Cheshire West & Chester Council

Planning Policy

Planning Policy
Cheshire West and Chester Council
The Portal
Wellington Road
Ellesmere Port
CH65 0BA

01244 973887

www.cheshirewestandchester.gov.uk

Neighbourhood Planning
Cheshire West and Chester Council
The Portal,
Wellington Road,
Ellesmere Port,
CH65 0BA

our reference NP003 your reference: please ask for: Catherine Morgetroyd date: 28 July 2026

Dear Sir/Madam

Cheshire West and Chester Council (CW&C) comments on the Tattenhall and District Modified Neighbourhood Plan (2025-2045)

1. Introduction – Tattenhall and District Neighbourhood Plan

1.1 The Council welcomes the opportunity to comment on the Neighbourhood Plan and acknowledges the hard work of the Neighbourhood Plan Steering Group and local residents.

1.2 The statutory tests (basic conditions) for neighbourhood plans, (as amended by the Levelling-up and Regeneration Act 2023 (LURA) and brought into force in March 2026), provide the framework for independent examination. These basic conditions include considerations such as the relationship with national policy and guidance, the contribution to sustainable development, the impact on overall housing delivery, and compliance with relevant environmental requirements. In addition to the basic conditions themselves, the LURA introduced new statutory requirements relating to plan content, to be considered alongside the basic conditions. In particular, neighbourhood plans must, so far as considered appropriate:

- Be designed to contribute to the mitigation of, and adaptation to, climate change;
- Take account of any Local Nature Recovery Strategy (LNRS) applicable to the area.

1.3 The Council's comments below are intended to be constructive and to assist the examination process by identifying matters where it is felt that the Neighbourhood Plan could be improved in terms of clarity, format and scope and to assist in ensuring

that it is robust and capable of effective implementation. Comments are included from other teams within the Council where relevant.

2. Tattenhall and District Neighbourhood Area

2.1 The Tattenhall and District Neighbourhood Area was originally designated in 2013. However, on 12 April 2023 a revised Neighbourhood Area was formally designated. The Neighbourhood Area aligns with the area covered by Tattenhall and District Parish Council.

2.2 The Tattenhall and District Neighbourhood Area includes the settlements of Tattenhall, Newton, Newtown, Gatesheath and Tattenhall Marina.

3. Local Plan context for Tattenhall and District Neighbourhood Area

3.1 The Local Plan for the borough of Cheshire West and Chester has been developed in two parts. The Local Plan (Part One) Strategic Policies was adopted in January 2015 and sets out the strategic framework for development and land use planning in the borough. It can be viewed at Local Plan (Part One) Strategic Policies | Cheshire West Planning Policy

3.2 The Local Plan (Part Two) Land Allocations and Detailed Policies was adopted on 18th July 2019. It can be viewed at: Local Plan (Part Two) Land Allocations and Detailed Policies | Cheshire West Planning Policy.

3.3 The Tattenhall and District Modified Neighbourhood Plan (Submission Version May 2026) has regard to both the Local Plan (Part One) and Local Plan (Part Two)

3.4 The spatial strategy of the Local Plan (Part One) STRAT 1 and STRAT 2 is to direct new development primarily to the four main urban areas of Chester, Ellesmere Port, Northwich and Winsford. This will enable the best use of previously developed land and allow the integration of homes, jobs, services and facilities in the most accessible locations. A lesser amount of development is directed to the 10 key service centres, which are identified in policy STRAT 8. Within STRAT 8, Tattenhall is identified as a key service centre that will accommodate at least 250 dwellings. Tattenhall is surrounded by Green Belt (STRAT 9).

3.5 Other Local Plan policies relevant to the Neighbourhood Plan include those relating to the natural, built and historic environment, design and open space (Part One SOC 5, SOC 6, ENV 2, ENV 3, ENV 4, ENV 5, ENV 6, SOC6, Part Two DM 35, DM36, DM37 and DM 44).

3.6 The Council provided comments on the pre-submission (Regulation 14) consultation in April 2025, which are attached as Appendix 1.

4. Detailed comments on the submission version of the Tattenhall and District Neighbourhood Plan

Page number or policy	Comments
Throughout	The Neighbourhood Plan refers to the 2025 consultation version of the National Planning Policy Framework (NPPF) and the national decision-making policies (NDMPs). The new NPPF and NDMPs have not yet been introduced and there could be significant amendments to the consultation version of the NPPF and NDMPs. As such, the references to this in the Neighbourhood Plan may need amending once the final NPPF and NDMPs have been published.
Policies map	The black line on the policies map refers to policy 1. It isn't clear if this is the proposed settlement boundary. The black outline excludes the area around Mill Brook, so there is a 'hole' in the centre of the settlement- this could become confusing when interpreting policy requirements.
Policy 1: Housing Growth, B	B. ii. Currently states that the affordable housing will be subject to a S106 Legal Agreement ensuring that it remains an affordable dwelling for local people in perpetuity, where supported by up-to-date evidence. It also states that a short eligibility cascade shall be included within the agreement. The current wording could be interpreted as saying that affordable housing will only be subject to a S106 agreement where it is supported by up-to-date evidence. It isn't clear what the up-to-date evidence refers to. There may also be situations where there are no local residents seeking to live in the affordable units. The Council's Housing Policy Officer has recommended that a specific local connection cascade with timescales is included in B.ii. This would ensure that not only households with a local connection to the Parish are prioritised, but also for areas close to Tattenhall, who depend on Tattenhall as a key service centre to meet their housing needs. The rural local connection marketing cascade used as standard in Section 106 agreements is as follows: ***"Rented Affordable Housing*** *Priority Housing Register applicants with a local connection to the Parish for the first week, then the Ward and Neighbouring Wards for the next week, followed by the Borough for two weeks.* *After 4 weeks, non-priority Housing Register Applicants with a local connection to the Parish for the first week, then the Ward and Neighbouring Wards for the next week, followed by the Borough for two weeks.* *After 8 weeks households not on the Housing Register with a local connection to the Parish for the first week, then the Ward and*

	Neighbouring Wards for the next week, followed by the Borough for two weeks. ***Low Cost Home Ownership*** *Applicants with a local connection to the Parish for 6 weeks, then Neighbouring Parishes for 2 weeks, the Ward and Neighbouring Wards for the next 2 weeks, followed by the Borough for 6 weeks."* The Council's Housing Policy Officer has also suggested that greater reference is made to demand for affordable homes as identified by the 2023 Local Housing Needs Survey. There should be commentary around the mismatch of the existing market stock and the current household demographics to support Policy 1 B. This would then support a more quantified approach to ensure that a wide and appropriate mix of new homes are delivered both on the two sites allocated in the Neighbourhood Plan, but also on other sites that may come forward – for example a minimum proportion of bungalows / homes for downsizing. B. iii. Refers to off-site affordable housing provision or payment in lieu only being permitted where exceptional circumstances are demonstrated. It also states that any off-site or cash contributions sought should be used towards the provision of affordable housing in Tattenhall Neighbourhood Plan Area in the first instance. It isn't clear how this would be assessed (timescales, whether it just relates to within Tattenhall settlement boundary) and isn't clear what happens if there are no opportunities for off-site provision or use of contributions in Tattenhall.
Policy 2: Local Character, A	This refers to development being supported where it: incorporates, wherever possible, locally distinctive features such as Cheshire railings and fingerposts. Should this say "where relevant" or "where suitable" rather than "wherever possible", as there may be situations where Cheshire railings or fingerposts would be possible, but may not be suitable (e.g when it is a single dwelling in a row of other dwellings that don't have Cheshire railings). The policy refers to the requirement not to "unacceptably erode the important, predominantly undeveloped gaps between the three settlements of Tattenhall, Newton-by-Tattenhall and Gatesheath". It isn't clear what "unacceptably erode" means and how much loss of the gap would be acceptable. It isn't clear how far these 'gaps' extend. It is hard to identify the exact location of some of the views and vistas shown on the policies map in Appendix A.
Policy 2: Local Character, B	It isn't clear what is meant by variations in 'landscape structure'. The lasts bullet point includes the text "… particularly on allocated sites under Policy 7". This section of the sentence seems unnecessary as the requirement would apply to all developments over 30 dwellings.

Policy 2: Local Character, C	It isn't clear how trees, woodlands and hedgerows could be enhanced. The sentence relating to the removal or cutting back of nature, native trees includes several different requirements and options and could be split up into separate sentences to be clearer and avoid the risk of mis-interpretation. The final sentence refers to 'important trees' and it isn't clear what this means.
Policy 2: Local Character, D	What is meant by 'irreplaceable habitats' – is there a definition? The requirement refers to being in line with national policy. If it is covered in national policy, does it need to be repeated in the Neighbourhood Plan policy?
Policy 2: Local Character, E	This refers to hedgerows, but hedgerows are already covered in section C and this section sets slightly different requirements. What is meant by 'meaningful habitat creation and enhancement measures'?
Policy 3: The Local Economy, A	This refers to 'conversion of existing buildings'. What types of conversion would be included? Would this also include conversion from employment to residential use?
Policy 3: The Local Economy, B	Could this definition be set out in the explanatory text rather than the policy? It isn't clear what is meant by 'development that is proportionate to the size and function of the existing business' or 'significant increase in the overall scale, intensity or impact' – for example, would a 40% size increase be proportionate or would this be a significant increase?
Policy 3: The Local Economy, C	This refers to the 'defined local centre' – but the local centre doesn't seem to have been defined on the policies map.
Policy 4: Local Facilities, A	This refers to proposals for major development 'where proportionate to their scale and nature' to identify their likely impact on local infrastructure, services and facilities. What scale and nature of developments would this include? How would the assessment be proportionate to the scale and nature of the development. Does 'major development' relate to 'major' in planning application terms (i.e. over 10 dwellings / 1,000 square metres etc?).
Policy 5: Transport and Communication, A	Would this apply to all developments? The requirement for maximising sustainable transport options and making provision for high-speed broadband wouldn't be applicable for development such as house extensions. Reference to high-speed broadband is repeated in A and B.
Policy 5: Transport and Communication	What is the identified need for car parking and what level of proposed parking would be proportionate?

Policy 6: Landscape and the Environment, B	The requirements currently relate to all new development except householder applications – but there will be some developments that require planning permission (for example change of use, new shop front or extension to business premises) but would have very little impact on landscape character, green spaces or ecological networks due to the small scale or location of the site.
Policy 7: Site allocations	Is this one allocation in two phases, or two separate allocations? The Strategic Housing team welcome the allocation of specific sites to meet housing needs. Given that the two sites together could provide up to 600 units, it is suggested that adoption of a local connection allocation cascade should only apply to a proportion of the affordable housing to ensure that properties are allocated without significant delays.
Policy 7: Site allocations, A	Any open space provision should meet the requirements set out in the Local Plan. Section 'v' currently requires 'up to 9.8ha of publicly accessible open space including play areas' and this wording would allow significantly less than 9.8ha to be provided whilst still meeting the criterion. This would conflict with the Local Plan. Section xvii states that a risk assessment of the impact of the development on public water supply 'may' be required. It isn't clear under what circumstances a risk assessment would / wouldn't be required. Section xviii refers to proposals affecting Mineral Safeguarding Areas needing to have regard to the policies of the Cheshire West and Chester Minerals and Waste Local Plan. The minerals and waste policies for CW&C are included within the Local Plan (Part One and Part Two). As set out in the National Planning Policy Framework (NPPF), applications for planning permission should be determined in accordance with the development plan (rather than just 'having regard' to the policies in the Local Plan). As such, the wording of this policy should be amended. Policy M 2 in the Local Plan (Part Two) identifies that non-mineral development in Mineral Safeguarding Areas will only be supported if certain criteria are met.
Policy 7: Site allocations, B	Section iv relates to provision of land to provide additional village burial ground space. It isn't clear how much space is required, what the requirement is based on, who the burial land would be managed by, or what would happen if a company are not found to take on the operation and management of the burial land. Have investigations been undertaken to show that the land is suitable for use as burial land and would not result in detrimental impacts on water pollution or example? Section v relates to public open space. Any open space provision should meet the requirements set out in the Local Plan. Section xi states that a risk assessment of the impact of the development on public water supply 'may' be required. It isn't clear under what circumstances a risk assessment would / wouldn't be required.

	Section xii refers to proposals affecting Mineral Safeguarding Areas needing to have regard to the policies of the Cheshire West and Chester Minerals and Waste Local Plan. The minerals and waste policies for CW&C are included within the Local Plan (Part One and Part Two). As set out in the National Planning Policy Framework (NPPF), applications for planning permission should be determined in accordance with the development plan (rather than just 'having regard' to the policies in the Local Plan). As such, the wording of this policy should be amended. Policy M 2 in the Local Plan (Part Two) identifies that non-mineral development in Mineral Safeguarding Areas will only be supported if certain criteria are met.
Policy 8: Flood Management Land, C	This states that a risk assessment of the impact of the development on public water supply 'may' be required. It isn't clear under what circumstances a risk assessment would / wouldn't be required.

I hope these comments are of assistance in the examination of the Tattenhall and District Neighbourhood Plan.

Yours faithfully

Catherine Morgetroyd

Planning Policy Team Manager

Appendix 1 – Council's response from pre-submission (Regulation 14) consultation:

CWAC Comments – Draft Christleton and Littleton Neighbourhood Plan – April 2025

Section	Comment
General comments	Development Management Archaeologist and Team Leader – After studying the text of the revised plan, it appears that the authors have chosen not to take account of the archaeological recommendations from the previous 2013 plan. The focus of the plan is a matter for the authors and if they have decided not to consider the historic environment in any detail that is their choice.
Policy 1: Housing Growth	The housing figures / requirements proposed in the Plan refer to the current CWaC Local Plan. These figures do not take account of the recent amendments made to standard method and the impact on the local housing need figure. As a result of these changes the Council cannot demonstrate a five-year housing land supply and the plan policies considered the most important for determining planning applications are considered out of date. A new Local Plan for CWaC is currently being prepared and this will include new housing figures. In point 1, the policy refers to "Proposals involving up to and not exceeding 30 homes on any one site will be allowed…..". What is the aim of this policy? Is it to ensure that large housing schemes which are all of one character are avoided, to avoid losing the village character of the area, with it being made up of smaller areas with different types of housing? Could the wording of the policy be amended to avoid this? If the aim is to ensure that each smaller scheme has a different character, this could be clearly set out in the policy and explanation. Point 2 refers to providing a mix of homes taking into account objectively identified housing needs. Is this a mix of types, tenures and sizes? Where should the objectively identified housing needs be taken from? This could refer to Tattenhall Housing Needs Report December 2023 or any subsequent updates. Point 3 refers to providing an element of affordable housing, but point 8 refers to 100% affordable housing on rural exceptions sites. Under what circumstances would an element of affordable housing be acceptable rather than 100%? Tattenhall is not in the Section 157 rural area where lower thresholds for affordable housing would apply as set out in the NPPF. However, point 4 seeks to set a lower threshold, but the previous reference to the Local Plan in point 3 may undermine/contradict this. We would suggest removing the reference to the Local Plan in point 3 and explain why the lower threshold in your policy is required (e.g. due to a high level of need). The overlap and potential conflict between the different parts of this policy needs to be resolved.

	Point 4 refers to off-site contributions going towards provision of affordable housing in Tattenhall Neighbourhood Plan area 'in the first instance' – how would this be implemented? Under what circumstances could it be used in another area? Point 6 identifies that the reuse or replacement of existing buildings will be permitted outside the settlement boundary. Policy STRAT 9 in the Local Plan refers to replacement buildings. However, for reuse of buildings STRAT 9 specifically refers to the reuse of existing rural buildings, particularly for economic purposes, where buildings are of permanent construction and can be reused without major reconstruction. If policy 1 is going to cover this issue, it should add the additional details in line with STRAT 9. If this is not done, it would not be in general conformity with the strategic policy. The current policy wording would support re-use of temporary buildings, partly demolished buildings or large modern barns for alternative uses for example.
Policy 2: Local Character	Criterion 3 states that development will be supported where it "does not erode the important, predominantly undeveloped gap between the three settlements of Tattenhall, Newton-by-Tattenhall and Gatesheath". This is a change from the current version of the Neighbourhood Plan as the word 'unacceptably' has been removed. The removal of this word makes the criterion more restrictive and this means that the Neighbourhood Plan appears not to be positively prepared or to be supportive of development. The wording as currently proposed could also prevent rural exception sites and other development that is supported in the Local Plan and by other parts of the Tattenhall Neighbourhood Plan. The current Design Code is compliant with the 2023 NPPF, however, there has since been the updated 2024 NPPF. There have been changes in the 2024 NPPF surrounding design. In the new NPPF, there is a stronger emphasis on using the National Model Design Code for preparing local design standards and Local Authorities are encouraged to produce a clear design guide that reflects local preferences and involve community engagement. Criterion 5 refers to development that respects local landscape quality. How would this be assessed? The Local Plan refers to protecting and wherever possible, enhancing landscape character and local distinctiveness. Criterion 5 also refers to maintaining views and vistas where possible. It should be made clear that this just applies to the important views and vistas identified in appendix A, not all views/vistas. Appendix A refers to respecting or enhancing views/vistas not maintaining them – this should be consistent. Criterion 7 is restrictive and appears to have the aim to prevent new outdoor advertisements. This could have a negative impact on local businesses. Policy DM 17 in the Local Plan (Part Two) supports applications for advertisement consent, but refers to the need for the size, position, materials, colour scheme and means of illumination to respect

	the general character of the locality. Is that sufficient, or are there specific requirements for advertisements for the Tattenhall area? Criterion 8 would be difficult to assess. How would it be determined whether an arboricultural report is from a 'reputable company'? How would it be established whether a tree had 'significant amenity value' or was an 'important tree'? Criterion 9 refers to retaining and protecting mature trees. What about mature trees that are damaged or dying and this is shown in an arboricultural report? What about mature non-native trees such as leylandii?
Policy 3: The Local Economy	Criterion 1 refers to conversion of existing buildings – would this apply to any existing buildings and proposals for any employment or retail development? If so, this wouldn't be in conformity with policy ECON 2 in the Local Plan or the retail hierarchy as it could involve out of centre buildings. Employment or retail development of existing buildings would not necessarily be suitable and could cause problems in terms of neighbouring amenity. Additional details should be added to clarify what would be supported. What is meant by small-scale expansion? Does this relate to the size of the existing business? Small-scale expansion of a large site could be very significant. Criterion 2 refers to small-scale new build development – does this relate to housing development or other types of development? How does this relate to policy 1? There seems to be some overlap and potential conflicts. What would small-scale mean in terms of number of residential units or floorspace? Criterion 3 relates to employment development, but the introductory sentence refers to employment and retail. Does criterion 3 cover both?
Policy 4: Local Facilities	Would criterion 1 apply to all proposals? – for example would this include house extensions or applications for advertisement consent? What is meant by demonstrating how impacts will be addressed? If there was an increasing need for a service or facility like a doctor's surgery, how could that be addressed by an individual development? Criterion 2 refers to new utility services being seen as a positive benefit. Would this still be a benefit if the new utilities (such as water supply) were provided as part of a housing scheme and just served that site? Criterion 4 refers to demonstrating that reasonable efforts have been made. What would be considered 'reasonable efforts'?
Policy 5: Transport and Communication	Section 1 and 5 of this policy could with each other as section 1 seems to aim to reduce or mitigate traffic or congestion, while increasing parking provision could also result in increases in traffic and congestion.

	Section 1 states that development that would negatively impact highway safety and congestion will not be permitted. Most developments will have some impact on congestion – would a very minor impact still be unacceptable? The policy could be amended to refer to having a significant negative impact on congestion.
Policy 6: Landscape and Environment	Would the requirements set out in this policy relate to any type of development proposals? As currently worded it would include any type of development, including house extensions etc.
Plan Delivery and Implementation	It should be made clear within this section that several of the listed actions for the parish council are outside the planning process and are beyond the land use planning scope of the neighbourhood plan but can be progressed separately by the parish council.
Appendix A – Views and Vistas	The map doesn't seem to completely match the descriptions of the views and vistas – for example view 7 is shown in two different directions on the map – does the view include everything in between those two points?
Appendix B – Local Green Spaces	Is there any additional information that can be added to show why the proposed Local Green Spaces are demonstrably special to the local community and hold a particular local significance, as required by the National Planning Policy Framework? This could include its beauty, historic significance, recreational value, tranquillity or richness of wildlife. I appreciate that information has already been provided, but if there is anything else that can be added this will help to convince the examiner that the sites are important and should be Local Green Spaces. Photographs of the sites would also be helpful. Does the list of views in the Neighbourhood Plan match those in the Design Code?
Design Code	We are currently working on a new borough-wide design code. We will share the draft design code with Neighbourhood Plan groups as soon as we can.