

UTKINTON AND COTEBROOK NEIGHBOURHOOD PLAN

BASIC CONDITIONS STATEMENT - MARCH 2020

1. INTRODUCTION

1.1 This Statement has been prepared by Utkinton and Cotebrook Parish Council (“the Parish Council”) to accompany its submission to the local planning authority, Cheshire West and Chester Council, of the Utkinton and Cotebrook Neighbourhood Plan (“the Neighbourhood Plan”) under Regulations 15 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”).

2. BACKGROUND

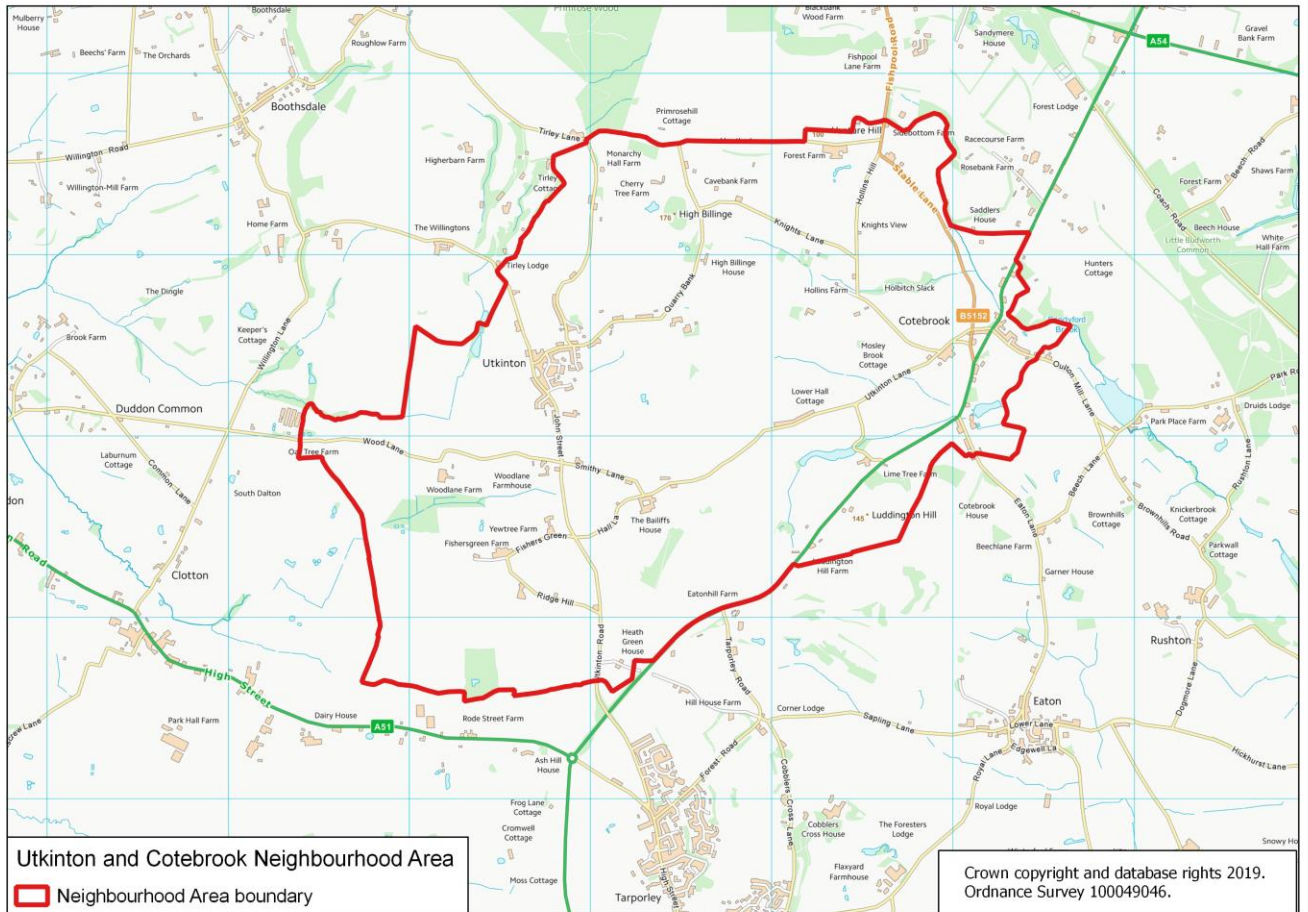
2.1 The Parish Council commenced preparation of the Neighbourhood Plan in 2016 in response to the desire of the local community to have a greater say in future planning decisions. The Parish Council was encouraged along this route by positive action from Cheshire West and Chester Council who stressed the importance of Neighbourhood Plans and their support of rural parishes who wanted to play a role in determining local planning policy.

The Parish Council formed a Neighbourhood Plan Steering Committee, which has worked closely with officers of Cheshire West and Chester Council during the preparation of the Neighbourhood Plan.

2.2 DESIGNATED AREA OF THE UTKINTON AND COTEBROOK NEIGHBOURHOOD PLAN

The Neighbourhood Plan has been prepared by Utkinton and Cotebrook Parish Council, a qualifying body, for the Neighbourhood Area covering the whole of the Parish of Utkinton and Cotebrook, as designated by Cheshire West and Chester Council on 17th October 2019. The Neighbourhood Plan does not relate to more than one neighbourhood area and there are no other neighbourhood development plans in place within the Neighbourhood Area.

A neighbourhood area application for Utkinton and Cotebrook was originally designated in November 2016. Preparation of the neighbourhood plan for this area then progressed. However, the boundary used for the 2016 neighbourhood area was not the same as the current Parish Council boundary. A Community Governance Review took place in 2015, however the maps accompanying the Order were incorrect and required rectification to show the correct boundary. As such the Council made the Cheshire West and Chester Borough Council (Reorganisation of Community Governance) (Utkinton) (Amendment) Order 2018 to rectify this mapping error. The area was amended and redesignated in 2019 in order to correct the boundary of the neighbourhood area, to ensure that it aligns with the Parish Council boundary change in 2018.



Utkinton and Cotebrook Designated Area

3. THE PROPOSAL

The policies described in the Neighbourhood Plan relate to planning matters (the development and use of land) in the designated Neighbourhood Area. It has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012

The Neighbourhood Plan is to have effect from 2019 to 2030.

The Neighbourhood Plan does not:

- contain policies relating to excluded development in accordance with the Regulations;
- deal with County matters (mineral extraction and waste development, nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990).

4. BASIC CONDITIONS STATEMENT

This Statement addresses each of the four ‘basic conditions’ required in 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.

The Regulations state that a Neighbourhood Plan will be considered to have met the basic conditions if:

- 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,
- the making of the neighbourhood development plan contributes to the achievement of sustainable development,
- the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations.

4.1 BASIC CONDITION 1 – HAVING REGARD TO NATIONAL POLICY

Utkinton and Cotebrook Parish Council believes that this Neighbourhood Plan, as submitted, properly demonstrates due regard to National Policy, specifically that set out in the National Planning Policy Framework (NPPF) 2019. Paragraphs 29-30 of the NPPF describe how Neighbourhood Planning can be used to give communities direct power to deliver a shared vision for their neighbourhood, and deliver the sustainable development that they need. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development that is at the heart of national policy. For planning to deliver sustainable development, the NPPF gives policy guidance in key areas, the following of which, where relevant to the Neighbourhood, the Utkinton and Cotebrook Neighbourhood Plan has had close regard:

- Supporting a prosperous rural economy;
- Promoting sustainable transport;
- Requiring good design;
- Promoting healthy communities;
- Conserving and enhancing the natural environment;

The conformity between the policies of the Utkinton and Cotebrook Neighbourhood Plan and the guidance given in the National Planning Policy Framework is demonstrated in further detail in Table 1 on the following pages.

4.2 BASIC CONDITION 2 – CONTRIBUTION TO SUSTAINABLE DEVELOPMENT

The NPPF highlights that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. These roles should not be undertaken in isolation as they are mutually dependent.

1. An economic role – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating

the provision of infrastructure.

2. A social role – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural wellbeing.
3. An environmental role – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The pursuit of sustainable development is at the heart of the Utkinton and Cotebrook Neighbourhood Plan. The role of each Neighbourhood Plan policy to the contribution of delivering sustainable development is demonstrated in further detail on the following pages.

4.3 BASIC CONDITION 3 – BE IN CONFORMITY WITH STRATEGIC LOCAL POLICIES

The Cheshire West and Chester Local Plan Part One Strategic Policies was adopted in January 2015, and Local Plan Part Two land Allocations and Detailed Policies was adopted in July 2019. The Utkinton and Cotebrook Neighbourhood Plan has, therefore, been produced taking full consideration of the strategic direction and policies firstly in the Cheshire West and Chester Local Plan Strategic Policies and more recently the adopted Part Two. Cheshire West and Chester Council has been extremely helpful and supportive of the Neighbourhood Plan. This has ensured general conformity and minimised any potential conflict between policies.

This Basic Conditions Statement demonstrates that the Utkinton and Cotebrook Neighbourhood Plan does not conflict with the strategic policies of the Cheshire West and Chester Local Plan Parts One and Two. The Neighbourhood Plan seeks to add detail to the overall strategic policy of the Cheshire West and Chester Local Plan, and be flexible enough to work alongside it.

The general conformity of each Utkinton and Cotebrook Neighbourhood Plan policy to the Cheshire West and Chester Local Plan Parts One and Two is highlighted in detail in Table 1 below.

UTKINTON AND COTEBROOK NEIGHBOURHOOD PLAN POLICIES

TABLE 1 - General conformity with Local Planning Policies, regard to National Policy Guidance and contribution To Sustainable Development

<p>Utkinton and Cotebrook Neighbourhood Plan Policy</p>	<p>POLICY 1 - HOUSING LOCATION</p> <p>Small scale new housing development will be supported in principle where it accords with the settlement strategy in the Local Plan. Housing development should be of a scale that is appropriate to the existing character of Utkinton, Cotebrook and the countryside that makes up the Parish.</p> <p>Within the Utkinton settlement boundary, the following will be supported:</p> <ul style="list-style-type: none"> (i) infill development of one or two dwellings within a small gap in a built-up frontage, which would also apply to development in gardens (ii) redevelopment of land, i.e. brownfield sites (iii) change of use of suitable buildings and sub-division of existing dwellings <p>Rural exception sites immediately adjacent to the Utkinton settlement boundary will be supported, where there is evidence of need demonstrated through an independent assessment of housing needs. This should be limited to those with a strong local connection to the Parish.</p> <p>Within Cotebrook and the countryside, housing proposals for the following will be supported:</p> <ul style="list-style-type: none"> - Conversion/re-use of redundant rural buildings that are structurally sound and capable of conversion without substantial reconstruction. - Replacement dwellings, where they are not materially larger than the existing dwelling. - Reuse or redevelopment of brownfield land in Cotebrook. <p>All developments should be in-keeping with the rural character of the area.</p>
<p>Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)</p>	<p>STRAT 1 –Sustainable Development states that to encourage sustainable development the use and redevelopment of previously developed land should be supported.</p> <p>STRAT 2 – Strategic Development highlights that development will be brought forward in line with a settlement hierarchy, which includes an appropriate level of development in smaller rural settlements (local service centres).</p> <p>STRAT 8 – Rural Area highlights that within the rural area development will be supported that serves local needs in the most sustainable and accessible locations to sustain vibrant rural communities. Development should be appropriate in scale and design to conserve each settlement’s character and setting.</p> <p>STRAT 9 – Green Belt and Countryside indicates what type of development will be appropriate in the countryside. This includes the reuse of existing rural buildings and replacement buildings. The policy highlights that development must be of an appropriate scale and design to not harm the character of the countryside.</p> <p>SOC 2 – Rural Exception Sites states that where necessary to meet local affordable housing needs schemes for affordable housing may be permitted on small sites which would otherwise be not be appropriate for housing adjacent to local service centres.</p>
<p>Cheshire West and Chester Local Plan (Part Two) Land Allocations and</p>	<p>R1 – Development in the Rural Area lists the settlements defined as local service centres (of which Utkinton is one). In line with STRAT 8, development proposals will be located in local service centres where they meet the policy criteria.</p>

Detailed Policies (2019)	
Comments	The Neighbourhood Plan is in general conformity with these Local Plan policies, as Policy H1 seeks to ensure that new housing is delivered in line with the most up to date requirements identified by Cheshire West and Chester. This policy allows for appropriate development within the settlement boundary of Utkinton and for the provision of rural exception sites when justified, whilst also allowing for development which is appropriate in the countryside. Built development is directed towards the most suitable and sustainable locations in the Parish whilst protecting the open countryside.
National Planning Policy Framework	Para 29 highlights that neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies. Neighbourhood Plan policy 1 fully supports the strategic spatial distribution of development recognising the role of Utkinton as a local service centre, and allowing development which accords with countryside policies.
Contribution to the achievement of sustainable development	Neighbourhood Plan policy 1 contributes to the achievement of sustainable development by performing a social role, providing for housing to meet the needs of present and future generations, and an environmental role, protecting the natural environment.

Utkinton and Cotebrook Neighbourhood Plan Policy	POLICY 2 - BUILT ENVIRONMENT (HOUSING STYLE) All new development should conform to the density and building scale of the immediate area. In order to meet the housing needs of Utkinton and Cotebrook and to redress the imbalance of current housing stock, new developments should favour smaller dwellings, of three bedrooms or less. A majority of new homes on any development should be limited to one-third detached properties, the rest being bungalows, terraced or semi-detached properties, to accommodate varied needs Consideration for Live/Work accommodation must be given in any housing application to provide appropriate homes for the future and diversity in the provision of housing within the Parish Original features of interest must be retained or enhanced, whilst additions should complement or match the character and features of the existing building, particularly in relation to materials and the design of windows and doors. Applications for new development and for extensions and alterations should include adequate off-road parking. Wherever possible this should be set back from the highway to minimise visual impact.
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	SOC 3 – Housing Mix and Type states that proposals for new housing should take account of the needs of that particular area, especially of the provision of small family homes to assist households into home ownership and for older people who may wish to downsize, and the provision of a range of accommodation types to meet the long term needs of older people, which could include the provision of bungalows.
Comments	The Neighbourhood Plan is in general conformity with the local plan, recognising that there is a need for a mix of dwellings to ensure a sustainable and mixed community. The focus on smaller homes recognises the imbalance of housing types that currently exists in the Parish, and the results of the housing needs survey which highlighted the need for smaller properties.
National Planning Policy Framework	The NPPF states that it is important that the needs of groups with specific housing requirements are addressed. Para 61 states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in

	planning policies.
Contribution to the achievement of sustainable development	Neighbourhood Plan policy 2 contributes to the achievement of sustainable development by performing a social role, widening the choice of high quality homes to support a strong, vibrant, healthy, sustainable community.

Utkinton and Cotebrook Neighbourhood Plan Policy	POLICY 3 – BUILT ENVIRONMENT (HOUSING DESIGN) All materials, pitches of roofs, dormers, gable ends, porches and chimneys should blend with the setting and character of existing neighbouring buildings Materials for all driveways should be permeable and should reflect the context of the rural environment. Any future development must protect the 'dark skies' with sympathetic lighting. Developers should give details of lighting and lux levels in their Design and Access Statements Adequate garden space must be provided in new developments with sufficient separation between properties maintained. Development should not erode the important, predominantly undeveloped gaps between the settlements of Utkinton and Cotebrook
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	ENV 6 - High Quality Design and Sustainable Construction stresses that development should respect local character and achieve a sense of place through appropriate layout and design, being sympathetic to heritage, environmental and landscape assets.
Comments	The Neighbourhood Plan is in general conformity with this strategic policy, by seeking to encourage good design and ensuring that development will respect and enhance the character and environment of Utkinton and Cotebrook.
National Planning Policy Framework	The NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development. Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. They should establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
Contribution to the achievement of sustainable development	This Neighbourhood Plan policy contributes to the achievement of sustainable development by performing a social role, creating a high quality environment, an environmental role, protecting the natural, built and historic environment, and an economic role, ensuring that Utkinton and Cotebrook remains a valued and attractive place to live, work and invest.

<p>Utkinton and Cotebrook Neighbourhood Plan</p>	<p>POLICY 4 – COMMUNITY/BUILDING ASSETS</p> <p>Schemes to provide adequate parking for community buildings will be supported The creation of new play and recreational facilities for all ages will be explored and supported where appropriate, these include but are not limited to;</p> <p>a) The Parish Council will explore with Cheshire West and Chester the acquisition/transfer and use of the land at the rear of Woodlands Close, Cotebrook for the purpose of providing a community orchard and public picnic space.</p> <p>Further the Parish Council and relevant management committees would seek to improve the facilities at:</p> <p>b) Utkinton Village Hall and multisport area (Owned by the Arderne Trust and held on lease by the WI and the Village Hall Committee).</p> <p>c) Cotebrook Village Hall (Owned by The Trustees).</p> <p>d) Utkinton St. Paul's C of E Primary School (Leased from CWaC Education)</p> <p>e) Playing field opposite the above School (rented from CWaC who lease this from Chester Diocese)</p> <p>f) St. John and the Holy Cross Church (Church of England – Chester Diocese)</p>
<p>Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)</p>	<p>STRAT 8 - Rural Area states that the provision of new community facilities at an appropriate scale to settlements will be supported.</p> <p>SOC5 – Health and Well-being highlights that proposals will be supported that widen and strengthen the borough’s cultural, sport, recreation and leisure offer.</p> <p>SOC6 – Open Space, Sport and Recreation states that proposals will be supported that improve the quality and quantity of open space, sport and recreation facilities.</p> <p>STRAT 11 – Infrastructure indicates that the Council will facilitate the provision of additional facilities arising from new developments or existing community need, in locations that are appropriate and accessible.</p>
<p>Comments</p>	<p>The Neighbourhood Plan is in general conformity with these local plan policies, reflecting the desire to provide and enhance valued community facilities.</p>
<p>National Planning Policy Framework</p>	<p>The NPPF is clear that in order to promote healthy and safe communities, planning policies and decisions should enable the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.</p>
<p>Contribution to the achievement of sustainable development</p>	<p>Neighbourhood Plan policy 4 contributes to the achievement of sustainable development by performing a social role, seeking the retention and improvement of important village assets that are valued by the community.</p>

<p>Utkinton and Cotebrook Neighbourhood Plan Policy</p>	<p>POLICY 5 - LOCAL ECONOMY</p> <p>a) Applications for development or change of use of buildings relating to agricultural, retail, tourism or leisure use must have the need specified by the applicant.</p> <p>b) All new development should respect the character of its surroundings by way of its scale and design, not harm the surrounding landscape and safeguard residential amenity and road safety.</p> <p>c) All applications to create new business premises must include adequate off-road parking facilities. Wherever possible this should be set back from the</p>
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	highway frontage to minimise visual impact.
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	STRAT 8 – Rural Area states that development will be accommodated at local service centres, and should be appropriate in scale and design to conserve rural settlements' character and setting. Development will be supported that serves local needs, reflecting the availability of services, facilities and public transport. STRAT 10 – Transport and Accessibility highlights that new developments will be expected to provide adequate parking in accordance with the Council's parking standards.
Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (2019)	T5– Parking and Access highlights that development proposals must ensure appropriate provision for access and parking, not creating unacceptable impacts on amenity or road safety.
Comments	The Neighbourhood Plan is in general conformity with these local plan policies, supporting the economy, whilst ensuring that the countryside is protected from inappropriate development and that developments do not lead to adverse traffic or parking issues.
National Planning Policy Framework	Neighbourhood Plan policy 5 helps deliver the NPPF's aim of supporting a prosperous, rural economy, planning policies and decisions should enable a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses; c) sustainable rural tourism and leisure developments which respect the character of the countryside. The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
Contribution to the achievement of sustainable development	This policy contributes to the achievement of sustainable development by performing an economic role, supporting employment opportunities, an environmental role, protecting the natural environment, and a social role, allowing for more employment opportunities which will lead to greater wellbeing.

Utkinton and Cotebrook Neighbourhood Plan Policy	POLICY 6 - BROADBAND a) New developments must make provision for high-speed Broadband. b) The development of advanced high-quality communications infrastructure, including high-speed broadband, will be supported, subject to: • development being kept to a minimum consistent with the efficient operation of the network • any development being sympathetic to its surroundings and camouflaged where appropriate.
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	ECON 1 – Economic Growth, Employment and Enterprise highlights that the Council will support the delivery of high speed broadband infrastructure across the borough, particularly in the rural area, and the provision of adequate telecommunications.
Comments	By seeking to ensure that Utkinton and Cotebrook has access to high quality digital connectivity, Neighbourhood Plan policy 6 is in general conformity with local plan policies.

National Planning Policy Framework	The NPPF states ‘Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.’
Contribution to the achievement of sustainable development	This Neighbourhood Plan policy contributes to the achievement of sustainable development by performing a social role, allowing people access to the internet and reducing social isolation, and an economic role, ensuring that residents and employers have adequate digital connectivity to conduct their business.

Utkinton and Cotebrook Neighbourhood Plan Policy	<p>POLICY 7 - FOOTPATHS, CYCLEWAYS AND HIGHWAYS</p> <p>Development proposals affecting the public rights of way (PROW) and the cycle network, as shown on Figure 11 will be supported where:</p> <ol style="list-style-type: none"> a) they promote access, usage and maintenance of the PROW and cycle network b) the route is protected, enhanced and where possible improves safety for users c) Signage and gateways are in-keeping with the rural environment d) it would not lead to the loss or degradation of existing routes. <p>The construction of new tracks, paths or links to existing routes is encouraged where;</p> <ol style="list-style-type: none"> e) It is appropriate and sensitive to the character of the locality and surrounding area f) It provides easy, accessible traffic free routes for non-motorised users (including pedestrians, disabled people, people with prams, cyclists or equestrians) <p>All new developments should provide safe access and take account of the needs of non-motorised users. Measures to improve community safety should be taken, including the separation of separation of pedestrians/cyclists from vehicular traffic or improved signage.</p> <p>The following long-term sustainable transport projects are priorities for the Parish and will be supported:</p> <ol style="list-style-type: none"> 1. A footpath/pavement between Utkinton/Tarporley 2. A footpath/pavement between Utkinton/Cotebrook 3. A footpath between the A49 and Woodlands Close in Cotebrook 4. The completion of the missing section of the footpath/pavement between the junctions of Oulton Mill Lane and Eaton Road that link Cotebrook and Tarporley <p>Financial contributions to deliver local transport projects will be sought where appropriate, through Section 106 contributions or the Community Infrastructure Levy.</p>
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	<p>STRAT 10 –Transport and Accessibility highlights that opportunities will be sought to extend and improve access to local footpath and cycle networks, including greenways, canal towpaths and the Public Rights of Way networks.</p> <p>SOC 5 – Health and Well-being states that proposals will be supported that promote safe and accessible environments and developments with good access by walking, cycling and public transport.</p> <p>ENV 3 – Green Infrastructure indicates that the creation, enhancement, protection</p>

	<p>and management of a network of high quality multi-functional Green Infrastructure will be supported.</p> <p>STRAT 11 – Infrastructure highlights that the Council will facilitate the provision of additional facilities and infrastructure to meet identified needs in locations that are appropriate and accessible, where appropriate through CIL regulations or successor regulations and other planning obligations.</p>
Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (2019)	T5 – Parking and Access highlights that development proposals should be designed to incorporate measures to assist access to and around the site by pedestrians, cyclists and to meet the needs of people with disabilities.
Comments	By protecting and establishing footpaths and links, Policy 7 is in general compliance with Local Plan policies. The Neighbourhood Plan provides locally distinct information regarding the need for local footpaths in the designated area.
National Planning Policy Framework	Neighbourhood plan policy 7 seeks to deliver the NPPF’s planning aims of conserving and enhancing the natural environment, and also of promoting healthy communities. The NPPF highlights that policies should protect and enhance public rights of way and that opportunities should be sought to provide better facilities for users, for example by adding links to existing public rights of way.
Contribution to the achievement of sustainable development	Neighbourhood Plan policy 7 contributes to the achievement of sustainable development by performing an environmental role, protecting countryside routes and green links, and a social role, by protecting and establishing footpaths for the community to use, to meet other people and to exercise and help keep fit and healthy.

Utkinton and Cotebrook Neighbourhood Plan Policy	<p>POLICY 8 - TRANSPORT</p> <p>a) All developments that generate significant amount of vehicle movements must be supported by a Transport Statement or Transport Assessment to be produced by an independent consultant.</p> <p>b) Developers will be required to identify the realistic level of traffic which development proposals are likely to generate, and to consider the impact of additional traffic on other road users and pedestrian safety. This assessment should include steps to mitigate the harmful effects together with a timetable to deliver the mitigation.</p> <p>c) Other than the A49, roads in Cotebrook require some investigation vis-à-vis safety and use by HGV Traffic.</p> <p>d) The installation of appropriate village gateways and suitable signage on the main access routes to Utkinton and Cotebrook will be supported.</p>
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	STRAT 10 – Transport and Accessibility highlights that new developments must demonstrate that additional traffic can be accommodated safely and satisfactorily within the existing or proposed highway network, and that developments which would generate significant amounts of movement should be accompanied by a Transport Assessment and Travel Plan.
Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies	T5 – Parking and Access highlights that development proposals must not create any unacceptable impacts on amenity or road safety that cannot be satisfactorily mitigated by routing controls or other highway improvements.

(2019)	
Comments	The Neighbourhood Plan is in general conformity with these local plan policies, seeking to ensure that transport is well planned and sustainable.
National Planning Policy Framework	Neighbourhood Plan policy 8 seeks to help deliver one of the NPPF's aims of promoting sustainable transport. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that opportunities to promote walking, cycling and public transport use are identified and pursued. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
Contribution to the achievement of sustainable development	Neighbourhood Plan policy 8 contributes to the achievement of sustainable development by performing a social role, creating a high quality environment where people feel safe, and an economic role, ensuring that Utkinton and Cotebrook remains an accessible and attractive place to live, work, visit and invest.

Utkinton and Cotebrook Neighbourhood Plan Policy	<p>POLICY 9 - LANDSCAPE DISTINCTIVENESS</p> <p>Development:</p> <p>a) Applications for development must should include an assessment (where appropriate) of their impact on adjacent woodlands, hedgerows, ponds, streams, ditches and ecological features.</p> <p>b) Applications for development on sites or land must demonstrate, within their 'Design and Access Statements', how they will minimise any negative visual impact on the existing landscape. Landscaping should harmonise with the rural village character; materials and planting should be sympathetically chosen.</p> <p>c) Where a development threatens protected and mature trees with a significant community value an 'Independent Arboricultural Assessment' must be submitted.</p> <p>Landscaping:</p> <p>d) Distinctive local features forming part of the attraction for tourists and locals, must be retained. These include Cheshire railings and sandstone walls, which often form buttresses on undulating ground, together with any remaining iron fingerposts.</p> <p>e) The use of boundary features within any development should respect local tradition, materials and mix of species. Existing sandstone walls, including those which are part of hedgerows, must be retained and kept in good order.</p> <p>f) A consistent approach utilising local materials will be supported and high solid timber fencing should be avoided. Where this is not possible, boundaries should be sympathetic to their surroundings - planting to mitigate the impact. New hedgerows of native species are encouraged as boundary treatments around and within new developments.</p> <p>g) The use of native species in hedgerows, trees and other soft landscaping should be encouraged and applications to fell significant trees or hedgerows must</p>
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	<p>be supported by appropriate and convincing evidence.</p> <p>h) Development adjoining open countryside should provide a sympathetic transition and where appropriate, landscaping should integrate with wildlife corridors. Provision of features beneficial to wildlife will be supported and retained in order to protect, enhance and connect areas of high/medium value, lying outside the wildlife corridor.</p> <p>i) New development should take the following into account:</p> <ul style="list-style-type: none"> • The design and layout of new developments should respect local character. The location and setting of tree planting should be designed to conserve and enhance local character and native tree species should be used. • Existing mature trees should be retained and protected on development sites. In the case of a tree that is deemed diseased or unsafe by a tree specialist, a suitable replacement native tree must be planted.
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	<p>ENV 4 – Biodiversity and Geodiversity indicates that sites and features of international, national and local importance should be safeguarded and enhanced.</p> <p>ENV 2 - Landscape highlights that landscape character and local distinctiveness will be protected and, wherever possible, enhanced. Development should take full account of the characteristics of the development site, its relationship with its surroundings and where appropriate views into, over and out of the site. Development should recognise, retain and incorporate features of landscape quality into the design.</p>
Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (2019)	<p>GBC2 – Protection of Landscape indicates that where development requires a countryside location it must protect and wherever possible enhance landscape and distinctiveness; integrate into the landscape character of the area; and be designed to take account of guidance in the Landscape Strategy. Development in or affecting the setting of an Area of Special County Value must preserve their special landscape character and scenic value and enhance landscape quality, character and appearance wherever possible.</p>
Comments	The Neighbourhood Plan is in general conformity with these Local Plan policies, by seeking to encourage appropriate and well-designed development in the Parish appropriate to the rural character of the parish.
National Planning Policy Framework	The NPPF highlights that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development. Planning policies should ensure that developments are visually attractive as a result of effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting.
Contribution to the achievement of sustainable development	This Neighbourhood Plan policy contributes to the achievement of sustainable development by performing a social role, creating a high quality environment, an environmental role, protecting the natural environment, and an economic role, ensuring that Utkinton and Cotebrook remains a valued and attractive place to live, work and invest.

Utkinton and Cotebrook Neighbourhood Plan	POLICY 10 - WILDLIFE
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<p>Policy</p>	<p>In order to sustain and encourage the flora and fauna that are integral components of the Parish's landscape and wildlife diversity;</p> <p>a) Existing hedgerows should be monitored by the Parish Council and must be maintained and retained. This applies specifically those on the side of roads within the Parish. Any hedgerows damaged or removed as a result of development or maintenance should be replanted with native hedgerow species to sustain wildlife habitation.</p> <p>b) Create links between existing 'wildlife corridor network' as prescribed by Cheshire Wildlife Trust and supported by the Parish Council and local volunteers.</p> <p>c) Improve the quality of the 'wildlife corridor network' and assess against Local Wildlife site selection criteria.</p> <p>d) Existing watercourses and wetland features such as ponds should be retained to enhance local diversity.</p> <p>e) Ensure measures to protect wildlife species and habitat mapping as prescribed by CWT are supported by the Parish Council and local volunteers.</p> <p>f) Hedgerows, trees and watercourses which make a significant contribution to the amenity, biodiversity and landscape character of the surrounding area should be preserved and development that would adversely affect them will not normally be permitted.</p> <p>g) Only in the most exceptional circumstances, where the benefits of development are considered to outweigh the benefit of preserving trees, hedgerows and watercourses, will development be permitted subject to appropriate mitigation. The retention of trees, hedgerows and watercourses in situ will always be preferable.</p> <p>h) New developments will be required to include suitable planting of trees and hedgerows, this must be in compliance with the most up-to-date local planning authority guidelines on contemporary wildlife features.</p>
<p>Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)</p>	<p>ENV 4 – Biodiversity and Geodiversity indicates that sites and features of international, national and local importance should be safeguarded and enhanced. Development should not result in any net loss of natural assets, and should seek to provide net gains. Where there is unavoidable loss or damage to habitats, sites or features, mitigation and compensation will be required to ensure there is no net loss of environmental value.</p> <p>ENV 3 – Green Infrastructure highlights that the creation, enhancement, protection and management of a network of high quality multi-functional Green Infrastructure will be supported, with increased planting of trees and woodlands.</p>
<p>Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (2019)</p>	<p>DM 44 - Protecting and Enhancing the Natural Environment -highlights that development that makes a positive contribution towards the borough's ecological network will be supported, and that proposals should increase the size, quality or quantity of priority habitat within core areas, corridors or stepping stones, improving the connectivity of habitats for the movement of mobile species.</p>
<p>Comments</p>	<p>The Neighbourhood Plan is in general conformity with these Local Plan policies, ensuring that valued trees and hedgerows and watercourses are protected where possible, and that wildlife corridors are created and improved.</p>
<p>National Planning Policy Framework</p>	<p>Neighbourhood Plan policy 10 helps to deliver one of the key themes of the NPPF of conserving and enhancing the natural environment. The NPPF states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) unless there are wholly exceptional reasons and a suitable compensation strategy exists.</p>
<p>Contribution to the achievement of</p>	<p>Neighbourhood Plan policy 10 contributes to the achievement of sustainable</p>

sustainable development	development by performing a social role, creating a high quality environment with access to greenery, an environmental role, protecting and enhancing the natural environment, and an economic role, ensuring that Utkinton and Cotebrook remains a valued and attractive place to live, work and invest.
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Utkinton and Cotebrook Neighbourhood Plan Policy	<p>POLICY 11 - LOCAL GREEN SPACES</p> <p>a) To protect the character and identity of Utkinton and Cotebrook and preserve its green spaces, the Neighbourhood Plan designates the above areas as Local Green Space due to their special character, significance and community value. Development on designated Local Green Space will not be permitted, other than in very special and exceptional circumstances.</p> <p>b) Development must respect important views into and out of the Parish due to their special character (see 'Vistas and Views'), significance and community value.</p> <p>c) Planning applications will be required to demonstrate how they have reflected the local character of these views and vistas through design, retained and framed (where relevant) views of the wider countryside and local landmarks.</p> <p>d) Any development must be assessed in the following areas for its potential damage to the views and vistas mentioned below.</p> <p>e) Proposals must demonstrate how any potential impacts on the character of the Parish have been considered and mitigated.</p> <p>f) The impact on local service businesses and tourist-based businesses must be assessed when considering the damage that may be done.</p>
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	<p>ENV 2 – Landscape highlights that landscape character and local distinctiveness will be protected and enhanced through supporting the designation of Local Green Space. Developments should take account of the characteristics of the site, its relationship with its surroundings and where appropriate, views into, over and out of the site.</p> <p>SOC 5 – Health and Well-being states that proposals will be supported that promote high quality green spaces, and access to this.</p>
Comments	By seeking to ensure the designation, and protection and enhancement of good quality locally distinct green spaces, which are important to the people of Utkinton and Cotebrook, Policy 11 is in accordance with local plan policies. Additionally, the identification of views and vistas is an example of how Neighbourhood Plans can have distinct policies at a real local level. This Neighbourhood Plan policy seeks to protect views that are highly valued and important to the local community and add detail to local plan policies.
National Planning Policy Framework	Neighbourhood Plan policy 11 is in general compliance with Paragraphs 99 and 100 of the National Planning Policy Framework, which consider Local Green Space designations and set out when they might be appropriate. The designation should be used where the green space is a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife; and c) local in character and is not an extensive tract of land. Additionally, the NPPF is clear on the importance of conserving and enhancing the natural environment. Development should protect and enhance valued landscapes.
Contribution to the	Neighbourhood Plan policy 11 contributes to the achievement of sustainable

achievement of sustainable development	development by performing a social role, creating a high quality environment for people to enjoy, use recreationally and benefit from health wise, an environmental role, protecting the natural environment, and an economic role, ensuring that Utkinton and Cotebrook remains a valued and attractive place to live, work, visit and invest.
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4.4 BASIC CONDITION 4: BE COMPATIBLE WITH EU OBLIGATIONS

Habitat Regulations - It is not envisaged that any of the development that would be consented by this framework will affect any habitats covered by Natura 2000 and therefore the subject of Articles 6 & 7 of the Habitats Directive. It is not envisaged that any of the proposals covered in this plan would affect either of these designated areas. A Strategic Environmental Assessment (SEA) and a Habitat Regulation Assessment (HRA) screening opinion is being undertaken by Cheshire West and Chester Council in order to confirm whether an SEA and/or HRA is required to support the Plan. The Utkinton and Cotebrook Neighbourhood plan does not allocate sites for development. The Plan does not influence the preparation of other plans in the wider area and is designated to promote sustainable development in line with the guidance in the NPPF.

The Utkinton and Cotebrook Neighbourhood Plan is fully compatible with the European Convention on Human Rights, transposed into UK law by the Human Rights Act 1998. It has been prepared within the existing framework of statute, national planning policy and guidance, and local level strategic planning policies, which are both compatible with the Convention. In accordance with established process, the Plan has been produced in full consultation with the local community and it is subject to independent examination. The Plan does not contain policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national and local levels.

The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights ("The Convention"). The Convention includes provision in the form of Articles, the aim of which is to protect the rights of the individual. Section 6 of the Act prohibits public bodies from acting in a manner, which is incompatible with the Convention. Various rights outlined in the Convention and its First Protocol are to be considered in the process of making and considering planning decisions, namely: Article 6 protects the right to a fair and public hearing before an independent tribunal in determination of an individual's rights and obligations. The process for Neighbourhood Plan production is fully compatible with this Article, allowing for consultation on its proposals at various stages, and an independent examination process to consider representations received.

Article 14 provides that "The enjoyment of the rights and freedoms set forth in ... [the] ... European Convention on Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."

The Neighbourhood Plan Steering Group and Parish Council has developed the policies and proposals within the Plan in full consultation with the community and wider stakeholders to produce as inclusive a document as possible. In general, the policies and proposals will not have a discriminatory impact on any particular group of individuals.

4.5 BASIC CONDITION 5: COMPLIANCE WITH PRECRIBED MATTERS

There are no other prescribed matters.

APPENDIX 1 – NOTICE OF DESIGNATION

Cheshire West and Chester Council

Delegated report	Date:17 October 2019
Neighbourhood application area:	Utkinton and Cotebrook Parish Council
Regulation No. 5 of the Neighbourhood Planning (General) Regulations 2012 (as amended).	
Area name:	Utkinton and Cotebrook
Applicant name:	Utkinton and Cotebrook Parish Council
Ward:	Tarporley Tarvin and Kelsall
Ward Members:	Cllr Eveleigh Moore Dutton (Tarporley) Cllrs John Leather and Harry Tonge (Tarvin and Kelsall)
Case officer:	Lyndsay Jennings
Recommendation:	Approval

1 Introduction

1.1 This delegated report relates to assessment of the application for designation of the Utkinton and Cotebrook Neighbourhood Area.

1.2 A neighbourhood area application for Utkinton and Cotebrook was originally designated in November 2016. Preparation of the neighbourhood plan for this area then progressed. It has recently come to light that the boundary used for the 2016 neighbourhood area is not the same as the current Parish Council boundary. A Community Governance Review took place in 2015, however the maps accompanying the Order were incorrect and required rectification to show the correct boundary. As such the Council made the Cheshire West and Chester Borough Council (Reorganisation of Community Governance) (Utkinton) (Amendment) Order 2018 to rectify this mapping error. This application is made to correct the boundary of the neighbourhood area, to ensure that it aligns with the Parish Council boundary change in 2018.

2 Area description

2.1 The revised Utkinton and Cotebrook Neighbourhood Area is the area covered by Utkinton and Cotebrook Parish Council and follows the same boundary. The majority of the Neighbourhood Area is located within the Tarporley ward, with a small area within Tarvin and Kelsall ward to the north west. The proposed Neighbourhood Area

shares a boundary to the south with Tarporley Neighbourhood Area and to the west with Clotton Hoofield Neighbourhood Area.

2.2 A map of the proposed Utkinton and Cotebrook Neighbourhood Area is attached to this report.

3 Application and Publicity

3.1 The application was made under Regulation 5 of The Neighbourhood Planning (General) Regulations 2012 (as amended) (the Regulations). It complied with the requirements of the Regulations as it included: a map identifying the area to which the area application relates; a statement explaining why the area is considered appropriate to be designated as a Neighbourhood Plan Area; and a statement that the organisation making the area application is a relevant body for the purposes of section 61G of the Town and Country Planning Act 1990 (as amended).

3.2 In compliance with Regulation 5A of the Regulations, a consultation period on the Utkinton and Cotebrook Neighbourhood Area application is not required. This is because the application meets the following criteria:

- The applicant is a parish council
- The application is for the whole of the parish to be designated as the Neighbourhood Area
- Part of the proposed area is an existing Neighbourhood Area, which does not extend outside the parish council's area and will be replaced by the new Neighbourhood Area.

4 Issues and assessment

4.1 The main issues in determining this application are:

- Whether an application for a Neighbourhood Area has already been made covering all or part of this area (as there can only be one Neighbourhood Area in each location and they cannot overlap).
- Confirmation that the applicant is a 'relevant body' to undertake neighbourhood planning in that area in accordance with section 61G of the 1990 Act (i.e. a parish council or Neighbourhood Forum).
- Assessment of whether the extent of the Neighbourhood Area is appropriate.

4.2 This revised application has been made for the Utkinton and Cotebrook Neighbourhood Area following boundary and governance changes made in the 2015 Community Governance Review, and further modifications to the Parish Council boundary in 2018. The changes meant that the previously designated Neighbourhood Area did not match the new Parish Council area. The new Neighbourhood Area matches the new Utkinton and Cotebrook Parish Council area.

4.3 As described above, a previous application has been made covering the majority of this area. However, the new Neighbourhood Area will replace the Neighbourhood Area which was previously designated on 22 November 2016. There is therefore no overlap between designated areas.

4.4 Utkinton and Cotebrook Parish Council is a relevant body to undertake neighbourhood planning in that area in accordance with section 61G of the 1990 Act.

4.5 The Neighbourhood Area is considered appropriate as it follows the boundary of the area covered by Utkinton and Cotebrook Parish Council.

4.6 It is therefore considered to be an appropriate area for which to prepare a Neighbourhood Plan.

5 Conclusion and Decision

5.1 The application for the Utkinton and Cotebrook Neighbourhood Area has complied with the requirements of the Regulations.

5.2 The decision is made that the Utkinton and Cotebrook Neighbourhood Area is approved and is formally designated.

5.3 The reasons for this decision are that the Utkinton and Cotebrook Neighbourhood Development Plan Area is considered appropriate because:

- The revised Neighbourhood Area will replace the previously designated Neighbourhood Area.
- Utkinton and Cotebrook Parish Council is the relevant body to undertake Neighbourhood Planning.
- Where a parish council applies for the whole of the area of the parish to be designated as a neighbourhood area, the local planning authority must designate the whole of the area applied for. This includes where a parish applies to extend its existing neighbourhood area to its parish boundary.
- The Neighbourhood Area follows the boundary of the area covered by Utkinton and Cotebrook Parish Council and it is appropriate for development in this area to be guided by a Neighbourhood Plan.

5.4 The Head of Planning hereby exercise their delegated authority to agree the area application.

5.5 A copy of this note will be sent to Utkinton and Cotebrook Parish Council and relevant local Councillors.

5.6 In accordance with Regulation 7 of the Regulations, as soon as possible after the date of the decision the Council will publish the following on its website:

- a) Name of the Neighbourhood Area
- b) Map which identifies the area
- c) Name of the relevant body who applied for the designation

Signed
Head of Planning
Date 17th October 2019