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# **Report on Cuddington Parish Neighbourhood Plan 2015 - 2030**

**An Examination undertaken for Cheshire West and Chester Council with the support of the Cuddington Parish Council on the Submission Draft of the Plan.**

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Date of Report: 13 September 2018

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## Contents

	Page
<b>Main Findings - Executive Summary</b>	3
<b>1. Introduction and Background</b>	3
• Cuddington Neighbourhood Plan 2015-2030	3
• The Independent Examiner	4
• The Scope of the Examination	4
• The Basic Conditions	5
<b>2. Approach to the Examination</b>	5
• Planning Policy Context	5
• Submitted Documents	6
• Site Visit	7
• Written Representations with or without Public Hearing	7
• Modifications	7
<b>3. Procedural Compliance and Human Rights</b>	7
• Qualifying Body and Neighbourhood Plan Area	7
• Plan Period	8
• Neighbourhood Plan Preparation and Consultation	8
• Development and Use of Land	8
• Excluded Development	8
• Human Rights	8
<b>4. Compliance with the Basic Conditions</b>	9
• EU Obligations	9
• Main Issues	9
• Housing - Policies 1 and 16	9
• Blakemere - Policy 13	11
• Other Policies	12
• Environment and Landscape	12
• Economy and Retail	15
• Housing and Design	16
• Travel and Movement	18
<b>5. Conclusions</b>	20
• Summary	20
• The Referendum and its Area	20
• Overview	20
<b>Appendix: Modifications</b>	22

## **Main Findings - Executive Summary**

From my examination of the Cuddington 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 – Cuddington Parish Council;
- The Plan has been prepared for an area properly designated – Cuddington Parish as shown on the map facing page 5 of the Plan;
- The Plan specifies the period to which it is to take effect – 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**

### *Cuddington Parish Neighbourhood Plan 2015 - 2030*

- 1.1 The parish of Cuddington is located some 4 miles north of Winsford and some 3 miles west of Northwich. It contains the settlement of Cuddington and Sandiway, which has developed around and within the triangle of roads formed by the A556, the A49 and Norley Road. The settlement is surrounded by countryside with that to the north, west and east being designated as Green Belt. The Green Belt washes over the freestanding residential areas of Delamere Park and Eden Grange.
- 1.2 Work on the Plan commenced in 2015 and has been led by the Neighbourhood Plan Steering Group consisting of members of Cuddington Parish Council (the Parish Council) and community volunteers supported by professional advice from Cheshire West and Chester Council (the Council) and a planning consultancy.

### *The Independent Examiner*

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Plan by the Council, with the agreement of the Parish Council.
- 1.4 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 Plan.

### *The Scope of the Examination*

- 1.5 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 modified Plan 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.
- 1.6 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').

1.7 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*

1.8 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.

1.9 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 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 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 January 2015 (the Local Plan) and the saved policies of the *Vale Royal Local Plan*

(2006). A list of the policies from these documents which are considered by the Council to be both strategic and of relevance to the Plan is to be found on its website in the link attached to paragraph 2.3 of the Council's Regulation 16 consultation response.

- 2.2 Work is underway on the *Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies* (the emerging Local Plan) which was submitted for examination in March 2018. While there is no requirement for the Plan to be in general conformity with the strategic policies of the emerging Local Plan, it is important to minimise any conflict between the two documents, as set out in Planning Practice Guidance (PPG) Reference ID: 41-009-20160211.
- 2.3 The planning policy for England is set out principally in the National Planning Policy Framework (the Framework). The PPG offers guidance on how this policy should be implemented. A revised Framework was published during this examination on 24 July 2018<sup>1</sup>, replacing the previous 2012 Framework. The transitional arrangements for local plans and neighbourhood plans are set out in paragraph 214 of the 2018 Framework, 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 Cuddington Neighbourhood Plan was submitted to the Council in April 2018. Thus, it is the policies in the previous 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*

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the *Submission Draft of the Cuddington Parish Neighbourhood Plan 2015 - 2030*;
  - the map facing page 5 of the Plan which identifies the area to which the Plan relates;
  - the *Cuddington Neighbourhood Plan Consultation Statement*, undated;
  - the *Basic Conditions Statement*, undated, prepared by Urban Imprint;
  - all the representations that have been made in accordance with the Regulation 16 consultation;
  - the *Strategic Environmental Assessment, Sustainability Appraisal and Habitats Regulation Assessment Screening Determination for the*

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<sup>1</sup> View at: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

- Cuddington Parish Neighbourhood Plan December 2017*, prepared by the Council, together with the *Sustainability Appraisal Cuddington Neighbourhood Plan December 2017*, prepared by Urban Imprint; and
- the Parish Council's answers (under cover of an email dated 24 July 2018) to the questions raised in my letter of 10 July 2018 and its reply to various Regulation 16 consultation responses<sup>2</sup>.

*All of the above documents can be found on the Council's web site.*

### *Site Visit*

- 2.5 I made an unaccompanied site visit to the Neighbourhood Plan Area on 2 August 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*

- 2.6 This examination has been dealt with by written representations. Although there was a request from one consultee for a hearing, I considered this to be unnecessary as the written evidence I received clearly articulated the objections to the Plan, and presented arguments for and against the Plan's suitability to proceed to a referendum.

### *Modifications*

- 2.7 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 Cuddington Parish Council, which is a qualifying body.
- 3.2 It is the only neighbourhood plan for the parish of Cuddington and does not relate to land outside the designated Neighbourhood Plan Area.

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<sup>2</sup> View at:

[https://consult.cheshirewestandchester.gov.uk/portal/cwc\\_ldf/np/cuddington\\_pub](https://consult.cheshirewestandchester.gov.uk/portal/cwc_ldf/np/cuddington_pub)

### *Plan Period*

- 3.3 The Basic Conditions Statement confirms that the Plan covers the period 2015 – 2030, but this is not stated in the Plan itself as it should be. To remedy this, the cover of the Plan should be modified as shown in **PM1**.

### *Neighbourhood Plan Preparation and Consultation*

- 3.4 The preparation of the Plan began in October 2015 and built on data gathered as part of an earlier plan for the village, which had been published in July of that year. Work was led by the Neighbourhood Plan Steering Group and the *Consultation Statement* details the efforts of that group to inform and involve the local community.
- 3.5 These efforts included Public Meetings, Roadshows, a Housing Needs Survey, informal policy consultations and drop-in sessions. A monthly parish newsletter was used to inform local residents about the Plan as were articles in the local press, poster campaigns, a village website and briefing meetings with the Parish Council.
- 3.6 In June and July 2017 consultations under Regulation 14 were carried out on a Pre-Submission Draft of the Plan, which resulted in 33 representations being made. All representations were reviewed and modifications were made to the Plan, where it was considered appropriate. In April and May 2018 consultations under Regulation 16 were carried out on the Submission Draft of the Plan, which resulted in 14 representations being made. All of these have been considered in preparing this report.
- 3.7 I am satisfied, therefore, 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 Cuddington and that the consultation process has met the legal requirements and has had due regard to the advice on plan preparation and engagement in the PPG.

### *Development and Use of Land*

- 3.8 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*

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

### *Human Rights*

- 3.10 There is no suggestion that the Plan breaches Human Rights (within the meaning of the Human Rights Act 1998), and from my independent assessment I see no such breach.

## **4. Compliance with the Basic Conditions**

### *EU Obligations*

- 4.1 The Plan was screened for Strategic Environmental Assessment (SEA) by the Council in December 2017, which found that it was unnecessary to undertake SEA. A similar exercise carried out by Urban imprint, a Town Planning Consultancy, came to the same conclusion.
- 4.2 The Plan was also screened by the Council to establish whether a Habitats Regulations Assessment (HRA) was necessary, and it was concluded that it was not.
- 4.3 These conclusions, which are supported by the statutory consultees (Natural England, the Environment Agency and Historic England), have not been challenged. Having read the various screening opinions, and from my independent assessment of the matter, I see no reason to disagree with the conclusions of these documents.

### **Main Issues**

- 4.4 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 (see paragraph 1.7 of this report), particularly whether it has regard to national policy and guidance; the contribution it makes to sustainable development; and, whether it is in general conformity with strategic development plan policies. This is done by considering three main issues:
1. Whether, having regard to the Basic Conditions, the Plan makes appropriate provision for housing?
  2. Whether, having regard to the Basic Conditions, Policy 13 of the Plan, takes an appropriate approach to development at Blakemere?
  3. Whether the remaining policies in the Plan meet the Basic Conditions?

### *Housing – Policies 1 and 16*

- 4.5 A distinction is drawn in the Plan between the Key Service Centre of Cuddington and Sandiway (the KSC) and the countryside. This is perfectly legitimate as such a distinction is drawn in the Local Plan. In order to assist in making the distinction between the two, the Plan defines a boundary to the KSC. Again, this is legitimate as the Local Plan states that such a boundary should be drawn and in the emerging Local Plan such a boundary is being proposed. The Council has confirmed that the boundary proposed in the emerging Local Plan corresponds with the boundary proposed in the Plan.

- 4.6 Local Plan Policy STRAT 8 states that at least 200 dwellings will be accommodated in the KSC over the Plan period. The latest evidence before me indicates that that figure has already been met<sup>3</sup>. As drafted, the relevant policies in the Plan allow for further development in the KSC. **Policy 1** of the Plan states that '*New development should therefore be focussed on previously developed/brownfield sites within the Key Service Centre*' and **Policy 16** states that, subject to specified conditions, '*...small scale residential developments will be permitted in the Key Service Centre...*'.
- 4.7 On the face of it, therefore, there is no need to identify further housing sites to meet the minimum figure identified in the Local Plan.
- 4.8 It would, of course, be possible for the Plan to provide for more than that minimum requirement and my attention has been drawn to the Housing Needs Survey carried out as part of the preparation of the Plan. However, as the Parish Council has pointed out, this survey is intended to provide information on the type, size and mix of housing that would be required and was not intended to replace or update that assessment of the number of houses which the KSC could accommodate carried out as part of the preparation of the Local Plan. To my mind, this is not an unreasonable position to take particularly as the local community has indicated that it would find further large-scale developments unacceptable. I also note that there is no proposal to allocate further housing land at the KSC in the emerging Local Plan.
- 4.9 As to the countryside within the Plan area, much of which is Green Belt, this does not have a housing target specified in the Local Plan. However, Local Plan Policy STRAT 8 makes clear that the KSC will be the focus for development in the rural area, while Local Plan Policy STRAT 9 seeks to restrict development in the Green Belt and countryside to that which requires a countryside location. I see no compelling reason, therefore, why the Plan should identify further housing sites in the countryside or devise policies which would enable more residential development in the countryside than is envisaged in the Local Plan.
- 4.10 I will have further comments to make subsequently in this report on the wording of **Policy 1** and **Policy 16** of the Plan, but at this point it is sufficient to conclude that these policies are in general conformity with the relevant strategic policies in the Local Plan (Policies STRAT 8 and STRAT 9), that they have regard to the Framework insofar as this seeks to ensure that plans meet the objectively assessed need for housing (paragraph 47) and they will enable an appropriate contribution to be made to sustainable development. The Plan meets, therefore, the Basic

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<sup>3</sup> Parish Council response to representations made by Ashall Homes on Policy 14.  
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Conditions in terms of the contribution it makes to the provision of housing.

### *Blakemere - Policy 13*

- 4.11 Blakemere is a small-scale retail and leisure complex that has developed around the stables of the now demolished Blakemere Hall. **Policy 13** of the Plan supports small scale development within the existing developed footprint of this site. It is suggested by representors that, in order to secure the long-term future of this site, housing and elderly persons accommodation should be permitted on land outside the existing developed footprint.
- 4.12 I have already concluded, for reasons set out above, that there is no requirement in general terms for the Plan to allocate more housing sites. Moreover, in this particular instance, I note that the land proposed for housing is in the rural area beyond the busy A556 road, which forms the southern boundary of the KSC. To my mind, this road forms a logical boundary separating the built-up area of the settlement of Cuddington and Sandiway from the largely open countryside. If the Plan were to propose to develop housing in this area, it would conflict with the aims of Local Plan Policy STRAT 9, which seeks to protect the intrinsic beauty of the Cheshire countryside by restricting development there to that which requires a countryside location and cannot be located within identified settlements.
- 4.13 While I acknowledge that Blakemere is valued by the local community, it, in common with other retail areas, faces challenges in attracting and retaining customers. However, I have seen insufficient evidence to demonstrate that the benefits to the rural economy of permitting housing on this site would warrant modifying the Plan to include a proposal that would not be in general conformity with Policy STRAT 9 and not have sufficient regard to the Framework (paragraph 17), insofar as this seeks to ensure that the intrinsic character and beauty of the countryside is recognised.
- 4.14 It is also suggested that **Policy 13**, which allows for the possibility of small scale food and drink uses on the site, does not have sufficient regard to the Framework (paragraph 24) and is not in general conformity with the Local Plan (Policy ECON 2), each of which require that, in line with the town centre first approach, a sequential test should be applied to the development of such town centre uses. However, paragraph 25 of the Framework makes clear that the sequential approach should not be applied to small scale rural developments. **Policy 13** does not, therefore, need modifying in this respect. I am thus satisfied that **Policy 13** meets the Basic Conditions.

## *Other Policies*

### *Environment and Landscape*

- 4.15 The Plan contains a range of policies (**Policy 1 to Policy 8**) dealing with the Environment and Landscape. A number of these policies are underpinned by evidence contained in Cuddington Parish Character Assessment (CPCA) which, it is suggested by one representor, should be given little weight as, amongst other things, it is subjective, lacks a clear methodology and the basis of its conclusions are not fully explained.
- 4.16 The first points two can be dealt with briefly. Any assessment of this nature is bound to be subjective and cannot be criticised for this. The methodology adopted in the CPCA is clearly set out; the parish was divided into 15 Character Areas according to whether they were in the Green Belt, the countryside or the KSC and within the KSC according to the predominant age of the buildings in differing areas. Each area was assessed by volunteers, according to a common set of criteria to ensure a consistent approach. The result, to my mind, is a systematic and thorough survey of the character of the parish. As to the question of whether the conclusions of the CPCA are fully explained, I will deal with this when considering individual policies.
- 4.17 **Policy 1** of the Plan deals with the landscape setting of the village. I have already set out my reasons for concluding that this policy does not take an overly restrictive approach to housing. I am satisfied that the CPCA gives a full description of the landscape setting of the village and demonstrates that, in accordance with Policy STRAT 9 of the Local Plan and paragraph 17 of the Framework, the intrinsic character and beauty of the countryside should be protected and recognised.
- 4.18 However, like the Council, I consider the policy and its supporting text would be made clearer and more concise as shown in **PM2**. With this modification in place, **Policy 1** meets the Basic Conditions.
- 4.19 **Policy 2** of the Plan refers to various settlement 'Gateways' where development should enhance the approaches to the settlement itself. The map at Appendix G to the Plan shows the position of 6 'Road Gateways' and one 'Rail Gateway'. However, it is difficult to establish from the Plan or the CPCA exactly on what basis any of these gateways have been identified and what qualities the policy aims to protect and enhance, or whether this policy simply duplicates other policies in the development plan.
- 4.20 For example, if it is assumed that this policy aims to protect and enhance the intrinsic character and beauty of the countryside and the openness of

the Green Belt, then the 'Road Gateways', which are all in the countryside and in most instances in the Green Belt, are already afforded this protection by Local Plan Policy STRAT 9 and Policies 7 and 16 of the Plan.

- 4.21 I also note that the 'Road Gateway' on Chester Road to the west of the KSC is outside the Plan Area. It is not part of the Plan's remit to devise policies that directly address land outside its area.
- 4.22 The PPG (ID: 41-040-20160211) establishes that policies should be based on proportionate and robust evidence. I do not consider this to be the case with **Policy 2**. For this reason, **Policy 2** and its supporting text should be deleted as shown in **PM3**.
- 4.23 **Policy 3** seeks to safeguard Local Heritage Assets, both designated and non-designated. However, unlike Local Plan Policy ENV 5 and the Framework (paragraphs 133, 134 and 135), it does not distinguish between these two types of heritage assets in terms of the degree of protection that they are afforded. In order to meet the Basic Conditions, it should make such a distinction as shown in **PM4**.
- 4.24 **Policy 3** also refers to protecting and enhancing these assets. This is a more stringent test than that set out in Local Plan Policy ENV 5, which refers to safeguarding or enhancing such assets (emphasis added). Similarly, for example, sections 66(i) and 69(i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 use the terms 'preserve' and 'preserve or enhance' when referring to Listed Buildings and to Conservation Areas. The term 'protect and enhance' in **Policy 3** should, therefore, be replaced with the term 'preserve or enhance' as shown in **PM4**.
- 4.25 Reference is also made in **Policy 3** to applications being permitted. It is not for the Plan to determine planning applications and the word permitted should be replaced with the word 'supported', as shown in **PM4**.
- 4.26 **Policy 4** seeks to protect Habitats and Wildlife Corridors. Appendix F shows the position of various wooded sites, which are called either 'Ancient Woodland' or 'Local Wildlife'. While the status of the former designation is clear, that of the latter is not, with neither the Plan nor the CPCA providing obvious assistance on this matter. As to the wildlife corridors referred to in **Policy 4**, these are shown on the plan at Appendix G. However, while the Parish Council considers that the potential of these to be wildlife corridors is self-evident, no ecological surveys to confirm this have been carried out and the Council has raised the question of whether they are indeed such corridors. **Policy 4** indicates that there are other wildlife corridors in the parish, but it is not clear where these are.

- 4.27 I appreciate that the intention of **Policy 4** is to give a local dimension to the more general policy guidance contained in Local Plan Policies ENV 3 and ENV 4, together with that contained in the Framework (Section 11), but it lacks both the supporting evidence and the clarity required by PPG (Reference ID: 41-040-20160211 and 41-041-20140306). **Policy 4** does not, therefore, meet the Basic Conditions and it, together with its supporting text and the relevant annotations in the plan at Appendix G should be deleted, as shown in **PM5**.
- 4.28 **Policy 5** aims to protect trees, hedgerows and vegetation and is consistent with the aims of the Local Plan (Policy ENV 3) and the Framework (Section 11), insofar as these seek to support green infrastructure and conserve and enhance the natural environment. **Policy 5**, therefore, meets the Basic Conditions.
- 4.29 **Policy 6** identifies a number of Local Green Spaces. Policy ENV 2 of the Local Plan supports the designation of such Local Green Spaces. The Framework (paragraphs 76 to 78) advises 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. It is against this background that the Plan proposes to designate 15 Local Green Spaces.
- 4.30 Five of the proposed Local Green Spaces are wholly in Green Belt (Sites 5, 7, 12, 14 and 15). While there is no objection in principle to this, national guidance (PPG Reference ID:37-010-20140306) states that consideration should be given to what additional local benefit would be gained by such a designation. Having read the evidence and having visited each of the sites, I can see no evidence that their proposed designation as Local Green Spaces would give any tangible additional local benefit over and above their existing status as Green Belt sites. Thus, these proposed designations do not have regard to national policy and guidance and thus fail to meet this Basic Condition. They should be deleted as shown in **PM6**.
- 4.31 As to the remaining proposed areas, having read the Plan, its supporting documents and the representations as well as visiting the proposed sites, I am satisfied all meet the first two criteria set out above in that they are all in reasonably close proximity to the community they serve and are all demonstrably special to that community.
- 4.32 On the same basis I am satisfied that all but one of the proposed sites meet the third criterion, in that they are local in character and not

extensive tracts of land. The exception to this is Site 13 Kennel Woods which is 12.9ha in extent. There are no hard and fast rules as to how big a Local Green Space can be, but having visited this site and walked around parts of it, I formed the impression that it is an extensive tract of land. Its proposed designation as a Local Green Space does not, therefore meet the Basic Conditions in that it does not have regard to national policy and it should be deleted as shown in **PM6**.

- 4.33 **Policy 7** deals with open countryside. However, the terms of the policy are not entirely consistent. In part, it supports small scale low key recreational activities, while in other parts it refers to Local Plan Policy STRAT 9 which allows for a wider range of development. **Policy 7** also makes a distinction between land to the south of the A556 and other areas of countryside in the parish, but no substantial evidence is provided to support this distinction. This policy as worded fails to have regard to national guidance (PPG Reference ID: 41-040-20160211 and 041—20140306), which advises policies should be based on robust evidence and be clear and unambiguous. **Policy 7** should, therefore, be reworded to meet these requirements as shown in **PM7**. For the reasons set out above when considering **Policy 2**, the references in **Policy 7** to the southern approaches to the settlement should also be deleted as shown in **PM7**. There is also an incorrect policy reference in paragraph 6.1.17 (ii) of the supporting text, which should be corrected as shown in **PM7**.
- 4.34 **Policy 8** identifies 28 views and vistas, the location of which are shown on the map at Appendix H to the Plan. These views are described in Appendix J of the CPCA, descriptions which provide adequate justification for the protection proposed in **Policy 8** – protection which is consistent with Policies ENV 2 and the Framework (paragraph 61), which seek to ensure that development takes account of views and that it is integrated into the natural environment. In general terms, therefore, the policy meets the Basic Conditions.
- 4.35 However, **Policy 8** goes on to specify that views of key landmarks shown in Appendix N of the CPAC must be maintained. There are 57 such landmarks but while these are briefly described in Appendix N, no indication is given as to why views of them should be protected or why the one third or so of these landmarks, which are listed or non-listed heritage assets, require additional protection. This aspect of **Policy 8** is not, therefore, supported by sufficient evidence and in this respect, does not have sufficient regard to national guidance (PPG Reference ID: 41-040-20160211). The first sub-clause of **Policy 8** should be deleted as shown in **PM8** to meet the Basic Conditions.

### *Economy and Retail*

- 4.36 **Policy 9** seeks to encourage employment development on appropriate sites in the parish. This Policy has regard to the Framework (Section 1) which seeks to build a strong competitive economy and is in general conformity with Policy ECON 1 of the Local Plan, which seeks to achieve a similar end. However, **Policy 9** refers to permitting development which, as has already been established, falls beyond the remit of the Plan. This reference should be modified as shown in **PM9**. With this modification in place, **Policy 9** meets the Basic Conditions.
- 4.37 **Policy 10** encourages the provision of small scale retail and related developments in the defined local retail centres in the KSC. As all of these uses are forms of employment development, they also fall to be considered under the terms of **Policy 9** of the Plan. In the interests of clarity, this should be specified in **Policy 10** as shown in **PM10**.
- 4.38 In the interest of accuracy, an incorrect reference in paragraph 6.2.7(i) of the supporting text to **Policy 10** should also be modified as shown in **PM10**. With these modifications in place, Policy 10 meets the Basic Conditions.
- 4.39 **Policy 11** of the Plan supports the conversion and expansion of existing houses to enable working from home. In the interests of clarity, this policy should confirm that any extensions should be proportionate to the original dwelling as shown in **PM11** and, for reasons already alluded to, the word 'permitted' in the policy should be replaced with the word 'supported', as also shown in **PM11**. With these modifications in place **Policy 11** meets the Basic Conditions in that it has regard to the Framework (Section 1) and the Local Plan (Policy ECON 1) insofar as these seek to build a strong, competitive economy.
- 4.40 **Policy 12** supports the expansion and creation of tourism opportunities. As worded, it lacks clarity in that it does not effectively distinguish between land within the KSC and land outside it. This should be rectified as shown in **PM12**. With these modifications in place, **Policy 12** is consistent with the aims of the Framework (Section 3) and the Local Plan (ECON 3) insofar as these seek a prosperous rural economy and the expansion of tourism assets, and thus meets the Basic Conditions.
- 4.41 The question of whether **Policy 13** meets the Basic Conditions has been dealt with earlier in this report, where it is concluded that it does.

#### *Housing and Design*

- 4.42 **Policy 14** has also been considered earlier in this report where the conclusion is drawn that in, in broad terms, it meets the Basic Conditions. However, the wording of the policy lacks clarity in that it does not refer to other relevant development plan policies and its supporting text does not

distinguish between the housing requirements of the KSC and the remainder of the Plan area. **Policy 14** and its supporting text should, therefore, be modified as shown in **PM13**.

- 4.43 **Policy 15** makes provision for affordable housing in accordance with policy SOC 1 of the Local Plan. However, Policy SOC 1 is out of step with more recent national guidance (PPG Reference ID: 23b-031-20161116) which sets a higher threshold for the provision of affordable housing (10 units or less and which have a maximum combined gross floor area of 1,000 sq.m) than does Policy SOC 1 (3 units or more or over 0.1 ha). The Parish Council takes the view that the evidence of the need for affordable housing in the Plan area justifies the retention of local thresholds. The Council takes the same approach in the emerging local plan.
- 4.44 There is no dispute that across the borough, as a whole, the demand for affordable housing outstrips the supply and there is no reason to suppose that this does not apply within the Plan area. Nor is there any doubt that the borough is an expensive place to live. The Cheshire West and Chester Strategic Housing Market Assessment (2013) ranks the area as the 8th least affordable district<sup>4</sup> in the North West and indicates that house prices in Cuddington and Sandiway are amongst the most expensive in the borough. This evidence points to a significant issue of housing affordability in the Plan area. Whilst it is appreciated that the aim of government policy is to reduce the burden of developer contributions on small scale builders, the effect of imposing the higher, 10 house, affordable housing threshold would be to curtail the provision of affordable housing in the Plan area where it is envisaged most housing developments will be less than 10 houses. In this particular instance, therefore, the retention of local thresholds is justified.
- 4.45 It is, of course, the case that some provision of affordable housing could be made on rural exception sites under the terms of Local Plan Policy SOC 2. This policy states, amongst other things, that where it is necessary to meet affordable housing needs, schemes for 100% affordable housing can be developed on small sites adjacent to the KSC, which otherwise would not be appropriate for housing. In the interests of clarity, **Policy 15** should refer to Policy SOC 2 as shown in **PM14**. In its amended form, **Policy 15** would meet the general aims of the Framework (section 6) and the Local Plan (Policy SOC 2) insofar as these seek to meet the need for affordable housing. The policy would, therefore, meet the Basic Conditions.
- 4.46 The section of the Plan headed 'Aspiration: Affordable Housing' seeks to ensure that the occupants of affordable houses are local people. However, the Council has confirmed that this normally only applies to

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<sup>4</sup> Cheshire West and Chester is a unitary authority with borough status.

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rural exception sites and not to market housing schemes, which provide some affordable housing. I have seen no evidence that would warrant departing from this general practice in the Plan area. This section should, therefore, be amended as also shown in **PM14** to make clear that it only applies to rural exception sites.

- 4.47 **Policy 16** has already been dealt with in general terms earlier in this report when it was concluded that this policy, and the Plan as a whole meets the Basic Conditions in that it makes appropriate provision for housing. There are, however, a number of detailed points to be made about the wording of this policy. The policy requires development to be within easy walking distance of shops, services and public transport but this is unnecessary as the KSC is relatively small and it can be assumed that any site within it will meet that criterion. This criterion should, therefore, be deleted. Moreover, for reasons already set out, the word 'permitted' should be replaced with the word 'supported' and an incorrect policy reference in Paragraph 6.3.8 should be corrected. All of these changes are shown in **PM15**.
- 4.48 **Policy 17** sets out a number of criteria aimed at ensuring that development makes a positive contribution to the character of the area. It is suggested that this policy simply seeks to retain the status quo as a template for development, but I do not consider that to be the case. While the policy does seek to ensure that development integrates well with the surrounding townscape, it does not preclude innovative or contemporary design, where appropriate. In the interests of clarity, the policy should state that it applies to extensions as shown in **PM16**. In its amended form, the Policy meets the Basic Conditions in that it has regard to the Framework (section 7) and the Local Plan (Policy ENV 6) insofar as these seek to achieve high quality design.
- 4.49 **Policy 18**, which deals with Eco-design and Energy Saving, seeks to encourage energy saving and renewable technologies. Insofar as such measures help to meet the challenge of climate change, this policy is consistent with aims of the Framework (section 10) and the Local Plan (Policies STRAT 1, ENV 6 and ENV 7) and thus meets the Basic Conditions. For reasons that have already been discussed, the word 'permit' should be replaced with the word 'support' as shown in **PM17**.

#### *Travel and Movement*

- 4.50 **Policy 19** seeks improved pedestrian, cycle and public transport access. It is suggested that this is too onerous a requirement for the small-scale development likely to take place in the Plan area, but the policy only seeks such improvements where possible – they are not an absolute requirement. I am satisfied that **Policy 19** has regard to the Framework

(section 4 and section 8) insofar as it seeks to promote sustainable transport and healthy communities and is in general conformity with the Local Plan (Policy STRAT 10), which seeks to achieve similar ends.

- 4.51 **Policy 20** deals with parking standards. It states that all new residential development will need to comply with the Cheshire West and Chester Parking Standards Supplementary Planning Document (the SPD), but goes on to state that, where appropriate, new development should also include adequate parking provision for new visitors over and above the parking standards in the SPD.
- 4.52 There are problems with parking at local shops, schools, playing fields and a doctors' surgery, but it is difficult to see what providing additional visitor parking at, presumably, new residential developments (although the policy is not entirely clear on this) will do to alleviate these problems. Similarly, there are existing older housing areas where parking provision has proved to be inadequate but, again, it is not clear how requiring new residential developments to provide visitor parking would remedy that existing situation.
- 4.53 I acknowledge that there is local support for improved parking provision and that the SPD parking standards for houses, as opposed to flats, do not include an allowance for visitor parking. I also note that car ownership within the Plan area is high although the same is true for the borough as a whole. However, I have not seen the clear and compelling evidence that would be needed to justify imposing more parking requirements within the Plan area that are more onerous than in the wider borough. The PPG (Reference ID 41-040-20160211) advises policies should be supported by proportionate, robust evidence, to which **Policy 20** has insufficient regard.
- 4.54 Moreover, **Policy 20** lacks clarity in a number of respects. As has already been noted, it does not state unambiguously which categories of land use it applies to although paragraph 6.4.3 x of the Plan implies that it is residential development. Similarly, while the policy implies that visitor parking will not be sought in all cases but only 'where appropriate', no indication is given as to what would be an appropriate situation. Nor does the policy specify how much additional parking should be provided for visitors. National guidance (PPG Reference ID: 41-041-20140306) states that a policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. The clause of **Policy 20** dealing with visitor parking does not have sufficient regard to that aspect of national guidance and thus fails to meet the Basic Conditions. The second paragraph of **Policy 20** should, therefore, be deleted as shown in **PM18**.

- 4.55 **Policy 21** deals with the traffic impact of new development and seeks to avoid schemes that would 'generate and cause negative impacts on roads'. However, it could be argued that any development, even small ones, would breach that requirement. The Framework (paragraph 32) makes clear that developments should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. **Policy 21** should be amended to reflect that requirement, as shown in **PM19**.
- 4.56 Drawing together my findings on this main issue, I am satisfied that in their modified form the policies in the Plan have regard to national policy and guidance, are in general conformity with the strategic policies of the Local Plan and allow for a suitable contribution to be made to sustainable development. These policies, therefore, meet the Basic Conditions.

## 5. Conclusions

### *Summary*

- 5.1 The 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 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 Preparing a neighbourhood plan is an exacting and onerous task involving identifying clear policy aims; the collection and collation of evidence; formulating policies which meet the Basic Conditions; consulting on those policies; and surviving the shot and shell of the examination process. The

Parish Council, and the Neighbourhood Plan Steering Group in particular, are to be congratulated on performing these various tasks in such a focussed and competent manner.

*R J Yuille*

Examiner



		<p>character and setting of the settlement areas. <u>The Neighbourhood Plan seeks to protect and enhance the landscape setting of Cuddington.</u> Policy 1 targets new development onto brownfield sites and those within the current Key Service Centre.</p>
PM3	Policy 2 and supporting text, page 16	Delete Policy 2, the section headed <i>Aspiration Settlement 'Gateways'</i> , paragraph 6.1.6 and paragraph 6.1.7.
PM4	Policy 3, page 17	<p><b><i><u>Development needs to take account of its impact on heritage assets – both designated and non-designated and historic landscapes – with the degree of protection afforded reflecting the position of that heritage asset in the hierarchy. Development should and demonstrate how it has protected preserved and or enhanced these heritage assets through carefully designed schemes. These must be of a high quality design, incorporating local materials and detailing, and complement the surrounding built character. Proposals must relate closely to the form, scale and style in the immediate vicinity of the site, and should fully consider the impact on the significance and setting of surrounding heritage assets, both designated and non-designated.</u></i></b></p> <p><b><i>Applicants should refer to the lists of designated and non-designated Historical Buildings and Landscapes, which are contained in Appendices K and L of the Cuddington Parish Character Assessment. Where</i></b></p>

		<p><b>relevant, planning applications should demonstrate how they would <del>protect</del> <u>preserve</u> and <u>or</u> enhance these assets.</b></p> <p><b>Alterations and extensions to existing buildings must be carefully designed and implemented to ensure that the character of the building, and its contribution to the character of the wider area, is not harmed and that its impact on significant heritage assets and their setting is minimised. The cumulative impact of small changes should be assessed and considered, as this can be detrimental to the character of the area if not carefully controlled.</b></p> <p><b>The Neighbourhood Plan will look favourably on small scale developments, in the Key Service Centre, which demonstrate how schemes will address the <del>protection</del> <u>preservation</u> and enhancement of locally important heritage assets and conservation sites, as illustrated on the Historic Environment Map, Appendix I in this document, and identified in the Cuddington Parish Character Assessment, Appendices E, K, L and M.</b></p> <p><b>Applications that seek to bring existing heritage assets back into use in a manner sensitive to their heritage value will be <del>permitted</del> <u>supported</u> where they meet the requirements of other policies within the development plan.</b></p>
PM5	Policy 4 and supporting text,	Delete Policy 4, paragraph 6.1.10 and paragraph 6.1.11.

	page 19 and the relevant annotations from Appendix G	Delete the <i>Road Gateway</i> and <i>Rail Gateway</i> annotations from Appendix G.
PM6	Policy 6, page 19 and the relevant annotations from Appendix G	<p><b><i>The Neighbourhood Plan identifies the following areas as Local Green Spaces owing to their special character, significance and community value. These sites will be protected from development except in very special circumstances. The boundaries of these Local Green Spaces are shown within the Environment Proposals Map – Appendix G.</i></b></p> <p><input type="checkbox"/> <input type="checkbox"/> <b><i>Site 1: Norley Road Playing Fields</i></b></p> <p><input type="checkbox"/> <input type="checkbox"/> <b><i>Site 2: Weaverham Road Playing Fields</i></b></p> <p><input type="checkbox"/> <input type="checkbox"/> <b><i>Site 3: Jubilee play Area – Boundary Lane</i></b></p> <p><input type="checkbox"/> <input type="checkbox"/> <b><i>Site 4: Multi Use Games Area (MUGA)</i></b></p> <p><input type="checkbox"/> <input type="checkbox"/> <del><b><i>Site 5: Delamere Park – children’s playground and green</i></b></del></p> <p><input type="checkbox"/> <input type="checkbox"/> <b><i>Site 6: Norley Road Bowling Green</i></b></p> <p><input type="checkbox"/> <input type="checkbox"/> <del><b><i>Site 7: Eden Grange – Allotments and Green Area</i></b></del></p> <p><input type="checkbox"/> <input type="checkbox"/> <b><i>Site 8: Cartledge Moss and Green</i></b></p> <p><input type="checkbox"/> <input type="checkbox"/> <b><i>Site 9: Forest Edge; large green central area</i></b></p> <p><input type="checkbox"/> <input type="checkbox"/> <b><i>Site 10: Green Area between Ash Road and Manor Road</i></b></p> <p><input type="checkbox"/> <input type="checkbox"/> <b><i>Site 11: Green Area between Ash Road and Sandington Drive</i></b></p> <p><input type="checkbox"/> <input type="checkbox"/> <del><b><i>Site 12: Gorstage Cemetery</i></b></del></p> <p><input type="checkbox"/> <input type="checkbox"/> <del><b><i>Site 13: Kennel Woods</i></b></del></p> <p><input type="checkbox"/> <input type="checkbox"/> <del><b><i>Site 14: Ravensclough – end of Waste Lane</i></b></del></p> <p><input type="checkbox"/> <input type="checkbox"/> <del><b><i>Site 15: Delamere Park – Millennium Gate Green</i></b></del></p> <p>Delete the above sites from Appendix G and renumber.</p>
PM7	Policy 7, page 22	<b><i>Outside the Key Service Centre, small scale development will be</i></b>

		<p><b><u>supported providing it would not have any adverse impact on the character of the countryside or local residential amenity, and is in accordance with the Local Plan Policy STRAT 9 and other relevant policies within the NP. Proposals for development should</u></b></p> <p><del><b>the Neighbourhood Plan supports small-scale development that involves informal recreational or agricultural uses providing it would not have any adverse impact on the character of the countryside or local residential amenity, and is in accordance with all other relevant policies within the Neighbourhood Plan.</b></del></p> <p><del><b>Land within the Parish which is designated as open countryside (to the south of the A556) is to be retained for small scale, low-key recreational activities, (as defined in Appendix A), or agricultural purposes.</b></del></p> <p><del><b>Development within the open countryside areas of the Parish must follow the necessary criteria for building in such areas as defined by the Local Plan Part 1- STRAT 9, and also demonstrate how it has addressed the design principles and design aspects set out in the Cuddington Parish Character Assessment (Section 5.12) to ensure that any proposed development in these areas is appropriate and in keeping with its surroundings. New development should not undermine the southern approaches to the settlement through impacts on views and</b></del></p>
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	Paragraph 6.1.17 page 22	<del>setting, in accordance with Policies 1, 2 and 8.</del> <b>Land that is designated as Green Belt should be considered against the relevant policies in the Local Plan Part 1 STRAT 9.</b>  Policy GS5-STRAT 9-of the Vale Royal Borough Cheshire West and Chester Local Plan (Part One).
PM8	Policy 8, page 23	<del>Reinforced, where relevant, the existing patterns of the streets, spaces and building lines and maintained views of key landmarks as shown in the Cuddington Parish Character Assessment (Appendix N);</del>
PM9	Policy 9, page 26 last paragraph	<del>.....not be permitted supported.</del>
PM10	Policy 10, page 28 new last paragraph  Paragraph 6.2.7 i) Page 28, second sentence	<b><u>All forms of new developments (including expansions) referred to in this policy must also comply with the terms of Policy 9 of this plan.</u></b>  The Cheshire West and Chester Local Plan (Part One).
PM11	Policy 11, page 29	<b><del>Where planning permission is required, the conversion and expansion of existing dwelling houses (Class C3) to facilitate home working, will be permitted supported subject to protection of the amenity of the existing and neighbouring properties, including consideration of the amenity impact of any increase in comings and goings.</del></b>  <b>Care should be taken to ensure that the scale and degree and intensification of the use over time do not result in a change of use from the primary function of a dwelling.</b> <b>Appropriate conditions may be</b>

		<p><b><i>used to ensure that this is achieved through limiting the size of the homeworking element, the number of vehicular comings and goings or the hours of operation. <u>Any extensions should be of a limited scale and proportionate to the size of the original dwelling house.</u></i></b></p> <p><b><i>Where development results in the loss of on-site parking (including loss of a garage), that would lead to an unacceptable impact on the operation or safety of the highway the proposal will not be <u>permitted supported</u></i></b></p>
PM12	Policy 12, page 30	<p><b><i>The expansion of existing or creation of new tourism opportunities within the <del>Neighbourhood Plan Area</del> <u>Key Service Centre</u> will be <u>supported permitted</u>, subject to the following criteria. <u>I</u> in addition tourism development outside this boundary, will be subject to <del>existing</del> Green Belt and Open Countryside planning policy designations set out in <u>Policy STRAT 9 of the Cheshire West and Chester Local plan (Part One)</u>.</i></b></p> <p><b><i>Proposed schemes should where appropriate:</i></b></p> <ul style="list-style-type: none"> <li><b><i>• <del>Be located within the Key Service Centre;</del></i></b></li> </ul>
PM13	Policy 14, page 35	<p><b><i><u>In order to secure a sustainable and mixed community</u> <del>S</del>small-scale residential developments with a range of housing types to meet identified local needs, as set out below, will be <u>permitted supported by the Neighbourhood Plan</u> in order to secure a</i></b></p>

	<p>Add footnote to Paragraph 6.3.3 x</p>	<p><del><b>sustainable and mixed community. where they accord with Local Plan policies STRAT 8 and STRAT 9, Neighbourhood Plan policy 16 and other relevant policies.</b></del></p> <p>.....</p> <p><b>Applications that seek the conversion or subdivision of larger dwellings to provide smaller units, which meet the needs identified above, will be <u>permitted supported</u> where they do not result in the substantial expansion or alteration of the original building.</b></p> <p><u>Dwellings identified as Cuddington and Sandiway in the Housing Land Monitor Report relate to the housing requirement in the Local Plan (Part One) policy STRAT 8 and only consider dwellings within the settlement boundary. Dwellings outside the settlement boundary contribute to the rural housing requirement.</u></p>
PM14	Policy 15, page 36	<p><b><i>Affordable housing (including shared ownership and social rented housing) should be provided to meet local need in accordance with the Cheshire West and Chester Local Plan (Part One) policy SOC 1. This policy requires schemes in rural areas that are 3 units or more, or over 0.1 hectares in size, to provide affordable housing.</i></b></p> <p><b><i><u>Where it is necessary to meet affordable housing needs, schemes for 100% affordable housing may be developed on rural exception sites adjacent to the Key Service Centre boundary in accordance with Policy SOC 2 of the Cheshire West and Chester Local Plan (Part One).</u></i></b></p>



		<p><i>with respect to use of materials, architectural detailing, form and mass and provision of public and private space.</i></p> <p>Additional bullet point</p> <p><b><u>Extensions should not disproportionately increase the size of the property</u></b></p>
PM17	Policy 18, page 42	<b><i>The Neighbourhood Plan will permit <u>support</u> schemes which...</i></b>
PM18	Policy 20, page 48	<p><del><b><i>Where appropriate, new development should also include adequate parking for potential visitors over and above the parking standards. Where new and visitor parking is accommodated within new highways infrastructure the new roads should have sufficient widths to ensure emergency and refuse vehicles can pass the parked vehicles without encroaching onto adjacent footpaths, verges or gardens.</i></b></del></p> <p>.....</p> <p><b><i>If any development proposal, whilst seeking to meet the above standards and visitor parking provisions, would lead to an unacceptable impact on the operation or safety of existing streets then the development will not be permitted <u>supported</u>.</i></b></p>
PM19	Policy 21, page 49	<del><b><i>New developments that would generate and cause negative impacts on roads within the Parish, specifically at key junctions (as identified on the Proposals Map – Appendix E); will not be permitted. New small-scale developments that include robust schemes to alleviate potential negative impacts on roads will be permitted.</i></b></del>

		<p><b><u>Any resulting Transport Statement should include the assessment of the impact on local roads within the Parish specifically at the key junctions identified on the Proposals Map (Appendix E).</u></b></p> <p><b><u>In determining planning applications account will be taken of whether:</u></b></p> <ul style="list-style-type: none"><li><b><u>● depending on the nature and location of the site, opportunities for sustainable transport modes have been taken up to reduce the need for major transport infrastructure;</u></b></li><li><b><u>● safe and suitable access to the site can be achieved;</u></b></li><li><b><u>● improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development will only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.</u></b></li></ul>
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