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# **Report on Handforth Neighbourhood Plan 2010 - 2030**

**An Examination undertaken for Cheshire East Council with the support of the Handforth Parish Council on the February 2018 submission version of the Plan.**

Independent Examiner: Andrew Mead BSc (Hons) MRTPI MIQ

Date of Report: 16 May 2018

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 Handforth Neighbourhood Plan (the Plan/NP) 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 Handforth Parish Council;
- The Plan has been prepared for an area properly designated – the whole of the Parish of Handforth as shown on Map 1 (page 91) of the submitted Plan;
- The Plan specifies the period in which it is to take effect: 2018 - 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**

### *Handforth Neighbourhood Plan 2018 - 2030*

- 1.1 Handforth, with a parish population of 6,266<sup>1</sup>, lies to the immediate north of Wilmslow, 12 km south east of the centre of Stockport, about 6 km east of Manchester Airport and is surrounded by land defined as Green Belt. The current built up area of the village is west of the A34 by-pass leading from Stockport to Wilmslow and beyond. The old Wilmslow Road extends through the village with commercial and community development on either side in the centre.
- 1.2 Preparation of the NP began in November 2016 with the formation of the Handforth Neighbourhood Plan Steering Group. A NP questionnaire was circulated, employers were consulted, public exhibitions were held and discussions regularly took place with Cheshire East Council (CEC). The NP now represents between one and two years' work by those involved.

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<sup>1</sup> 2011 Census.

- 1.3 The vision for the area, which has evolved through the Plan process indicates that, in 2030, Handforth will be a vibrant village. The full vision can be read at Section 4 Vision and Objectives (page 44) of the NP. The gist of the vision recognises extending the current strong community spirit to the new housing developments at the North Cheshire Growth Village and within the parish of Styal. There will be an improved district centre with a varied shopping experience and a wide range of services. The provision of affordable housing will reduce the degree of deprivation currently found in some areas of Handforth. There will be good access to education, services and sustainable transport, with high quality open spaces and improved access to the surrounding countryside.
- 1.4 Fifteen objectives are set out for the NP divided into six topics which then constitute the sub headings for the groups of policies: Housing; Community and Well Being; Protecting the Natural and Built Environment; the Local Economy; Traffic and Transport and the North Cheshire Growth Village.

#### *The Independent Examiner*

- 1.5 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Handforth Neighbourhood Plan by CEC, with the agreement of the Handforth Parish Council.
- 1.6 I am a chartered town planner and former government Planning Inspector with previous experience of examining neighbourhood plans. I am an independent examiner and do not have an interest in any of the land that may be affected by the draft plan.

#### *The Scope of the Examination*

- 1.7 As the independent examiner, I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
  - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
  - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.8 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the Plan meets the Basic Conditions;

- Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
  - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
  - it sets out policies in relation to the development and use of land;
  - it specifies the period during which it has 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').

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

### *The Basic Conditions*

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

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

- 1.11 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the neighbourhood plan should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2017) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007), either alone or in combination with other plans or projects.

## **2. Approach to the Examination**

### *Planning Policy Context*

- 2.1 The Development Plan for this part of CEC, not including documents relating to excluded minerals and waste development, is the Cheshire East Local Plan Strategy (CELPS) adopted in July 2017 and the saved policies from the Macclesfield Borough Local Plan (MBLP) which was adopted in 2004 with certain policies saved by the Secretary of State in 2007. The Proposals Maps from the MBLP and other Local Plans in East Cheshire are saved for the purposes of determining planning applications.
- 2.2 The CELPS defines Crewe and Macclesfield as Principal Towns, and a further 9 towns, including Handforth, as Key Service Centres (KSC) where development of a scale, location and nature that recognises and reinforces the distinctiveness of each individual town will be supported to maintain their vitality and viability.
- 2.3 The emerging Cheshire East Site Allocations and Development Policies Development Plan Document (the emerging SAPD) will include detailed development management policies and an adopted Policies Map, which will replace the saved policies from the MBLP. The emerging SAPD is in the early stages of preparation.
- 2.4 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented.

### *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 draft Handforth Neighbourhood Plan 2018 – 2030, February 2018;
  - Map 1 on page 91 of the Plan which identifies the area to which the proposed NP relates;
  - the Consultation Statement, February 2018;
  - the Basic Conditions Statement, February 2018;

- all the representations that have been made in accordance with the Regulation 16 consultation;
- the Strategic Environmental Assessment (SEA) Screening Opinion prepared by CEC, April 2017; and
- the requests for additional clarification sought in my letters of 18 April and 3 May 2018 and the responses provided by the Parish and District Councils which are available on the Parish Council website<sup>2</sup>.

#### *Site Visit*

2.6 I made an unaccompanied site visit to the NP Area on 24 April 2018 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

#### *Written Representations with or without Public Hearing*

2.7 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum. As noted in paragraph 2.5 above, the Parish and District Councils helpfully answered in writing the questions which I put to them in my letters of 18 April and 3 May 2018. No requests for a hearing were received.

#### *Modifications*

2.8 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal 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 Handforth Neighbourhood Plan has been prepared and submitted for examination by Handforth Parish Council, which is a qualifying body. It extends over the whole of the Handforth Parish which constitutes the area of the Plan designated by CEC on 20 February 2017.
- 3.2 It is the only neighbourhood plan for Handforth Parish and does not relate to land outside the designated neighbourhood area.

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<sup>2</sup> View at: <http://www.handforthnplan.org/contact-us.php>

### *Plan Period*

- 3.3 The Plan specifies clearly the end of the period during which it takes effect, which is 2030. The date aligns with the end date of the CELPS, which is also 2030. The date of the commencement of the period of the Plan is 2018, as stated in the Basic Conditions Statement<sup>3</sup>. This was confirmed by the Parish Council after I queried the apparent preference for using the word “now” in the Plan rather than the actual year. In order to be clear that the plan period is 2018 – 2030, I recommend that the specific years should be shown on the front cover of the NP. **(PM1)**

### *Neighbourhood Plan Preparation and Consultation*

- 3.4 The comprehensive and clearly presented Consultation Statement dated February 2018 indicates that the Parish Council first considered producing a neighbourhood plan in October 2015. A Steering Group was formed which deliberately excluded members of the Parish Council. A website for the Plan was established. The Steering Group liaised with CEC officers and engaged with neighbouring Councils at Wilmslow and Styal, as well as regularly updating Handforth PC.
- 3.5 In January 2017, questionnaires were distributed to about 2,400 residences in the parish with a response rate of 15%. Members of Handforth Youth Club, together with pupils who attended Wilmslow High School and who lived in Handforth, also took part. A wide variety of local clubs, societies, interest groups and local business proprietors were consulted. The questionnaire responses and the consultations resulted in the publication in June 2017 of an Issues and Options document. The document included another questionnaire and was placed in the local library for two weeks and on the NP web site. It was the subject of a flyer to all households and a press release. Local landowners and developers were informed.
- 3.6 The Draft Plan was published for consultation under Regulation 14 of the 2012 Regulations for 6 weeks from 16 October to 27 November 2017. The publicity included notifying consultation bodies<sup>4</sup>. A separate letter was sent to landowners/developers active in the parish, added to which a flyer was distributed and a press release issued. Consultation responses are summarised in the Consultation Statement<sup>5</sup>. Table 1 lists the 146 separate points made, the comments of the steering group and any consequent amendments to the Plan.
- 3.7 Consultation in accordance with Regulation 16, when the Plan was submitted to CEC, was carried out for a period of just over 6 weeks from 16 February until 3 April 2018 and 37 responses were received, together

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<sup>3</sup> Basic Conditions Statement: paragraph 2.3.

<sup>4</sup> The full list of consultees is shown in Appendix 13 of the Consultation Statement.

<sup>5</sup> Consultation Statement: Section 4.0 Table 1.



with one which was late. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the Handforth Neighbourhood Plan, that has had regard to advice in the PPG on plan preparation and is procedurally compliant in accordance with the legal requirements.

#### *Development and Use of Land*

3.8 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 The Basic Conditions Statement comments that the preparation of the NP is fully compatible with the European Convention on Human Rights, with full regard to national statutory regulation and policy guidance and it complies with the Human Rights Act 1998. CEC is satisfied that the NP does not breach, and is compatible with, EU Obligations and Convention rights (within the meaning of the Human Rights Act 1998). I have considered the matter independently and I have found no reason to disagree with that position.

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

#### *EU Obligations*

4.1 The NP was screened for SEA by CEC which was submitted with the Plan in accordance with the legal requirement under Regulation 15(e)(i) of the 2012 Regulations. The Council found that it was unnecessary to undertake SEA. Neither Historic England (HE), Natural England (NE) nor the Environment Agency (EA), when consulted, disagreed with that assessment. Having read the SEA Screening Opinion, and considered the matter independently, I agree with that conclusion.

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

## Main Issues

- 4.3 Having considered whether the Plan complies with various procedural and legal requirements, it is now necessary to deal with whether it complies with the Basic Conditions; particularly the regard it pays to national policy and guidance, the contribution it makes to the achievement of sustainable development and whether it is in general conformity with strategic development plan policies. I test the Plan against the Basic Conditions by considering specific issues of compliance with all the Plan's policies.
- 4.4 As part of that assessment, I consider whether the policies are sufficiently clear and unambiguous, having regard to advice in the PPG. The NP should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence<sup>6</sup>.
- 4.5 Section 5.0 of the Plan is entitled Policies for Handforth. There follows a statement which asks the reader to "*refer to Handforth Policies Map February 2018 alongside this plan for designations within this section*". The submitted plan did not include a Policies Map. It is unclear whether this is an error of phrasing or an error of omission. In any event, the designations within Section 5.0 are clearly shown on individual Maps 3, 4, 8, 9, 10 and 11 within the Plan document. Therefore, in order to avoid confusion, the introductory sentence to which I refer above should either be omitted, or amended, to point the reader to the Maps within the Plan.
- (PM2)**
- 4.6 Having regard to the Handforth NP, the consultation responses, written evidence<sup>7</sup> and the site visit, I consider that there are four main issues for this examination. These are:

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

*Issue 2: Whether the NP policies to support the community and social well-being of Handforth have regard to national guidance, contribute to sustainable development and generally conform with strategic statutory planning policies?*

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<sup>6</sup> PPG Reference ID: 41-041-20140306.

<sup>7</sup> The other evidence includes my letters of 18 April 2018 and 3 May 2018 to the Handforth Parish and Cheshire East Councils seeking clarification and the replies of 26 April and 3 May 2018.

*Issue 3: Whether the NP policies for the natural and built environment have regard to national guidance, contribute to sustainable development and generally conform with strategic statutory planning policies?*

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

#### Issue 1: Housing growth and the local economy

- 4.7 Handforth is defined as a Key Service Centre (KSC) in the CELPS, the vision for which states that the KSCs will see growth, with high quality homes and business premises provided, where smaller independent traders and tourism initiatives will continue to thrive and where all development will contribute to creating a strong sense of place. CELPS Policy PG 2 indicates that, in Handforth, as one of the KSCs, development of a scale, location and nature that recognises and reinforces the distinctiveness of each individual town will be supported to maintain their vitality and viability.
- 4.8 Appendix A of the CELPS lists the proposed distribution of housing growth across Cheshire East. The expected level of housing in Handforth within the 2010 – 2030 plan period of the CELPS is expected to be 2200. Appendix A shows that 70 houses were completed between 2010 and 31 March 2016, on which date there were planned commitments of 323 houses. 1750 houses are to be accommodated in the two Strategic Sites comprising 1500 houses at the North Cheshire Growth Village and 250 houses on land between Clay Land and Sagars Road. The former is described as LPS33 in the CELPS and the latter as LPS34. 15 houses are described as allocated, resulting in a total housing growth to 2030 of 2158.
- 4.9 LPS 34 adjoins Handforth parish and is within Styal parish. Therefore, the settlement of Handforth to which reference is made in the CELPS and in the NP comprises the parish of Handforth, together with that part of Styal parish which contains LPS 34. Accordingly, although Handforth housing growth numbers include LPS 34, because it is outside Handforth parish, it is also not within the NP Area for the application of the policies of the Plan. On the basis of the justification in the Plan and the additional evidence from the Parish Council, I have no reason to doubt the proposed housing numbers described in the NP.
- 4.10 The NP states that, with the exception of LPS 33 and LPS 34, the Green Belt extends tightly around Handforth. However, NP Map 3 includes Safeguarded Land LPS 35 as defined in CELPS Policy PG 4. The CELPS

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justifies the Safeguarded Land by describing that the site is adjacent to LPS 33 (North Cheshire Growth Village) and offers the potential for a future phase of development, if required, through a review of the Local Plan. Safeguarding this site involved an adjustment to the Green Belt boundary to exclude the site from the Green Belt. In addition, Handforth appears to merge to the north and south into adjoining built up areas. Other than those exceptions, I recognise that Handforth is surrounded by Green Belt.

- 4.11 No new housing allocations are made in the Plan, but NP Policy H1 lists criteria to be used to judge whether to support development proposals within the "Handforth Settlement Boundary (as identified in the Cheshire East Local Plan)". Map 2 of the Plan shows the Handforth Original Settlement Boundary, based on the Macclesfield Local Plan 2004. Map 3 of the Plan is entitled "Handforth Settlement Boundary identified in Cheshire East Local Plan". The Settlement Boundary on Map 3 is unclear, if at all present. Furthermore, in response to one of my questions, the Handforth Parish Council forwarded the comment from CEC that there is no policy which establishes a settlement boundary for Handforth. This will be done in the SAPD. The Green Belt boundary effectively forms the settlement boundary<sup>8</sup>.
- 4.12 Consequently, the up to date settlement boundary does not yet exist and I consider that Policy H1 should be modified to replace the reference to the settlement boundary in the leading phrase with "the built-up area of Handforth". **(PM3)** There would be sufficient precision for effective development management, given the tight relationship of the Green Belt with the built-up area and would not pre-empt wherever the settlement boundary might be located in the emerging SAPD.
- 4.13 Furthermore, Map 3 should be retitled to describe what it actually shows, which are the proposed increases in the urban area of Handforth. **(PM4)** The map is not able to show the settlement boundary identified in the "Cheshire East Local Plan" because the CELPS does not define it and the SAPD is not yet adopted.
- 4.14 I consider that criterion 1) in Policy H1 is in general conformity with CELPS Policy SE 2. Criteria 2) and 4) are in general conformity with CELPS Policy SE 1. Criterion 5) refers to housing mix in accordance with CELPS Policy SE 4 and NP Policy H2, and I consider NP Policy H2 below. However, criterion 3) lacks balance in that there may be certain circumstances where housing may be permitted in all the categories listed in that section of the policy. Therefore, I shall recommend the introduction of an appropriate phrase in criterion 3). **(PM5)** In addition, criterion 6) lacks sufficient clarity for effective development management and reads more

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<sup>8</sup> Email from Handforth PC dated 26 April 2018: See Q8.

like an objective than a policy. I shall recommend that it should be moved into the justification section. **(PM6)**

- 4.15 The NP refers to the emerging SAPD and the work being undertaken to identify non-strategic sites, which will allocate additional land for development to make sure that the overall development requirements set out in the CELPS are met. The NP continues in paragraph 5.1.2 with the statement that these allocations will generally be less than 5 ha in size (or 150 homes) but are unlikely to occur in Handforth parish.
- 4.16 The strategic policy for the Green Belt is set out in Policy PG 3 of the CELPS and, other than defined locations, the boundaries remain as in saved local plans, which include The Macclesfield Borough Local Plan. However, Policy PG 3 also states that, in addition to the areas listed for removal from the Green Belt, it may also be necessary to identify additional non-strategic sites to be removed in the emerging SAPD. This process could well identify small sites and brownfield land which could be developed for housing.
- 4.17 Therefore, because the emerging SAPD is not yet adopted, I consider it is premature to speculate on the likelihood or not of any additional non-strategic housing allocation being in the NP Area, regardless of its size. Therefore, in order to be accurate and not misleading about housing allocations, the comment at the end of NP paragraph 5.1.2 should be deleted. **(PM7)**
- 4.18 Policy H2 supports housing schemes where they include an appropriate mix of house types, sizes and tenures. The policy is in general conformity with CELPS Policies SC 4 Residential Mix and SC 5 Affordable Homes. Policy H13 is aimed at encouraging new small-scale business development, the conversion of existing buildings to provide premises for new businesses and supporting other new small scale local employment opportunities. The policy is in general conformity with CELPS Policy EG 1.
- 4.19 Policy H13 considers Handforth District Centre and, within the town centre boundary as defined on Map 4, supports the development of main town centre uses, including those for retail, leisure, office, commercial, cultural and tourism purposes. The CELPS states that until they are reviewed, the existing boundaries and retail allocations will remain as they are in the saved policies of Local Plans, including the Macclesfield Borough Local Plan<sup>9</sup>. Furthermore, all town centre boundaries, Principal Shopping Areas and primary and secondary frontages will be defined in the SAPD and shown on the Adopted Policies Map<sup>10</sup>. Detailed policies defining which uses will be permitted in these locations will also be included in the SAPD.

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<sup>9</sup> CELPS paragraph 11.42.

<sup>10</sup> CELPS paragraph 11.43.

Overall, NP Policy H13 is in general conformity with CELPS Policy EG 5. Policy H15 lists criteria to be taken into account when considering the design of new, or the alteration of existing, shop fronts and advertisements and is in general conformity with CELPS Policy SE 1 Design.

- 4.20 Accordingly, with the recommended modifications, I consider that the NP policies for housing growth and supporting the local economy have regard to national policy, would generally conform with strategic statutory policies, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

#### Issue 2: Community and Social Well-Being

- 4.21 The policies relating to community and well-being are derived from Objective 3 of the NP: to protect and enhance local services, community facilities, recreational areas and Local Green Spaces within the parish. Ten Local Green Spaces are identified in the Plan and Policy H3 seeks to protect them. Each site is justified in the assessment carried out by the Parish Council and the further evidence and, therefore, I consider the ten sites listed in Policy H3 should be designated as Local Green Spaces<sup>11</sup>. The policy has regard to NPPF paragraphs 76 and 77 and is in general conformity with CELPS Policies SC 1 and SE 6.
- 4.22 Policy H4 seeks to protect nine areas of incidental open space from development. However, development will be permitted in such an area if the scheme provides more or better quality open space in it. A Regulation 16 representation was received objecting to the inclusion of the Paddock Square in the list. The Square is an attractive area of open space within The Paddock shopping area in the centre of Handforth. I note that it is already designated as open space in the Macclesfield Local Plan, but the area is evidently used for public events and is well located for such occasions. The policy does not prevent development of, or in, the site, but should development be allowed, perhaps as redevelopment of a larger area, a similar or better site would be provided as part of the scheme. Furthermore, the policy has regard to NPPF paragraphs 73 and 74 and is in general conformity with CELPS Policies SC 1 and SE 6
- 4.23 Policy H5 aims to protect existing community facilities and to support investment in new facilities and, subject to the comment below, it is in general conformity with Policies SC 3 and IN 2 of the CELPS. The policy states that all new residential development will be expected to make a proportionate contribution to the provision of community facilities, subject to viability. However, NPPF paragraph 204 sets out tests which have to be met in the event of a planning obligation being sought in order to secure

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<sup>11</sup> Response from Handforth Parish Council dated 26 April 2018.

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any financial contribution. Therefore, in order to ensure that Policy H5 has regard to national policy, I shall recommend the inclusion of a phrase referring to the NPPF tests. **(PM8)**

- 4.24 Policy H5a recognises the value of the four public houses in Handforth and seeks to protect them from changing their use. The policy is in general conformity with CELPS Policy SC 3 and also has regard to NPPF paragraph 69, which states that planning policies should promote opportunities for meetings between members of the community who might not otherwise come into contact with each other. In addition, NPPF paragraph 70 includes public houses as one of the examples of the social, recreational and cultural facilities and services which a community needs. Policy H5a includes a final sentence referring to added protection to the Freemasons Arms because it is a non-designated heritage asset. Protection of the building would be achieved under NP Policy H10, but this would be for its merits as a heritage asset of local architectural and historic interest. Policy H5a deals with the protection of the public house as a community resource and meeting place. Therefore, this final sentence of the policy should be deleted. **(PM9)**
- 4.25 Policies H6 and H7 deal with Education Facilities and Health Care Facilities. Both policies generally conform with CELPS Policy SC 3 and have regard to national guidance in NPPF paragraphs 70 and 72.
- 4.26 Accordingly, with the recommended modifications, I consider that the NP policies for community and social well-being would have due regard to national policy, would generally conform with strategic statutory policies, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

### Issue 3: Natural and Built Environment

- 4.27 Policy H8 considers landscape and biodiversity. The aims of the policy to conserve landscape character and quality and enhance rural and urban local distinctiveness are in general conformity with CELPS Policies SE 3 and SE 4 which deal with biodiversity and landscape in the Local Plan. Policy H8 includes a list of sites where ecological qualities will be protected and/or conserved, together with a reference to NP Map 10 which delineates them. In response to a representation, the PC accepts that site 12 Hall Wood should be extended to include the eastern end of Hall Wood east of the A34 by-pass<sup>12</sup>. **(PM10)**
- 4.28 Policy H9 seeks to preserve trees and hedgerows which make a significant contribution to the amenity, biodiversity and landscape character of the area. The policy is in general conformity with CELPS Policies SE 4 and SE

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<sup>12</sup> Response from Handforth Parish Council dated 26 April 2018: Q9.

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5. A minor error in Policy H9 (2) should be corrected, which is acknowledged by Handforth PC. In order to be clear, the phrase "... in 1 above..." should be substituted for "... in A above ...". **(PM11)**

- 4.29 Policy H10 seeks the protection of non-designated heritage assets. The policy states a presumption in favour of the retention of the asset and does not include a reference to the requirement for a balanced judgement, as explained in NPPF paragraph 135 and in CELPS Policy SE 7 b. i. Therefore, in order for the policy to have regard to national guidance and be in general conformity with statutory strategic policy, I shall add "wherever possible" to the presumption in favour of retention and add the phrase "... a balanced judgment will be required..." in the appropriate place. **(PM12)**
- 4.30 In addition, Policy H10 includes a proposal that St Mary's Church be added to the list of non-designated heritage assets. PPG states that local planning authorities may identify non-designated heritage assets<sup>13</sup>. This would preclude the proposal to describe St Mary's Church as a non-designated heritage asset in the Plan, unless first defined as such by CEC. Nevertheless, although the building has not been assessed and therefore found to be neither suitable nor unsuitable for local listing, it is distinctive and has been put forward as a candidate asset. Consequently, I shall delete the existing references to St Mary's Church in the justification and the policy, recommend substitutions at paragraph 5.3.20 and add an appropriate section to the policy. **(PM13)**
- 4.31 Policy H11 encourages high quality design and is in general conformity with CELPS Policy SD 1 which states that development proposals should provide a locally distinct, high quality, sustainable, well-designed and durable environment. It is also in general conformity with CELPS Policy SE1 which describes the elements of design sought in proposals for development. In addition, Policy H11 has regard to a core planning principle in NPPF<sup>14</sup>.
- 4.32 Policy H12 considers surface water management where new development is proposed. The policy lists detailed objectives to be sought in order to maximise surface water retention and minimise run off. I consider the policy is in general conformity with CELPS Policy SE 13 and has regard to NPPF paragraphs 99 to 104. CEC commented that the significance of harm caused by flooding or run off is the relevant planning test. I agree. However, NP Policy H12 should be read alongside comprehensive CELPS Policy SE 13 which includes references to the sequential approach which is provided for in NPPF and, by implication, the tests which are involved.

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<sup>13</sup> PPG Reference ID: 18a-039-20140306.

<sup>14</sup> NPPF Paragraph 17 bullet point 4.



Therefore, I see no reason to modify Policy H12, although the PC might wish to delete paragraph 4, which is duplicated in the policy.

- 4.33 Accordingly, with the recommended modifications, I consider that the NP policies for the natural and built environment would have due regard to national policy, would generally conform with strategic statutory policies, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

#### Issue 4: Improving Local Infrastructure and Transport

- 4.34 Policy H16 considers congestion and highway safety and is in general conformity with CELPS Policy CO 4 Travel Plans and Transport Assessments and has regard to NPPF paragraph 32. Nevertheless, the policy includes an ambiguous reference to traffic studies for land outside the parish, albeit adjacent to the boundary. The NP cannot include policies for land outside the NP Area. However, where development might overlap a boundary such as a location where housing in an adjoining parish might involve an access into Handforth, I consider it is reasonable that the NP can seek appropriate traffic studies. To improve the clarity of the policy, an appropriate phrase should be added to the first paragraph. **(PM14)**
- 4.35 Policy H18 seeks to improve and enhance sustainable transport modes and pedestrian safety. The policy is in general conformity with CELPS Policies SD 1 and CO 1. Policy H17 aims to encourage the retention of existing short stay parking and the provision of additional spaces in the village centre, which is in general conformity with CELPS Policy SD 1 and has regard to NPPF paragraph 39. Policy H19 seeks to improve access to the countryside within Handforth and the surrounding area and is in general conformity with CELPS Policies SD 1, CO 1 and EG 4 and has regard to NPPF paragraph 75.
- 4.36 However, Policy H17 also includes the statement that the field immediately east of the Youth Centre should become a station car park. There is no accompanying comment on land ownership, acquisition and means of implementation. Therefore, I agree with the representation of CEC that this sentence should be rephrased as one of support. **(PM15)**
- 4.37 Policy H20 states that new development will be required to support proposals for improved community facilities and infrastructure in the Parish. However, as stated in relation to Policy H5 above, NPPF paragraph 204 sets out tests which have to be met in the event of a planning obligation being sought in order to secure any financial contribution. Therefore, in order to ensure that Policy H20 has regard to national policy, I shall recommend the inclusion of a phrase referring to the NPPF tests. **(PM16)**

4.38 Therefore, with the recommended modifications, I consider that the policies on transport and infrastructure would generally conform with strategic statutory policies, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

#### Parish Council Actions (PCAs)

4.39 The Plan sets out seven PCAs which are not within the scope of neighbourhood planning but would bring wider benefits to the area and help to meet the Plan's Aims and Objectives. The actions reflect the positive involvement of the community in the neighbourhood planning process and the wider aspects of life in Handforth.

## 5. Conclusions

### *Summary*

5.1 The Handforth Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard to all the responses made following consultation on the neighbourhood plan, and the evidence documents submitted with it.

5.2 I have made recommendations to modify a number of policies to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

### *The Referendum and its Area*

5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Handforth Neighbourhood Plan, as modified, has no policy which I consider significant enough to have an impact beyond the designated neighbourhood plan boundary, requiring the referendum to extend to areas beyond the boundary of the Plan. 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 In conducting the examination, I enjoyed reading the Plan and I found the supporting documentation, especially the Basic Conditions Statement, to be well presented and extremely helpful. The Steering Group and the Parish Council are to be commended for their efforts in producing a timely, comprehensive, expertly written and well-illustrated document

which, incorporating the modifications I have recommended, will make a positive contribution to the development plan for the area and will assist in creating sustainable development.

*Andrew Mead*

Examiner

## Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Front cover	Alter the front cover to:  <b>“Handforth Neighbourhood Plan 2018 – 2030 Submission Version February 2018”</b>
PM2	Section 5 p 46	The introductory sentence beneath Policies for Handforth should either be omitted, or amended, to point the reader to the Maps within the Plan.
PM3	Policy H1	Delete the first phrase and replace with: <b>“New housing development within the Handforth built-up area will be supported where: ...”</b> .
PM4	Map 3	Delete title of Map 3 and replace with: <b>“Map 3: Proposed increases in urban area of Handforth.”</b>
PM5	Policy H1 3)	Insert the phrase “... or employment opportunities, <b>except where that loss would be acceptable in planning terms;</b> and...”.
PM6	Policy H1 6)	Delete point 6) and move into the justification section.
PM7	Paragraph 5.1.2	Delete phrase: “... but are unlikely to occur in our parish.”
PM8	Policy H5	Insert at the end of the first sentence of the penultimate paragraph: “... subject to viability <b>and consistent with the advice in NPPF paragraph 204.”</b>
PM9	Policy 5a	Delete the final sentence.

PM10	Map 10	Site 12 Hall Wood should be extended to include the eastern end of Hall Wood east of the A34 by-pass.
PM11	Policy H9 2)	Delete "A"; insert " <b>1</b> ".
PM12	Policy H10	Add "there will be a presumption in favour of its retention, <b>wherever possible.</b> " Add at end of first paragraph: " <b>A balanced judgement will be required, having regard to the scale of any harm or loss and the significance of the heritage asset.</b> "
PM13	Paragraph 5.3.20  Policy H10	Delete paragraph 5.3.20 and substitute: "St Mary's Church is a distinctive building which makes a positive contribution to the character of Handforth and has been submitted for local listing."  Delete from Policy H10: "HNPSG proposes that St Mary's Church be added to the list."  Add a final paragraph: " <b>Should the site and building at St Mary's Church be locally listed in the future, Policy H10 will apply to it. Until such time, the distinctive features and integrity of the building and its setting should be preserved and not be significantly harmed by development.</b> "
PM14	Policy H16	Add at end of first paragraph: " <b>... where access would be gained from Handforth parish.</b> "
PM15	Policy H17	Delete "HNPSG recommend that the field immediately to the east of the Youth Centre becomes a station car park." and insert: " <b>The development of a car park on the field east of the Youth Centre will be supported,</b> "
PM16	Policy H20	Insert at the beginning of the policy: "Subject to viability considerations <b>and</b>

		<b>having regard to advice in NPPF paragraph 204, schemes ...”.</b>
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