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

**An Examination undertaken for Cheshire East Council with the support of the Bollington Town Council on the October 2017 submission version of the Plan.**

Independent Examiner: Andrew Mead BSc (Hons) MRTPI MIQ

Date of Report: 6 March 2018

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## **Main Findings** - Executive Summary

From my examination of the Bollington Neighbourhood Plan (BNP) and its supporting documentation, including the representations made, I have concluded that, subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the Bollington Town Council;
- The Plan has been prepared for an area properly designated – the whole of the Parish of Bollington as shown on the inside cover of the submitted plan;
- The Plan specifies the period in which it is to take effect: 2010 - 2030; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

## **1. Introduction and Background**

### *Bollington Neighbourhood Plan 2010 - 2030*

- 1.1 Bollington lies to the immediate north east of Macclesfield. The town has grown from a string of hamlets along the River Dean comprising Bollington, Bollington Cross and Lowerhouse, with Kerridge on the hill to one side.
- 1.2 The character and appearance of the BNP area is predominantly of a densely developed small town set in winding and undulating open countryside, which rises eastwards to the hills of the Peak District National Park. Bollington had a population of 7,595 in 2011 (Census) and possesses a good range of facilities scattered throughout the settlement. Land defined as Green Belt encloses Bollington on all sides<sup>1</sup>.
- 1.3 Preparation of the BNP began in November 2014 at a general community meeting organised by the Town Council, following which a Steering

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<sup>1</sup> See responses to the examiner's questions referred to in paragraph 2.5 below.  
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Committee was formed and topic Working Groups established. A BNP questionnaire was circulated, employers were consulted, public exhibitions held and discussions regularly took place with Cheshire East Council (CEC). The BNP now represents over 3 years' work by those involved.

- 1.4 The vision for the area which has evolved through the Plan process indicates that by 2030 Bollington continues to be a picturesque working town with industrial heritage roots. It must capitalise on its gateway location to the Peak District to support a high quality, vibrant and inclusive community life. It must retain a level of services and facilities appropriate to the size and mix of its population. The several themes of the Plan reflect the vision. The subsequent policies are grouped into eight topics: Housing, Employment and Business, Retail, The Green Environment, The Built Environment and Our Heritage, Tourism and Leisure, Moving Around and Infrastructure. A section on Community Services and Community Actions outlines nine aspirational targets. Each topic in the BNP report includes background, community feedback, objectives, policies and written justification.

#### *The Independent Examiner*

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

#### *The Scope of the Examination*

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

- Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
  - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the Local Planning Authority;
  - it sets out policies in relation to the development and use of land;
  - it specifies the period during which it has effect;
  - it does not include provisions and policies for 'excluded development';
  - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
  - whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

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

### *The Basic Conditions*

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

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

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

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

### *Planning Policy Context*

- 2.1 The Development Plan for this part of CEC, not including documents relating to excluded minerals and waste development, is the Cheshire East Local Plan Strategy (CELPS) adopted in July 2017 and the saved policies from the Macclesfield Borough Local Plan (MBLP) which was adopted in 2004 with certain policies saved by the Secretary of State in 2007. The Proposals Maps from the MBLP and other Local Plans in East Cheshire are saved for the purposes of determining planning applications.
- 2.2 The CELPS defines Crewe and Macclesfield as Principal Towns, and a further 9 towns as Key Service Centres. 13 Local Service Centres (LSC) are also defined which contain a range of services and facilities that help meet the needs of local people, including those who live in nearby settlements. Bollington is a LSC.
- 2.3 The emerging Cheshire East Site Allocations and Development Policies Development Plan Document ('the emerging Site Allocations and Development Policies Document') will include detailed development management policies and an adopted Policies Map, which will replace the saved policies from the MBLP. The emerging Site Allocations and Development Policies Document is in the early stages of preparation.
- 2.4 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented.

### *Submitted Documents*

- 2.5 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Bollington Neighbourhood Plan 2010 – 2030, October 2017;
  - Map inside the front cover of the Plan which identifies the area to which the proposed BNP relates;
  - the Consultation Statement, October 2017;
  - the Basic Conditions Statement, October 2017;

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- all the representations that have been made in accordance with the Regulation 16 consultation;
- the Strategic Environmental Assessment (SEA) Screening Opinion prepared by CEC, April 2017; and
- the requests for additional clarification sought in my letters of 9 and 17 January 2018 and the responses provided by the Town and District Councils which are available on the Town Council website<sup>2</sup>.

#### *Site Visit*

2.6 I made an unaccompanied site visit to the BNP Area on 30 January 2017 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

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

2.7 This examination has been dealt with by written representations. Although four separate requests were made for hearing sessions to deal with four individual sites, I considered them to be unnecessary because the consultation responses about the four sites and the other responses received clearly articulated the objections to the Plan. The responses presented arguments for and against the Plan's suitability to proceed to a referendum. As noted in paragraph 2.5 above, the Town Council helpfully answered in writing the questions which I put to them in my letters of 9 and 17 January 2018.

#### *Modifications*

2.8 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

### **3. Procedural Compliance and Human Rights**

#### *Qualifying Body and Neighbourhood Plan Area*

- 3.1 The Bollington Neighbourhood Plan has been prepared and submitted for examination by Bollington Town Council, which is a qualifying body. It extends over the whole of the Bollington Parish which constitutes the area of the Plan designated by CEC on 13 April 2015.
- 3.2 It is the only neighbourhood plan for Bollington Parish and does not relate to land outside the designated neighbourhood area.

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<sup>2</sup> View at: <http://www.bollington-tc.gov.uk/np>

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### *Plan Period*

- 3.3 The Plan specifies clearly the period in which it is to take effect, which is from 2010 to 2030. The end date aligns with the CELPS which is also 2030.

### *Neighbourhood Plan Preparation and Consultation*

- 3.4 The comprehensive and clearly presented Consultation Statement dated October 2017, indicates that the Town Council commenced preparation of the Plan in 2015 following an open consultation meeting in November 2014, the decision to designate the Parish as a Neighbourhood Area in April 2015 and the issue of a questionnaire to all dwellings in Bollington in May and June 2015. The questionnaire was also available on-line. The return rate was estimated to be 31% of the eligible population.
- 3.5 The consultation extended to employers and other interested parties. There were BNP presentations to the community at Consultation Events and consultations with CEC, together with a final independent check on the Plan and policies with Cheshire Community Action which is independent of CEC. The BNP Steering Group met at approximately monthly intervals, with chairpersons of the Working Groups also meeting when necessary, together with meetings of the separate Working Groups. The approved minutes of the Steering Group meetings were placed on the Town Council web-site.
- 3.6 The Draft Plan was published for consultation under Regulation 14 of the 2012 Regulations for just over 8 weeks from 27<sup>th</sup> June to 25<sup>th</sup> August 2017. The publicity included notifying statutory consultation bodies by email. An article was also written about the draft BNP for the local Town Council publication, "The Bollingtonian". Hard copies of the draft Plan and Appendices were made available at Bollington Library and the Town Hall. Two banners were displayed in the town advertising the availability of the Plan and the consultation exercise. Information was placed on the Town Council community Facebook page and information was also given at the Annual Town Assembly, a public meeting open to all members of the Bollington community. The total number of responses was 22.
- 3.7 Consultation in accordance with Regulation 16, when the Plan was submitted to CEC, was carried out for a 6-week period from 20<sup>th</sup> October to 1<sup>st</sup> December 2017 and 22 responses were received. I am satisfied that a transparent, fair and inclusive consultation process has been followed for this Neighbourhood Plan, that has had regard to advice in the PPG on plan preparation and is procedurally compliant in accordance with the legal requirements.

### *Development and Use of Land*

- 3.8 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

### *Excluded Development*

- 3.9 The Plan does not include provisions and policies for 'excluded development'.

### *Human Rights*

- 3.10 The Basic Conditions Statement comments that the preparation of the BNP, and the policies and proposals contained within it, has had due regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. CEC is satisfied that the BNP does not breach, and is compatible with, EU Obligations and Convention rights (within the meaning of the Human Rights Act 1998). I have considered the matter independently and I have found no reason to disagree with that position.

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

### *EU Obligations*

- 4.1 The BNP was screened for SEA by CEC which was submitted with the BNP in accordance with the legal requirement under Regulation 15(e)(i) of the 2012 Regulations. The Council found that it was unnecessary to undertake SEA. Neither Historic England (HE), Natural England (NE) nor the Environment Agency (EA), when consulted, disagreed with that assessment. Having read the SEA Screening Opinion, and considered the matter independently, I agree with that conclusion.
- 4.2 The BNP was further screened by CEC for Habitats Regulations Assessment (HRA) which concluded that there were no habitats or circumstances which would trigger HRA. NE commented that the proposals in the Plan would not have significant effects on sensitive sites which they have a duty to protect. Furthermore, NE were unaware of any significant populations of protected species which would be likely to be affected by the policies/proposals in the Plan. On the basis of the information provided, my independent consideration and noting that the BNP does not include site allocations for development, I support the conclusions of CEC.

### *Main Issues*

- 4.3 Having regard to the Bollington NP, the consultation responses, written evidence<sup>3</sup> and the site visit, I consider that there are four main issues for

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<sup>3</sup> The other evidence includes my letters to the Town Council seeking clarification and the replies: see footnote 1.

this examination. These are whether the Plan meets the Basic Conditions in respect of:

- Housing: Policies HO.P1 – P5 address the number, location, type and design of dwellings, together with parking at them (Issue 1);
- The Economy: Policies EB.P1 – P3 relate to the regeneration of existing employment land and growth of businesses. Section 5 considers the need to provide a better retail offering. Section 8 seeks to develop tourism (Issue 2);
- The Environment: Policies EOS.P1 – P4; EGB.P1 – P3 and ENE.P1 – P4 seek to retain, enhance and encourage safe access to open spaces, the Green Belt, landscape and wildlife habitats. Section 7 considers the built environment and heritage assets (Issue 3); and
- Transport and Infrastructure: Policies MA.P1 – P2 consider safety and efficiency in moving around and parking. Policy IN.P1 deals with pedestrian and cyclist safety. Policy IN.P2 relates to infrastructure for the visitor economy (Issue 4).

### *Overview*

- 4.4 The Bollington NP is a logical, concise, well written document which is commendably illustrated and a pleasure to read. The Introduction usefully sets out why a NP is needed and the policy and legal requirements which have to be met.
- 4.5 The hierarchy in the CELPS is also outlined in the Introduction and which describes the four tiers of different sizes of settlement. The bulk of new development is expected to take place in the two Principal Towns of Crewe and Macclesfield, together with the nine Key Service Centres. Bollington is one of thirteen Local Service Centres for which the CELPS vision for 2030 is that “some modest growth in housing and employment will have taken place to meet locally arising needs, to reduce the level of out-commuting and to secure their continuing vitality. This may require small scale alterations to the Green Belt in some circumstances.”
- 4.6 The BNP then sets out an assessment of what defines Bollington, including references to its picturesque setting adjoining the Peak District National Park and the Pennine foothills and its history as a centre of cotton production. The April 2015 household questionnaire illustrated the overwhelming importance attached by residents to certain attributes of Bollington: the ease of access to the countryside, the rural landscape and architecture and the town being a pleasant place to live. The need to maintain these community attributes has resulted in the drafting of

General Policy V1 which would be applicable to all development proposals in Bollington.

- 4.7 General Policy V1 states that development will be supported where the overall effect would be a positive contribution to attributes defined in the policy, with no unacceptable effect on any of them. Whereas I consider the policy is generally consistent with national advice (NPPF Core Values), the planning balance is achieved by weighing both positive and negative effects. It is very rare that there are effects of development which are totally without negative impact, albeit extremely minor. Therefore, in order to have the necessary clarity, the policy should include "significant" before "negative effects" **(PM1)**.

#### Issue 1: Housing

- 4.8 CELPS Policy PG7 considers the spatial distribution of development within the settlement hierarchy of CEC. As one of thirteen LSC, Bollington would be expected to accept a proportion of 3,500 new homes and 7 hectares of employment land in the period of the Plan, although completions and commitments up to 30/03/16 have reduced the number of site allocations needed to 1,125 and 5.75 hectares respectively.
- 4.9 The BNP, following a CEC Housing Advice Note, suggests a range of housing needs for Bollington of between 269 and 543 during the plan period, depending on the method of assessment<sup>4</sup>. These figures are unconstrained in that no account is taken of possible constraints on development such as the Green Belt and the Conservation Areas. A further assessment based on DCLG<sup>5</sup> population projections showed another unconstrained range between 171 and 398<sup>6</sup>. Representations suggest the housing requirements in Bollington could be between 301 and 540.
- 4.10 NP Policy HO.P1 proposes that residential development will be supported to deliver 400 net new dwellings to meet the needs of Bollington over the Plan period. The BNP considers that this number is comprised of 300 houses for the predicted increase in population in Bollington between 2010 and 2030, plus an additional 100 houses to allow for changes in the distribution of household sizes over this period.
- 4.11 The BNP assessment of 400 dwellings falls within the wide range of estimates. However, the policy reads as a ceiling and the CELPS states that its housing figures are intended as a guide and are neither a ceiling

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<sup>4</sup> Housing Advice Note prepared for Bollington Town Council and Neighbourhood Plan by CEC Spatial Planning Department March 2016.

<sup>5</sup> Now known as the Ministry of Housing, Communities and Local Government.

<sup>6</sup> Bollington NP Housing Needs Assessment Note September 2016.

nor a target. Therefore, Policy HO.P1 is not in general conformity with the adopted local plan and so fails to meet the Basic Conditions. The addition of the qualification "at least" would imply the figure would be a target and this would be equally unacceptable. The first sentence of the policy also contradicts the second sentence in that additional houses are anticipated, thereby rendering the first part obsolete.

- 4.12 Furthermore, a sequential test of prioritising mixed residential and employment sites before new residential allocations could hinder the opportunity for housing development alone which could otherwise be sustainable. Therefore, it would not comply with the Basic Conditions.
- 4.13 Accordingly, as **PM2**, I shall recommend adopting the policy wording suggested by CEC, which also takes into account the emerging Site Allocations and Development Policies Document (SADPD) in which sites at locations including Bollington will be assessed for their development suitability. Retaining the 400 dwellings in the policy would pre-empt the findings of the DPD.
- 4.14 I note the reasons for including the phrase "within or accessed only from within the Neighbourhood Plan/Town boundary"<sup>7</sup>. However, in my opinion, it is unnecessary and the method of attributing housing numbers and whether housing at East Tytherington should be considered as part of Macclesfield or Bollington will be covered in the SADPD.
- 4.15 Policy HO.P2 considers the location of housing where it is supported in brownfield redevelopment sites, suitable small scale infill sites and suitable windfall sites. Point 3 within the policy supports proposals for new dwellings, but with no distinction about location and, therefore, so as to avoid conflict with CELPS Green Belt and countryside policies, the first phrase should be modified to support housing within the settlement boundary. Points 3 and 4 distinguish without justification between sites of more than, or less than, one hectare. Furthermore, there is no justification for the limitation of not more than 50 dwellings on any one site. Proposals which might be described as too large would be tested against the criteria of Policy HO.P4 (Design of Housing) as well as other considerations in Policy HO.P2 as modified. Accordingly, I shall also recommend the alterations to the policy as suggested by CEC (**PM3**).
- 4.16 Policy HO.P5 deals with parking provision for new dwellings and I consider the requirements for car parking on new development where, for example, there are 3, 4 or 5 bedrooms would be too onerous and threaten viability. It would also be difficult to implement successfully because a room within a dwelling might be converted to or from a bedroom without the need for planning permission. Therefore, I shall modify the policy to

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<sup>7</sup> Response from Bollington Town Council dated 18 January 2018.

achieve general conformity with the parking standards in the CELPS<sup>8</sup> **(PM4)**.

- 4.17 I consider that Policy HO.P3 Type of Housing and Policy HO.P4 Design of Housing meet the Basic Conditions by having due regard to national policy. Representations sought the inclusion of four allocations for new housing development. Each site has its merits. However, I consider that to allocate one or more of these areas for housing in the BNP would pre-empt consideration of the conclusions of the emerging SADPD. In any event, with the recommended modifications, I consider that the housing policies would generally conform with strategic statutory policies, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

## Issue 2: The Economy

- 4.18 The BNP indicates that there is a clear wish from the community to retain or increase employment in Bollington and Policy EB.P1 deals with regeneration of existing employment land. CELPS Policy EG3 states that all employment sites must be marketed for a period of two years before a change of use will be considered, compared with the BNP period of twelve months for certain sites. Therefore, to be consistent with the strategic policies of the CELP, I shall recommend the modification of Policy EB.P1 to align with Policy EG3. I consider that the details of the required marketing exercise are too inflexible to include as a policy which will become part of the development plan. I shall recommend that these are deleted from the policy and included as text in the justification **(PM5)**.
- 4.19 Similarly, Retail Policy R.P1 includes the same details of a required marketing exercise for changes of use from Classes A1 – A5. CEC suggested that a marketing exercise of two years may be excessive and frustrate sustainable development. Moreover, there is no strategic requirement for such an exercise.
- 4.20 I agree that the pubs and restaurants (Classes A3 and A4), together with shops (Class A1) form part of the infrastructure for residents and employees of Bollington and tourists. However, seeking the same marketing test for Classes A2 (financial services) and A5 (hot food takeaways) appears excessive, in my opinion, and could threaten the viability of a proposed change of use. In addition, certain changes of use from Classes A1 and A2 are permitted under the GDPO<sup>9</sup>. Therefore, I shall recommend modifying the policy by limiting its application to Classes A1, A3 and A4, qualifying it by reference to the GDPO, moving the

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<sup>8</sup> CELPS: Appendix C Parking Standards.

<sup>9</sup> Town and Country Planning (General Permitted Development) (England) Order 2015. Intelligent Plans and Examinations (IPE) Ltd, Regency Offices, 37 Gay Street, Bath BA1 2NT  
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marketing details from the policy to justification and, in support of the reasoning of CEC, delete references to marketing periods **(PM6)**.

- 4.21 I consider that Policy EB.P2 which aims to establish Bollington as a centre for business in high value specialisms; Policy EB.P3 which encourages the growth of home based businesses and Policy TAL.P1 which supports the development of tourism meet the Basic Conditions by having due regard to national policy. Therefore, with the recommended modifications, I consider that the policies on the economy would generally conform with strategic statutory policies, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

### Issue 3: The Environment

- 4.22 Bollington is surrounded by the North Cheshire Green Belt and the Peak District National Park is immediately to the east. The BNP seeks to enhance and protect the Peak Park Fringe setting of Bollington and its four communities by preserving open spaces, the Green Belt and valuable wildlife habitats and maintaining and enhancing access to the adjoining Peak Park Fringe Area. This would be achieved in the BNP by eleven policies classified into Open Space, Green Belt and the Natural Environment. Five of the policies meet the Basic Conditions and will assist in achieving sustainable development and I have no comments on them. However, six policies, as drafted, do not pass the Basic Conditions tests and I consider them below.
- 4.23 There are three policies in the BNP which address the Green Belt, EGB.P1-P3. The first BNP policy seeks the retention of the Green Belt except in exceptional circumstances and consultation with Bollington Town Council should any land be considered for re-designation or release from the Green Belt.
- 4.24 The strategic policy for the Green Belt is set out in Policy PG 3 of the CELPS and, other than defined locations, the boundaries remain as in saved local plans which include The Macclesfield Borough Local Plan. However, Policy PG 3 also states that, in addition to the areas listed for removal from the Green Belt, it may also be necessary to identify additional non-strategic sites to be removed in the Site Allocations and Development Policies Document (SADPD).
- 4.25 NP Policy EGB.P1 effectively restates the position described in CELPS Policy PG 3 whereby Green Belt land may be released in order to meet housing needs. Furthermore, the Town Council will be a statutory consultee in the Local Plan preparation process and is also a statutory consultee in the development management process when planning applications are received within the BNP area. Therefore, Policy EPG.P1 is superfluous. The policy does not conflict with the CELPS but does not offer

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any additional protection to the Green Belt and, in support of the CEC representation, I shall recommend its deletion **(PM7)**.

- 4.26 Similarly, Policy EGB.P3 is superfluous. Development management and the issue of openness in the Green Belt is addressed effectively in CELPS Policy PG 3. Conservation Areas are dealt with in NP Policies BE.P1 and BE.P2. Furthermore, point 3 in the policy specifies “demonstrable community benefits” as a criterion of acceptability which is contrary to national policy for development in the Green Belt. Accordingly, the policy should be deleted **(PM8)**.
- 4.27 Open Space is dealt with in Policies EOS.P1, EOS.P2, EOS.P3 and EOS.P4 and consider its designation, maintenance and enhancement, together with the identification of Local Green Space. CELPS Policy SE 6 aims to strengthen the contribution that sport and playing fields, open space and recreation facilities make to Cheshire East’s green infrastructure network by requiring all development to protect and enhance existing open spaces and sport and recreation facilities. Footnote 66 to the policy states that these open spaces and facilities are to be identified on the SADPD Adopted Policies Map, plus incidental open space and amenity areas too small to be shown. Until this time, the existing open spaces and sport and recreation facilities identified in local plans, including the Macclesfield Borough Local Plan, will remain in force.
- 4.28 I note the currently designated Open Spaces listed and shown on the CEC Map of Open Spaces for Bollington and I have read the comprehensive descriptions in the CEC Open Spaces Assessment 2012. However, I would expect the list to be revised according to criteria to be decided in the SADPD. NPPF advises that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements, or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss<sup>10</sup>.
- 4.29 NP Policy EOS.P1 states that development will not be supported on Open Spaces unless there are exceptional circumstances with demonstrable community benefits. In my view, these requirements exceed the policy advice in NPPF and the terms of CELPS Policy SE 6. Therefore, in order to have due regard to national and statutory policies, I shall recommend modifying Policy EOS.P1 to delete the final two phrases of point 1 and include the recognition of there being a surplus of such space, taking into

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<sup>10</sup> NPPF Paragraph 74.

account the different types of open space which serve different needs as identified in PPG **(PM9)**<sup>11</sup>.

- 4.30 Policy EOS.P4 designates seven Local Green Spaces (LGS). Most have specific recreational functions. For example, LGS1 is the Bollington Recreation Ground; LGS2 is the Kerridge Cricket Ground; LGS3 is Bollington Cross Youth Project Sports Fields; LGS4 is the War Memorial Gardens; LGS5 is Adlington Road Play Area and LGS6 is the Coronation Gardens Play Area. I consider that in so far as they are in close proximity to the community, are not extensive tracts of land and are demonstrably special to that community, each of these meet the tests for designation outlined in NPPF<sup>12</sup>.
- 4.31 LGS7, Hall Hill, has no formal function, but is a very pleasant area of open land between Bollington Cross and Lowerhouse. CEC comment that it constitutes an extensive area of land and therefore fails to meet the test of suitability for an LGS. I note that with an area of 2.90 ha, LGS7 is slightly smaller than LGS1 (3.10 ha) and is generally similar to LGS2 (2.3ha). However, those two sites are grounds for formal sport and recreation and Hall Hill is informally used, albeit with no sign of legal right of way through it or public access within it. I am aware that PPG allows for land to be designated as an LGS even if there is no public access<sup>13</sup>. However, Hall Hill is within the Green Belt and, as advised in PPG, if land is already protected by Green Belt policy, then consideration should be given to whether any additional local benefit would be gained by designation as LGS<sup>14</sup>.
- 4.32 PPG also advises that one potential benefit of designation could be in circumstances where protection from development is the norm, but where there could be exceptions, in which case, LGS designation could help to identify areas that are of particular importance to the local community. The preparation of the SADPD with the possible revision of Green Belt boundaries and allocation of land for housing could constitute one of those exceptions. However, should the LGS7 designation be retained in the BNP, it would effectively constitute double protection and may frustrate development which might otherwise be judged sustainable upon detailed assessment in the SADPD. Accordingly, I shall recommend the deletion of LGS7 from the BNP **(PM10)**.
- 4.33 The Natural Environment is dealt with in NP Policies ENE.P1, ENE.P2, ENE.P3 and ENE.P4. The first point in Policy ENE.P1 seeks to protect

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<sup>11</sup> "Open space, which includes all open space of public value, can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks." PPG Reference ID: 37-001-20140306.

<sup>12</sup> NPPF Paragraph 77.

<sup>13</sup> PPG Reference ID: 37-017-20140306.

<sup>14</sup> PPG Reference ID: 37-010-20140306.

wildlife corridors and habitats and is consistent with national and strategic policy. The BNP includes Figure GE1 Habitat Distinctiveness and Figure GE2 Wildlife corridors/core areas which would come under consideration for protection through CELPS Policy SE 3. I consider the Figures in the BNP are of too small a scale for effective development management purposes. However, CEC has responded that once the Plan is made, the data layers which underpin the maps would be available on the Council's GIS system and therefore I am satisfied that the policies of the BNP and CELPS would not be frustrated.

- 4.34 The second point in Policy ENE.P1 seeks a survey to ascertain the impact of any proposed development on wildlife corridors and habitats. Whereas I support the reason for the survey, I agree with CEC and others making representations, that the need for the survey to be conducted by an agreed qualified professional is unnecessary and ambiguous. As the local planning authority, CEC has the responsibility for assessing and determining planning applications and may choose to question the acceptability of a survey on various grounds. Selecting a consultant to carry out the survey is the responsibility of the developer, who pays for the work, not the local planning authority or the Town Council. Therefore, that phrase should be deleted from the policy **(PM11)**.
- 4.35 The justification of Policy ENE.P2 is the protection of the special landscape characteristic of the Peak Park Fringe, views of White Nancy and Nab Head and views up to and over the industrial heritage of Bollington. There is also a reference to the setting of the Bollington Conservation Areas, but this is dealt with in Policy BE.P2 in the Built Environment section.
- 4.36 Point 1 of Policy ENE.P2 addresses the Peak Park Fringe and refers to CELP Policy SE 4, which is a general landscape policy. It seems to me that Policy SE 15 which deals specifically with the Peak District National Park Fringe, is the appropriate CELP policy to which reference should be made, if at all. However, the CELP is part of the development plan, together with the BNP when it is made. A repeat of the policy is unnecessary. Furthermore, rather than imply that all development would have a negative impact, the policy should be reworded so that its aim would be to avoid adverse effects on the setting of the National Park.
- 4.37 The consideration of views in point 2 of Policy ENE.P2 assumes the position of the viewer looking at the item to be safeguarded. Given the elevation and prominence of Nab Head and White Nancy, views to them would be widespread and a restriction of development which would compromise any view of them may prevent much development which would otherwise be acceptable and sustainable. Therefore, I consider the policy should be qualified by the significance of the effect.

- 4.38 In addition, the phrase "... compromises views of the traditional heritage structures such as the viaduct and aqueducts..." is open ended and lacks the clarity necessary for effective development management. Views of the structures could be obtained from a wide variety of locations and the degree of adverse effect would depend on from where the observer is looking. Given that heritage structures of significant value would normally be within a Conservation Area, or at least be a designated asset, I consider their setting would be protected by Policies BE.P1 and BE.P2 and this would enable views of them to be maintained as appropriate. Therefore, I shall delete that element of the policy.
- 4.39 Point 3 states that the important views which must be retained or enhanced are shown on Figure BE.3. However, the map is not suitable for development management. There is no indication of whether the "noteworthy view" is looking at it or from it and, if the latter, the zone of visibility could be so extensive that any change could be interpreted as adverse. Each of the locations photographed may well be attractive and/or places of interest, but most of them are safeguarded by other policies, being either in a Conservation Area or the Green Belt or, as in the case of Kerridge, both. Accordingly, because this part of the policy lacks the clarity necessary for the effective management of development, it should be deleted. BNP Figure BE3 will assist in the implementation of Policy HO.P4 and is consistent with PPG advice on the promotion of local character in design<sup>15</sup>. Policy ENE.P2 is shown as recommended to be modified as **PM12**.
- 4.40 Built Environment Policies BE.P1 and BE.B2 consider the Historic Town and the Conservation Areas. Policy BE.P1 states that within a Conservation Area, or within 250m of one, certain measures have to be taken when any development is proposed. 250m appears to be an arbitrary chosen distance which takes no account of the detail of topography or townscape and could cause unnecessary expense and threaten the viability of schemes, large or small. I consider that, rather than specifying a fixed distance from a Conservation Area, the use of its setting would be preferable.
- 4.41 Furthermore, to require a heritage impact assessment to be carried out by "an independent consultant from a list approved by the Town Council" is unreasonable. A consultant would be independent, albeit paid by the developer, and the Town Council is not necessarily aware of all those who would be suited to carry out the work. Therefore, I shall replace the phrase with "suitably qualified". Furthermore, in order for Policy BE.P1 point 3 to achieve general conformity with CELPS Policy SE 7 and have regard to NPPF paragraphs 133 and 134, a qualification relating to public

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<sup>15</sup> PPG Reference ID: 26-007-20140306.

benefits being weighed against harm should be added. The recommended modifications to the policy are shown as **PM13**.

- 4.42 I appreciate that the use of the term “extensions” to Conservation Areas is probably referring to the intention to extend the Bollington Cross Conservation Area at Lowerhouse. However, the extension is not yet designated. If a Conservation Area is formally extended, the policy will become relevant. The same considerations apply to point 2 of the policy. Lowerhouse is not yet part of a Conservation Area, whatever level of preparatory work has been carried out. Therefore, the policy should not apply to it and point 2 should be deleted. However, Figure BE3, along with Figure BE2 could usefully be included in point 1. **PM14** recommends accordingly.
- 4.43 I consider that Policy EGB.P2 which deals with development in released Green Belt land; Policy EOS.P2 which seeks to maintain Open Space allocations; Policy EOS.P3 which seeks improvements to access and facilities of Open Spaces and Natural Urban Green Spaces; Policy ENE.P3 which requires the provision of a landscape plan and Policy ENE.P4 which considers footpaths, quiet lanes and bridleways meet the Basic Conditions by having due regard to national policy. Therefore, with the recommended modifications, I consider that the policies on the environment would generally conform with strategic statutory policies, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

#### Issue 4: Transport and Infrastructure

- 4.44 Policy MA.P2 considers parking provision and 2(a) of the policy seeks the provision of a minimum of one permanent parking space per bedroom in any new buildings. When considering Policy HO.P5 above, I concluded that this would be too onerous and threaten the viability of proposals for dwellings with 3, 4 or 5 bedrooms. It would also be difficult to implement successfully because a room within a dwelling might be converted to a bedroom without the need for planning permission. Therefore, I shall modify the policy to make it consistent with the parking standards in the CELPS<sup>16</sup> (**PM15**).
- 4.45 Policy MA.P1 addresses the need for safety and efficiency of moving around. Policy IN.P1 seeks to improve safety for pedestrians and cyclists. Policy IN.P2 aims to provide improvements to the infrastructure for the visitor economy in Bollington in accordance with NP Policy TAL.P1. Each of these policies meets the Basic Conditions, having due regard to national policies. Therefore, with the recommended modification to Policy MA.P2, I consider that the policies on transport and infrastructure would generally

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<sup>16</sup> CELPS: Appendix C Parking Standards.

conform with strategic statutory policies, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

## Community Actions

4.46 Chapter 11 of the BNP, Community Services and Community Actions, sets out a number of community actions, particularly in response to the questionnaire, which are not within the scope of neighbourhood planning but would bring wider benefits to the area and help to meet the Plan's Vision. The actions are each comprehensively justified and reflect the positive involvement of the community in the neighbourhood planning process and the wider aspects of life in Bollington.

## 5. Conclusions

### *Summary*

- 5.1 The Bollington Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the neighbourhood plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

### *The Referendum and its Area*

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Bollington Neighbourhood Plan, as modified, has no policy or proposals which I consider significant enough to have an impact beyond the designated neighbourhood plan boundary, requiring the referendum to extend to areas beyond the plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated neighbourhood plan area.
- 5.4 The Steering Group and the Town Council are to be commended for their efforts in producing a thorough document which, incorporating the modifications I have recommended, will make a positive contribution to the development plan for the area, assist in creating sustainable development and help to find the right balance between the protection of surrounding land whilst enabling necessary development to proceed.

*Andrew Mead*

Examiner

## Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	General Policy V1	Rewrite the final sentence to  <b>“Development will be supported where the overall effect is a positive contribution to these attributes with no significantly unacceptable effect on any of them.”</b>
PM2	Policy HO.P1	Rewrite policy to:  <b>“Residential development will be supported to deliver new dwellings to meet the development needs of Bollington over the Plan period. Development sites should be sited within or adjacent to the settlement boundary and, where possible and appropriate, should achieve a mixed scheme of complementary employment and residential uses.”</b>
PM3	Policy HO.P2	Rewrite and merge points 3 and 4 of the policy:  <b>“3. Proposals for new development within the settlement boundary will be supported where: a) they meet the needs of Bollington, b) they are of an appropriate size and scale to the settlement, c) they employ a design and layout which integrates successfully with the existing development pattern and scale of the town, d) subject to viability and site constraints, mixed uses can be successfully achieved and e) required levels of parking and public open space can be delivered.”</b>

PM4	Policy HO.P5	Rewrite point 1: <b>“Any new dwelling must have a minimum parking provision as required by the parking standards set out in CELPS Appendix C.”</b>
PM5	Policy EB.P1	Delete Point 4 and a) and b) i to vi and insert:  <b>“Change of use from Classes C1, B1, B2 and B8 uses will be supported where it can be demonstrated that no alternative user can be found through an appropriate and realistic marketing exercise for at least two years.”</b>  Insert into the justification: <b>“An active and realistic marketing exercise will include: etc,”</b> from deleted Point 4.
PM6	Policy R.P1	Rewrite point 3 to:  <b>“Other than as provided for in the GDPO, change of use from Classes A1 and A3 - A4 will be supported where it can be demonstrated that no alternative user can be found through an appropriate and realistic marketing exercise.”</b>  Delete 3a, b (i. – vi) and insert in the justification a reference to the marketing exercise for employment land changes of use under Policy EB.P1.
PM7	Policy EGB.P1	Delete policy.
PM8	Policy EGB.P3	Delete policy.
PM9	Policy EOS.P1	Delete the policy and replace with:  <b>“All currently designated Open Spaces will be maintained as such. Development will not be supported unless (a) an assessment has been undertaken which has clearly shown the type of open space to</b>

		<b>be surplus to requirements, (b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, and (c) the development is for alternative sports and recreation provision, the needs of which clearly outweighs the loss."</b>
PM10	Policy EOS.P4	Delete: Hall Hill (ref: LGS7) from the policy and Figure GE3.
PM11	Policy ENE.P1	Delete from the policy: (conducted by an agreed qualified professional).
PM12	Policy ENE.P2	Delete the policy and replace with:  <b>"1. Development proposals within the Peak Park Fringe which would adversely affect the setting of the Peak District National Park will not be supported.</b>  <b>2. Development which would significantly adversely affect views of Nab Head and White Nancy will not be supported,"</b>
PM13	Policy BE.P1	Alter the second sentence to:  <b>"If the proposed development is within one of the Conservation Areas or its setting, ..."</b>  Delete: "an independent consultant from a list approved by Bollington Town Council" and insert: <b>"a suitably qualified person"</b> .  Add at end of point 3: <b>"... setting, considering the level of harm in relation to the public benefits that may be gained by the proposal."</b>
PM14	Policy BE.P2	Delete: "including extensions".  Delete the sentence at Point 2.

PM15	Policy MA.P2	Rewrite point 2(a): <b>“Any new buildings must have a minimum parking provision as required by the parking standards set out in CELPS Appendix C.”</b>
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