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Planning for Good

TATTENHALL NEIGHBOURHOOD PLAN 2025 - 2045

BASIC CONDITIONS STATEMENT

May 2026

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Contents

1.INTRODUCTION 3

The Neighbourhood Plan 3

The Basic Conditions 4

2.BACKGROUND 6

3. CONDITION (A): REGARD TO NATIONAL PLANNING POLICY 7

General Paragraphs 7

Specific Paragraphs 7

4. CONDITION (D): CONTRIBUTING TO ACHIEVING SUSTAINABLE DEVELOPMENT 13

5. CONDITION (EA): HOUSING PROVISIONS AND THE DEVELOPMENT PLAN 16

6. CONDITION (F), (FA) and (G): COMPATABILITY WITH ASSIMILATED OBLIGATIONS 16

7. SUMMARY 18

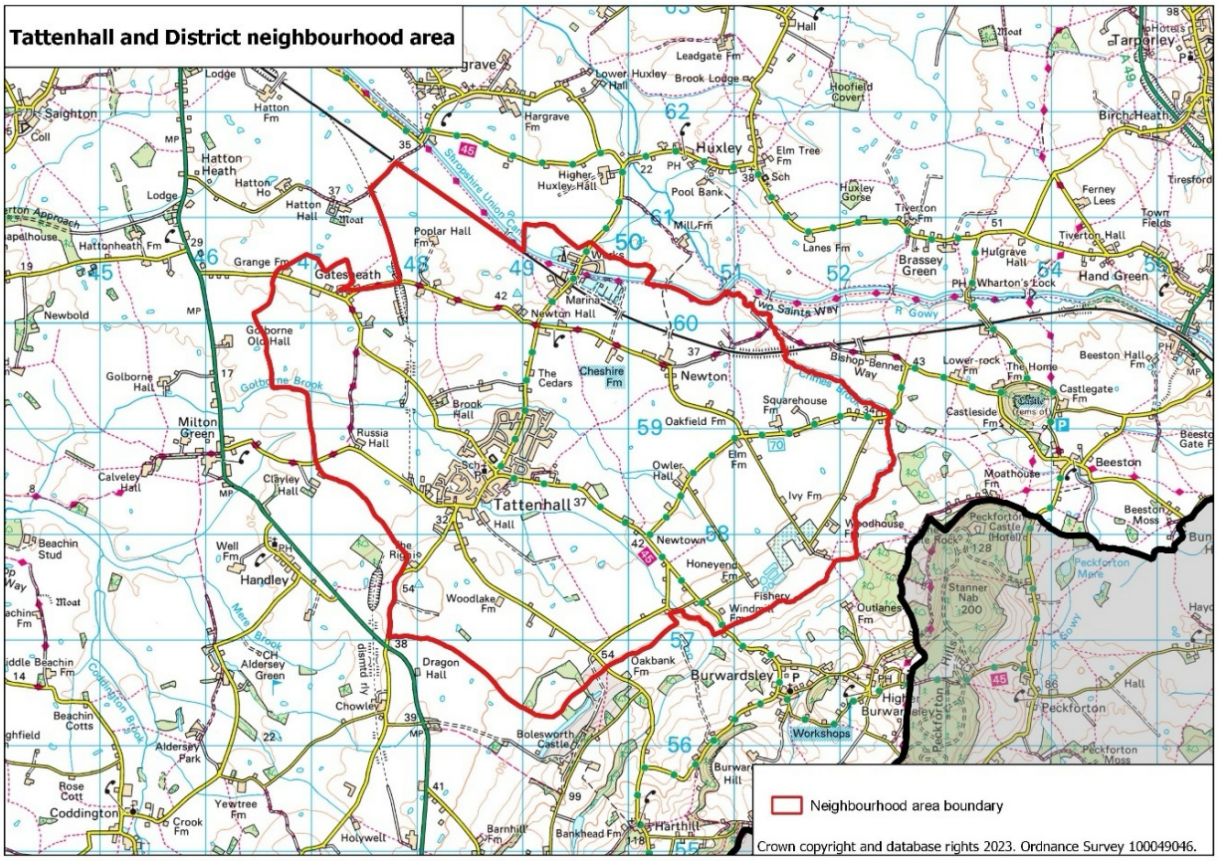
1.INTRODUCTION

The Neighbourhood Plan

1.1 This Statement has been prepared by ONH on behalf of Tattenhall Parish Council ("the Parish Council") to accompany its submission of the Tattenhall Neighbourhood Plan ("the Neighbourhood Plan") to the local planning authority, Cheshire West and Chester Council ("the Unitary Council"), under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 ("the Regulations").

1.2 The Neighbourhood Plan has been prepared by the Parish Council, the 'Qualifying Body', for the Neighbourhood Area ("the Area"), which coincides with the boundary of the Parish of Tattenhall shown on Plan A below. The Unitary Council originally designated the Area in January 2013, then redesignated the area in April 2023 to reflect parish boundary changes.

1.3 ONH has provided the professional planning advice and support to the Parish Council throughout the project, alongside occasional help from officers of the Unitary Authority.



Plan A: Tattenhall and District Designated Neighbourhood Area

1.4 The modified Neighbourhood Plan contains eight land use policies, which are defined on the Policies Map where they apply to a specific part of the Area. These policies all fall within the scope allowed by s38B(A1) of the Planning & Compulsory Purchase Act 2004 and none relate to 'excluded development' as defined in s61K of the Town & Country Planning Act 1990. Per s38B(1) of the 2004 Act, the Neighbourhood Plan specifies a plan period, i.e. 2025 to 2045 and does not relate to more than one designated neighbourhood area.

1.5 Per s38B(2B) of the 2004 Act:

So far as the qualifying body considers appropriate, having regard to the subject matter of the neighbourhood development plan, the plan must—

(a)be designed to secure that the development and use of land in the neighbourhood area contribute to the mitigation of, and adaptation to, climate change, and

(b)take account of any local nature recovery strategy, under section 104 of the Environment Act 2021, that relates to all or part of the neighbourhood area, including in particular—

(i)the areas identified in the strategy as areas which—

(A)are, or could become, of particular importance for biodiversity, or

(B)are areas where the recovery or enhancement of biodiversity could make particular contribution to other environmental benefits,

(ii)the priorities set out in the strategy for recovering or enhancing biodiversity, and

(iii)the proposals set out in the strategy as to potential measures relating to those priorities.

1.6 The Town Council considers that the modified Tattenhall Neighbourhood Plan (TNP2) does not contain policy proposals that would undermine the development and use of land in the neighbourhood area contributing to the mitigation of, and adaptation to, climate change. The Tattenhall NP2 embeds climate change mitigation and adaptation throughout its vision, objectives and policies, including:

- Supporting energy efficiency and carbon reduction through design
- Promoting sustainable transport and active travel
- Enhancing green infrastructure and biodiversity
- Planning for flood risk and resilience to extreme weather

1.7 Furthermore, per that same provision, the Town Council has taken into account the Cheshire and Warrington Local Nature Recovery Strategy (2025) as relevant to the scope of the modified Tattenhall NP, integrating its priorities into local policy and promoting habitat connectivity and biodiversity enhancement.

1.8 Per s38B(2C) of the 2004 Act, the Town Council considers that none of the Neighbourhood Plan policies are inconsistent with or (in substance) repeat any national development management policy.

The Basic Conditions

1.9 The statement addresses each of the four 'Basic Conditions', which are relevant to this plan, required of the Regulations and explains how the submitted Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act. It is noted that these provisions were amended by s99 of the Levelling Up & Regeneration Act which came into force on 25 March 2026.

1.10 Paragraph 8 (as amended) defines the Basic Conditions thus:

A. Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Development Plan;
B. The making of the Neighbourhood Development Plan contributes to the achievement of sustainable development;

EA. The making of the neighbourhood development plan would not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in that area than if the neighbourhood development plan were not to be made;

F. The making of the Neighbourhood Development Plan does not breach, and is otherwise compatible with, assimilated obligations;

FA. Any requirements imposed in relation to the Neighbourhood Development Plan by or under Part 6 of the Levelling-up and Regeneration Act 2023 (environmental outcomes reports) have been complied with; and

G. Prescribed conditions are met in relation to the Neighbourhood Development Plan and prescribed matters have been complied with in connection with the proposal for the Neighbourhood Development Plan.

2.BACKGROUND

2.1 The decision to proceed with a modified Neighbourhood Plan was made by the Parish Council in March 2019. The key driver of this decision was a sense of wanting to plan positively for the future of the Parish, with the encouragement of the Unitary Council to local communities to prepare up to date Neighbourhood Plans. Tattenhall and District contains the village of Tattenhall and a number of smaller settlements, set on the Cheshire Plain and relatively close to Chester. The Parish has long faced sustained interest from housebuilders in land on its village edges, and the Parish Council considered that having a Plan would provide a locally-grounded framework for managing the scale, location and character of future development in a way that preserves the incremental growth and rural character that distinguishes the village.

2.2 A Review Committee was formed comprising the residents, business representatives and Parish Councillors. The group has been delegated authority by the Parish Council to make day-to-day decisions on the preparation of the Neighbourhood Plan. However, as the qualifying body, the Parish Council approved the publication of a Pre-Submission plan in December 2024, followed by a second Pre-Submission Plan in February 2026 and the Submission Plan in May 2026.

2.3 The Parish Council has consulted local communities extensively over the duration of the project. It has also worked with officers of the Unitary Council since the start of the project to collate and examine the evidence base, to design and iterate policy proposals and to define the proper relationship between the Neighbourhood Plan and the Cheshire West and Cheshire Local Plan. The nature and outcome of these various publicity and consultation exercises are set out in the separate Consultation Statement.

3. CONDITION (A): REGARD TO NATIONAL PLANNING POLICY

3.1 The Neighbourhood Plan has been prepared with full regard to national policies as set out in the National Planning Policy Framework (NPPF) and is mindful of the PPG in respect of formulating Neighbourhood Plans. As demonstrated in Table A, this plan has taken to opportunity to revise development plan policies to reflect the amendments to the Use Classes Order introduced in September 2020 as they apply to this Area (PPG 13-009c). In overall terms, there are four NPPF paragraphs that provide general guidance on neighbourhood planning, to which the Neighbourhood Plan has directly responded:

General Paragraphs

3.2 The Parish Council believes the Neighbourhood Plan "support(s) the delivery of strategic policies contained in local plans … and … shape(s) and direct(s) development that is outside of these strategic policies" (§13). It considers the Neighbourhood Plan contains only non-strategic policy proposals or proposals that refine strategic policy to fit the circumstances of the Area without undermining the purpose and intent of those strategic policies (§18). It considers that the Neighbourhood Plan sets out more "detailed policies for specific areas" including "the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies" (§29).

3.3 The Parish Council considers that its Neighbourhood Plan has provided its communities the power to develop a shared vision for the Area that will shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. The Neighbourhood Plan contains 1 site allocation to be delivered in two phases, that will result in more development than set out in the strategic policies for the area (as proposed in the emerging Local Plan) (§30). In this regard, the NPPF provisions of meeting local housing needs as per §69 is therefore relevant to this Neighbourhood Plan. The Plan is underpinned by relevant and up-to-date evidence. This is considered to be adequate and proportionate, focused tightly on supporting and justifying the policies concerned (§32).

Specific Paragraphs

3.4 Each policy engages one or more specific paragraphs of the current NPPF (2024, amended February 2025). Those that are considered to be of the most relevance and substance are identified in Table A below. Table A2 has also been prepared, set out in the same format, to show conformity with the draft NPPF (published for consultation December 2025) Whilst the Plan may be examined against the current NPPF, the additional table has been prepared in the

event that the new NPPF is published over the coming weeks and no transitional arrangements are put in place. It demonstrates how the Plan is consistent with the Plan Making and Decision-Making policies contained therein.

The land interest for the allocated site has confirmed their support and stated that the policy provisions are viable in principle at this plan-making stage (§58).

Table A: Neighbourhood Plan & NPPF Conformity Summary

Policy No.	Policy Name	Key NPPF Paragraphs and Commentary
Policy 1	Housing Growth	This modified policy defines a settlement boundary in line with §83 and §84, which starts that "to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities." The policy seeks to support a mixed community and ensure a well-balanced housing stock with a particular focus on supplying a mix of homes (§61) that reflect the housing needs of the area (§8b and §63).
Policy 2	Local Character	This modified policy embeds the Tattenhall and District Design Code (2023), which has been prepared in line with the National Model Design Code as supported by §132 "Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development… through their own plans". The character-area requirement for schemes over 30 dwellings operationalises §135c&d. Tree, hedgerow and biodiversity provisions, including the requirement to have regard to the Cheshire and Warrington Local Nature Recovery Strategy, accord with §136 and §187.
Policy 3	The Local Economy	This modified policy supports a strong, competitive rural economy as required by §85 and §88, particularly through the conversion of existing buildings and the small-scale expansion of existing employment premises. The sequential test for main town centre uses outside the defined local centre accords with §90–91 and supports the vitality of Tattenhall as a Key Service Centre.
Policy 4	Local Facilities	This modified policy plans positively for the provision and retention of local services and community facilities in line with §96(a&c) and §98. The requirement that the loss of shops and community services be resisted unless reasonable efforts have been demonstrated, supported by a proportionate 12-month marketing test, operationalises §98. The requirement for major development to assess cumulative infrastructure and service impacts addresses §96.

Policy 5	Transport and Communication	This modified policy gives effect to §109-111 (sustainable transport modes), §116 (unacceptable impact on highway safety) and gives local specific policy context that will enable developers to fulfil §117 and reflects the §105 with specific opportunities to enhance the existing rights of way and transport network identified. Broadband provisions align with §119–122 on supporting high-quality digital infrastructure. The village-centre parking clause is consistent with §111.
Policy 6	Landscape and the Environment	Biodiversity, ecological-network and LNRS provisions align with §187, §192 and §193 and requires that decisions "contribute to and enhance the local and natural environment." This modified policy maintains the previously designated Local Green Spaces in accordance with §106-108, having demonstrated each space meets the criteria in §107. The policy resists all development proposals that will undermine the essential character of designated areas, unless there are very special circumstances, to justify why consent should be granted.
Policy 7	Site Allocations	The policy allocates land north and south of Frog Lane for up to 600 dwellings. The plan-led allocation supports the §60 and 63 housing-supply and housing mix objectives. M4(2) and M4(3)(a) accessibility requirements reflect §63. Site-specific requirements give effect to §98 (infrastructure), §109-111, (sustainable transport and active travel), §132 and §135 (design) as well as §136 (trees), §170 and §181-182 (flood risk, including avoidance of land at greatest risk and the use of SuDS), §187 and §193-194 (no adverse effect on the integrity of the River Dee and Bala Lake / Afon Dyfrdwy a Llyn Tegid SAC and the River Dee SSSI), §192 (BNG) and §202-203 (heritage, addressing the Tattenhall Conservation Area and the Grade II listed building at Rose Corner).
Policy 8	Flood Management Land	The policy safeguards land for expansion of the existing Millbrook natural flood-management scheme, giving effect to §161 (climate change adaptation) and §162–163 (proactive, catchment-wide flood risk management). The use of bunds, re-meandering and nature-based solutions is the kind of natural flood management technique expressly supported by §172(c). The multi-functional benefits secured by the policy — biodiversity net gain, landscape enhancement and climate resilience — align with §192 (BNG) and the LNRS as a material consideration under §187.

Table A2: Neighbourhood Plan & NPPF Conformity Summary

Policy No.	Policy Name	Key NPPF Paragraphs and Commentary
Policy 1	Housing Growth	S3 (Presumption in favour of sustainable development); S4 (Principle of Development Within Settlements); S5 (Principle of Development Outside Settlements); HO1–HO3 (Plan-making for housing); HO8 (Affordable housing) The defined settlement boundary directly supports the operation of S3-5 by establishing the spatial extent of the presumption within settlements, and the limited circumstances for development outside settlements. The requirement for a mix of types, tenures and sizes responds to HO5: meeting the needs of different groups. The on-site affordable housing requirement, including the eligibility cascade and S106 mechanism, is explicitly framed to operate alongside NDMP HO8.
Policy 2	Local Character	DP1–DP2 on design and DP3 the eight key principles for well-designed places; N1–3 (Natural environment); N6 (Areas of particular importance for biodiversity) The policy embeds the Tattenhall and District Design Code (2023) and locally specific requirements, as the locally relevant strategy for design under DP1-3. The tree, hedgerow, biodiversity and Local Nature Recovery Strategy provisions align with the strengthened natural environment chapter, including mandatory swift bricks and chalk stream protection where applicable.
Policy 3	The Local Economy	E1 (Plan-making and decision-making for the economy); E2 (Business land and premises); E4 (Rural business development); TC3 (Sequential test) The policy supports business investment and employment, by, “at the most appropriate level: a. Set out a clear economic vision and strategy, which takes a positive, proactive and realistic approach to encouraging sustainable economic growth in both urban and rural areas…” The policy gives effect to the widened approach to business land and premises in NDMPs E2 and E4, supporting conversion and small-scale expansion of existing employment premises and appropriately scaled new development. The sequential test for main town centre uses outside the defined local centre is consistent with draft NDMP TC3, including the revised 300m definition of "edge of centre" in the draft Glossary.
Policy 4	Local Facilities	HC1, HC3, HC6 (healthy, safe and inclusive communities) The policy plans positively for the retention and enhancement of local facilities consistent with HC1. The 12-month marketing test operationalises an "unnecessary loss" threshold for applying HC6. HC1 and HC3 reflect that opportunities to improve community services serving wider catchments should be utilised.
Policy 5	Transport and Communication	TR1–TR4 (Sustainable transport); and TR6 (assessing transport impacts) CO1-2 (Telecommunications infrastructure)

		The policy gives effect to TR6's approach to severe residual cumulative impact and unacceptable highway safety thresholds. The promotion of disused transport corridor reuse (the former Tattenhall–Chowley railway line) and the towpath of the Shropshire Union Canal aligns with the draft's emphasis on improving walking, cycling and public transport networks in TR1-TR4. The "green car park" concept — incorporating SuDS, permeable surfacing and biodiversity features — reflects the draft's stronger climate adaptation and nature-based solutions framing. TR3(d) "In rural areas, opportunities to improve wheeling, cycling and public transport and enhance the connectivity of an area should be taken where they exist and can be supported by the development proposed." Broadband provisions are consistent with the draft's continued support for digital connectivity infrastructure, CO2.
Policy 6	Landscape and the Environment	HC1 and HC2 (Local Green Space); N1–N3 (conserving and enhancing the natural environment) The designation of Local Green Space complies with the requirements of HC2. N1 requires that "Development plans should safeguard and enhance the natural environment, and reflect the wider benefits from natural capital and ecosystem services, by using Local Nature Recovery Strategies… and other relevant evidence at the most appropriate level to: …d) Set out standards for green infrastructure provision, in a way which complements and/or incorporates those for recreational land (as set out in policy HC1)"
Policy 7	Site Allocations	PM5 (Neighbourhood Plans) PM13: setting standards, S4 (Principle of Development Within Settlements); S5 (Principle of Development Outside Settlements); HO1 and HO4-HO5 (Plan-making for housing); HO8 (Affordable housing) F1–F2 (Flood risk) The policy allocates land to "meet the development needs of their designated area" as required by policy PM5. The allocation extends the defined settlement boundary so that S4 (within settlement) applies to the allocated land, while S5 continues to constrain inappropriate development elsewhere. The requirement for a mix of types, tenures and sizes responds to HO5: meeting the needs of different groups. The on-site affordable housing requirement operates alongside HO8. The policy includes some locally relevant strategy for design under DP1-3. Additionally, the Heritage statement complies with and references HE4, addressing the three-tier harm framework and the new definition of substantial harm. Consideration is made to N6 and supporting the conservation of important habitats, as well as N3, through specific provisions related to trees in new development. PM13 allows policies to set standards on "infrastructure provision, affordable housing requirements, parking and design and placemaking" and additionally on accessibility standards and water efficiency, this is appropriate in the context of site specific policy.

		The policy takes a location and vision based approach to sustainable transport, including parking standards, locating development in sustainable locations and street design, access and parking in TR1-4 The policy takes into account F1-F2 on flood risk and CC1 which states that “Development plans should take a proactive approach to mitigating climate change and supporting the transition to net zero. They should also take a proactive approach to adapting to climate change, taking into account the implications of extreme weather and long-term climate trends including… flood risk”.
Policy 8	Flood Management Land	F1–F2 (Flood risk); climate adaptation provisions in the clean energy and pollution chapters; CC1: Planning for Climate change The policy makes use of bunds, river re-meandering and nature-based solutions to plan for effective flood risk management including F2.1.b “Safeguarding land that is, or is likely to be, required for current or future flood management;” and c “(making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management);” and CC1 which states that “Development plans should take a proactive approach to mitigating climate change and supporting the transition to net zero. They should also take a proactive approach to adapting to climate change, taking into account the implications of extreme weather and long-term climate trends including… flood risk”.

4. CONDITION (D): CONTRIBUTING TO ACHIEVING SUSTAINABLE DEVELOPMENT

4.1 A draft version of the Pre-Submission Plan was submitted to the Unitary Council to inform its 'screening opinion' on the need for a Strategic Environmental Assessment (SEA) under the European Directive 2001/42/EC and Environmental Assessment of Plans and Programmes Regulations 2004 (as amended). A final screening opinion ('Determination') was issued in March 2025 by the Unitary Council, following a consultation period with the statutory bodies, as per those Regulations. The Determination statement concludes that an SEA would not be required.

4.2 However this screening option was based on a previous version of the Tattenhall Neighbourhood Plan. Since then, the Parish Council have changed their approach and now seek to include site allocations within the modified Plan. As such this updated screening and scoping exercise was required to reevaluate the Tattenhall Neighbourhood Plan in light of the decision to increase its scope to include site allocations. An additional screening was undertaken in September 2025, and this indicated that a SEA is required (see Section 6 below for further details).

4.3 A separate SEA Report sets out the environmental effects of the policies of the Neighbourhood Plan. There is no legal requirement for Neighbourhood Plans to have a sustainability appraisal, however the 'basic conditions' require a qualifying body to demonstrate how its plan will contribute to the achievements of sustainable development in a systematic way.

4.4 A Habitats Regulations Assessment (HRA) has also been undertaken by the LPA. The HRA concludes that, with appropriate policy provisions, the making of the Tattenhall Neighbourhood Plan is not likely to have a significant effect on a European site, either alone or in combination with other plans or projects. A copy of the final HRA is submitted separately by the LPA.

4.5 A wider view of the sustainability performance of the policies is set out in Table B below by identifying the potential of each policy to lead to significantly positive (++ dark green), minor positive (+ light green), neutral (0 yellow), minor adverse (- orange) or significant adverse (-- red) effects, taking into account the proposed mitigation measures.

Table B: Neighbourhood Plan & Sustainable Development

Policy No.	Policy Name	Social	Economic	Environmental	Commentary
Policy 1	Housing Growth	++	+	+	**Economic:** directs growth to a Key Service Centre, sustaining population and economic activity. **Social:** secures locally needed affordable housing addressing the 2023 Housing Needs Report. **Environmental:** the settlement boundary directs development to the most sustainable location, avoiding incursion into the open countryside
Policy 2	Local Character	+	+	++	**Economic:** good design and place-making support land and property values and visitor economy. **Social:** sustains the character residents value, the gaps between settlements, and the legibility of place; supports health and well-being through quality environments. **Environmental:** trees, hedgerows, irreplaceable habitats, biodiversity net gain, ecological networks and LNRS alignment create environmental gains
Policy 3	The Local Economy	+	++	+	**Economic:** supports rural enterprise, small business expansion and the conversion of existing buildings to productive use, sustaining the parish's local businesses. **Social:** protects the status of the local centre as a hub of community life. **Environmental:** prioritising reuse of existing buildings limits land take and embodied carbon.
Policy 4	Local Facilities	++	+	+	**Economic:** sustains the customer base for local businesses by protecting services. **Social:** protecting shops, community facilities and infrastructure delivers continued access to services for all residents. **Environmental:** access to local services within walking distance reduces car dependence
Policy 5	Transport and Communication		+		**Economic:** broadband provision supports the rural economy and local business and home-working; village-centre parking supports retail vitality.

					Social: active travel and public transport between settlements support healthy and accessibility connectivity particularly for those without cars, including older residents and young people. **Environmental:** the former railway line greenway, canal towpath enhancement and "green" car park nature-based solutions all deliver direct environmental benefits for biodiversity, reduced carbon emissions and improved sustainable transport connectivity
Policy 6	Landscape and the Environment	+	+	++	**Economic:** the green setting supports the tourism and leisure sector, creating and sustaining the local environment **Social:** Local Green Spaces are integral social third spaces and their protection brings significant social and health value **Environmental:** direct protection of biodiversity, ecological networks, wildlife corridors and locally significant green spaces; the LNRS link delivers strategic environmental alignment.
Policy 7	Site Allocations	++	++	+	**Economic:** delivery of up to 600 dwellings, a safeguarded GP surgery site, a multi-purpose "green" car park supporting village-centre commerce and event space. **Social:** 30% affordable housing, a wide tenure mix, M4(2) and M4(3)(a) accessibility for an ageing population; public open space, additional burial ground, allotments and active travel connections to the school and healthcare. **Environmental:** avoidance of greatest flood risk; SuDS; water efficiency; BREEAM Excellent for non-residential development; no adverse effect on the Dee SAC/SSSI; ecological mitigation; retention of mature trees and hedgerows; renewable energy on-site; enhancement of the former railway line and new circular walk.
Policy 8	Flood Management Land	++	+	++	**Economic:** reducing flood risk protects property values and avoids economic disruption from flooding. **Social:** protects residents from flood damage, and increases community resilience. **Environmental:** natural flood management delivers multi-functional benefits — biodiversity net gain, habitat creation (reedbed and wet grassland), landscape enhancement, water quality improvement and climate change resilience.

5. CONDITION (EA): HOUSING PROVISIONS AND THE DEVELOPMENT PLAN

5.1 The new Basic Condition EA replaces the previous Condition (E) that required a neighbourhood plan to demonstrate that its policies were in general conformity with the strategic policies of the adopted development plan as a whole. As such, it is no longer necessary to identify those strategic policies or to assess the extent to which each neighbourhood plan policy is in conformity, other than in relation their effect on adopted housing policies.

5.2 Instead, the Parish Council only has to demonstrate that the policies will not result in the development plan for the Parish proposing that less housing is provided by means of development taking place than if the plan were not to be made. This is a simple condition to meet as there are no adopted housing site allocation policies in the Cheshire West and Chester Local Plan (Part One): Strategic Policies (adopted January 2015) and the Cheshire West and Chester Local Plan (Part Two): Land Allocations and Detailed Policies (adopted July 2019) for this Neighbourhood Plan to obstruct. Nor has the emerging Cheshire West and Cheshire Local Plan progressed far enough to propose any new housing sites.

5.3 In any event, the modified Neighbourhood Plan contains policies that seek to manage the scale, location and design of new homes in line with the advice received from the local planning authority that would not lead to fewer homes being planned for in the Parish and indeed exceeds the indicative housing number provided by the Unitary Authority.

6. CONDITION (F), (FA) and (G): COMPATABILITY WITH ASSIMILATED OBLIGATIONS

6.1 The Unitary Council provided a screening opinion in March 2025 that has determined that a Strategic Environmental Assessment, in accordance with Regulation 9 of the Environmental Assessments of Plans and Programmes Regulations 2004 (as amended), is not required, following consultation with statutory bodies as per those Regulations. A copy of the final screening opinion is published separately. However this screening option was based on a previous version of the Tattenhall Neighbourhood Plan. Since then, the Parish Council have changed their approach and now seek to include site allocations within the TDNPR. As such this updated screening and scoping exercise was required to reevaluate the Tattenhall Neighbourhood Plan, in light of the decision to increase its scope to include site allocations. An additional screening was undertaken in September 2025, and this indicated that a SEA is required to address modified Policy 1 Housing Growth, new Policy 7 Site Allocations and new Policy 8 Flood Management Land.

6.2 As set out in Section 4 the Parish Council has met its obligations in relation to the EU Directive 2001/42 in respect of assessing the potential for significant environmental effects of the policies of the Neighbourhood Plan. The Final SEA Report is published as a separate document for submission and examination.

6.3 The Parish Council has also met its obligations in relation to the habitats provisions of EU Directive 92/43/EEC (and the associated Conservation of Natural Habitats and Wild Flora and Conservation of Habitats and Species Regulations 2017 (as amended). In this regard, the Parish

Council provided the Unitary Council with all the necessary information it required for the purposes of determining whether an Appropriate Assessment was required or to carry out the Appropriate Assessment if one was required. The Unitary Council's Habitats Regulations Screening Assessment concluded that an Appropriate Assessment was required and has been undertaken. This is published as separate document for examination.

6.4 In respect of Directive 2008/98/EC – the Waste Framework Directive – the Neighbourhood Plan does not include any policies in relation to the management of waste, nor does the area include a waste management site. On that basis, this Directive is not considered relevant to the Neighbourhood Plan and therefore could not be breached.

6.5 In respect of Directive 2008/50/EC – the Air Quality Directive – the Neighbourhood Plan includes some policies relevant to Air Quality. These policies are tested in accordance with national policy and guidance relevant to their content. The policies are not considered to breach the requirements of the Air Quality Directive as they comprise small-scale interventions and do not negate from the framework for measurement and improvement of air quality set in the Directive.

6.6 In respect of Condition FA, the Environmental Outcome Report system provided for by the Levelling Up & Regeneration Act 2023 has not yet been implemented.

6.7 In respect of Condition G, the Parish Council has carried out the designation, preparation and consultation of the Neighbourhood Plan in accordance with all the necessary Regulations. In particular:

- The Tattenhall and District Neighbourhood Area was designated by CWaC on 12 April 2023.
- The Regulation 14 pre-submission consultation ran from 23 February to 13 April 2026, providing more than the required minimum six-week consultation period.
- Representations received were carefully considered and the Plan was revised accordingly, as documented in the Consultation Statement.
- The Plan does not relate to more than one neighbourhood area and the Parish Council is the qualifying body for the designated area.
- None of the policies relate to excluded development as defined by the Regulations.

It has also been mindful of the fundamental rights and freedoms guaranteed under the European Convention on Human Rights in process of preparing the Neighbourhood Plan and considers that it complies with the Human Rights Act. The Neighbourhood Plan has been subject to extensive engagement with those people local to the area who could be affected by its policies and their views have been taken into account in finalising the Plan.

7. SUMMARY

7.1 In Section 3 it is considered that each of the policies have had full regard to national policy, with no incidence of two or more national policies being in tension, nor of the Parish Council having to strike a balance between them. As a result, the Neighbourhood Plan, as a whole, meets Condition (a).

7.2 In Section 4 it is considered that each of the policies either contributes to the achievement of sustainable development or is neutral in its impact on one of more of the three sustainability themes. As a result, the Neighbourhood Plan, as a whole, meets Condition (d).

7.3 In Section 5 it is considered that the policies will not result in the development plan for the Parish proposing that less housing is provided by means of development taking place than if the plan were not to be made. As a result, the Neighbourhood Plan meets Condition (EA).

7.4 In Section 6 it is considered the making of the Neighbourhood Plan accords with all assimilated obligations and conditions. As a result, the Neighbourhood Plan meets Conditions (F), (FA) and (G).