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To Whom It May Concern

Tattenhall and District Neighbourhood Plan Regulation 16 Consultation: Submission of Representations on behalf of Taylor Wimpey UK Limited

Introduction

These representations have been prepared by Lichfields on behalf of Taylor Wimpey UK Limited [Taylor Wimpey] in relation to the Regulation 16 (Reg. 16) consultation on the publicity stage of the modified Tattenhall and District Neighbourhood Plan [TDNP] within Cheshire West and Chester Council [CWaC].

These representations have been submitted in the context of Taylor Wimpey's land interests at Chester Road, Tattenhall (the Site). A planning application (LPA ref. 25/02070/FUL) was submitted on the Site by Taylor Wimpey on 4th July 2025. The application was reported to CWaC Planning Committee on 5th May 2026 with a recommendation from the Council's Head of Planning and Place Making to approve the application. Following an initial deferral, the application was reported again on 7th July 2026, retaining the recommendation for approval. The application was subsequently refused by Committee Members, citing one reason for refusal in relation to housing mix.

The publicity stage consultation document states that the modified version of the Tattenhall Neighbourhood Plan is intended to replace the current Neighbourhood Plan, formally 'made' on 4th June 2014. A previous Regulation 14 (Reg. 14) consultation was undertaken by the Parish Council on 12th March 2025 to 28th April 2025.

The Parish Council undertook a second Reg. 14 consultation, which concluded on 13th April 2026. The second Reg. 14 consultation was undertaken on the basis of additional content being added to the modified TDNP introducing a single site allocation, as well as updated evidence to support the plan.

Taylor Wimpey submitted detailed representations to both of the previous Reg. 14 consultations and identified a number of significant flaws with the draft Neighbourhood Plan, and the process undertaken. Those flaws amounted to a failure to meet the basic conditions which rendered the Neighbourhood Plan clearly unable to proceed as previously drafted. Taylor Wimpey considers that a number of these fundamental flaws with the plan remain.

The evidence base for the plan is not robust and continues to be deficient in a number of areas. The plan preparation has been advanced at pace, without proper account for national policy and the strategic context in the District. With regard to the proposed site allocations, elements of the evidence base appear to have been applied retrospectively to satisfy the basic conditions, rather than having genuinely informed the site allocation, which appears to be predetermined rather than objectively assessed.

The modified TDNP has also been progressed in advance of the emerging Local Plan reaching the initial consultation stage, and ahead of the revised National Planning Policy Framework [NPPF] which has not been published. For the reasons set out in these representations, the TDNP examination should be paused until the NPPF is published. In any event, the TDNP should be recommended not to proceed to referendum until the future spatial strategy and development distribution requirements have been properly progressed by CWaC, expected during the 'Content and Evidence' consultation in January 2027.

These representations have been prepared to set out Taylor Wimpey's concerns with the content of the TDNP and identify areas of deficiency which are considered to undermine the validity and soundness of the modified plan. In particular, Taylor Wimpey consider that the submitted Plan does not meet the basic conditions and should now be recommended for refusal under paragraphs 10(2) and 12(10) of Schedule 4B of the Town and Country Planning Act 1990.

Taylor Wimpey have identified a significant number of fundamental flaws in the Plan and the preparation exercise, including flaws in:

- 1 The derivation of an indicative housing requirement for Tattenhall, prepared in advance of the emerging Local Plan reaching consultation stage;
- 2 The Plan and policies refer to the upcoming revised NPPF, which has not yet been published and accordingly a full consultation response is not possible at the present time, necessitating the suspension of Examination
- 3 The Plan and policies are, in any event, not in alignment with national policy, both in the current and the future NPPF to be published later this year;
- 4 The limited information provided regarding the role and supervisory function of CWaC throughout the process of preparing the modified TDNP;
- 5 The lack of site assessment / viability assessment as required by the PPG;
- 6 The Draft Strategic Environmental Assessment [SEA]; and
- 7 Clear flaws with the evidence and justification which underpins the allocation of sites within the plan.

Further detail on these issues is set out later within these representations.

Counsel's Opinion was provided by James Corbet Burcher (No5 Chambers) at Regulation 14 stage. A further Opinion is appended and should be read alongside these representations (**see Appendix 1**). Both the Regulation 14 and current Regulation 16 Opinion identify similar issues in respect of the housing requirement analysis which has been undertaken, as well as deficiencies arising from a site assessment methodology which is not robust, and an inadequate SEA, an absence of sufficient

information for an informed response for the purposes of the current Regulation 16 consultation exercise, as well as a premature reliance on policies of the draft NPPF which is yet to be published.

Background Context

The draft Neighbourhood Plan does not currently reflect Tattenhall's importance within Cheshire West and Chester in terms of its status as a Key Service Centre and Tier 2 settlement, its size, and its sustainability credentials through its existing range of services and facilities. It is extremely important that decisions within Tattenhall over the next 5 years are made within the context of up-to-date national planning policy. The publicity draft continues not to do this.

The examination must now consider whether the draft Neighbourhood Plan (now submitted for examination) under Regulation 15, meets the basic conditions under paragraph 8(2) of the Town and Country Planning Act 1990.

The Parish Council has correctly identified that the Plan makes material changes which are so significant or substantial as to change the nature of the neighbourhood development plan. The most significant change to the plan is the inclusion of Policy 7, which introduces a proposed development allocation on land to the north and south of Frog Lane, for a residential led development of up to 600 dwellings. However, there are a number of other substantial changes throughout the draft text.

The basic conditions under paragraph 8(2) are as follows (following s99 of the Levelling-up and Regeneration Act 2023 coming into force):

(a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,

(d) the making of the order contributes to the achievement of sustainable development,

(e) the making of the order 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)

(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 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.

There are a number of overarching flaws and concerns with the draft Neighbourhood Plan which would require the draft Neighbourhood Plan text to change significantly following this consultation exercise.

For the purposes of these submissions, all references to basic condition (a) are to the wording of paragraph 8(2)(a). All references to refusal are to a recommendation to refuse under paragraph 10(2)(c) of Schedule 4B and the LPA's eventual refusal under paragraph 12(10) Schedule 4B.

Planning Policy and Guidance

National Planning Policy Framework

Taylor Wimpey's central concern is that the TDNP (as drafted) does not have regard to national planning policy and the policy imperative of significantly increasing delivery of housing across the country and especially in areas such as Cheshire West and Chester District.

The updated NPPF was published in December 2024 and therefore the Parish Council have been aware of the major changes to national planning policy and the boost to housing delivery for some time. To ensure the Government can deliver 300,000 homes per year, paragraph 61 states that *"to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed...The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community"*.

As stated in paragraph 62, to stimulate the supply of homes, key changes that have been implemented included a new Standard Method for calculating local housing need. This change has resulted in a significantly increased housing requirement for CWaC. Updated affordability ratios were published in May 2026 by the Office for National Statistics. The Government's new standard methodology results in an annual figure of 1,929 dpa for CWaC. This is 1,397 more dwellings per year than the previous standard method figure of 532 dpa, and 829 dwellings higher than the adopted CWaC Local Plan figure of 1,100 dpa.

Paragraph 69 of the NPPF states that *"once the strategic policies have been adopted, these figures should not need re-testing at the neighbourhood plan examination, unless there has been a significant change in circumstances that affects the requirement"*.

In this instance, paragraph 69 is clearly triggered. The new housing figures should have been re-tested and re-considered by the Parish Council as part of the Neighbourhood Plan review process. The draft Neighbourhood Plan version and the Modifications Statement is, therefore, already out of date given that it does not reflect CWaC's revised housing requirement for the District.

Paragraph 70 requires that *"where it is not possible to provide a requirement figure for a neighbourhood plan area, the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body. This figure should take into account 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"*.

Taylor Wimpey now understands that this is the approach being relied on by the Parish Council to progress a modified TDNP in advance of the emerging CWaC Local Plan progressing or being adopted. However, the process actually undertaken has been extremely opaque and not in line with the expectations of the PPG. That is, at least part, due to the Parish Council's attempt to rush matters, without proper regard to the strategic context.

Paragraph 14 states *"that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:*

(a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and

(b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70)."

The current status of the emerging Local Plan has meant that the Parish Council is relying on an indicative housing requirement figure to progress the modified TDNP, which cannot be relied upon moving forwards as it is likely to be subject to significant change as the emerging Local Plan progresses.

This fundamental issue has been clearly highlighted and emphasised by the Council's own planning policy team within the Indicative Housing Requirement report prepared to support the Reg. 16 consultation. The Indicative Housing Requirement document includes a number of heavily caveated statements regarding the indicative requirement, in particular at paragraph 8.1. It notes that the use of indicative figures *"it would be legitimate for the Council to not provide indicative requirements until the new local plan had reached a more advanced stage. The requirements are caveated in that ultimately the new local plan may have significantly higher or lower requirements depending on future strategy and constraints in and around settlements."*

National Planning Practice Guidance [PPG]

The PPG Chapter in relation to neighbourhood planning is a mandatory material consideration for the purposes of basic condition (a). It explains the key preparation stages and the considerations required.

Paragraph 096 Reference ID: 41-096-20190509 states that:

"Where a qualifying body wants to benefit from the protection of paragraph 14, why is it important that they should include policies and allocations in their neighbourhood plan?"

Allocating sites and producing housing policies demonstrates that the neighbourhood plan is planning positively for new homes, and provides greater certainty for developers, infrastructure providers and the community. In turn this also contributes to the local authorities' housing land supply, ensuring that the right homes are delivered in the right places."

Paragraph 097 Reference ID: 41-097-20190509 states that:

"In order for a neighbourhood plan to meet the criteria set in paragraph 14b of the Framework, the 'policies and allocations' in the plan should meet the identified housing requirement in full, whether it is derived from the housing figure for the neighbourhood area set out in the relevant strategic policies, an indicative figure provided by the local planning authority, or where it has exceptionally been determined by the neighbourhood planning body. For example, a neighbourhood housing requirement of 50 units could be met through 2 sites allocated for 20 housing units each and a policy for a windfall allowance of 10 units. However, a policy on a windfall allowance alone would not be sufficient."

Policies and allocations within other development plan documents, for example strategic site allocations or windfall development set out in a local plan or spatial development strategy, will not meet criterion 14b of the National Planning Policy Framework."

Paragraph: 098 Reference ID: 41-098-20190509 states that:

“Where a neighbourhood planning body intends to allocate sites for development, it will need to carry out an appraisal of options and an assessment of individual sites against clearly identified criteria.”

In terms of setting housing requirements for neighbourhood areas, Paragraph: 101 Reference ID: 41-101-20190509 states:

“The National Planning Policy Framework expects most strategic policy-making authorities to set housing requirement figures for designated neighbourhood areas as part of their strategic policies. While there is no set method for doing this, the general policy making process already undertaken by local authorities can continue to be used to direct development requirements and balance needs and protections by taking into consideration relevant policies such as the spatial strategy, evidence such as the Housing and economic land availability assessment, and the characteristics of the neighbourhood area, including its population and role in providing services.”

In relation to whether a neighbourhood plan come forward before an up-to-date local plan or spatial development strategy is in place, Paragraph: 009 Reference ID: 41-009-20190509 sets out that:

“The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination.

The local planning authority should work with the qualifying body so that complementary neighbourhood and local plan policies are produced. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.

Strategic policies should set out a housing requirement figure for designated neighbourhood areas from their overall housing requirement (paragraph 65 of the revised National Planning Policy Framework). Where this is not possible the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body, which will need to be tested at the neighbourhood plan examination. Neighbourhood plans should consider providing indicative delivery timetables, and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new local plan.”

Assessment of the Draft Neighbourhood Plan

Emerging CWaC Local Plan and Timing of the Draft Modified TDNP

CWaC does not have an up-to-date development plan and is not proposing to review the Plan adopted in 2015 (and reviewed previously in January 2020). The Council had previously committed to progressing a new Local Plan under the current plan making system¹. However, on 12 June 2026 CWaC published a Notice of Intention to commence a ‘new style’ Local Plan. This would replace previous work carried out under the legacy plan-making system up to the Council’s Regulation 18 Issues and Options Consultation

¹ Under the Transitional Arrangements, all earlier stage plans will be expected to be submitted for examination under the existing 2004 Act system no later than December 2026.

(August 2025). Therefore, the Council will no longer be undertaking a Reg. 19 consultation in Autumn of 2026, as previously expected.

The draft Neighbourhood Plan needs to have careful regard to the likely content of the new emerging Local Plan to ensure accordance with national planning policy and practice guidance².

The Council's updated Local Development Scheme was published in June 2026 and sets out the following timetable for the new Local plan:

- Scoping consultation – 7 September to 28 September 2026
- Gateway 1 (self-assessment summary published) – 16 October 2026
- Local Plan content and evidence consultation – 23 November 2026 to 8 January 2027
- Gateway 2 – 1 March 2027
- Proposed Local Plan consultation (Regulation 19) – 1 October to 1 December 2027
- Gateway 3 – 1 March 2028
- Submission for Examination – 1 May 2028
- Adoption – 1 December 2028

As set out above, changes to national planning policy have seen a significant increase in the local housing need for Cheshire West and Chester (increasing from 534dpa to 1,929dpa). Based on the previous spatial strategy for Cheshire West and the sustainability of Tattenhall as a Key Service Centre, the emerging Local Plan will have to direct significant growth to the sustainable settlement of Tattenhall. As we shall set out below, the Parish Council has not properly investigated and has not considered the scale of that necessary growth and any figure included in a Neighbourhood Plan could be quickly superseded by the emerging Local Plan.

As part of the Reg. 14 consultation response, Taylor Wimpey identified significant flaws in the approach taken by the Parish Council. They had initially sought to progress the preparation of the Neighbourhood Plan without even without an indicative housing requirement figure from CWaC. This is confirmed in correspondence with the Council's Principal Planning Policy Officer (**Appendix 2**).

The Reg. 16 consultation is now accompanied by an Indicative Housing Requirements for Tattenhall document (May 2026). This document was not published as part of previous consultation exercises. It appears that this document has been prepared and published retrospectively to attempt to address a fundamental flaw in the evidence base for the modified TDNP. The Plan has therefore been substantially progressed on the basis of limited evidence on housing need. Including this report as part of the evidence base at a late stage in the consultation process is not a robust way of progressing the Plan, and has prevented earlier consultation responses from addressing / interrogating the figure.

The Parish Council effectively sought to define the requirement themselves on the basis of very limited evidence and without a wider level strategic context prepared to inform a new Borough-wide Local Plan. They sought to define it themselves, on the stated basis in the Modification Statement [2.13] that they wish to “*manage their own growth*” and “*identify the sustainable limits of development*”.

² PPG – Para. 009 Ref ID: 41-009-20190509

The Council published a Local Plan Issues and Options document for the preparation of the Local Plan under the legacy plan-making system. The Issues and Options Regulation 18 consultation document went out for consultation in Summer 2025. For context, the Reg.18 considered the following overall spatial strategy options for meeting the Council's housing need, namely:

Option A – Retain existing Green Belt boundaries, directing a significant amount of development in and to the south of Northwich and around places not located in the Green Belt.

Option B – Follow the current Local Plan level and distribution of development set out in the current LPP1 Policy STRAT2.

Option C – Direct development to sustainable transport corridors, in and around settlements on the railway network and on main bus corridors.

In addition, a series of potential growth areas were also identified within settlements for each of the spatial options. The consultation included questions regarding the housing target, spatial strategy options and settlement hierarchy. The results of the consultation have not yet been published and an update from the Council's Principal Planning Policy Officer (dated 31 March 2026) stated that the responses were still being reviewed and therefore there is not a clear outcome for CWaC's strategic plan for growth.

Under the new plan-making system, the Council is expected to undertake a Scoping Consultation in September 2026, with responses on the consultation expected to guide where new housing development should be directed. The Scoping Consultation will seek initial high-level input from residents, businesses and stakeholders on the overall vision, key issues and engagement strategy moving forward. The emerging plan is at a very early stage of preparation and the evidence base which will be used to inform the spatial strategy and overall housing need is not well progressed. The outcome of the consultation will determine CWaC's strategic plan for growth and where new housing development will be directed. As such, the distribution of development and growth has not yet been apportioned across the key settlements in the Borough, based on a defined spatial strategy.

At this point in time, the Parish Council does not have a sufficient evidential basis for determining either overall housing need or a defined spatial strategy for the plan period, for identifying the housing need and requirement for housing growth in Tattenhall. The previous Reg. 14 consultation document notes that indicative figures were provided (para. 3.44) a figure of "between 500 and 600" (Modification Statement, [2.14]). The modified TDNP consultation document is accompanied by an Indicative Housing Requirements for Tattenhall document (May 2026). Paragraph 3.44 of the Reg. 16 states that an indicative housing requirement of 526 has been agreed at submission stage with CWaC.

At the time of the Reg. 14 consultation, no evidence had been published to support the indicative figure of "between 500 and 600", either within the consultation material or within published Parish Council meeting minutes over the past 12 months. Taylor Wimpey maintains that this is a serious procedural defect and contrary to the PPG which expects full transparency, both on the part of the Parish Council as the qualifying body and the LPA exercising its statutory supervisory functions. This also presents a significant flaw in the rationale of the TDNP, whereby the Indicative Housing Requirement for Tattenhall Report (May 2026) has appeared to have been retrospectively prepared. It is not possible to retrofit the evidential gap in the evidence base of the TDNP in this way on the basis of a document that is so heavily caveated and did not properly inform the indicative requirement at the preparation stage.

Email correspondence from the Council's Principal Planning Policy Officer (Appendix 2) states that although the NPPF and planning practice guidance state that indicative numbers can be provided, they provide "little guidance", especially where a local planning authority is at an early stage of plan making. The Council's Indicative Housing Requirements document (May 2026) states at paragraph 1.5 that the requirements provided "*are only to be used for the purposes of preparing Neighbourhood Plans[...]. It should be further noted that indicative requirements take no account of policy or other constraints that may restrict the level of housebuilding that can be accommodated*". If the Council is not at an advanced stage in plan-making, then any indicative figure drawn up by a qualifying body must properly reflect the exceptional nature of NPPF 70. In particular, given that the emerging Local Plan will need to set a strategic direction and housing distribution over the next 20 years, any indicative figure relied upon at this stage must be capable of aligning with that emerging strategy. Without this alignment, there is a fundamental risk that the figure will not support a robust plan which meets identified housing needs and the basic conditions.

In exercising its statutory advisory functions, CWaC should have informed the Parish Council that they should pause progression on the TDNP until such a time when the new plan is sufficiently progressed. It is clearly inappropriate for the TDNP to identify its housing requirement before the emerging CWaC Local Plan has even progressed to the Gateway 1 'Content and Evidence' Consultation, where strategic aspects of the plan will be more defined, and based on an up-to-date evidence base. It is only after that point, that decisions could be taken as to what indicative figure to plan for.

As the PPG explains, there must be proactive engagement between the neighbourhood plan making body and the local authority is important to avoid disagreements and '*minimise the risk of neighbourhood plan figures being superseded when new strategic policies are adopted*'³.

The Parish Council is prematurely progressing and accelerating the process for modifying the TDNP, in a clear effort to frustrate and suppress much needed housing growth in Tattenhall, ahead of the strategic plan and at a time of serious 5YHLs shortfall. This issue is compounded by the early stage of CWaC's new Local Plan, which is yet to be consulted on to inform the strategic priorities of the Plan.

The PPG states that:

"The local planning authority should work with the qualifying body so that complementary neighbourhood and local plan policies are produced. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan."

Following CWaC's decision to restart preparation of the Local Plan under the new plan-making system, the timescale for the emerging Local Plan has been pushed back significantly, with submission for examination now not anticipated until May 2028. In light of this further delay, it is considered that the Parish Council should pause progression of the modified TDNP until a clearer understanding of the Local Plan's strategic direction is available, which is likely to be at the 'content and evidence consultation' in January 2027. At which point, the Parish Council should recommence progression of

³ PPG – Para. 102 Ref ID: 41-102-20190509

the modified TDNP to ensure closer alignment with the emerging CWaC Local Plan, and ensure a neighbourhood plan is made which meets the basic conditions. If the Parish Council does not follow this approach, it is highly likely that conflicts will exist between the development plan documents, by the operation of section 38(5) of the Planning and Compulsory Purchase Act 2004.

Tattenhall Housing Requirement

In order for the TDNP to benefit from the protections provided by NPPF paragraph 14, the neighbourhood plan must contain policies and allocations to meet its identified housing requirement.

The Indicative Housing Requirement document (May 2026) sets out that an indicative figure has been provided on the basis of a housing need of 1,928 dwellings per annum and suggests that a figure of 526 dwellings would be appropriate for Tattenhall.

The Indicative Housing Requirement document itself is heavily caveated and expressly demonstrates the uncertainty surrounding the use of indicative figures and a plan which is yet to go to its initial consultation stage. From the outset, paragraph 1.5 of the report states:

‘It should be noted that the requirements in this paper are only to be used for the purposes of preparing Neighbourhood Plans and it is for communities undertaking this who can choose to use (request) an indicative requirement. It should be further noted that indicative requirements take no account of policy or other constraints that may restrict the level of housebuilding that can be accommodated.’

Paragraph 2.3 of the Indicative Requirement document also note the NPPF and PPG, which outline that although indicative numbers can be provided, it provides little guidance in the case where an LPA is at such an early stage of plan making. Where a Council knows the strategy it wants to pursue and has made significant progress on the plan, indicative numbers could be provided that are less at risk of change. However, in the context of CWaC’s decision to commence a Local Plan under the new plan-making system, the plan is now substantially less advanced than at the time of the Reg.14 TDNP Consultation. The CWaC Indicative requirement states “*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*”.

This is a flawed approach given the clear uncertainty in the spatial approach and housing requirement figure for Tattenhall, and the Parish Council is acting prematurely in seeking to progress a modified TDNP at this stage.

Section 3 of the Indicative Housing Need Figure highlights the broad principles adopted to formulate an indicative housing figure for Tattenhall. The Indicative Housing figure provided by CWaC has been formulated from the principles set established by the previous Local Plan, which is significantly out of date. Using the principles established by an out-of-date Local Plan in attempts to impose a new housing requirement risks the TDNP being drastically misaligned with the emerging Local Plan, which has not even reached the initial stage of consultation under the new style plan-making guidance and regulations. The report also confirms that no indicative requirements will be provided for urban areas of Chester, Northwich or Winsford and the paper also does not take account of pipeline supply or constraints that may limit the ability to meet the requirements.

Option 1 (the higher of the two options) sets out the current local plan distribution of 2,300 dwellings in key service centres adjusted to reflect the local housing need of 1,928, with the application of a 20% buffer. Paragraph 7.2-7.4 state that “*it is possible indicative figures may be ‘wrong’*” and the use of indicative numbers may be subject to challenge, particularly with the Neighbourhood Plan unable to meet the basic conditions. The approach to distributing development has not been agreed by CWaC Council. Paragraph 8.1 of the Indicative Housing Requirement document states:

“It would be legitimate for the Council to not provide indicative requirements until the new local plan had reached a more advanced stage. The requirements are caveated in that ultimately the new local plan may have significantly higher or lower requirements depending on future strategy and constraints in and around settlements.”

Therefore, Taylor Wimpey considers that the TDNP should be formally recommended for refusal under paragraph 10(2) and 12(10) of Schedule 4B. Any further work on a new neighbourhood plan must (at least) wait for at least the 2nd stage of consultation on the emerging CWaC Local Plan, expected in January 2027. The TDNP cannot proceed without the alignment with the spatial strategy and distribution of development in the emerging Local Plan over the next 20 years. This would also ensure that the Plan can effectively contribute to the sustainable delivery of development from the outset, in accordance with the basic conditions. Otherwise, there is a significant risk the plan will be overridden by the new Local Plan as section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the latest policy to become part of the development plan.

The PPG⁴ sets out that:

“The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination.”

Taylor Wimpey considers that the above guidance has not been correctly followed to date. This will result in inconsistencies between the proposed TDNP policies and the emerging CWaC Local Plan, particularly in relation to a housing requirement figure. This is in direct conflict with established planning policy and guidance and basic conditions 8(2)(a) and (d).

Para. 3.44 also states that “*Policy 7 introduces site allocations into the modified Tattenhall and District Neighbourhood Plan. This represents a deliberate and plan-led response to the scale of development pressure facing the parish and the absence of an up-to-date adopted Local Plan with a demonstrable five-year housing land supply.*”

The reference to “*a deliberate and plan-led response to the scale of development pressure facing the parish*” illustrates the central flaw. The plan’s content is not being led by the correct quantitative or properly evidenced approach. It is not following a detailed and robust assessment of housing need in CWaC and for key settlements across the Borough. Instead, it is obvious that the introduction of Policy 7 is an attempt to try to put a plan in place on an artificially expedited basis. For the reasons identified above and further below, the evidence base is so deficient that there is no compliance with NPPF 69-70 and therefore NPPF 14(b).

⁴ Paragraph: 009 Reference ID: 41-009-20190509

Need for a Higher Housing Requirement

Tattenhall should have a higher housing requirement included in any modified TDNP. The figure of 526 homes is considered to be too low and is likely subject to change as the emerging CWaC Local Plan progresses. As discussed, the Indicative Housing Requirement document prepared by CWaC to support the preparation of the TDNP is heavily caveated and expressly states that strategic distribution of growth throughout CWaC could result in a housing need which is significantly higher than the indicative figure provided. This will only become apparent as the emerging CWaC Local Plan progresses through to the second stage of consultation 'Content and Evidence', where there will be a clearer idea of the anticipated spatial distribution of growth.

The most up to date LHN (May 2026) for CWaC is 1,929. For a 15-year plan, this equates to a total of 28,935 new homes. This represents a significant increase (75%) on the adopted housing requirement of 1,100 dpa. It is clear that the emerging Local Plan will therefore need to identify a significant quantum of housing land in order to meet needs.

Aside from the larger settlements of Chester and Ellesmere Port, CWaC is a borough characterised by a broad range of market towns and sustainable settlements. The most sustainable rural settlements act as Key Service Centres to the local population, including Tattenhall. Locating most new development within and on the edge of the Borough's main urban areas and key service centres enables the maximum use of existing infrastructure and resources and allows homes, jobs and other facilities to be located close to each other. Key Service Centres will therefore play a significant role in ensuring that the Council can meet its housing needs over the next plan period. Directing a higher proportion of development growth to these locations will ensure that new residential development is appropriately apportioned across the Borough in a sustainable manner and will avoid placing an overreliance on larger settlements to accommodate the additional growth required.

Due to Tattenhall's role as a Key Service Centre in a rural part of the Borough, it is anticipated that the settlement will be required to accommodate new housing development in the next plan period to ensure that the new Plan can accommodate local housing needs. CWaC LPP1 Policy Strat 8 identified a housing requirement of 250 homes for Tattenhall over the plan period. Given the scale of overall housing need in CWaC, it is expected that a much larger proportion of new homes will need be apportioned to Tattenhall in the emerging Local Plan to reflect the significantly higher housing requirement, respond to the housing needs of the local population and to ensure the continued vitality of Tattenhall. This is directly referenced in the meeting minutes from the Tattenhall Extraordinary Parish Council Meeting (6th August 2025) which sets out that the previous consultation for the Local Plan (Reg.18) suggests an allocation of 500 to 1500 homes⁵.

The figure of 526 homes which has been indicatively provided to the Parish Council from the Council is at the absolute lowest end of the potential range set out in the previous emerging Local Plan consultation. The Indicative Housing Requirement document prepared by CWaC strongly caveats the figures provided, since the approach is yet to be definitively considered in the emerging Local Plan consultation. CWaC are due to undertake a Scoping Consultation in September 2026, and therefore the emerging plan is now back at the earliest stage of consultation. The LPA's Indicative Housing

⁵ <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://tattenhallpc.co.uk/wp-content/uploads/2025/08/Tattenhall-Minutes-AUGUST-X-2025-Draft.pdf>

Requirement document sensibly caveats the figures set out in the paper, explaining throughout (at paragraphs 1.5, 2.3, 7.4 and 8.1) that the approach to spatial development in the Borough is yet to be decided and could therefore be significantly higher, once the emerging Local Plan progresses. For the reasons set out above, given Tattenhall's sustainability credentials, it is considered that a higher figure should be considered which is **at least 1,000 dwellings** (the mid-point of the range initially suggested by the Council).

Tattenhall is not constrained by Green Belt, and is considered a highly sustainable and suitable location to accommodate additional levels of growth in the emerging Local Plan. Tattenhall contains a wide range of existing services and facilities, and benefits from a good level of accessibility and existing social infrastructure. Tattenhall is a well-served settlement and comprises key services such as Tattenhall Park Primary School, healthcare facilities, convenience stores, public houses, cafes/restaurants, a library, a sports centre. The high street in Tattenhall is designated as a Local Retail Centre.

In terms of housing need in Tattenhall, there is clear evidence that the housing market is strained. The TDNP Review (2024) para. 5.6 sets out that affordability remains a key housing issue for Tattenhall and there is a compelling case to meet local targets for affordable housing provision, with average house prices too high for those on average incomes.

The affordability issue in Tattenhall is emphasised by a Housing Needs Report (2023) which was originally undertaken in 2018 for Tattenhall and District Parish. This report indicated that whilst Tattenhall had performed well in terms of dwelling completions during the plan period, the area had fallen short of achieving 30% affordable housing. The Housing Needs Report detailed that in 2022 the affordability ratio in Tattenhall Ward was 10.5, i.e. house prices are 10.5 times the annual average Tattenhall Ward salary. This is significantly higher than the CWaC average of 6.83 and indicates considerable stress in the Tattenhall housing market. As acknowledged in the TDNP Review (2024) para. 5.8, these figures clearly demonstrate how unaffordable local house prices are in relation to income.

Taylor Wimpey considers that the primary method of ensuring affordability issues should simply be to positively promote the development of deliverable sites to ensure a sufficient amount of market and affordable housing which meets the needs of the Borough. A higher housing requirement, supported by the allocation of additional sustainable and viable sites for residential development will assist with this.

Policy 7: Site Allocations

Policy 7 seeks to introduce an allocation to the TDNP and sets out the following:

“The Neighbourhood Plan allocates land to the north and south of Frog Lane, for a phased, high-quality, mixed use, residential led development of up to 600 dwellings, as shown on the Policies Map. Development proposals will be supported, provided they accord with the site-specific requirements set out below and with other relevant policies of the development plan.”

The draft allocation is split across two separate sites:

- Phase 1 (Land to the south of Frog Lane) comprises a residential scheme of approximately 400 homes.

- Phase 2 (Land to the north of Frog Lane) comprises a residential scheme of approximately 200 homes.

This draft allocation comprise a number of site-specific requirements which are appended to this note for reference (**see Appendix 3**).

Need for Additional Allocations

Once the emerging Local Plan has identified a housing requirement for the TDNP correctly in accordance with national policy and the strategic and settlement-specific factors identified above, this will need to be matched by the allocation of sufficient additional sites within the settlement to meet the higher housing requirement. These allocations should focus on sites which are demonstrated to be suitable, available and deliverable. This process has clearly not happened.

The TNP seeks to make a housing allocation to meet Tattenhall's housing requirement which is derived from an indicative figure which was drawn up prior to the progression of the new CWaC Local Plan (as set out in the Indicative Housing Requirements for Tattenhall, dated May 2026). The indicative housing requirement cannot be properly tested through the current independent examination, as it will be subject to change as the CWaC Local Plan progresses under the new plan-making system.

The reliance on a housing requirement that will have to dramatically increase and an insufficient number of allocations amounts to a failure to plan for Tattenhall's needs as well as those of the wider Borough. Therefore, additional allocations should have been considered, to ensure alignment with the emerging Local Plan to satisfy the basic conditions. That process has not taken place.

Taylor Wimpey's site at Chester Road, Tattenhall has the capacity to deliver up to 120 new homes including affordable housing in the short term. Taylor Wimpey has a committed land interest in the Site and considers that the Site represents an excellent opportunity for a new sustainable residential development to meet Tattenhall's needs, particularly in the short term whilst other proposed draft allocations are being considered and progressed through the various stages of planning. The Site is highly sustainable and benefits from the following:

- **Access by foot:** The site is well located to cater for trips on foot and by cycle and provides potential for a high degree of pedestrian trips between the development and the surrounding area;
- **Access by cycle:** The services from the bus stops on High Street, travelling to destinations such as Chester and Whitchurch, shows that the proposed development can be considered as accessible by bus;
- **Access by bus:** Bus services are available from the centre of Tattenhall providing hourly connections between Chester and Whitchurch. The nearest bus stops to the site are located along the High Street approximately 500 metres to the southeast of the site.
- **Access by train:** The nearest train station located to the site is Chester Railway Station. Although the station is situated outside the 2-kilometre pedestrian catchment, it is accessible from the proposed site via a 30-minute bus journey on the 41 service. The train station is managed by Transport for Wales, and is operated by Avanti West Coast, Merseyrail, Northern and Transport for Wales. The station has 7 platforms, offering various services to destinations such as Liverpool,

Leeds, Manchester and London. There is the opportunity to access Chester train station by bus, which provides the opportunity to travel by rail.

The PPG⁶ also advocates for additional flexibility when preparing neighbourhood plans that include allocations:

“Neighbourhood plans should consider providing indicative delivery timetables, and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new local plan.”

The Regulation 16 TNP is accompanied by a Consultation Statement (Item 8) which summarises the representations made by statutory bodies and the community on the Reg14 Consultation document. The Consultation Statement sets out that responses have been received from other consultees with land interests in Tattenhall including: (1) Gladman Developments Limited; (2) Inspired Villages; and (3) Lexwood Developments.

The following objections from other consultees with land interests are relevant to the consideration of additional allocations:

- 1 Gladman Developments were broadly supportive of the principle TNP allocating land for housing but raised concerns strategic justification for the Plan's housing strategy and its relationship with the emerging Local Plan. This was particularly with regard to the proposed housing target of 500-600 dwellings, which Gladman argues that may not be reflective of the level of growth expected through the emerging CWaC Local Plan. Gladman express concerns that the TNP could become inconsistent with the emerging Local Plan if housing requirements increase or strategic priorities change.
- 2 Lexwood Developments also raised numerous concerns, principally with the limited consideration of small and medium sized sites which places an over-reliance on a single allocation. This reduces opportunities for competition and also means there is no contingency if delivery is delayed which could lead to housing shortfalls. Furthermore, concerns are raised in relation the evidence base for the growth strategy and the reliability of the evidence is disputed.

The responses of other consultees with land interests in the area express clear concern for the lack of allocations in Tattenhall, particularly in the context of the emerging CWaC Local Plan. The objections suspect that the level of growth to be attributed to a sustainable location such as Tattenhall is likely to significantly exceed the indicative figure provided by CWaC, likely to be beyond the Indicative Housing Requirements document.

Taylor Wimpey therefore considers that as a minimum, any new TDNP must include flexibility to accord with the PPG, and allocate additional, reserve sites. To accord with the PPG, the Parish Council should also include indicative timetables for delivery of the draft allocations in Policy 7 to demonstrate when these can be realistically delivered within the upcoming plan period.

⁶ Paragraph: 009 Reference ID: 41-009-20190509

Flaws in the Site Identification and Site Assessment Process

A particular concern with the Draft Modified TDNP is the Site Assessment Process, which has been conducted on the basis of pre-determined preferred options, rather than by an objective assessment of individual sites and their preferred options. The Site Selection Report sets out the site assessment that was undertaken to establish preferred site allocations for Policy 7.

The fundamental flaw is that none of the site assessment work was conducted on an individual site basis, as expressly required by PPG 41-042-20170728: *“A neighbourhood plan can allocate sites for development, including housing. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria. Guidance on assessing sites and on viability is available.”*

It is asserted in the Site Selection Report that a three-stage approach was undertaken and sites were assessed for availability through landowner engagement and intent, any known legal or ownership constraints and a willingness to bring sites forward within the plan period. It is then said that sites were also assessed for deliverability, through considering access and highways capacity, known infrastructure requirements, known abnormal costs or constraints and the likely scale and phasing of development. The Reg.16 TDNP and the supporting evidence set out in the Site Selection Report and the Consultation Statement demonstrates that the process has not been undertaken in a robust, transparent, or comprehensive manner. Taylor Wimpey does not consider that the draft modified TDNP (and the policies contained within) is adequately supported and underpinned by an appropriate evidence base as required by national policy (NPPF para. 32).

The process and methodology described in the Consultation Statement and paragraph’s 3.49-3.62 is not transparent and is not clearly outlined in any supporting evidence base document, including the Strategic Environmental Assessment (SEA).

In terms of the community engagement which contributed towards the preferred scenario selection, the only justification provided in the Site Selection Report is *“The project team had a clear community preference (Scenario 2) but needed to understand if there was a compelling reason in either the SEA or through engagement with the landowner to establish availability, to reject that site in favour of another scenario.”*

The Consultation Statement also includes comments from the wider community, including residents and local businesses. Overall, there are 39 community responses to the consultation, with 19 (49%) objecting to the TNP. These responses are set out in full in the Consultation statement, but the most pertinent of the community’s concerns with the TNP relate to the misleading manner in which the consultation was undertaken. The Consultation Statement also includes comments from the wider community, including residents and local businesses. Overall, there are 39 community responses to the consultation, with 19 (49%) objecting to the TNP. These responses are set out in full in the Consultation Statement, but the most pertinent of the community’s concerns with the TNP are set out below.

- 1 Respondents state the selection of Scenario 4 departs from the community’s previously preferred growth option (Scenario 2) and that the consultation process does not provide a fair or objective assessment of the available alternatives. There is no suitable evidence or justification presented to demonstrate that the land to the south of Frog Lane was preferable by the community.

- 2 The proposed allocation of approximately 600 dwellings is considered to be excessive and disproportionate to the perceived housing needs of Tattenhall. A more dispersed pattern of growth across a number of smaller sites around the village is considered to be more appropriate by respondents.
- 3 It is argued that concentrating the majority of the village's future housing growth within a single strategic allocation reduces flexibility in housing delivery and limits opportunities for smaller developments elsewhere in the village.
- 4 Concern is expressed that the proposed GP surgery cannot be guaranteed and should not be relied upon as a justification for the scale or location of the proposed development.

The concerns expressed by members of the community highlight the presence of a number of unresolved objections to the relevant policies of the TNP not just from interested parties but ultimately the residents of Tattenhall that will vote on the Referendum for the Plan to be made. The Consultation Statement for the Reg.16 TNP simply rejects the concerns raised by the community and those with land interests. Overall, the Parish Council's position is that none of the objections identify fundamental flaws that render the TNP incapable of proceeding, but this is heavily contested by parties with land interests and members of the community.

In relation to the methodology used by the Parish Council to identify potential site allocations, Taylor Wimpey considers that the scenario-led approach is flawed and does not represent an appropriate approach to identifying site allocations. Paragraph 2.2 of the Site Selection Report notes that unlike a simple "call for sites" exercise, Tattenhall adopted a scenario-led approach, using the Settlement Spatial Plan to explore alternative spatial patterns of growth, rather than assessing sites in isolation, to understand better the long-term growth constraints and opportunities for the parish, and to understand how to grow to its sustainable limit.

This approach deliberately ignored the clear merits of known sites and areas within Tattenhall, including Taylor Wimpey's site at Chester Road. It did not adequately assess the specific deliverability of individual sites, either as required by the PPG, nor as reasonable alternatives for the purposes of SEA. Taylor Wimpey also considers that the preferred spatial scenario (Scenario 2 - A New Western Half of the Village) does not represent a sustainable option for the growth of Tattenhall over the next plan period. An extension of this scale would not be aligned with the spatial pattern of the settlement and does not form a logical or appropriate extension given its size and location. This scenario also does not align with the seven potential growth options for housing within Tattenhall, as identified in the CWaC Regulation 18 Issues and Options Plan. While early consultation on the emerging Local Plan is yet to begin, the Parish Council has not considered a potential growth option of this nature as an appropriate option to accommodate growth in Tattenhall. It should not have formed the basis for identifying site allocations with the modified TDNP as it is clearly in conflict and not aligned with a potential approach to be adopted in an emerging Local Plan.

Taylor Wimpey considers that a more sustainable option is to identify a number of smaller sites in different locations across Tattenhall which would represent a more organic and appropriate way of addressing growth requirements. New developments would therefore be more aligned with the existing settlement pattern, closer to existing services and facilities which tie in with existing movement and connectivity routes across the village. Taylor Wimpey considers that Scenario 1 (A Bigger Village) would be far more appropriate and ensures a level of growth which responds to the needs of the

Borough and reflects Tattenhall's strong sustainability credentials. The sites identified within Scenario 1 also partly align with the Tattenhall growth options identified in the CWaC Issues and Options Consultation which identifies seven potential growth options for Tattenhall, six of which are for housing and one for mixed use. Again, Taylor Wimpey reiterates that the emerging Local Plan cannot now be relied upon given the decision to commence a new Local Plan. However, this should still have been fully assessed as a reasonable alternative under SEA, with a higher level of detail, including site-specific assessment of known development sites at application stage.

Paragraph 2.8 also states that an iterative Strategic Environmental Assessment (SEA) was undertaken alongside the site selection process, focusing on those policies and allocations capable of giving rise to significant environmental effects. In addition to the flawed scenario-led approach, Taylor Wimpey also considers that the SEA is inadequate as an evidence base document to support the modified TDNP (see Counsel's Opinion in **Appendix 1**). As set out above, the assessment of reasonable alternatives is considered to be extremely deficient, with no proper site-specific assessment.

Regarding Policy 7, the SEA (pg. 33) notes that the two allocations that have been included formed the fourth potential growth scenario (land north and south of Frog Lane) and this was chosen for inclusion in the allocation policy due to *"a combination of factors including community preferences, the scenario not extending development beyond the sustainable limits of the settlement, land availability, and ability to work with the landowner to mitigate the environmental effects identified in the individual scenario assessments."* Taylor Wimpey considers that this site selection justification is inadequate and the reasons noted to support scenario 4 are not sufficient to justify the allocations in Policy 7. In particular, there is no evidence presented to suggest that the identified environmental effects can be sufficiently mitigated, or that the potential community benefits could actually be delivered in reality.

The SEA (pg. 30) also states that reasonable alternatives to the allocation of 'land to the south of Frog Lane' and 'land to the north of Frog Lane' would have been to replace them with alternative allocations or remove them altogether. However, it does not assess those alternatives in the requisite detail or specificity. Of the alternative allocations, Scenario 1 was noted as being *"unable to bring forward the mitigation and community benefits sought due to its distribution, and received little support from the community"*. Again, Taylor Wimpey considers that these do not represent sufficient reasons to discount Scenario 1 as a potential option, and there is extremely limited evidence provided to discount other potential sites that could come forward. The SEA makes no reference to and does not consider the live planning applications submitted on sites within Tattenhall, including Taylor Wimpey's site at Chester Road (LPA ref. 25/02070/FUL) which should have formed a fundamental part of the site analysis and selection process. It has been demonstrated through the planning application process and the positive feedback from technical consultees that there are no technical constraints which would prevent development of the Site. There are no objections to the application raised by technical consultees, and as such the Site should be considered as a 'reasonable alternative' within the SEA.

Furthermore, as discussed below, the SEA fails to properly assess key technical considerations when comparing alternative sites. For example, it does not adequately distinguish between sites that would result in the loss of Best and Most Versatile (BMV) agricultural land and those, such as the Chester Road Site, that would not. These are significant environmental matters that should have informed the objective assessment of reasonable alternatives and the selection of the preferred allocations. Overall, the SEA document is considered to be deficient in a number of areas. The SEA does not meet the requirements of the SEA Regulations and the draft NP is in breach of basic condition 8(2)(f). A site-

specific approach should have been adopted which would have ensured a more robust and comprehensive assessment. The plan cannot proceed to referendum and the plan should be recommended for refusal, given the inadequate and unlawful approach to SEA.

Regarding stakeholder and community engagement, paragraph 2.8 of the Site Selection Report notes that community engagement was a material consideration in site selection, consistent with neighbourhood planning principles that the Plan should be community led and subject to referendum. As such, the preferences of residents formed a key part of the process. Engagement took the form of a dedicated public meeting, an all-day drop-in session and a parish-wide survey (with online and paper consultation methods). Taylor Wimpey was not approached by the Parish Council to provide information for the site selection and identification process described in the draft modified TDNP, despite the fact that a full planning application had been submitted on the site at Chester Road and was pending determination.

The Reg14 TDNP and the Reg16 Consultation Statement state that landowners in the area were contacted in order to understand prospective sites. However, as set out above, at no stage has the Parish Council contacted Taylor Wimpey to engage closely with the Parish or feed into the site selection and identification process described in the draft modified TDNP, despite the fact that a full planning application had been submitted on the site at Chester Road and was pending determination.

Furthermore, as noted in published meeting minutes (21st November 2025 and 20th January 2026) and correspondence noted in the consultation material, it is understood that the Parish Council undertook targeted engagement in relation to the Bolesworth Estate land which relates directly to the allocations listed in Draft Policy 7. Based on these facts, and the clear concerns expressed by respondents in the Consultation Statement with the method of consultation undertaken it is therefore evident that only selective discussions with a limited number of landowners were undertaken.

The Parish Council's approach was therefore predetermined rather than an objectively prepared site selection process which engaged with all relevant stakeholders and landowners, and included a transparent and robust assessment of all other individual sites in Tattenhall which represented reasonable alternatives for the purposes both of SEA and for the PPG site assessment requirements.

Allocation Specific Flaws

Taylor Wimpey has identified a number of flaws regarding the allocations included in Policy 7, which mean that it is not likely to be deliverable for the figure allocated, which is a major flaw for the purpose of basic conditions 8(2)(a) and (d).

The Consultation Statement for the Reg16 refer to the concerns raised around viability and deliverability in Taylor Wimpey's previous representations. The Consultation Statement states that *'The landowner for the proposed allocation has confirmed as part of their Response to the Regulation 14 that the proposals are indeed both viable and deliverable'* which does not confirm that any viability work has been undertaken, nor that Bolesworth Estates have any intention of delivering the allocation. Therefore, Taylor Wimpey reiterates that the previous concerns raised, namely:

1 Lack of Viability Evidence:

- a The Planning Practice Guidance is clear that site allocations should be supported by appropriate viability evidence (PPG paragraphs 41-005 and 41-098). No such evidence has been produced in support of Policy 7. Policy 7 requires the delivery of a substantial package of infrastructure, mitigation and community benefits across both phases of development, yet no viability appraisal has been undertaken to demonstrate that these requirements are financially achievable. This is particularly relevant to the requirement to safeguard land for a new GP surgery, to be agreed with the local GP practice and the Integrated Care Board. No evidence has been provided to demonstrate that the necessary agreements, funding or delivery mechanisms are in place. In the absence of such evidence, this remains an aspirational policy requirement rather than a justified and deliverable allocation.

2 Technical Considerations:

- a Based on a review of the evidence base published by the Parish Council to support the Reg. 14 consultation, it is clear that very limited technical evidence base work has been carried out particularly in relation to the proposed site allocations in Policy 7.
- b In particular, there appears to be no highways or transport evidence base work prepared to support the modified TDNP and proposed site allocations. The TDNP is seeking to allocate large-scale residential sites that will have implications on traffic movements in Tattenhall and highways and transport evidence is therefore fundamental to demonstrating the acceptability of the draft allocations. The Site Selection Report states (para. 3.1) that the outcomes came from engagement with CWaC Highways Officers, but the Reg16 Consultation Statement provides no evidence of such engagement.

- 3 **Bolesworth Estate Delivery Record** – Taylor Wimpey understands that the Bolesworth Estate is the landowner of the Castlefield site to the east of Tattenhall, which is safeguarded for residential development after 2025 in the CWaC LPP2 (Policy R 2 B – Land to the rear of 68-84 Castlefields). No planning application has been submitted on the site to date, despite the policy allowing the site to come forward for development since 2025. This raises questions around the deliverability of the site, and the track record of the Bolesworth Estate for bringing forward development on land in its ownership.

The Bolesworth Estate is not a developer. It will need to sell the site to a housebuilder to enable the site to be delivered. A planning application and subsequent permission will be required before it can come forward, and there is currently no certainty provided that this will transpire. During this time, Taylor Wimpey's site can also be delivered and development brought forward in full to meet immediate housing needs.

Policy 1: Housing Growth

Taylor Wimpey has identified a fundamental flaw in Policy 1's reliance on forthcoming NPPF policies S3 and Ho8 (and, similarly, the single reference to heritage policy NPPF HE4 in Policy 7 text). By anchoring the settlement boundary and other policy text to these emerging NPPF policies, the modified TDNP is effectively attempting to predict the final wording of national planning policy substantially in advance of the revised NPPF's publication.

The Government's draft revised NPPF, introducing the restructured NDMPs and reframing the presumption in favour of sustainable development, was only published in draft on 16 December 2025, with consultation closing on 10 March 2026; the final text has still not been published, and the recently announced delay to that publication compounds the problem further. Given the clear intention to match the neighbourhood plan's text to the NDMPs within the draft NPPF, the policy numbering, scope, and even the underlying legal status of the NDMPs remain unsettled, meaning a settlement boundary policy expressly drafted "for the purposes of applying" S3 cannot be tested against, or shown to be consistent with, a policy that does not yet exist in final form.

In the absence of the final text of the Revised NPPF, it is not possible for consultees to provide a final and properly informed consultation response on any policy expressly premised on S3, Ho8, or HE4. This is a substantive procedural matter going to the heart of the ability of consultees to engage meaningfully with Policy 1 (and, by extension, Policy 7). Taylor Wimpey therefore considers that the Regulation 14 consultation will need to be re-opened, once the final text of the Revised NPPF and the NDMPs it informs have been published and settled, to allow properly informed representations to be made, before examination of the modified TDNP can be permitted to proceed to a conclusion.

Policy 2: Local Character

Policy 2 has two types of fundamental flaw. Firstly, there are a number of substantive objectives that do not have a robust evidence base underpinning them. Secondly, there are several points that duplicate national policy planning policy.

Policy 2 (A1) states that "*development will be supported where it safeguards or enhances the local character and historic and natural assets of the surrounding area*". This point is a duplication of NPPF paragraph 187 (b) and should therefore be removed from Policy 2, in line with NPPF 16(f).

Policy 2 (A2) refers to locally distinctive features such as Cheshire railings and fingerposts which is ambiguous and vague. This part of the policy conflicts with the requirement within NPPF Paragraph 16 (d) which states that plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. Policy 2 (A2) should be removed.

Policy 2 (A3) seeks to prevent the erosion of the undeveloped gaps between three settlements. To facilitate housing growth in and around Tattenhall to address the identified housing needs, some erosion of undeveloped gaps will inevitably be required. Point 3 should, therefore, be removed given that there has not been an assessment as to what Tattenhall's housing needs are, and there is no landscape assessment within the evidence base to assess this requirement against.

Policy 2 (4) requires development to fully accord with the '*Tattenhall and District Design Code (2022) or any subsequent version*'. There are a number of flaws with the published Design Code and it must be prepared in accordance with the adopted Development Plan and national guidance. This has not happened in this case.

The Design Code cannot introduce additional policy requirements which are in conflict with policies within the adopted Development Plan and should not introduce overly prescriptive design requirements. In terms of timing and given that CWaC's current Local Plan is now out of date, the Design Code should be considered in the context of the new Local Plan which is currently at an early stage with a Scoping Consultation expected in September 2026. The Council is also proposing to

prepare a new Borough-wide CWaC Design Code which we anticipate will be prepared in advance of the new Local Plan. Therefore, the requirement for development to fully accord with a Design Code is unjustified and contrary to national planning policy.

The Design Code (2023) document has the following fundamental flaws:

- 1 In its current form, the Design Guide identifies three-character areas: the Historic Character Area; the Modern Character Area; and the Surrounding Landscape Character Area. As highlighted earlier within this representation, it is critical that the TDNP proactively allocates land and seeks to facilitate development to meet the identified needs of CWaC. Therefore, it is inevitable that land on the periphery of Tattenhall will have to be built upon to address these identified needs. The Design Guide identifies that all land outside the settlement boundary of Tattenhall falls within the 'Surrounding Landscape Character Area'. If development takes place on the periphery of Tattenhall's settlement boundary, development would naturally progress to fall within the Modern Character Area, rather than the Surrounding Landscape Character Area. As such, the Design Code must be updated to reflect future changes in land use that would result in a change to a site's character area.
- 2 The Design Code in its current form does not promote flexible density requirements to enable and reflect the increased housing need requirements for CWaC. The Design Code conflicts with the National Design Guide (2021) which confirms that well designed places do not need to copy their surroundings in every way, and it is appropriate to introduce elements that reflect how we live today to include innovation or change such as increased densities. In addition, the National Design Guide confirms that where the scale or density of new development is very different to the existing place, it may be more appropriate to create a new identity rather than to scale up the character of an existing place in its context.

The Tattenhall and District Design Code (2023) does not comply with basic condition (a) as it has no regard for up-to-date national planning policy and guidance, including the requirement to provide housing land supply, affordable housing, the requirement to make the more efficient use of land, and does not allow development to prescribe with CWaC's required housing mix. Policy 2 (A4) should therefore be removed in its entirety. Any Design Code that is referenced within policy must be produced with regard to the current planning policy requirements, and must be submitted and consulted upon.

Policy 2 (A5) states that "*development will be supported where it respects local landscape quality ensuring that views and vistas are maintained wherever possible (Appendix A)*".

Referring to Appendix A 'Views and Vistas', viewpoint 7 is currently extremely ambiguous. It is unclear why there are two arrows identified on the map in relation to viewpoint 7. Policy 2 point 5 is therefore in conflict with the requirement within NPPF Paragraph 16 (d) which states that plans should contain policies that are clearly written and unambiguous, such that it is evident how a decision maker should react to development proposals. A Landscape and Visual Policy Note has been prepared by Stantec (dated April 2025) to accompany this representation (**Appendix 4**). This Note confirms that policy 2 (5) should be removed. Viewpoint 7 is not required to be protected for the following reasons:

- The multiple viewpoint locations are ambiguous and do not match the description in Appendix A;
- Viewpoint 7 disregards the presence of the public right of way (Tattenhall Footpath 8); and,

- There is an over-emphasis on the importance placed on historic buildings nearby which are barely perceptible from Millenium Mile.

Policy 2 (A6) considers energy performance and carbon emissions which is unrelated to local character and should be removed.

Policy 2B states that where development is proposed in excess of 30 homes on any one site, to avoid losing the village character of the area, they should comprise smaller areas with different types of housing setting as set out in the Tattenhall and District Design Code (2023) or subsequent edition. This is also wholly unjustified and there is no special regard or reason requiring the inclusion of this policy and it is in conflict with national policy. For this reason, this element of the policy would not meet the basic conditions set out in paragraph 8(2) of Schedule 4B.

Policy 2 (8) unjustifiably exceeds the requirements set within CWaC's Policy DM45, and NPPF paragraph 193 (c) and should therefore be removed.

Policy 4: Local Facilities

The draft modified TDNP Policy 4 states:

“A) Proposals for development will be required to identify their likely impact on local infrastructure, services and facilities and to demonstrate how any such impacts will be addressed. Account must also be taken of the cumulative impacts arising from the new development combined with other schemes that have planning permission. Where new development proposals bring new utility services to parts of the village that currently are not served by them, this will be seen as a positive benefit.”

This requirement breaches basic conditions (a), (d) and (e) and should be removed. It is not the responsibility of an applicant to undertake an analysis of the existing capacity in local infrastructure, or the cumulative impact arising from a new development combined with other schemes which benefit from planning permission. It is the role of the LPA to determine the current capacity of local infrastructure, and the likely impact that a proposed development may have on this capacity to determine the necessary mitigation measures or financial contributions required to address any impact upon capacity.

Any requests of an applicant from the LPA must be in accordance with the statutory planning obligations tests (Community Infrastructure Levy Regulations 2010 Part 11 Regulation 122) (and repeated in policy in NPPF paragraph 58). The proposed wording which states ‘*account must also be taken of the cumulative impacts arising from the new development combined with other schemes that have planning permission*’ is therefore vague and should be removed from the policy.

Policy 5: Transport and Communication

The draft modified TDNP Policy 5 states:

“A) Development should:

- 1. Identify the realistic level of traffic it is likely to generate. It must assess the potential impact of this traffic on pedestrians, cyclists, road safety, parking and congestion within the parish and include*

measures to mitigate fully any impacts. Development that would give rise to unacceptable highway dangers and road congestion will not be permitted.

2. Maximise opportunities to walk and cycle, including between Tattenhall, Newton by Tattenhall and Gatesheath, including the linking and upgrading of existing public rights of way, as well as supporting public transport where possible.

3. Make provision for 30 megabit per second high-speed broadband to serve it.

B) Development of new 30 megabit per second high-speed broadband infrastructure to serve the parish will be supported.

C) Car Parking in Tattenhall Village Centre. Schemes to increase car parking provision to serve Tattenhall village centre will be supported in principle.”

Policy 5 (A1) does not reflect NPPF paragraph 116. The wording is ambiguous and unclear, such that it should be deleted. Policy 5 (A1) does not meet basic condition (a) given its lack of regard to national policies and guidance, or basic condition (d) given the wording does not contribute to the achievement of sustainable development. Point 1 should therefore be removed.

With regards to Policy 5 (A3) and B), Taylor Wimpey endeavour to provide the highest broadband speeds within all their developments however developers can only rely on the broadband supplied by providers who dictate the speed provision. The requirements within points 3 and 4 are not consistent with the national policy requirement which does not specify a precise megabit per second. Points (A3) and B should therefore be removed.

Strategic Environmental Assessment

The TDNP can only proceed to referendum if it has met basic condition (f): “the making of the order does not breach, and is otherwise compatible with, assimilated obligations” Where a plan will give rise to significant environmental effects, then it should be subject to Strategic Environmental Assessment (SEA) as an assimilated obligation. It is well-established that any Neighbourhood Plan that seeks to allocate land (and certainly of the scale in the TDNP) must be subject to SEA.

A Strategic Environmental Assessment has been prepared as an evidence base document to support the modified TDNP. The SEA assessed the environmental effects of short-listed scenarios, the environmental effects of proposed site allocations in the preferred scenario and then the reasonable alternative growth scenarios.

As set out in the PPG⁷, it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan submitted to it have been met. The local planning authority must decide whether the neighbourhood plan proposal is compatible with relevant legal obligations including Strategic Environmental Assessment Directive:

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).

⁷ Paragraph: 031 Reference ID: 11-031-20150209

To support this process, it is helpful for the qualifying body to make its own assessment of whether the draft neighbourhood plan that it intends to submit to the local planning authority:

- meets each of the basic conditions;
- has been prepared in accordance with the correct process and all those required to be consulted have been;
- is accompanied by all the required documents.

In this context, Taylor Wimpey considers that the site selection justification set out in the SEA is inadequate to an unlawful extent. The reasons noted to support the preferred scenario (Scenario 4) and to discount other alternatives are not sufficient to justify the allocations included in Policy 7.

The Parish Council's Consultation Statement maintains that the SEA adopts a "proportionate" scenario-led approach and that the SEA Regulations do not require detailed assessment of every site. The SEA Regulations require a full and transparent consideration of "reasonable alternatives". The SEA does not properly identify, assess or explain the reasonable alternatives available to the Plan, nor does it provide sufficient evidence to explain why the preferred allocations perform better than realistic alternatives. Such reasonable alternatives must be identified and assessed in a manner that genuinely informs decision-making rather than retrospectively justifying preferred choices.

The SEA is a fundamental component of the preparation of a modified TDNP, and there is a distinct failure within the SEA to consider reasonable alternatives to ensure the TDNP is established on a robust and comprehensive assessment. The SEA moves rapidly from "broad growth scenarios" to preferred allocations without undertaking any adequately reasoned comparative assessment of alternative site combinations capable of delivering the identified objectives of the Plan. The Consultation Statement states that individual sites have not been considered, but the assessment of growth scenarios has been considered.

The February SEA relies on the old Provisional ALC mapping, which does not distinguish ALC Grade 3a from 3b. As a result, at the time of the Reg.14 TDNP, the "best and most versatile" (BMV) status is described as unclear without field surveys. The May 2026 SEA Incorporates DEFRA's new Predictive ALC Map (published April 2026), which does distinguish between Grades 3a and 3b. Critically, the updated SEA claims that all classified land in the Tattenhall NP area was identified as BMV. The assessment of Policy 7 (Site allocations) and the impact on land and resources confirms the allocations would result in the loss of BMV land (Grade 2 in the southeast corner of Phase 1 and Grade 3a elsewhere).

An Agricultural Land Classification survey submitted with Taylor Wimpey's application on Chester Road (25/02070/FUL) confirms that the entire 6.6ha Site is Sub-Grade 3b, and therefore would not result in the loss of BMV agricultural land. Such evidence demonstrates the need for a new SEA exercise (following the withdrawal of the current Plan). This would allow a new, proper assessment of reasonable alternatives, using a collected evidence base rather than pre-determining Site allocations and preparing the evidence to suit. The SEA now identifies the preferred allocations as resulting in the loss of BMV agricultural land, whereas Taylor Wimpey's site would not. This is a clear and material distinction which should have been fully considered through the site selection process and SEA before concluding that Policy 7 represents the preferred growth strategy.

As set out earlier in relation to the site identification process, the SEA document is considered to be deficient in a number of environmental areas. A more granular approach should have been adopted which would have ensured reasonable alternatives are properly considered from the outset, rather than applying evidence to discount them retrospectively.

The Consultation Statement incorrectly dismisses the need to consider individual sites in the SEA process made in Taylor Wimpey's previous representations. Whilst the Consultation Statement discusses whether alternative Site assessments are disproportionate, this cannot be used to justify an assessment that has been retrospectively applied and therefore insufficient to fulfil the requirements of the SEA Regulations. The level of assessment must remain proportionate to the decisions being made. Where a neighbourhood plan proposes allocating development sites that will influence the location of housing growth over a plan period the SEA must contain sufficient analysis of the sites put forward to enable informed comparison of realistic alternatives. Without such evidence, the Plan does not seek to minimise conflict with the emerging Local Plan and contribute towards sustainable development over the next 15 years.

Therefore, the Plan cannot proceed as there has not been a lawful SEA process to inform the modified TDNP and the making of the plan would breach basic condition (f). The neighbourhood plan would need to re-undertake its Regulation 14 consultation again given the extent to the changes required. If this is not followed, CWaC Council should consider that the neighbourhood plan should not proceed further in its current form, given the deficiencies identified.

Taylor Wimpey considers that it would be wrong to proceed to submission of the modified TDNP on the basis of the SEA which has been prepared, and there is likely to be a legal challenge if the Parish Council choose to proceed. Counsel's Opinion confirms that the TDNP (as submitted) breaches basic condition (f) (see **Appendix 1**).

Hearing

Taylor Wimpey formally request that a hearing be held in respect of the TDNP under paragraph 9 of Schedule 4B as this is necessary to ensure adequate examination of the issue and to ensure that Taylor Wimpey and other objectors have a fair chance to put a case.

As identified above, there are a significant number of matters to address in respect of the plan's content and preparation, including matters that require legal and planning submissions, and to ensure a proper interrogation of the evidence base. This is particularly important given the scale of the settlement and the size of the allocation that has been identified, as well as the deficiencies in the evidence base.

Conclusions

Taylor Wimpey considers that the draft modified TDNP has been prematurely rushed through to a Regulation 16 consultation, and as such, the plan is not robust and continues to be deficient in a number of areas.

The Parish Council have failed to allocate sufficient land to meet much-needed housing growth in Tattenhall, which will hinder Cheshire West's immediate need for development given their housing land

supply position. This will further exacerbate the housing crisis already being experienced in Tattenhall, an area with high affordable housing needs and one of the highest affordability ratios in the North West.

CWaC have undertaken very limited supervision of the preparation of this Plan. The plan accordingly has a flawed and incomplete evidence base and has not been subject to a lawful SEA. The majority of the evidence base for the TDNP has been retrospectively applied to support pre-determined preferred Site options and ultimately results in a draft plan which is not sufficient to continue towards examination and referendum.

Taylor Wimpey considers that the intention of the Parish Council to review and update the Neighbourhood Plan at this time, ahead of the new CWaC Local Plan progressing further to the second stage consultation 'Content and Evidence' Consultation in January 2027, presents a significant error in the approach being taken from both a planning and legal perspective.

Taylor Wimpey considers that there are clear issues and deficiencies with the modified TDNP in terms of the:

- Premature timing of the Reg. 16 consultation, in advance of the CWaC Local Plan 'Content and Evidence' Consultation;
- Identifying an indicative housing requirement for Tattenhall which is too low and subject to change with the emerging Local Plan, as stated by CWaC Council;
- Site identification and selection process, and the evidence and justification which underpins the allocation of sites within the plan; and,
- Supporting evidence base and SEA, and the failure to consider reasonable site allocation alternatives.

Taylor Wimpey submits that that modified TDNP cannot proceed to referendum and must be recommended for refusal under Paragraph 10(2) of Schedule 4B.

This would ensure that any subsequent update to the Neighbourhood Plan is consistent with the emerging CWaC Local Plan and fully aligned in terms of overall objectives, a defined spatial strategy and distribution of development, and the identification of allocations for housing within the neighbourhood plan.

The current version of the TDNP does not meet the basic legal conditions. A Plan of this kind should not proceed before the CWaC Local Plan reaches the 'Content and Evidence' consultation stage. It is only at that stage that the TDNP can be based upon a properly derived housing requirement figure.

It is also evident that the modified TDNP should not progress to referendum given the extent of objection to the Plan's principal allocation locally.

Finally, if the Plan did progress to being 'made' in advance of the CWaC Local Plan progressing further, it is likely that it will conflict with the policies of the emerging Plan. As such, the TDNP would quickly become out of date and inconsistent with the Local Plan within a short period of time, and will therefore hold very limited weight in the context of determining planning applications.

Again, we request that a hearing is held under paragraph 9 of Schedule 4B.

Taylor Wimpey would be happy to engage further with CWaC should they wish to discuss these representations in more detail.

Yours faithfully



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Appendix 1: Counsel Opinion – James Corbet Burcher (No. 5 Chambers)

IN THE MATTER OF THE TOWN AND COUNTRY PLANNING ACT 1990

AND the Regulation 16 version of the TATTENHALL NEIGHBOURHOOD PLAN

OPINION

Introduction

1. I am instructed to advise Taylor Wimpey Ltd (“TW”), through their instructed planning consultants, Lichfields, in respect of the Tattenhall Neighbourhood Plan Regulation 16 Consultation.
2. Taylor Wimpey have submitted Planning Application Reference 25/02070/FUL for the erection of 110 dwellings and associated development on Land at Chester Road (“the Site”) to Cheshire West and Chester Council (“CWAC”) as Local Planning Authority. That was subject to an Officer recommendation to grant. It was refused by a decision notice (dated 20 July 2026), with just one reason for refusal based on housing mix.
3. I advised TW earlier in respect of the Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (“the Pre-Submission Version”) which takes place between 23 February 2026 and 13 April 2026. That Opinion (dated 13 April 2026) was attached to detailed representations by Lichfields, on behalf of TW.
4. Lichfields identified a significant number of concerns with both the content of the draft Neighbourhood Plan and the process undertaken. In summary, they considered that the evidence base was not robust, that the draft plan was substantially flawed, and further why it should not proceed to submission. There were allied legal flaws in the approach being undertaken, set out in that Opinion. Those defects have not been addressed in the Regulation 16 Version.

5. In short, the Neighbourhood Plan preparation exercise has been rushed, failing to carry out the requisite steps prescribed by both legislation and policy/guidance, on an unlawful basis. There has been (a) no adequate identification of the appropriate housing requirement; (b) no proper site assessment and (c) a wholly deficient strategic environmental assessment. The consequence is a plan that breaches the basic conditions under paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 and must be refused via paragraph 10(2) and 12(10) of Schedule 4B.
6. The legal flaws in the exercise conducted to date are significant and wide-ranging, as the exercise has been conducted without correct application of the PPG Chapters in respect of Neighbourhood Planning (Chapter 41) and Site Assessment (Ch3: Housing and Economic Land Availability Assessment) (in breach of basic condition 8(2)(a) in its own right), as well as the SEA flaws (in breach of basic condition 8(2)(f) alongside the Environmental Assessment of Plans and Programmes Regulations 2004).
7. The earlier Regulation 14 consultation was legally deficient, as it failed to provide the requisite evidence base for a properly informed response (contrary to the requirements the Sedley/*Gunning* requirements endorsed in *R v North and East Devon Health Authority ex parte Coughlan* [2001] QB 213 and then in *R(Moseley) v Haringey* [2014] PTSR 1317, [25] (with square brackets added):

To be proper, [1] consultation must be undertaken at a time when proposals are still at a formative stage; [2] it must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response; [3]adequate time must be given for this purpose; and [4] the product of consultation must be conscientiously taken into account when the ultimate decision is taken

8. A significant flaw was also the lack of transparency as to how the indicative housing requirement had been drawn up for the purposes of NPPF 70, with the LPA's advice to the Neighbourhood Plan completely obscured. Whilst the current Regulation 16 documentation has been published with the Council's Report for Neighbourhood Development Areas: Indicative housing requirements: Tattenhall (May 2026), this document only briefly alluded (at [5.1]) to the Council's forthcoming confirmation on 12 June 2026 that they would not proceed with a "legacy" plan and would instead produce a new-style Local Plan, with an extended preparation timescale with adoption as late as 1 December 2028.

9. There remain at least four major flaws in the Draft Plan content and the process carried out to date, alongside individual flaws in the text of various Policies 2, 4 and 5. This Opinion focusses on the following four flaws:
- (1) The draft plan's Policy 1 seeks to impose a settlement boundary policy and allocate housing under Policy 7, without having correctly identified the housing requirement for the neighbourhood area in accordance with NPPF 69-70 and the PPG Chapter on Neighbourhood Planning, 41-009, 101 and 102.
 - (2) Policy 1 and 7 have not been based on an adequate site assessment or any viability assessment. This is a serious breach of PPG 41-102, especially in the context of the lack of evidence as to the housing requirement and of a proposed allocation for 600 homes, without proper regard to other sites, including those at application.
 - (3) Policy 1's settlement boundary and the Policy 7 allocation have not been subject to adequate or lawful Strategic Environmental Assessment, notably through (1) abdication of the LPA's role in screening, (2) artificial constraints on scope and (3) a failure to assess reasonable alternatives, especially Taylor Wimpey's Site at Land at Chester Road.
 - (4) Finally, Policy 1 and 7 both refer to future national planning policy in the NDMPs that has not yet been published. The examination should therefore be suspended until publication of the final version of the new NPPF.
10. I shall briefly consider the plan content and evidence base and then address each of these fundamental flaws in turn.

The Regulation 16 Version of the Plan and Consultation Material

The Plan

11. The Regulation 16 Version states that it “will cover the period from 2025 to 2045” (i.e. 20 years) (paragraph 1.3).
12. As in my earlier Opinion, I shall focus on Policies 1 (Housing Growth) and 7 (Site Allocations).
13. Lichfields’ Regulation 14 and 16 Consultation response identified significant flaws in the drafting and content of a number of other policies, notably Policy 2, 4 and 5. I concur that the way in which those policies have been drafted breaches the basic conditions.
14. Policy 1 (Housing Growth), paragraph (A) and (B) now provides (so far as relevant and with two draft National Decision-Making Policies underlined S3 and HO8):

“A) The Neighbourhood Plan defines the settlement boundary at Tattenhall, as shown on the Policies Map for the purposes of applying the NPPF National Decision-Making Policy (NDMP) S3 on the presumption in favour of sustainable development.

B) Housing proposals of 10 or more dwellings should:

i) Provide a mix of types, tenures and sizes of homes, taking into account objectively identified housing needs (established through the Tattenhall Housing Needs Report December 2023 or subsequent update) and:

ii) include the provision of on-site affordable housing in accordance with NDMP HO8. The affordable housing will be subject to a S106 Legal Agreement ensuring that it remains an affordable dwelling for local people in perpetuity.

iii) Off-site affordable housing provision or cash payment in lieu shall only be permitted where exceptional circumstances are demonstrated to justify off-site or cash contributions, in accordance with NDMP HO8. Any off-site or cash

contributions sought should be used towards the provision of affordable housing in Tattenhall Neighbourhood Plan Area in the first instance, where there is an identified need.

15. The supporting text at [3.7] states:

3.7 By applying National Decision-Making Policies S4 and S5 within, and outside of, the defined settlement boundary, the policy complements the Local Plan's spatial strategy.

3.8 It also removes policy wording which is now covered by the new draft NPPF (2025) to ensure it is consistent with the NDMPs once the new framework is published.

Policy S4 set outs that development within the settlement boundary should be approved, whilst safeguarding existing Local Green Space designations (TNP Policy 6) and land for managing flood risk. This is effectively a permanent presumption in favour of development unless the benefits are substantially outweighed by any adverse impacts. NPPF draft Policy S5 sets out the limited circumstances where development outside of the defined settlement boundary is considered to be appropriate.

16. The new National Planning Policy Framework, including NDMP S3, S4 and S5 and HO8 has not been published as at 30 July 2026. Similar references to NDMPs are contained in Policy 3 and [3.19] (NDMP S3) and Policy 7 (NDMP HE4).

17. The Minister of State for Housing and Planning confirmed on 16 July 2026 that no date was set for its publication, but that this could only happen after the Parliamentary Recess (i.e. after 1 September 2026, but also accounting for the further recess between 16 September and 11 October 2026).

18. Policy 7 (Site Allocations) proposes the allocation on land to the north and south of Frog Lane:

"The Neighbourhood Plan allocates land to the north and south of Frog Lane, for a phased, high-quality, mixed use, residential led development of up to 600 dwellings, as shown on the Policies Map. Development proposals will be supported, provided they accord with the site-specific requirements set out below and with other relevant policies of the development plan.

19. Two Phases are then specified, with a number of site-specific requirements, including the proposal that various additional benefits will be delivered at this allocation:

(A) vi) The scheme shall safeguard land on-site for the provision of a new GP surgery (Class E (e)) to be agreed with the local GP surgery and Integrated Care Board. Should the safeguarded land no longer be required within an agreed period, it shall revert to use as public open space to serve the development. Any financial contribution towards the new GP surgery shall be secured via legal agreement.

vii) The scheme shall also include the off-site provision, in the vicinity of Barbour Square, of a multipurpose “green” car park (Sui Generis) and ancillary community event space, secured by legal agreement with an option to transfer ownership to the Parish Council or nominated community body.

...

ix) The scheme shall be accompanied by a Heritage Statement which demonstrates compliance with NDMP HE4 (Securing the Conservation and Enhancement of Heritage Assets) relating to the Tattenhall Conservation Area and the Grade II listed building at Rose Corner.

20. The supporting text refers at [3.62]-[3.66] to various infrastructure requirements and financial contributions. However none of this has been subject to any viability assessment, as required by PPG PPG 41-098 (see further below).

Evidence Base

Regulation 14 Stage

21. In April 2026, I noted that the Regulation 14 consultation was not conducted on the basis of a published indicative housing requirement or indeed the vast majority of the evidence base, including any site assessment work. There was, strikingly, no published assessment of individual sites against clearly identified criteria, nor any viability assessment of the chosen allocation, as required by PPG 41-098.
22. There was also a significant lack of other evidence base documents, including anything relating to how the housing requirement was identified. As noted in my earlier advice, this deficit of evidence and published documentation was because the process had been expedited to such an extent that the plan's authors had failed to have regard to PPG 41-098.
23. The Draft NP still does not contain any policy specifying its identified housing requirement for the purposes of NPPF 14, 69-70. There is only supporting text is paragraph 3.4: "*The defined settlement boundary includes the land for up to 600 new homes in order to meet and exceed the indicative housing requirement prepared by CWaC in April 2026.*" The Regulation 14 version's earlier text referring to the wish to rush the plan to examination/referendum at [2.8]-[2.9] and [2.13]-[2.14] has been removed in the Regulation 16 version, but the same flawed approach applies in respect of what has been published.

Regulation 16 Documents

24. The Regulation 16 evidence base has been analysed by Lichfields in detail in their representations and I shall not repeat their comments at length here, but note the following:

(1) The Indicative Housing Requirements document (May 2026) is heavily caveated at [7.1]-[7.4] and [8.1]-[8.3]. As the Council make clear, the TDNP is proceeding "ahead of substantial progress on the new local plan", indeed it is over 2.5 years until the intended adoption date.

(2) The “Site Selection Summary” runs to just 11 pages, with a 3 page table. It contains no transparent analysis of sites in accordance with the PPG as required by PPG 41-098. Cross-reference is made to the SEA Process, but that is itself not expressly not a PPF 41-098 site assessment. The findings in respect of Land South of Chester Road (Site 4) are incredibly brief and largely repeated through all Sites. The Table appears to have been drawn up only in May 2026. It was never subject to consultation at any earlier stage, including at Regulation 14;

(3) The Environmental Report has been updated to a limited degree, albeit in substantially the same format as that published at the time of the Regulation 14 stage. I shall set out further observations below under Section 3.

1) The Neighbourhood Plan’s Approach to the Housing Requirement

Basic Condition 8(2)(a) and (d)

25. The Parish Council’s Basic Conditions Statement now confirms that the plan should be assessed against Schedule 4B of the Town and Country Planning Act 1990 (as amended by s99 of the Levelling-Up and Regeneration Act 1990).

26. Basic conditions 8(2)(a) and (d) remain in the same terms. Basic condition (a), Paragraph 8(2)(a) provides:

(2) A draft [plan] meets the basic conditions if—

(a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the [plan],

27. Basic condition (d) sits alongside Basic Condition (a) and provides that that the making of the plan must also contribute to the achievement of sustainable development. It therefore closely relates to basic condition 8(2)(a):

(d) the making of the [plan] contributes to the achievement of sustainable development,

28. Basic condition (e) has been amended:

(ea) the making of the [plan] 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,

29. Basic condition (f) has also been amended:

(f) the making of the [plan] does not breach, and is otherwise compatible with, assimilated obligations

(fa) any requirements imposed in relation to [the plan] by or under Part 6 of the Levelling-up and Regeneration Act 2023 (environmental outcomes reports) have been complied with, and

30. Basic condition (a) remains at the core of the entire neighbourhood plan-making preparation and examination exercise. It comprises both substantive and procedural elements, for example the requirement to undertake a proper site assessment process in accordance with the PPG.

31. A neighbourhood plan qualifying body must have careful regard to the content of national policy and also practice guidance for the purposes of basic condition (a) at the point of submission. Whilst the content of “national policies” includes the NPPF, the PPG and relevant Written Ministerial Statements, the PPG is also formally “advice contained in guidance”.

32. A neighbourhood plan with a serious defect post-submission should not proceed to referendum. This includes situations where the indicative housing figure cannot be relied upon as the Local Plan strategy is not known, but also any other evidential flaws, including the absence of a proper site assessment exercise and/or deficiencies in the SEA process.

NPPF 14, 69-70

33. If a neighbourhood plan qualifying body wish to benefit from NPPF 14 then they must go through the formal process set out in the PPG. They must (1) identify a housing requirement and set that out clearly in the plan, in full accordance with the NPPF and PPG; (2) assess and designate new allocations or policies that meet that identified requirement.
34. NPPF 69 and 70 (alongside the PPG) require that the process of identifying a housing requirement must be robust and transparent, i.e. conducted on the basis of public documents that can be properly interrogated and understood – especially as part of any statutory consultation phase (in line with the requirements for a lawful consultation):
 - (1) NPPF 69 sets out the default position. An LPA should ordinarily have up-to-date strategic policies in place (see notably PPG 41-101 (first paragraph) and 41-102 (first paragraph));
 - (2) Where there are no such policies in place, then the identification of the housing figure is being carried out on an exceptional basis. The process undertaken and the figure itself requires very close scrutiny to ensure that there is no frustration of the Government's policy imperative to boost housing delivery.
 - (3) NPPF 70 therefore requires that (in default of the NPPF 69 position) qualifying bodies must make a formal request for an indicative figure (PPG 41-104 (second paragraph) and 41-105 (first paragraph)).
 - (4) The NPPF 70 provision for a qualifying body to set its own housing requirement must then be conducted transparently, in discussion with the LPA (PPG 41-105).

- (5) Each of the stated factors should be examined and the inputs and outputs properly explained: (a) the latest evidence of local housing need, (b) the population of the neighbourhood area and (c) the most recently available planning strategy of the local planning authority.
35. The guidance in PPG 41-096, 097, 098 alongside PPG 41-009, PPG 41-101, 102, 103, 104 all require a phased process, mirroring the Local Plan process in microcosm, and 105 provide detailed guidance on how an LPA should be involved in that process.
36. A neighbourhood plan qualifying body should actively discuss neighbourhood plan proposals with an LPA and make public the products of that discussion. This is a recurrent theme throughout the PPG Chapter and therefore a requirement of basic condition 8(2)(a) itself. Lichfields' representations have cited a number of breaches of the relevant parts of the PPG in this respect.

Council's Role and Lack of Transparency

37. As the Lichfields submissions have identified at both Regulation 14 and Regulation 16, the NPPF changed the LPA's housing requirement markedly from 12 December 2024. This brought significant increases in the LPA's own housing requirement, increasing it from 532dpa to 1,914 dpa. That is one of the largest increases in the country, and reflected severe and entrenched affordability issues, and a long-standing failure to provide for sufficient housing.
38. CWAC's Local Plan is now seriously out of date (Local Plan Part One Strategic Policies (adopted January 2015) ["LPP1"]; Local Plan Part Two Land Allocations and Detailed Policies (adopted July 2019) ["LPP2"]) and the LPA have made clear that they will therefore need to effectively start afresh with a new plan. The new Local Plan will have to proceed under the new arrangements, with adoption not before December 2028.
39. Chapter 5 of the NPPF sets out the clear expectation to boost housing. This sits alongside the Secretary of State's instructions in the original WMS (30 July 2024), the Minister of State's second WMS (12 December 2024) and the current NPPF. The increase in the housing requirement for CWaC was immediate, given the date of the LPP1 and LPP2 adoption, generating a radical increase in the housing requirement and a major reduction in the LPA-wide housing land supply figure.

40. However, the emerging Local Plan is now over 2.5 years from adoption. As the Lichfields' representations have set out, the LPA have expressed clear uncertainty as to what the appropriate figure is, and this includes in their Indicative Housing Requirement Paper at Sections 7 and 8.
41. As the Lichfields representations identify, the Council need to rapidly re-examine their strategy to pass through Gateway 1. There are significant reasons that Tattenhall will have to make a much higher contribution. Lichfields explain that a figure of at least 1,000 is appropriate given Tattenhall's location in the settlement hierarchy, its inherent sustainability as a settlement and the wider issues with delivery across CWAC.
42. The Parish Council's earlier attempts at Regulation 14 stage to argue that in putting the plan in place that they are acting in a manner that is variously said to be "*pragmatic*" and "*manag[ing] their own growth*" is not an answer to this clear defect.
43. The purpose of NPPF 69 and 70, read together, is to ensure that there is a robust evidence base, derived properly from a thorough process undertaken at the strategic level, not one that is constrained by local considerations/assumptions. It is not open for a qualifying body to simply ignore the sharp increases in the housing requirement at the LPA-wide level.

Summary

44. For all these reasons, Policy 1 and Policy 7 breach basic conditions (a) and (d), as the evidence base is insufficient and the qualifying body are attempting to generate a constraint on housing delivery, proposing a figure at 600 units in a manner that is wholly at odds with the direction of national policy since 2024. Given the centrality of Policy 1 and 7, the whole draft plan should now be refused under Paragraph 10(2) of Schedule 4B.
45. CWaC should not have permitted the draft plan to proceed and should have advised the Parish Council to cease further steps until the figure has been identified, on the basis of an up-to-date understanding of the strategy.

46. The Local Plan strategy requires substantial revision to meet the increased housing target and Tattenhall will evidently have to make a much larger contribution to housing delivery. A policy that continues to maintain a constrained settlement boundary, with an insufficient allocations is not justified, and would not meet basic condition (a), nor basic condition (d) in respect of sustainable development.

2) Site Assessment

47. The second fundamental flaw relates to a second major gap in the evidence base, and a breach of basic condition 8(2)(a) that is so serious that the plan preparation exercise cannot continue.
48. NPPF 41-098 states in terms that if a plan wishes to allocate sites, then it must carry out an assessment of individual sites in accordance with the PPG:

How should a neighbourhood plan allocate sites for development?

*Where a neighbourhood planning body intends to allocate sites for development, **it will need to carry out an appraisal of options and an assessment of individual sites against clearly identified criteria.***

Guidance on general principles for assessing sites and on viability can provide the framework for the assessment of sites. *The neighbourhood planning toolkit on site assessments may also be used. A strategic environmental assessment may be required if the plan is likely to have a significant effect on the environment. A neighbourhood planning body is strongly encouraged to consider the environmental implications of its proposals at an early stage, and to seek the advice of the local planning authority.*

49. This exercise has not occurred. The Site Selection Report is an 11 page document, with a very brief 3-page table. It was not published or provided to consultees for the purposes of the Regulation 14 exercise, and it is evident that it is not an “assessment of individual sites against clearly identified criteria” applying the PPG guidance on site assessment. The very short document that has been provided simply adverts to the earlier breach of the PPG. The Parish Council did not assess sites on any proper individual basis. As the document makes clear that it was a very cursory exercise: see [2.4]:

2.4 Whilst broad scenarios rather than individual sites were defined through the community engagement at this stage, the project team used the three remaining scenarios to identify all individual sites within them, as set out in Appendix A and B to provide an early assessment of options and to identify land interests with Land Registry. These are numbered 1 – 24 and where relevant their equivalent HELAA reference is given. Please note that some sites in Appendix A – Site Options Assessment, were identified in more than one scenario and the capacity of each site at this stage was a high-level calculation assuming a net developable area of 70% of the site at 35dph to provide an indicative number without detailed assessment at this stage. This process was intended only to identify the likely constraints of each location.

50. The Neighbourhood Plan authors did not investigate the application status of the sites or properly engage with the opportunities for development on these sites. The Plan at [2.9] suggests that rather than look at objective criteria, the primary basis was “community engagement” specifically “192 preferences”. NPPF 41-098 makes clear that site assessment is a robust, evidence-led process. It does not condone “*the blending of the community engagement and technical (SEA) outcomes*”, as the document states at [3.1]. As [3.2] makes clear the site selection exercise was driven by “community” not technical evidence. That is a very serious flaw, when one consider both the scale of the need and the scale of the single allocation chosen.
51. The PPG is very clear that a carefully ordered, and comprehensive process should be undertaken, with a call for sites, properly engaging all landowners with an interest, mindful of 41-048: “*Other public bodies, landowners and the development industry should, as necessary and appropriate be involved in preparing a draft neighbourhood plan or Order.*” In the instant case, the Parish Council did not carry out a fundamental procedural requirement and thereby breached basic conditions 8(2)(a) and (d).
52. The site assessment exercise should also have been accompanied by an assessment of viability of Policy 7, including the constituent additional components (e.g. the GP surgery). There has been no such viability assessment at all, in further breach of the PPG 41-098.
53. Once again, there has been a clear basic conditions (a) and (d) through the failure to comply with the PPG.

3) Strategic Environmental Assessment

54. The Pre-Submission Version was accompanied by what has been described as a “Draft SEA Report”. The Draft Report has now largely been carried forward into the Final SEA Report (dated May 2026).
55. The Lichfield Regulation 14 and 16 submissions have set out a number of methodological flaws in the content of that document. The SEA exercise is deficient and to an extent that there has been a breach of basic condition (f). The errors are closely related to and/or similar to the defects in respect of the housing requirement and the site assessment exercise.
56. In short, the SEA exercise has been rushed throughout, with a notable abdication of responsibility by the LPA in respect of screening. The SEA artificially narrowed the assessment exercise, including by rejecting consideration of reasonable alternatives on a comparable basis. The assessment therefore has been wholly defective and not capable of amounting to a lawful environmental report for the purposes of submission under Regulation 15(e)(i) of the Neighbourhood Planning (General) Regulations 2012. The consequence now must be the recommendation that the plan be refused under Paragraph 10(2) of Schedule 4B.
57. Under Regulation 9 of the SEA Regulations, the “responsible authority” must undertake a screening assessment.
58. Regulation 12(2) then sets out the requirements for the environmental report:

12.— Preparation of environmental report

(1) Where an environmental assessment is required by any provision of Part 2 of these Regulations, the responsible authority shall prepare, or secure the preparation of, an environmental report in accordance with paragraphs (2) and (3) of this regulation.

(2) The report shall identify, describe and evaluate the likely significant effects on the environment of—

(a) implementing the plan or programme; and

(b) reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.

(3) The report shall include such of the information referred to in Schedule 2 to these Regulations as may reasonably be required, taking account of–

(a) current knowledge and methods of assessment;

(b) the contents and level of detail in the plan or programme;

(c) the stage of the plan or programme in the decision-making process; and

(d) the extent to which certain matters are more appropriately assessed at different levels in that process in order to avoid duplication of the assessment.

(4) Information referred to in Schedule 2 may be provided by reference to relevant information obtained at other levels of decision-making or through other law.

(5) When deciding on the scope and level of detail of the information that must be included in the report, the responsible authority shall consult the consultation bodies.

(6) Where a consultation body wishes to respond to a consultation under paragraph (5), it shall do so within the period of 5 weeks beginning with the date on which it receives the responsible authority's invitation to engage in the consultation.

59. Schedule 2 sets out a comprehensive list of requirements. Notably, paragraph 6 further requires assessment of:

6. The likely significant effects on the environment, including short, medium and long-term effects, permanent and temporary effects, positive and negative effects, and secondary, cumulative and synergistic effects, on issues such as–

(a) biodiversity;

- (b) *population;*
- (c) *human health;*
- (d) *fauna;*
- (e) *flora;*
- (f) *soil;*
- (g) *water;*
- (h) *air;*
- (i) *climatic factors;*
- (j) *material assets;*
- (k) *cultural heritage, including architectural and archaeological heritage;*
- (l) *landscape; and*
- (m) *the inter-relationship between the issues referred to in sub-paragraphs (a) to (l).*

60. Schedule 2, paragraph 8 further sets out a parallel requirement in respect of reasonable alternatives:

*“8. An **outline of the reasons for selecting the alternatives dealt with**, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information.”*

61. The courts have repeatedly emphasised the need for the assessment of reasonable alternatives on a equivalent manner and on a comprehensive basis that is properly explained: (1) *Save Historic Newmarket Ltd v Forest Heath DC* [2011] EWHC 606 (Admin); (2) *Heard v Broadland DC* [2012] EWHC 344 (Admin) and (3) *Ashdown Forest Economic Development LLP v Secretary of State for Communities and Local Government* [2015] EWCA Civ 681. It is essential that the assessment is carried out in a comparable manner, without pre-determination or arbitrary exclusion of sites.
62. A failure to assess reasonable alternatives will be a breach of Regulation 12 and Schedule 2, paragraph 6 and 8, and a related breach of basic condition 8(2)(f): *“the making of the order does not breach, and is otherwise compatible with, assimilated obligations”*. This latter term incorporates the duties under the SEA Regulations, previously under the SEA Directive.

63. Failure to have regard to other statutory process, such as applications and appeals will give rise to an error of law in the rejection of reasonable alternatives, see *R(Stonegate Homes) v Horsham BC* [2016] EWHC 2512 (Admin), [74].

The SEA Report

64. The SEA Report does not meet the requirements of SEA Regulation 12(2) or (4) or Schedule 3, paragraphs 6 and 8, in at least four key respects. To “make” the plan on the basis of this document would give rise to a breach of the SEA Regulations and Schedule 4B.
65. First, the updated screening exercise should have been conducted by the LPA itself. They had conducted one already for the draft plan, prior to the material changes in the present text. No adequate explanation has been provided for the LPA abdicating that role once it knew that the plan content was going to change. A proper screening opinion with relevant findings on scoping would have ensured the requisite LPA oversight. Instead, the exercise that has been conducted has simply revealed disagreements as to content (see further below).
66. Second, the qualifying body’s four assessment headings ((1) Land and Resources, (2) Water; (3) Cultural Heritage and (4) Biodiversity) are opaque and far too limited with regard to Schedule 2, paragraph 6.
67. Most notably the SEA exercise has excluded “population” and “human health” altogether, including the provision of sufficient homes, as well as related factors such as transport. However, it has also expressly rejected landscape, climate change, energy and air quality, and the inter-relationship between all paragraph 6 factors.
68. Paragraph 2.9(c) adverts to a dispute with CWAC in respect of screening and omission of these other factors:

c) Paragraph 3.2 questioned the topics of landscape and climate change, energy and air quality being screened out. CWaC suggested they should be screened in as the SEA identifies the likely significant effects and enables identification of potential mitigation measure Respectfully, the author is of the view that these remain scoped out for the SEA as there are no likely significant

effects in respect of these topics within any of the locations under consideration in Tattenhall, and as set out in the baseline assessment.

69. It is not simply a question of “respectful disagreement”. SEA is a statutory process in which the LPA as the supervisory body has identified a defect in the document in the omission of consideration of statutory factors. The result is a highly simplistic four-factor narrative assessment, which does not reflect the full range of Schedule 2’s considerations.
70. Third, SEA Report is far too narrow in its assessment of relevant policies and ignores cross-boundary effects, as the SEA Report further records

d) In respect of the framework in section 4, CWaC questioned whether the policies would be assessed as part of the SEA process, noting that “Decisions on the amount of development will have a major impact on the environmental effects of the proposed sites” Using the proportionate approach advocated by the PPG we have identified the relevant policies to be assessed as part of the SEA process which includes the site allocations policy. It is the likely quantum of development proposed within the site allocations policy which has resulted in the view that TNP2 is screened in for SEA. In relation to the other policies, as this is a modified plan and those policies remain materially unchanged from the previous SEA Screening Opinion where they were screened out, they are therefore considered not requiring assessment. The reasonable alternatives, will likely relate to similar growth options but in different locations but may also consider lower or higher growth options.

71. Fourth, the SEA Report has arbitrarily rejected consideration of reasonable alternatives. There are a number of gaps in this respect, building on the earlier evidential flaws.
72. The central flaw is that the SEA Report does not identify individual sites, including those at application stage, which are clearly well-advanced and which have been subject to detailed consideration by statutory consultees. Where, as here, an individual site is chosen for allocation, it is essential that other known individual sites are subject to equivalent assessment on a comparable basis.
73. The SEA Report is dismissive of site-specificity: [2.5] *The SEA does not require detailed site-by-site assessment of all potential alternatives; rather, it requires a clear and reasoned comparison of realistic options. This has been undertaken through the assessment of growth scenarios, with more detailed consideration given to the preferred option.*

74. That is not a correct reflection of the Regulation 12 test: “(b) reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme”. An individual housing site that is the subject of a planning application, and indeed has been subject to Officer recommendation for approval is plainly one reasonable alternative.

75. Appendix A – Assessment of Growth Scenarios as Reasonable Alternatives, paragraph 2 illuminates the clear defect in the approach:

2 Scenarios 1 and 2 would deliver approximately 600 and 700 dwellings respectively, with scenario 3 being capable of delivering approximately 1,500 dwellings. These therefore represent 2 lower growth models and 1 higher growth model. Low and high growth scenarios were considered the most plausible, with no medium growth scenarios being considered as part of the assessment. The medium scenarios were considered a ‘worse of both worlds option’, given that they would not deliver as significant a volume of housing as the high growth scenarios and they would also not be able to deliver sufficient infrastructure to support the new housing. Therefore, during the validation process of the Settlement Spatial Planning (SSP) scenario exercise and by using available evidence (e.g. school places), the medium growth scenarios were set aside as not plausible.

76. The reasoning here has always been opaque, as the Settlement Spatial Planning exercise was not published and was not a site assessment exercise. The reasoning is also back-to-front, as the “medium scenario” of 1000 units has been rejected out of hand on the basis of infrastructure delivery issues that have not been documented either.

77. In summary, the Parish Council have expressly refused to carry out SEA on a site-specific basis, i.e. by reference to this known parcel and quantum of land and instead the assessment has essentially merged other sites into a general figure of “1500”.

78. In the instant case, the SEA Report has therefore deliberately excluded consideration of Land at Chester Road, even though there is a detailed evidence base in the application documents, determination of the application was well-advanced by May, and the application had been subject to an Officer recommendation to grant. The SEA has therefore been undertaken on an arbitrary basis and in a manner which excludes obvious material considerations.

Summary

79. In summary, the SEA Report now breaches basic condition 8(2)(a), (d) and (f).
80. Critically, the making of the plan would lead to a breach of assimilated obligations. The plan must now be recommended for refusal under Paragraph 10(2) of Schedule 4B.

4) Future National Planning Policy

81. The final fundamental flaw relates to the timing of the submission of the plan, and the precise way in which future NDMPs have been referred to in the text.
82. As set out above, the Plan has at least three policies which expressly incorporate NPPF NDMP wording:

(1) Policy 1's refers to NDMP S3 and H08

(3) Policy 3 refers to NDMP S3

(3) Policy 7 refers to NDMP HE4

83. The draft neighbourhood plan is attempting to predict national planning policy's final text some months ahead of the final publication of the NPPF.

84. The text seeks to suggest that the Plan be subject to a kind of double exercise of assessment against both current and future NPPF:

2.9 The Basic Conditions Statement also sets out the TNPR conformity to the 2025 consultation version of the NPPF. Some of the Neighbourhood Plan policies include reference to "NDMP"; this refers to the national decision-making policies contained within the draft NPPF. 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 which states:

Development plan policies which are in any way inconsistent with the national decisionmaking policies in this Framework should be given very limited weight, except where they have been examined and adopted against this Framework.

85. It is correct that the Neighbourhood Plan cannot freeze its policy text by reference to current NPPF. It will be rapidly overtaken and in a substantial way by new NPPF text.
86. However, given the intention to expressly include NPPF NDMP references in the policy text, the Plan's text cannot be properly consulted upon and eventually examined once the NDMPs are in their final form. Consultees in TW's position are being deprived of the opportunity to make informed submissions on the final draft text.
87. The logical consequence is that the examination should be suspended until the NPPF has been published. There would then need to be a further Regulation 16 consultation at that stage to allow for informed responses on compliance with the new NPPF. The alternative approach would be to refuse the plan immediately, given the flaws identified above.

Conclusion

88. The Regulation 16 Version of the Neighbourhood Plan continues to be based on a flawed approach and manifest gaps in the evidence base.
89. At Regulation 14 stage, it was observed that the Minutes and various evidence base documents adverted to a wish artificially to expedite adoption of the document.
90. However, the NPPF and PPG are clear that neighbourhood plan-making should be carried out on a detailed and thorough basis, without seeking to shortcut evidential requirements in respect of the housing requirement, site assessment and SEA.

91. The only correct now is to refuse the plan under paragraphs 10(2) and 12(10) of Schedule 4B, given the breaches the basic conditions.

JAMES CORBET BURCHER

No5 Chambers

27 July 2026



Appendix 2: Cheshire West and Chester Email Correspondence

Andy McLaren**From:** MORGETROYD, Catherine**Sent:** 31 March 2026 13:34**To:** Andy McLaren**Cc:** Brian O'Connor; Ben Edmundson**Subject:** RE: Tattenhall Neighbourhood Plan Reg. 14 Consultation [LICH-DMS.FID796048]

CAUTION: This email originated from an external source.

Andy

Apologies for the delay to our response regarding the indicative housing figure for Tattenhall. The adopted

CW&C Local Plan (Part One and Part Two) sets out housing requirements for the borough as a whole and for

the city of Chester and towns of Ellesmere Port, Northwich and Wisford. It also sets out requirements for the

Key Service Centres, including Tattenhall. The housing target for Tattenhall, set out in the adopted Local Plan

is 250 dwellings. We are currently working on the new CW&C Local Plan and the housing requirement for the

borough will be based on the calculations of housing need using the new standard method. We have undertaken a Local Plan Issues and Options consultation, which set out the government housing target, three

spatial strategy options and a series of potential growth areas. The consultation included questions regarding

the housing target, spatial strategy options and settlement hierarchy.

As we are still working on the new CW&C Local Plan, reviewing consultation responses and updating the

evidence base, we have not yet set specific new housing targets or figures for settlements such as Tattenhall. Paragraph 70 of the NPPF identifies that where it is not possible to provide a requirement figure for

a neighbourhood area, the local planning authority should provide an indicative figure, if requested to do so by

the neighbourhood planning body. This figure should take into account 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.

Although the NPPF and planning practice guidance outline that indicative numbers can be provided, they

provide little guidance, especially where a local planning authority is at an early stage of plan making. It is

accepted that where a Council knows the strategy it wants to pursue and has made significant progress on the

plan, then indicative numbers could be provided that are less at risk of having to change. While 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.

Given the current uncertainties, two options have been developed for calculation of indicative housing figures for key service centres. One option is based on increasing requirements proportionally, based on the Local Plan (Part One) requirement, local housing need adjusted requirement and a 20% buffer. Another option involves redistributing the increase in Key Service Centres, based on current number of dwellings (taken from the Local Land and Property Gazetteer). It is recommended that the highest of the two options is used. When Tattenhall Parish Council requested an indicative housing figure, the approach described above had not been formally approved internally. The parish council were keen to continue work on the neighbourhood plan and to prevent any delays to the neighbourhood plan, an approximate indicative figure of 500 – 600 dwellings was provided by the local authority. It was made clear to the neighbourhood plan group that this was an approximate indicative figure and that it may change.

Kind regards

Catherine

2

Catherine Morgetroyd (She/Her)

Principal Planning Officer – Planning Policy

Planning and Place Making

Cheshire West and Chester Council

Tel: [REDACTED]

Email: [REDACTED]

Visit: www.cheshirewestandchester.gov.uk

Consultation portal: [Planning Policy | Cheshire West Planning Policy](#)

From: Andy McLaren [REDACTED] >

Sent: 27 March 2026 14:32

To: MORGETROYD, Catherine [REDACTED] >

Cc: Brian O'Connor [REDACTED] >; Ben Edmundson [REDACTED]

Subject: RE: Tattenhall Neighbourhood Plan Reg. 14 Consultation [LICH-DMS.FID796048]

Hi Catherine

In relation to your email below, please can you advise when we can expect to receive this figure? If it can be

provided early next week that would be much appreciated as the TDNP consultation runs until 13th April

2026.

Many thanks

Andy

Andy McLaren

Associate Director

BSc (Hons) MSc MRTPI
Lichfields, Ship Canal House, 98 King Street, Manchester M2 4WU

T [REDACTED] / M [REDACTED] E [REDACTED]

Lichfields.uk

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Minster Building, 21 Mincing Lane, London EC3R 7AG.

From: MORGETROYD, Catherine [REDACTED] >

Sent: 19 March 2026 16:32

To: Andy McLaren [REDACTED]

Subject: RE: Tattenhall Neighbourhood Plan Reg. 14 Consultation [LICH-DMS.FID796048]

CAUTION: This email originated from an external source.

Hi Andy

Apologies for the delay in responding to you on this issue. We are awaiting the briefing of senior members and

officers on the indicative housing figures. As soon as this has been done, I'll get back to you – hopefully next

week.

Kind regards

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and know the content is safe.

3

Catherine

Catherine Morgetroyd (She/Her)

Principal Planning Officer – Planning Policy

Planning and Place Making

Cheshire West and Chester Council

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Consultation portal: [Planning Policy](#) | [Cheshire West Planning Policy](#)

From: Andy McLaren [REDACTED]

Sent: 18 March 2026 17:17

To: MORGETROYD, Catherine <[REDACTED]>

Cc: Brian O'Connor [REDACTED]

Subject: RE: Tattenhall Neighbourhood Plan Reg. 14 Consultation [LICH-DMS.FID796048]

Hi Catherine

Are you please able to advise in relation to my emails below, and if possible provide the correspondence

referred to at paragraph 3.42 of the Tattenhall Neighbourhood Plan Reg. 14 Consultation?

Many thanks

Andy

Andy McLaren

Associate Director

BSc (Hons) MSc MRTPI

Lichfields, Ship Canal House, 98 King Street, Manchester M2 4WU

Lichfields.uk

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Minster Building, 21 Mincing Lane, London EC3R 7AG.

From: Andy McLaren

Sent: 10 March 2026 11:45

To:

Cc: Brian O'Connor

Subject: RE: Tattenhall Neighbourhood Plan Reg. 14 Consultation [LICH-DMS.FID796048]

Hi Catherine

I am just following p on my email below to check if you are able to provide the correspondence referred to

at paragraph 3.42 of the Tattenhall Neighbourhood Plan Reg. 14 Consultation?

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Appendix 3: Draft Modified TDNP Policy 7

Policy 7: SITE ALLOCATIONS

The Neighbourhood Plan allocates land to the north and south of Frog Lane, for a phased, high-quality, mixed use, residential led development of up to 600 dwellings, as shown on the Policies Map. Development proposals will be supported, provided they accord with the site-specific requirements set out below and with other relevant policies of the development plan.

A. Phase 1 (Land to the south of Frog Lane) shall comprise a residential scheme of approximately 400 homes and include the following:

- i. The housing scheme shall comprise a tenure mix to include 30% affordable housing as well as a wide range of property types and sizes including but not limited to, those looking to buy their first home, family homes, rental properties, downsizer homes, bungalows and/or self/custom build plots, subject to site specific considerations.**
- ii. Any bungalows shall be built to M4(3)(a) wheelchair adaptable standard with all other properties strongly encouraged to M4(2) accessible standard, unless this is demonstrated to be unviable.**
- iii. The site shall be accessed from Frog Lane with the layout allowing for a potential secondary access from Rocky Lane to enable direct vehicular and active travel links between Frog Lane and Rocky Lane as appropriate. The access shall be of a standard which will enable the site to be served by public transport and to the satisfaction of the Highways Authority. Bus stop infrastructure should also be installed to allow for public transport opportunities.**
- iv. 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 to limit vehicular movements to access only and enable safe walking and cycling along this stretch of road to access village amenities, subject to agreement and implementation by the Highways Authority.**
- v. The scheme shall include up to 9.8ha of publicly accessible open space including play areas.**
- vi. The scheme shall safeguard land on-site for the provision of a new GP surgery (Class E (e)) to be agreed with the local GP surgery and Integrated Care Board. Should the safeguarded land no longer be required within an agreed period, it shall revert to use as public open space to serve the development. Any financial contribution towards a new GP surgery (on or off-site) or financial contributions towards existing practices shall be secured via legal agreement.”**
- vii. The scheme shall also include the off-site provision, in the vicinity of Barbour Square, of a multipurpose “green” car park (Sui Generis) and ancillary community event space, secured by legal agreement with an option to transfer ownership to the Parish Council or nominated community body.**
- viii. The layout and landscape scheme delivers defensible boundaries between the site and the adjacent countryside at its western and southern boundaries to create a definitive settlement edge. This may include landscape buffers, tree planting, green corridors, or other natural features that provide a clear transition between built development and open countryside, consistent with rural character.**
- ix.**

The scheme shall be accompanied by a Heritage Statement which demonstrates compliance with NDMP HE4 (Securing the Conservation and Enhancement of Heritage Assets) relating to the Tattenhall

Conservation Area and the Grade II listed building at Rose Corner.

- x. The scheme shall demonstrate, through a proportionate Transport Assessment and/or Active Travel audit, that residents will be able to safely and conveniently walk and cycle from the site to Tattenhall village centre, Tattenhall Primary School, and existing and proposed healthcare facilities, using accessible routes that are fit for purpose.
- xi. The development shall enhance the existing public rights of way network by providing access to and enhancement of the former railway line as a strategic greenway and active travel corridor and creating a new circular walk around the south west of the village linking Frog Lane and Rocky Lane.
- xii. The development layout shall allow for the delivery of the habitat mitigation area consented as part of application 22/00194/FUL
- xiii. All mature trees and hedgerows within the site are retained unless their removal is necessary, and the minimum required to facilitate an efficient development layout, unless their removal is clearly justified through an arboricultural assessment and represents the minimum necessary to achieve a suitable and sustainable layout, in accordance with Policy 2. The existing tree belt along the boundaries shall be retained and reinforced.
- xiv. The scheme seeks to optimise opportunities to produce and use renewable energy on-site.
- xv. Development proposals should:
- Engage at an early stage with relevant infrastructure providers, including water and wastewater providers, to ensure site constraints and capacity are appropriately addressed;
 - Incorporate water efficiency measures, including, where feasible and viable, achieving the optional Building Regulations standard for water efficiency (or any successor standard), and for major non-residential development, measures consistent with BREEAM 'Excellent'; and
 - Ensure no adverse effect on the integrity of the River Dee and Bala Lake / Afon Dyfrdwy a Llyn Tegid SAC and the River Dee SSSI, having regard to the Strategic Environmental Assessment and any Habitats Regulations Assessment accompanying the Plan, and demonstrate, through appropriate hydrological and drainage assessments, that adjacent watercourses and their catchments are protected, including through the use of sustainable drainage systems (SuDS), wastewater controls, and construction management measures to maintain or improve water quality and flow regimes.
- xvi. Where the development is assessed by the Local Education Authority as generating additional demand that cannot be accommodated within existing capacity, appropriate mitigation will be required, secured through a planning obligation.

- xvii. The site is located on water catchment land. A risk assessment of the impact of the development on public water supply may be required with the identification and implementation of any required mitigation measures including a management plan.
- xviii. Development proposals affecting Mineral Safeguarding Areas should have regard to the policies of the Cheshire West and Chester Minerals and Waste Local Plan, including the need to assess and, where appropriate, safeguard mineral resources.

B. Phase 2. Land to the north of Frog Lane shall comprise a residential scheme of approximately 200 homes and include the following:

- i. The housing scheme shall comprise a tenure mix to include 30% affordable housing as well as a wide range of property types and sizes including but not limited to, those looking to buy their first home, family homes, rental properties, downsizer homes, bungalows and self/custom build plots.
- ii. The site will be accessed from both Frog Lane and Chester Road with the layout allowing for direct vehicular and pedestrian links between Chester Road and Frog Lane, and onward to Rocky Lane, of a standard which will enable the site to be served by public transport and to the satisfaction of the Highways Authority. Bus stop infrastructure should also be installed to allow for public transport opportunities.
- iii. The layout and landscape scheme delivers strong defensible boundaries between the site and the adjacent countryside along the length of its western boundary to create a definitive settlement edge and provide connectivity to existing wildlife corridors. This may include landscape buffers, tree planting, green corridors, or other natural features that provide a clear transition between built development and open countryside, consistent with rural character.
- iv. The scheme shall include the provision of appropriate land to provide additional village burial ground space, to be secured by legal agreement and transferred to the Parish Council.
- v. The scheme shall also include provision of accessible public open spaces, reflecting local identified need, including allotments and a mix of formal and informal recreation spaces including sufficient land for playing pitches as required, secured by legal agreement with an option to transfer ownership to the Parish Council or a nominated local community body.
- vi. The scheme shall demonstrate, through a proportionate Transport Assessment and/or Active Travel audit, that residents will be able to safely and conveniently walk and cycle from the site to Tattenhall village centre, Tattenhall Primary School, and existing and proposed healthcare facilities, using routes that are fit for purpose.
- vii. The development shall enhance the existing public rights of way network by:

- a. Providing access to and enhancement of the former railway line as a strategic greenway and active travel corridor.
- b. Creating new off-road walking and cycling links between Frog Lane and Chester Road.

viii. Development proposals

should:

- Engage at an early stage with relevant infrastructure providers, including water and wastewater providers, to ensure site constraints and capacity are appropriately addressed;
- Incorporate water efficiency measures, including, where feasible and viable, achieving the optional Building Regulations standard for water efficiency (or any successor standard), and for major non-residential development, measures consistent with BREEAM 'Excellent'; and
- Ensure no adverse effect on the integrity of the River Dee and Bala Lake / Afon Dyfrdwy a Llyn Tegid SAC and the River Dee SSSI, having regard to the Strategic Environmental Assessment and any Habitats Regulations Assessment accompanying the Plan, and demonstrate, through appropriate hydrological and drainage assessments, that adjacent watercourses and their catchments are protected, including through the use of sustainable drainage systems (SuDS), wastewater controls, and construction management measures to maintain or improve water quality and flow regimes.

ix. The scheme seeks to optimise opportunities to produce and use renewable energy on-site.

- x. Where the development is assessed by the Local Education Authority as generating additional demand that cannot be accommodated within existing capacity, appropriate mitigation will be required, secured through a planning obligation.**
- xi. The site is located on water catchment land. A risk assessment of the impact of the development on public water supply may be required with the identification and implementation of any required mitigation measures including a management plan.**
- xii. Development proposals affecting Mineral Safeguarding Areas should have regard to the policies of the Cheshire West and Chester Minerals and Waste Local Plan, including the need to assess and, where appropriate, safeguard mineral resources.**

3.44 Policy 7 introduces site allocations into the modified Tattenhall and District Neighbourhood Plan. This represents a deliberate and plan-led response to the scale of development pressure facing the parish and the absence of an up-to-date adopted Local

Plan with a demonstrable five-year housing land supply. CWAC has now confirmed an indicative housing number of 526 at the submission stage (May 2026) following an earlier indicative number of between 500 and 600 being agreed in advance of the Regulation 14 stage.

- 3.45 A slightly higher figure of 600 has been brought forward by the Neighbourhood Plan in order to deliver the community benefits sought from development. The policy is therefore intended to provide certainty for the community, landowners and decisionmakers by identifying where development will be supported in principle, setting clear, locally specific requirements to ensure that growth is delivered in a sustainable, coordinated and high-quality manner, supported by the community.
- 3.46 The NPPF supports neighbourhood plans that proactively plan for growth and allocate land for development. The National Planning Policy Framework (December 2024) confirms that neighbourhood plans which allocate sites and are brought forward in a timely manner should be given significant weight in decision-making, including where an authority cannot demonstrate a five-year housing land supply (§14).
- 3.47 The emerging NPPF (consultation version) December 2025 NPPF further strengthens this position by emphasising the importance of plan-led growth and the role of neighbourhood plans in shaping the location, form and quality of development and the need to align housing delivery with infrastructure, design quality and environmental protection.
- 3.48 Policy 7 responds directly to this national policy context by identifying the most sustainable location for growth, avoiding unplanned speculative development and supported by the community as the preferred location for the long-term prosperity of the village, ensuring that development contributes positively to the long-term function and character of Tattenhall.
- 3.49 The two parcels form a single comprehensive allocation. Development may come forward in phases, but proposals should demonstrate how they contribute to the coordinated delivery of the wider site, including infrastructure, access and green infrastructure. Individual phases will be supported where they do not prejudice the delivery of the wider allocation and demonstrate how they align with a comprehensive approach to the site as a whole.
- 3.50 Development proposals should support the role of Tattenhall village centre as a people-focused hub. This includes measures to reduce vehicle dominance, improve safety, and enhance walking, cycling and public realm quality. Traffic management, calming measures and street design should contribute positively to the function and character of the village centre.
- 3.51 A separate site selection report is provided as to accompany the Plan .

- 3.52 Tattenhall is identified in the adopted Cheshire West and Chester Local Plan as a Key Service Centre, with a role in supporting sustainable rural communities.
- 3.53 Since the making of the original Tattenhall Neighbourhood Plan, a combination of factors has materially changed the planning context, including:
- An identified borough-wide shortfall in five-year housing land supply.
 - An out-of-date Local Plan position.
 - Increased speculative development pressure.
 - Changes to national policy strengthening the presumption in favour of sustainable development.
- 3.54 In response, the Parish Council resolved to modify the Neighbourhood Plan to include site allocations, in order to regain local influence over the location, scale and form of growth, rather than leaving decisions solely to speculative applications prior to the Local Plan being adopted in a minimum of two and a half years' time.
- 3.55 Site choices were made in a way that balances the need to plan positively for growth whilst, protecting the character and identity of the village, building infrastructure capacity, addressing environmental concerns and reflecting community preferences.
- 3.56 The policy places a strong emphasis on delivering a wide range of housing types and tenures, reflecting local evidence of need and national policy requirements to create inclusive, balanced communities.
- 3.57 The landowner has confirmed that 30% affordable housing can viably be delivered on the site, alongside the community benefits sought from the two phases of development.
- 3.58 Requirements for M4(2) and M4(3)(a) accessible and adaptable standards reflect both local demographic trends and national objectives to support independent living and ageing in place, consistent with the current and emerging NPPF. Tattenhall currently has a rapidly ageing community, as detailed in the 2023 Housing Needs Survey. The policy therefore encourages all housing to be fully accessible, with any bungalows built to M4(3)(a) to ensure they are adaptable, should the homeowner require wheelchair accessibility (M4(3)(b)) in the future to allow people to remain in their own home within their existing community. This ensures properties are constructed in such a way to be flexible to needs of the occupier without restricting the marketability of the property nor impose a standard which may not be viable for the developer.
- 3.59 The site-specific requirements seek to ensure that development is supported by appropriate physical and social infrastructure to benefit the community. This includes:
- opportunities to enable improved access to public transport,
 - improved walking and cycling connectivity,
 - provision for healthcare facilities, which could include a new healthcare facility (on or off site) or contributions towards existing practices.

- measures to promote viability and vibrancy of the village core
 - additional public open space including formal and informal recreational areas.
 - provision of additional burial ground space.
- 3.60 The policy has been worded to ensure that development safeguards and enhances the landscape setting of Tattenhall, protects ecological assets, and contributes positively to green infrastructure networks. Requirements for open space, wildlife corridors, flood mitigation and environmental enhancement align with Local Plan environmental policies, the Local Nature Recovery Strategy and the objectives of the SEA.
- 3.61 The allocation avoids land at greatest flood risk and ensures that surface water and drainage are addressed through a coordinated, site-wide approach.
- 3.62 In relation to clause A) vi) discussions are on-going with The Village Surgeries Group in respect of relocating the current premises surgery in Ravensholme Lane to a larger site. The preferred location is within the village centre in Barbour Square, which would provide the opportunity for a larger premises, centrally located, in an existing building with ample parking. It has been agreed with the landowner that an appropriate parcel of land shall be safeguarded within the development site for the eventuality that this building is unable to be secured by the surgery. The Integrated Care Board currently apply an average cost of £1,500 per new dwelling to cover the cost of extending GP provision to new developments.
- 3.63 For the purposes of clause A) vii) a “green” car park is defined as a sustainable parking facility which enhances urban greening and is designed to minimise environmental impact through the use of permeable paving and eco-friendly materials. Such spaces should also maximise use of solar lighting, and trees, to reduce the "urban heat island" effect, manage stormwater runoff, and, improve air quality. The purpose of “green” parking in the village centre is to ensure development does not add to the onstreet parking issues and resulting congestion, experienced in the vicinity of the village centre facilities. The TNP is keen to avoid measures which would result in additional tarmac spaces which are have adverse environmental impacts and increase surface water run-off. Such a space is designed to have a multifunctional community benefit, through the provision of suitably sized space appropriate to accommodate the increasing village population, which can be used for events, or pop-up markets etc. ensuring the facility can functionally endure beyond the short-term need for additional parking.
- 3.64 In relation to clause A) x) and clause B) vii) walking routes should be accessible yearround, continuous, appropriately lit where necessary and suitable for use by children, older people and those with mobility impairments. Any works required to improve routes outside of the development sites which are required to make the schemes acceptable shall be secured through legal agreement (either S106 or S278) as required by the highways authority. Any further works to improve active travel routes in the parish to the

benefit of the wider community shall be considered as potential use of strategic or parish CIL contributions as appropriate.

- 3.65 In relation to clause B), this land was identified by the community as their preference for future growth of the village, ascertained through a community engagement activity in October/November 2025. The land is owned by the same landowner as the land in Clause A. This has enabled the two locations to work together to provide a longer term, phased, spatial growth strategy for the village, ensuring both sites work together to provide the community benefits sought by the community, in a co-ordinated way, avoiding over or under provision. Whilst Phase A is currently subject to an outline planning application, on-going dialogue with the landowner has and will ensure that the schemes, when taken as a whole, will ensure the village has long term sustainability, avoiding building on land most at risk from flooding and avoiding development which would harm the village centre as a result in a substantial increase in additional vehicle movements.
- 3.66 At the application stage proposals may be required to contribute towards education provision within the parish. The Cheshire West and Chester Local Plan does not prescribe fixed education contribution rates. Instead, it requires development to be supported by appropriate infrastructure, including education provision, and for developers to mitigate any identified impacts through planning obligations where necessary. Education contributions are therefore assessed on a site-specific basis by the Local Education Authority, having regard to pupil yield, existing capacity and the scale of development.
- 3.67 Dialogue with Tattenhall Primary School has indicated that there is currently capacity to meet the additional pupil numbers generated by 600 homes. Above this number funding will be required to extend the school to allow for a further 0.5 form entry.
- 3.68 In accordance with national policy, once made, the Neighbourhood Plan forms part of the statutory development plan for Tattenhall. Policy 7 is therefore intended to carry significant weight in decision-making and, once it has concluded the Regulation 16 stage, to assist the local planning authority in resisting inappropriate or premature development elsewhere in the parish where it would undermine this plan-led strategy.

Policy 8: FLOOD MANAGEMENT LAND

The Neighbourhood Plan safeguards land off Burwardsley Road, as shown on the Policies Map for the delivery of a natural flood risk management scheme.

- A. Proposals to expand the existing Millbrook scheme through the creation of new bunds and river re-meandering to reduce flood risk to people, property, infrastructure and deliver multi-functional environmental benefits, including biodiversity net gain, landscape

enhancement, and improved climate change resilience will be supported, subject to agreement with the Environment Agency.

- B. The scheme shall be designed to respect the rural character and setting of Tattenhall and the surrounding countryside and should have regard to relevant Cheshire and Warrington Local Nature Recovery Strategy priorities, including the use of nature-based solutions to enhance watercourses, biodiversity and ecological connectivity.
- C. The site is located on water catchment land. A risk assessment of the impact of the development on public water supply may be required with the identification

Appendix 4: Stantec Landscape and Visual Response



Chester Road, Tattenhall

**Representations to the Regulation 14 Consultation on the modified Tattenhall and District
Neighbourhood Plan**

Landscape and Visual Policy Response to Policy 2 (Local Character)

On behalf of **Taylor Wimpey**

Policy Response

1.1.1 This note provides a response from a Landscape and visual perspective to the representations to the

Regulation 14 Consultation on the modified Tattenhall and District Neighbourhood Plan.

1.1.2 On behalf of Taylor Wimpey, Stantec have been asked to respond to Policy 2 (Local Character) which

states that development will be supported where it...5. *Respects local landscape quality ensuring that views and vistas are maintained wherever possible (Appendix A).* Appendix A Views and Vistas identifies 16 key views and vistas that are important to the character of Tattenhall and District.

1.1.3 Views 7, 15 and 16 were considered as part of the Landscape and Visual Impact Assessment. The National Planning Policy Framework under paragraph 16 (d) states that “*plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*”. However, View and Vista 7 described as “*The views across the fields from Chester Road to Brook Hall*” is in two locations on the supporting map in Appendix A looking in different direction making it ambiguous. It is unclear whether View 7 should be considered and assessed as two separate views or as a collective view.

1.1.4 The ‘reason’ for the identified view and vista is “*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*”. This description corresponds with the easternmost View and Vista 7 location along Millennium Mile which looks north in the direction of Greaves Farm. The westernmost View and Vista 7 is situated on Chester Road looking north-west in the direction of Brook Hall and not Millennium Mile.

1.1.5 Part 5 of Policy 2 Local Character is restrictive in its nature and outdated as it disregards the influence of existing built form in the immediate context of viewpoint locations detracting from the ‘rural’ the nature of views. Millennium Mile along Chester Road covers a total length of 125m of which 80m contains built form. Moreover, views of Greaves Farm are oblique and barely perceptible due to being situated along a busy road and existing built form along Chester Road and off Rookery Road in the immediate context of the view.

1.1.6 Having visited the Site and undertaken a comprehensive visual appraisal, views towards and into the Site are only obtained from a limited part of Chester Road. Views “*across grazed farmland*” are visible through gaps in the existing hedgerow and through limited sections of the hedgerow where gates are situated; see Site Context Photographs 4 and 5. Receptors travelling along Millennium Mile along Chester Road will experience oblique and partial views “*across*

grazed farmland” due to the presence of managed hedgerows and hedgerow trees screening views of the local landscape.

- 1.1.7 The ‘reason’ for View and Vista 7 states that Millenium Mile *“is the only remaining publicly accessible open view from the West side of the village. Views are attractive on approach to the village across fields towards a prominent house in the history of Tattenhall.”* This disregards public rights of way Tattenhall Footpath 8 situated to the west of the Site and village, where open views of agricultural farmland and Greaves Farm are present compared to the peri-urban context and nature of views in the vicinity of Views and Vista 7. Moreover, public open space along the northern edge of the Site as part of the landscape strategy, results in a 150m gap from the setting of Greaves Farm and Brook Hall thus retaining views of the historic buildings from public rights of way Tattenhall Footpath 8.
- 1.1.8 Reference is also made to views *“towards a prominent house in the history of Tattenhall”* which again is ambiguous with regards to whether it is in regards to built form in Greaves Farm or Brook Hall. Although, there are very limited mid distance views through gaps in hedgerows and hedgerow trees, there are no views Brook Hall due to the presence of dense mature native hedgerows and hedgerow belts along intervening field parcels and surrounding the immediate context of Brook Hall.
- 1.1.9 In reviewing the evidence base, it is clear that part 5 of Policy 2 Local Character in the Tattenhall Neighbourhood Plan is not sound and there is ambiguity with multiple viewpoints for View and Vista 7.

Additionally, the ‘description’ and ‘reason’ for View and Vista 7 does not correspond with their locations

and so, is considered to be ambiguous in nature. In light of the above, the emphasis given on Part 5 of Policy 2 Local Character and Appendix A Views and Vistas is misplaced, and highlights that the plan is

not based on the most appropriate strategy as its evidence base is lacking with respect to landscape character and visual matters.

- 1.1.10 As a result of the above, Viewpoint 7 is not required to be protected for the following reasons:

- Multiple viewpoint locations identified for a single view and vista;
- Location of viewpoint locations do not match the description in Appendix A of the Tattenhall Neighbourhood Plan;
- Disregards the presence of public right of way Tattenhall Footpath 8 which provides open views of agricultural farmland on the western side of the village; and
- Over emphasis and importance placed on historic building/s which are barely perceptible from Millenium Mile.

- 1.1.11 Over and above this Policy 5 point 2 is in conflict with the requirement within NPPF Paragraph 16 (d) which states that plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.

