

# Cheshire West and Chester Council

## Winsford Neighbourhood Plan Decision Statement

### 1 Summary

1.1 Following an independent examination and hearing, Cheshire West and Chester Council now confirms that the Winsford Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum

### 2 Background

2.1 On 12<sup>th</sup> December 2012, Cheshire West and Chester Council designated Winsford Neighbourhood Area for the purpose of preparing a Neighbourhood Plan in accordance with Part Two of the Town and Country Planning (England), Neighbourhood Planning (General) Regulations 2012.

2.2 Following the submission of the Winsford Neighbourhood Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on 16 September 2013.

2.3 Cheshire West and Chester Council appointed an independent examiner, Dr Charles Mynors FRTPI, FRICS, IHPC, Barrister, to examine whether the Plan meets the necessary basic conditions and legal requirements and should proceed to referendum.

2.5 The examiner's report concludes that subject to making the minor modifications recommended by the examiner the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning Referendum.

2.6 The Executive of Cheshire West and Chester Council agreed on 3 September 2014 that the Winsford Neighbourhood Plan should proceed through referendum.

2.7 Having considered each of the recommendations made by the examiner's report, and the reasons for them, the Council has decided to make the modifications to the draft plan set out in Appendix A Table 1 to ensure that the draft plan meets the basic conditions set out in legislation, and has decided to make the modifications to the draft plan and set out in Appendix Table 2 below for the purpose of correcting errors.

### 3. Decision and Reasons

3.1 The Council has made the modifications, proposed by the examiner, to secure that the draft plan meets the basic conditions, and for the purpose of correcting errors in the text to enhance the clarity of the plan as set out in Tables 1a and 1b of Appendix A.

3.2 The Council has also made minor modifications for the purpose of correcting errors in the text to enhance the clarity of the plan as set out in Table 2 of Appendix A.

3.3 The Council has considered whether to extend the area in which the referendum is to take place and agrees with the examiner that there is no reason to extend the Neighbourhood Plan Area for the purpose of holding the referendum.

3.4 The examiner has concluded that with the minor modifications made the Plan meets the basic conditions and other relevant legal requirements. The Council concurs with this view. Therefore to meet the requirements of the Localism Act 2011 a referendum which poses the question '**Do you**

***want Cheshire West and Chester Council to use the Neighbourhood Plan for Winsford to help it decide planning applications in the neighbourhood area?*** will be held in Winsford.

3.5 The date on which the referendum will take place is agreed as Thursday 23 October 2014.

# APPENDIX A

**TABLE 1A EXAMINER RECOMMENDED MODIFICATIONS**

Mod No / Report Para	Plan page/para	MODIFICATION	REASON	ACTION TAKEN
M1 3.15	P 44 & Table 5.1	<p>I recommend that the figures for:</p> <ul style="list-style-type: none"> <li>• the total number of homes to be provided in the allocated sites, in the supporting text at the foot of page 44, and</li> <li>• the total at the bottom of Table 5.1 on that page,</li> </ul> <p>both be stated as “around 3,362 homes”.</p>	For clarity	Amended as per recommendation
M2 3.17	Page 46 & 47  Policies H1, H2 and H3	<p>I recommend that Policy H1 be reworded:</p> <p><i>“Permission will be granted for residential development:</i></p> <ul style="list-style-type: none"> <li>• <i>as summarised in Table 5.1 and set out in the site-specific policies in section 6; and</i></li> <li>• <i>as provided in policy H2,</i></li> </ul> <p><i>provided that it complies with the requirements set out in the other policies of this Plan and the Local Plan. Such compliance must be demonstrated by a Design and Access Statement to be submitted with each application.”</i></p> <p>and that Policies H2 and H3 be transposed.</p>	For clarity	Amended as per recommendation
M3 3.38	Page 52, upper plan Page 65, upper plan	I recommend that the plans showing the boundaries of Sites S 1 and NTC 2 be adjusted to show clearly the extent to which each is linked to associated open space provision.	For clarity	Plans amended as per recommendation
M4 3.40		<p>I recommend that Policy STC 2-3 is replaced with a new Policy STC 2-4:</p> <p><i>“Sites STC 2 to STC 4 must be masterplanned together to deliver a comprehensive approach to the planning of this area, including open space, leisure uses, any necessary extension to St Chad’s Primary School and improvements to local highways. Developers of any of these sites must submit a Design and Access Statement that demonstrates how the principles set out in the masterplan and in</i></p>	For clarity	Amended as per recommendation

		<i>Policies STC 2 to STC 4 are incorporated within their proposals."</i>		
M5 3.42	Page 66	I recommend that a new bullet point is inserted at the start of Policy S1B, identical to those in Policies S2B and S3B.	For clarity	Amended as per recommendation
M6 3.45	Page 56	I recommend that a new bullet point be inserted between the second and third bullet points in Policy NTC7, as follows:  <i>"A flood risk assessment will be required to accompany any planning application for the development of all or part of the site."</i>	For clarity	Amended as per recommendation
M7 4.8	Page 58	I recommend that Policy TC0-5 be amended as follows:  <i>"Any development proposals must demonstrate how they relate positively to the wider Town Centre.</i>  <ul style="list-style-type: none"> <li>• <i>Development should seek to achieve an outward-looking modern retail environment, by:</i>   <ul style="list-style-type: none"> <li><i>creating a range of modern retail units, which wherever possible present active frontages onto existing streets; and</i></li> <li>- <i>ensuring an appropriate design relationship between surface parking, service areas and the public realm.</i></li> </ul> </li> <li>• <i>Existing pedestrian routes should be re-aligned where possible, so that they are direct.</i></li> <li>• <i>The market should be positively integrated as far as possible, by making it more visible and creating direct and good quality pedestrian routes to it.</i></li> <li>• <i>Signposting to the Centre should be improved."</i></li> </ul>	For clarity and to provide more support for the proposals now emerging for the its redevelopment and enhancement	Amended as per recommendation
M8 5.4	Page 1	If the third paragraph of the Foreword (as	Correction to clarify position.	New Foreword

		<p>currently drafted) is to be retained in some form, I recommend that the last two sentences be replaced with wording along the following lines:</p> <p><i>“The Neighbourhood Plan conforms to this, and has identified possible sites to accommodate this level of development.”</i></p>		produced
M9 5.5	Page 4	<p>I recommend:</p> <p>(a) that paragraph 1.1.5 (page 4) be amended by the omission of the words <i>“and emerging Cheshire West Local Plan”</i> in line 9;</p> <p>(b) that the words from <i>“This Plan has been developed”</i> to the end of paragraph 1.1.5 be renumbered as paragraph 1.1.6, and later paragraphs renumbered accordingly; and</p> <p>(c) that the expected date for the adoption of the emerging Local Plan be updated as appropriate.</p>	For clarity and to update to reflect current position	Amended as per recommendation
M10 5.6	Page 5	<p>I recommend that paragraph 1.1.10 (on page 5) be amended as follows:</p> <p>(a) after the entry headed <i>“for the whole of England”</i> be inserted a new entry as follows:</p> <p><b>for the area of the former Vale Royal Borough Council:</b></p> <p>The saved policies of the Vale Royal Borough Local Plan Review was the key local development document and, for as long as it remains in force, provides the strategic policies for</p> <p>The Vale Royal Plan will be replaced by the Cheshire West Local Plan once that has been adopted</p>	To correct and clarify the position	Amended as per recommendation

Saved Vale Royal Borough Local Plan  
Prepared by former Vale Royal Borough Council

		<p>the Vale Royal BC area.</p> <p>(b) the arrow from the “National Planning Policy Framework” box to the “emerging Cheshire West Local Plan” box be adjusted so that it misses the new “Saved Vale Royal Borough Local Plan” box; and a new arrow be inserted from the new box to the “Winsford Neighbourhood Plan” box;</p> <p>(c) the last part of the paragraph (to the left of the stylised map) be replaced with the following:</p> <p><i>“1.1.12 A neighbourhood plan cannot promote less housing and economic development than provided for in any extant local plan, because it must be in conformity with the strategic policies in the local plan. However, the policy in the Vale Royal Local Plan providing for an overall level of housing is no longer in force, so the Neighbourhood Plan has been drafted to conform with the corresponding policy in the emerging Cheshire West Local Plan.”</i></p> <p>and that subsequent paragraphs be re-numbered accordingly.</p>		
M11 5.7	P29, para 4.51	<p>I recommend that paragraph 4.51 (on page 29) be amended by:</p> <p>(a) the replacement of “required</p>	For clarity	Amended as per recommendation

		<p><i>in Winsford” (line 4) with “expected to be required in Winsford by the emerging Local Plan,” and</i></p> <p>(b) the replacement of “<i>must</i>” (line 5) with “<i>should</i>”.</p>		
M12 5.24	P35	<p>I recommend that a paragraph be inserted (after paragraph 5.1.2, on page 35) to the following effect:</p> <p><i>“5.1.3 If to any extent a policy in the Neighbourhood Plan conflicts with any other statement or information in the Plan, the policy is to prevail.”</i></p>	For clarity	Amended as per recommendation
M13 5.30	Pages 53 - 75	I recommend that the ownership of each site identified in Section 6 of the Plan be omitted	For clarity	Amended as per recommendation
M14  5.35 5.36	Pages 6, 20, 23, 29, 32	<p>Given that the Winsford Plan is stated (on the cover and elsewhere) to have been prepared jointly by three bodies, it is not helpful for there to be references – other than in the Foreword – to actions that “we” have undertaken, or will undertake. It would be preferable for the Plan to state clearly who has done or is doing what. See page 6 (“what we’ve done”); page 20 (paragraph 4.1.7: “we need to think”); page 23 (paragraph 4.2.2 (“we have considered”); page 29 (paragraph 4.5.5: “we reviewed”); page 32 (paragraph 4.5.6: “we have set out”).</p> <p><b>I recommend that the passages referred to in the previous paragraph be clarified.</b></p>	For clarity	Amended to remove reference to “we” to a more generic reference of work undertaken by the team in the course of producing the plan.

**TABLE 1B EXAMINERS LIST OF MINOR MODIFICATIONS FOR THE PURPOSE OF CORRECTING ERRORS OR FOR CLARIFICATION.**

<b>Page</b>	<b>Modification</b>	<b>Action</b>	<b>Reason</b>
16, Second bullet point	For “resident” substitute “residents”.	Amended	Correction
21, Key to upper map	This key needs to be rationalised and clarified. For example, there appears to be two colours for land “not suitable for development” – the red used for the land by the river, and the ochre used for the golf course.	Not changed	Problem a printing error
24, Fig 4.3.1: Option B	For “20230” substitute “2030”.	Amended	Correction
25 Option B: 2 <sup>nd</sup> bullet point	For “creates” substitute “create”.	Amended	Correction
29 Heading above para 4.5.5	For “Regulation 14 consultation” substitute “Preliminary consultation”	Amended	Clarity
29 Para 4.5.5	For “the regulation 14 consultation” substitute “the consultation that took place before the Plan was submitted to CWaC”	Amended	Clarity
35.Para 5.1.2	For “dark purple” substitute “blue”.	Amended	Clarity
35 Fig 5.1	For “dark purple” substitute “blue”.  Consider placing last paragraph above “Policy” explanation, and substituting “preceded” for “supported”.	Amended  Not done	Clarity  Further text comes after policy so not considered appropriate amendment.
36, Text below Policy I1	For “Chapter 6” substitute “Chapter 5.4”.	Amended	Correction
36, Policy I2	For “Chapter 5” substitute “Chapter 5.3”.	Amended	Correction
37 Text beneath Objective “Deliver high quality development	For “Chapter 4”, “Chapter 6” and “Chapter 8” substitute “Chapter 5.4”, “Chapter 5.5” and “Chapter 5.6”.	Amended	Correction
40, Policy TTC 2	For “defined” substitute “shown”	Amended	Clarity / Correction
40, Policy TTC4	Move “considering” to before the bullet points	Amended	Correction
42 Policy E1: second and third bullet	For “Site W7; and W8” substitute “Site W6; and Site W7”	Amended	Correction

points			
46 Policy H5, first bullet point	Delete “and so on”	Amended	Clarity
47 Policy H6, third bullet point	Line 2, for “open” substitute “Open”	Amended	Correction
47 Quick win box	In first two bullet points, for “both sites” substitute “each site”; for the third bullet point, substitute “be used in the marketing of the sites to potential developers”	Amended	Correction
48 Text above Policy CSL2	For “Section 3” substitute “Section 6”.	Amended	Correction
55 Site NT6: site description	For “mine salt” substitute “salt mine”	Amended	Correction
57 Upper map	For “TC5”, “TC6” and “TC7”, towards the right hand side of the map, substitute “TC7”, “TC8” and “TC9”.	Amended	Correction
66 Policy S1 – S3	Introductory text: for “essentially” substitute “essential”.	Amended	Correction
67 Policies S2B and S3B	For “policies” substitute “policy”	Amended	Correction
67 Policy S4: site description	For “bound” substitute “bounded”.	Amended	Correction

**TABLE 2 EDITORIAL CHANGES TO THE WINSFORD NEIGHBOURHOOD PLAN**

	Page/Para	Change Made	Reason
1	Front Cover Throughout Inner Cover	New Front Cover Amend publication date in page footer Check/Revise Contents Page	To reflect change in status of plan
2	1	New Foreword from Cllr Clarke	To reflect change in status of plan
3	Page 4, para 1.1.3	Removed underlining of paragraph	Correction to draft plan
4	Page 4, para 1.1.4	Amended final sentence to delete reference to documents being in library, to read " <i>Separate consultation reports are available from Winsford Town and Cheshire West and Chester Councils websites that explain what consultation has been carried out and what people have said.</i> "	To update with future location of documents
5	Page 72 & &3	Amended plans to exclude Winsford Neuromuscular Centre.	To reflect extent of site boundary as described in policy 03