT 10*), such wider ranging information would not normally be sought for smaller developments such as infill plots. Moreover, the Framework (paragraph 32) establishes that development should only be prevented or refused where the residual cumulative impacts would be severe. *Policy T3* should be modified to reflect this as is shown in **PM15**.
- 4.47 With this modification in place *Policy T3* meets the Basic Conditions.

Community Facilities & Tourism

- 4.48 *Policy CFT1 Community Buildings* identifies and seeks to safeguard a number of community buildings. This has regard to the Framework (paragraph 70) which similarly seeks to safeguard against the unnecessary loss of valued facilities and services. This policy is also in general conformity with the Local Plan (*Policy STRAT 11*) which supports measures to protect, enhance or improve existing facilities, services and amenities that contribute to the quality of life of residents. *Policy CFT 1* meets the Basic Conditions.
- 4.49 *Policy CFT2 Developer Contributions* identifies a range of improvements which could be supported by developer contributions. This is in general conformity with the Local Plan (*Policy STRAT 11*) which, as quoted above, supports measures to protect, enhance or improve existing facilities, services and amenities that contribute to the quality of life of residents. The Framework (paragraph 204) sets out the circumstances in which developer contributions can be sought but *Policy CFT2* does not purport to deal with this matter, it simply recommends that, where appropriate, contributions towards the listed local contributions would be welcomed.

The advice in the Framework does not, therefore, need to be repeated in the policy. *Policy CFT2* meets the Basic Conditions.

- 4.50 *Policy CFT3 Tourism* supports small scale tourism related activities. This has regard to the Framework (paragraph 28) which supports sustainable rural tourism and is in general conformity with the Local Plan (*Policy Econ 3*) which includes a similar aim. *Policy CFT3* meets the Basic Conditions.

5. Conclusions

Summary

- 5.1 The Moulton 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 for 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 and text 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 Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan 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

- 5.4 The preparation of a neighbourhood plan can be an exacting task requiring a clear vision of how the area should develop, close attention to public opinion, the ability to assemble and assimilate evidence and a thorough grasp of the sometimes arcane intricacies of the planning system. The Parish Council and its steering group have risen to these challenges and are to be congratulated on producing a clear and concise Plan.

R J Yuille

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page number / other reference	Modification
PM1	Proposals Map Following Page 34	Replace the Proposals Map in the Plan with that attached to the Parish Council's e mail of 25 January 2019.
PM2	Page 16	Delete policy H1 and the supporting text at paragraph 9.2. Insert paragraph 9.2 as a new paragraph 11.2.
PM3	Policy H2 Page 16	<p><i><u>New residential developments will be supported where they lie within the settlement boundary subject to criteria in H3 (Infill) and H4 (Housing Mix), are of an appropriate scale in relation to the settlement and meet the criteria of Policy H4 (Housing Mix) and, where relevant, Policy H3 (Infill).</u></i></p> <p><i>Where necessary to meet identified affordable local housing needs development schemes proposing 100% affordable housing may be permitted on small sites adjacent to the settlement boundary.</i></p> <p><i>In all cases schemes proposing houses must accord with Policy H4 of the Moulton Neighbourhood Plan or demonstrate how it meets an identified housing need through an up-to-date Housing Needs Survey.</i></p>
PM4	Policy H3 Page 17	<i><u>New development schemes on infill plots (infill is defined as the filling of a small gap, up to two dwellings, in an otherwise built up frontage) within the village settlement boundary.....</u></i>
PM5	Policy H5 Page 19	<i><u>....and appropriate parking (as defined in Policy T2) for new and existing residents.</u></i>
PM6	Policy DH1	<i><u>In all cases Where relevant applicants</u></i>

	2 nd Sentence Page 20	<i>should.....</i>
PM7	Policy DH2 Para 1 Para 2 Para 3	<p><i>Moulton benefits from historic building, spaces, street patters <u>patterns</u>.....</i></p> <p><i><u>New development proposals must take account of the desirability of preserving or enhancing designated heritage assets and their setting or any features of special architectural or historic interest. impact on identified heritage assets, (both designated and non-designated) seeking to protect and, where appropriate, enhance them. Development proposals will be encouraged and supported where they are designed to preserve or enhance the significance of non-designated heritage assets</u></i></p> <p>Retain unchanged.</p>
PM8	App 1 Page 36	<p>Designated d) <u>Moulton Mound or Bowl Barrow</u></p> <p>Non-designated p) <u>Moulton Mound</u></p> <p><i>*These lists may be updated from time to time. See the following link: http://cheshirearchaeology.org.uk?page_id=152</i></p>
PM9	Policy DH3 Para 1 Page 22	<i>New development schemes that enhance or provide contributions to improving the quality of the public realm beyond the application site will be looked upon favourably, subject to any other policies within the Development Plan.</i>
PM10	Policy DH3	Delete second paragraph of Policy DH3. Replace with: <i><u>Proposals which enhance footpaths and rights of way, and integrate them into new</u></i>

		<u>developments, will be supported</u>
PM11	Policy EOS1 Page 23	<p><u>...trees and waterbodies within the parish plan area as outlined in the Village Design Guide.</u></p> <p><u>Enhance existing sites where appropriate and not harm or negatively impact habitats and wildlife corridors and where appropriate create new wildlife corridors. Protecting and wherever possible enhancing local wildlife sites, corridors and habitats. Any unavoidable harm should be minimised through appropriate mitigation measures.</u></p> <p><u>Conform to the</u></p> <p><u>Specifically developments should avoid negatively impacting (both visually and physically) trees and hedgerows.....</u></p>
PM12	Policy EOS2 Page 24 Proposals Map	<p><u>• Natural wetland site.</u></p> <p>Indicate the boundaries of the remaining Local Green Spaces on the Proposals Map.</p>
PM13	Policy EOS3 Page 25	<p><u>Where possible New development should.....</u></p> <p><u>Any development that will negatively impact on wildlife corridors and green infrastructure (as highlighted on the proposals map) in the parish through its loss or significant reduction will not be permitted.</u></p>
PM14	Policy EOS4 Page 26	<u>New development within the plan area must not have negative impacts....</u>
PM15	Policy T3 Page 29	<u>Development proposals regardless of scale and size, should demonstrate that they have proportionally considered the wider impacts on traffic throughout the area.</u>

		<p><u>When considering development proposals</u> <u>Specific considerations should be given to ensuring:</u></p> <ul style="list-style-type: none"> • <u>Safe Access and egress to the site;</u> • <u>The provision of sufficient parking and servicing;</u> <p><u>Proposals that improve road safety and promotes public transport will be supported. By this Plan Additionally Nnew developments which cause severe residual impacts on traffic within the parish <u>plan area</u> are unlikely to be acceptable.</u></p>
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