

Our Ref: MPG-001-C

Your Ref:

Date: 29th July 2026

Dear Sir/Madam

RE: TATTENHALL AND DISTRICT MODIFIED NEIGHBOURHOOD PLAN REGULATION 16 CONSULTATION

Introduction

Heatons has been instructed by our client, Muller Property Group ('Muller'), to prepare and submit formal representations to Cheshire West and Chester Council ('CWaC') in respect of the above consultation.

Tattenhall and District Parish Council are seeking to update the Neighbourhood Plan (2010 to 2030) which was 'made' on 4 June 2014.

The Regulation 16 (Publicity Stage Consultation) follows on from the Regulation 14 (Pre-Submission Consultation) which was undertaken between 23 February and 13 April 2026. Following the current consultation, the Tattenhall and District Neighbourhood Plan will undergo independent examination.

The proceeding Representation provides commentary in respect of Tattenhall and District Modified Neighbourhood Plan (2025-2045) (Submission Version: May 2026) hereinafter referred to as the Draft Neighbourhood Plan. It addresses matters relating to references to National Decision-Making Policies (NDMP), allocation of important, predominantly undeveloped gaps, allocation of views and vistas, housing need, site allocations and selection process.

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Neighbourhood Plans are required to meet basic conditions as set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act (1990) and amended by Section 99 of the Levelling-up and Regeneration Act. The basis conditions are as follows;

- (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,*
- (b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,*
- (c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,*
- (d) the making of the order contributes to the achievement of sustainable development,*
- (ea) the making of the order would not have the effect of preventing development from taking place which—*
 - (i) is proposed in the development plan for the area of the authority (or any part of that area), and*
 - (ii) if it took place, would provide housing,*
- (f) the making of the order does not breach, and is otherwise compatible with, [assimilated] obligations,*
- (fa) any requirements imposed in relation to the order by or under Part 6 of the Levelling-up and Regeneration Act 2023 (environmental outcomes reports) have been complied with,] and*
- (g) prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.*

Reference to National Decision-Making Policies (NDMP)

The Draft Neighbourhood Plan refers to national decision-making policies contained in the draft National Planning Policy Framework ('NPPF') (2025) which was consulted on between 16 December 2025 and 10 March 2026. Paragraph 2.9 of the Draft Neighbourhood Plan justifies this by stating that *"Whilst the timing of the submission of the modified Tattenhall and District Neighbourhood Plan may mean it is examined against the current (2024) NPPF, to ensure the policies have functional weight post-adoption, these are designed to be consistent with those new NDMPs in order to comply with draft NPPF Annex A"*.

The Draft NPPF (2025) is a consultation document only and has not been adopted. The NPPF Research Briefing (15 July 2026) is clear that the Government are analysing the

feedback received from the consultation and will be publishing a response in due course. As outlined in the Planning Newsletter dated 5 March 2026 by the Ministry of Housing, Communities and Local Government, the draft NPPF was expected to be published in summer 2026. Given that the UK Parliament will be in summer recess until 1st September 2026, the earliest the Revised NPPF will be published is September 2026. At the time of writing these Representations, there is not a confirmed publication date.

The NPPF consultation was undertaken when Kier Starmer was Prime Minister and whilst the Government remains to be Labour, the change in leadership to Andy Burham may impact the impending NPPF revisions.

In any event, taking a draft consultation document as a given policy change undermines the consultation process.

It's noted that the Government guidance relating to 'create or update a local plan using the new system' states *"if you are preparing a plan in the new system, you should have regard to the consultation draft of the NPPF, to help inform the early stages of preparation of your local plan."*

Heatons are not aware of any guidance relating to Neighbourhood Plans and whilst the above relates to Local Plans only, it would be pragmatic to apply the same approach to Neighbourhood Plans.

The text is clear that only regard is required to inform early stages. This is presumably on the basis that as the Local Plan progresses, the Revised NPPF will be published, and the early regard will ensure that Local Plan's are easily adaptable to comply with the Revised NPPF. In the case of the Tattenhall and District Neighbourhood Plan, the plan is not at the early stages of preparation and there is every possibility that the Plan will be adopted prior to the NPPF being published.

The use of direct references to draft policies in the Regulation 16 Plan does not accord with the guidance. The NPPF is clearly subject to change following the consultation. Ultimately, if the Draft Neighbourhood Plan proceeds in its current form, there is a strong likelihood it will be immediately out of date once the updated NPPF is published.

If the NPPF is published prior to the Neighbourhood Plan being 'made' and the requirements at that time are for Neighbourhood Plans to conform with the Revised NPPF, we strongly recommend that the Plan is reviewed to ensure compliance and further consultation with interested parties and examination is undertaken.

Given the above, the Neighbourhood Plan does not accord with basic condition (a), as it fails to have regard to national advice in respect of assimilation with the Revised NPPF.

Important, Predominantly Undeveloped Gaps

Draft Policy 2 of the Draft Neighbourhood Plan states that development will be supported where it *“Does not unacceptably erode the important, predominantly undeveloped gaps between the three settlements of Tattenhall, Newton-by-Tattenhall and Gatesheath”*.

Paragraph 3.13 of the Draft Neighbourhood Plan misleadingly states that the protection of the gaps reflects Policy GBC 3 (Key Settlement Gaps) of the Local Plan (Part Two). However, the Local Plan policy only identifies five key settlements gaps which are listed in the policy and spatially shown on the Policies Map and do not include any land around Tattenhall.

Paragraph 3.13 of the Draft Neighbourhood Plan goes on to state *“that by identifying and safeguarding these gaps at a neighbourhood scale, the Plan provides additional clarity and local evidence to support the Local Plan’s strategic intent.”* There does not however appear to be any clarity provided as Policy GBC 3 (Key Settlement Gaps) of the Local Plan (Part Two) is clear which land is being protected. Nor are we aware of any local evidence to support the protection of the gaps.

Paragraph 040 of Planning Practice Guidance relating to neighbourhood planning states that *“proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan or the proposals in an Order.”*

From the information contained on CWaW’s website, we cannot find any evidence which justifies the selection of the ‘important, predominantly undeveloped gaps’ and justifies the planning requirement for the gaps to be protected from erosion. The area is not subject to any specific landscape designations which would benefit from limiting development to prevent merging of settlements.

Given the policies are not underpinned by proportionate and robust evidence as required by planning guidance issued by the Secretary of State, the Draft Neighbourhood Plan fails to meet the basic condition (a).

Views and Vistas

The Draft Neighbourhood Plan allocates 16 proposed views across the Plan area and Draft Policy 2 (Local Character) states development will be supported where it *“Respects local landscape quality ensuring that views and vistas identified in Appendix A are maintained wherever possible.”*

The allocation of views is unfounded and not supported by any evidence base as required

by planning guidance. As a minimum, it's considered the allocation of views should be underpinned by a Landscape and Visual Impact Assessment which provides an assessment of visual quality, distinctness, cultural or historical significant, community value, accessibility and vulnerability to change.

Appendix A (Views and Vistas) of the Neighbourhood Plan provides the following details of view 7 known as 'The views across the fields from Chester Road to Brook Hall':

"This view from the heavily used Millennium Mile is across grazed farmland and takes in the vista from Brook Hall to Greaves Farm. It is the only remaining publicly accessible open view from the West side of the village. Views are attractive on the approach to the village across fields towards a prominent house in the history of Tattenhall."

The Assessment is however inaccurate. The view is not the remaining publicly accessible open view from the west side of the village. Further to the west along Chester Road, there are interspersing views of the farmland to the north from the pedestrian path. Views are interspersed between existing hedgerows and trees with an open view more visible from the footpath to the west of Tilney Way. Furthermore, views are also accessible from the Public Right of Way (PRoW) which connects Chester Road with Newton Lane to the north. This has not been given due consideration, and the allocation of the view should be reassessed in light of the above to consider whether it remains a justifiable and evidence based planning policy.

Given the inaccuracy within the Plan for its justification of view 7 and the lack of evidence to inform the policy, the Draft Neighbourhood Plan fails to meet the basic conditions by not having regard to national guidance.

Housing Need

The Draft Neighbourhood Plan is seeking to proceed ahead of the New Local Plan being prepared by CWaC. In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2026 (Regulation 19), on 12 June 2026, CWaC published a notice of intention to commence Local Plan preparation. The timetable states the Local Plan Scoping Consultation will commence on 7 September 2026 with an adoption scheduled for December 2028.

Given CWaC's position in the plan-making process, the Council have been unable to provide a requirement figure for housing need. Instead, an indicative figure has been provided in the Report for Neighbourhood Development Areas Indicative Housing Requirements Tattenhall (May 2026) of 526 dwellings over a 20-year period.

Paragraph 70 of the NPPF (2024) states that the indicative figure should take account of factors such as *"the latest evidence of local housing need, the population of the*

neighbourhood area and the most recently available planning strategy of the local planning authority.” Paragraph 102 of Planning Guidance relating to neighbourhood planning goes on to advise that local housing need is a starting point.

The indicative figure has been prepared entirely on the basis of the minimum housing need using the standard method. As outlined in policy and guidance, the standard method is a minimum starting point and due consideration should be given to uplift to address matters such as unmet need arising from neighbouring areas and economic growth ambitions. The indicative need prepared by CWaC fails to consider the planning merits of any uplift contrary to paragraph 69 of the NPPF (2024) and paragraph 040 of planning guidance relating to housing and economic development needs assessments.

The Report for Neighbourhood Development Areas Indicative Housing Requirements Tattenhall (May 2026) is clear that *“Whilst it is understandable that local communities wish to use neighbourhood planning to control and shape development in their areas, there is a risk that housing requirements provided in advance of the local plan will change.”* At paragraph 8.1, CWaC conclude that the new Local Plan may have significantly higher or lower requirements.

Whilst it's accepted that if the new Local Plan identifies a need for Tattenhall to deliver a greater number of homes than allocated in the Draft Neighbourhood Plan, it can allocate further sites as required. However, this piecemeal approach could undermine the plan-making system. It would clearly be more logical to pause the production of the Neighbourhood Plan to ensure a holistic approach is undertaken for identifying and allocating sites.

In accordance with paragraph 009 of planning guidance relating to neighbourhood planning, the indicative figure must be tested at local plan examination. Section 9(2) of the Schedule 4B of the Town and Country Planning Act (1990) states the examiner may cause a hearing to be held for the purpose of receiving oral representations where it is considered necessary to ensure an adequate examination of an issue. Given the complex nature of calculating Tattenhall's housing needs and indeed the risks identified by CWaC, we strongly contend that a hearing would be appropriate to review matters relating to housing delivery and site allocations.

Given the above conflict with planning policies and guidance issued by the Secretary of State, the Draft Neighbourhood Plan does not meet the basic conditions.

Allocated Site (Land to the north and south of Frog Lane)

Policy 7 of the Draft Neighbourhood Plan allocates Land to the north and south of Frog Lane for a mixed use development which comprises up to 600 dwellings.

The southern part of the site (Phase 1) is allocated for circa 400 homes, 9.8ha of public open space and safeguarded land for a GP surgery to be accessed from Frog Lane with a potential secondary access from Rocky Lane connecting it with Frog Lane. Criterion IV states *"the creation of any road link from Frog Lane to Rocky Lane shall facilitate the redesignation of Rocky Lane to the north of the development site entrance to "quiet lane" status."* The northern part of the site (Phase 2) will accommodate circa 200 homes and be accessible from Frog Lane to the south and Chester Road to the north.

Muller and Heatons has serious concerns over the due diligence, independence and oversight of the site selection process for the Neighbourhood Plan allocations, which have consequences on their deliverability.

Paragraph 009 of planning guidance relating to neighbourhood planning clearly states neighbourhood plans should consider providing indicative delivery timetable to minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new local plan. This guidance does not appear to be taken into account and Heatons are not aware of a delivery timetable for the allocation.

Phase 1 (South of Frog Lane)

The entirety of the Rocky Lane frontage and the north eastern corner of the southern allocation is Conservation Area and immediately adjacent to the Grade II listed 'Rose Corner'. Any proposal for the draft allocation 'south of Frog Lane' (Phase 1) could therefore cause substantial harm to these designated heritage assets. However, this harm has been identified in the Tattenhall Neighbourhood Plan SEA only as neutral:

"The overall effect on cultural heritage is therefore considered neutral. [p.32]"

The accuracy of this assessment is concerning in that the setting of both heritage assets would be substantially altered by the permanent removal of the rural backdrop to both, fundamentally and permanently altering their relationships with their historic surroundings. Whilst the live planning application (Reference: 26/00486/OUT) has received an archaeological consultation response, there is not yet a published response from Conservation and Design, nor English Heritage.

The site also represents a significant incursion southwards into open countryside with little or no defensible boundary and upon land which rises to the south. This represents a concern from a landscape perspective and there are particular sensitivities from visual receptors, especially along Frog Lane, which would experience significant and potentially harmful changes in views towards the Cheshire Sandstone Ridge.

Frog Lane is one of the key routes into Tattenhall from the west. The provision of a single vehicular access from Frog Lane to serve the 400 dwellings to the south requires further

analysis from a highway acceptability perspective. It's typical for a scheme of that size to provide two vehicular access points. It's critical that a safe and suitable access can be achieved in line with paragraph 115 of the NPPF (2024), in order for the site to be deliverable.

Notably, the aforementioned pending application includes two access points. The Parish Council should give due consideration to the technical evidence base that has informed the planning application and the wording of the Neighbourhood Plan should be updated if the draft allocation is to remain within the Plan.

Phase 2 – North of Frog Lane

Muller and Heatons equally has strong concerns over the deliverability of the allocation to the 'north of Frog Lane' (Phase 2), owing to highways and access matters. The circuitous nature of Chester Road adjacent to the site's northern boundary precludes achieving suitable visibility splays in both directions at any given point. Access from Frog Lane is also unachievable given a "levels issue", as the lane rises up a ramp to cross the bridge over the former Chester-Whitchurch railway line which has a substantial impact on visibility and highway safety.

Taking into account both phases of the development, Frog Lane would be required to serve 600 dwellings, which will undoubtedly add significant pressure to the local highway network. This point requires further due diligence to ensure the evidence base demonstrates the site is deliverable from a highway's perspective.

Site Selection

Paragraph 041 of Planning Practice Guidance relating to neighbourhood planning states a Neighbourhood Plan can allocate sites for housing and the qualifying body should carry out an appraisal of options and an assessment of individual sites against a clearly identified criteria.

Appendix B of the Site Selection Summary (May 2025) provides a very brief assessment of sites primarily limited to answering 'yes' or 'no' to key matters and providing a short observation. The assessment fails to consider whether sites are suitable, available and achievable. Paragraph 042 of planning guidance relating to neighbourhood planning clearly directs guidance towards the housing and economic land availability assessment guidance which is clear that the assessment of suitability, availability and achievability is an important source of evidence to inform plan-making.

It would appear from paragraph 2.2 of the aforementioned Report that the growth scenarios were established prior to individual sites being assessed, contrary to planning guidance. Furthermore, the documents do not provide clear evidence and justification as to why scenarios have been discounted and why certain sites have been cherry picked

to devise scenario 4.

Given the site selection process fails to meet the basic conditions by not having regard to national advice issued by the Secretary of State and the allocation of additional sites is a fundamental part of the Draft Neighbourhood Plan, we strongly recommend further evidence base work is undertaken and reconsulted on prior to the Neighbourhood Plan proceeding.

Conclusion

As set out in this Representation, the references to National Decision-Making Policies (NDMP) does not accord with government guidance. The allocation of important, predominantly undeveloped gaps and views and vistas is not supported by sufficient evidence to be considered proportionate and robust in line with Government guidance. Furthermore, the allocation of view 7 has derived from factually inaccurate justification.

The identification of housing need does not comply with guidance as it does not treat the local housing need as a starting point and fails to consider any uplift.

The site selection process and ultimately the allocation of land does not follow the Government guidance of requiring individual site assessments based on suitability, availability and achievability.

As a result, the Draft Neighbourhood Plan fails to meet basic condition (a) which requires Plans to have regard to national policies and advice contained in guidance issued by the Secretary of State.

Notwithstanding the above, given the complex nature of calculating Tattenhall's housing need, we recommend that a hearing would be an appropriate mechanism to review matters relating to housing delivery and site allocation.

I trust the above Representation will be taken into consideration as the Tattenhall and District Neighbourhood Plan progresses.

Yours sincerely,

L. Stops

Laura Stops MTCP MRTPI