



Intelligent Plans
and examinations

Report on Shavington-cum-Gresty Neighbourhood Plan 2019 - 2030

**An Examination undertaken for Cheshire East Council with the support
of the Shavington-cum-Gresty Parish Council on the November 2019
submission version of the Plan.**

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Contents

	Page
Main Findings - Executive Summary	4
1. Introduction and Background	4
• Shavington-cum-Gresty Neighbourhood Plan 2019–2030	4
• The Independent Examiner	5
• The Scope of the Examination	5
• The Basic Conditions	6
2. Approach to the Examination	6
• Planning Policy Context	6
• Submitted Documents	7
• Site Visit	8
• Written Representations with or without Public Hearing	8
• Modifications	8
3. Procedural Compliance and Human Rights	8
• Qualifying Body and Neighbourhood Plan Area	8
• Plan Period	8
• Neighbourhood Plan Preparation and Consultation	8
• Development and Use of Land	9
• Excluded Development	9
• Human Rights	9
4. Compliance with the Basic Conditions	10
• EU Obligations	10
• Main Issues	10
• Issue 1: General compliance of the Plan, as a whole, having regard to national policy and guidance (including sustainable development) and the strategic adopted local planning policies	10
• Issue 2: The appropriateness of individual policies to support improvements to the Plan area, create a sustainable and inclusive community and support essential facilities and services	13
- Housing and Design Policies	13
- Environment Policies	16
- Community Facilities Policies	18
- Transport and Parking Policies	20
- Economy Policy	21
• Diagrams and Maps	22
5. Conclusions	22
• Summary	22
• The Referendum and its Area	23
• Overview	23

Main Findings - Executive Summary

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

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the Shavington-cum-Gresty Parish Council;
- The Plan has been prepared for an area properly designated – the whole of the Parish area shown on the Figure B map at paragraph 1.13 of the Submission Plan;
- The Plan specifies the period to which it is to take effect – 2019-2030; and
- The policies relate to the development and use of land for a designated neighbourhood area.

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

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

1. Introduction and Background

Shavington-cum-Gresty Neighbourhood Plan 2019–2030

- 1.1 The Civil Parish of Shavington-cum-Gresty is located immediately to the south of the town of Crewe and comprises the large village of Shavington and the smaller hamlet of Gresty. The A500 bypass bisects the Parish giving access to the M6 to the east, and the market town of Nantwich to the west. The Parish was largely a rural area until the late 1840s, and without a village centre. The growth of Crewe, following its establishment as a railway town, resulted in housing developments, the creation of a village centre and a doubling of the population of Shavington between 1851 and 1871. The 2011 Census shows a population of a little over 4,500 – a slight reduction from the 2001 population of 4,830.
- 1.2 Following designation of the Neighbourhood Area in 2016, a Steering Group, formed of resident volunteers and Parish councillors, undertook various consultations including public meetings, surveys and other events. This has kept residents informed and allowed them to contribute to the Plan.¹ A Regulation 14 consultation was undertaken during 2019 involving

¹ Shavington-cum-Gresty Consultation Statement, October 2019.

residents, local groups, companies and neighbouring parish councils, together with national and other bodies. The Consultation Statement, Appendix 2 provides summaries of the representations together with the Steering Group's responses.

The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the SNP by Cheshire East Council (CEC), with the agreement of the Shavington Parish Council (SPC).
- 1.4 I am a chartered town planner and former government Planning Inspector, with more than 20 years experience inspecting and examining development plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

The Scope of the Examination

- 1.5 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the Plan meets the Basic Conditions;
 - Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development';

- it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
- whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended)('the 2012 Regulations').

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

The Basic Conditions

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

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

1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.²

2. Approach to the Examination

Planning Policy Context

2.1 The Development Plan for this part of CEC, not including documents relating to excluded minerals and waste development, is the Cheshire East Local Plan and the saved policies of the Crewe and Nantwich Borough

² This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

Local Plan 2011. The Local Plan is being prepared in two stages with the first part being the Cheshire East Local Plan Strategy (CELPs) which was adopted in 2017. This sets out the strategic planning framework for the Borough to 2030. The second part is the Site Allocations and Development Policies Document (SADPD), and a pre submission (for examination) draft is currently out to consultation until 23 December 2020. I shall have regard to this emerging Plan in my consideration of the SNP, in accordance with Planning Practice Guidance (PPG) which states that it is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies. The PPG advises that the reasoning and evidence informing emerging local plans can be relevant to neighbourhood plans. Where a neighbourhood plan is brought forward before an up-to-date local plan is in place, the local planning authority and qualifying body should discuss and aim to agree the relationship between their emerging policies and the adopted development plan.³

- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The PPG offers guidance on how this policy should be implemented. A revised NPPF was published on 19 February 2019, and all references in this report are to the February 2019 NPPF and its accompanying PPG.⁴

Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Shavington-cum-Gresty Neighbourhood Plan 2019-2030, November 2019;
 - Figure B map of the Plan, which identifies the area to which the proposed Neighbourhood Development Plan relates;
 - the Consultation Statement, October 2019;
 - the Basic Conditions Statement, October 2019;
 - all the representations that have been made in accordance with the Regulation 16 consultation;
 - the Strategic Environmental Assessment (SEA) Screening Report prepared by CEC, February 2019;
 - Shavington Settlement Report, CEC, August 2018⁵;
 - Shavington Housing Advice Note, CEC, undated; and
 - the Responses to the Examiner's questions of 25 September 2020, dated 23 October 2020.⁶

³ PPG Reference ID: 41-009-20190509.

⁴ See paragraph 214 of the NPPF. The Plan was submitted under Regulation 15 to the local planning authority after 24 January 2019.

⁵ This document has been subject to subsequent updates, most recently dated August 2020.

⁶ View at: <https://www.cheshireeast.gov.uk/planning/neighbourhood-plans/neighbourhood-plans-n-z/shavington-neighbourhood-plan.aspx>

Site Visit

- 2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 14 September 2020 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

- 2.5 This examination has been dealt with by written representations. There were no requests for an appearance amongst the Regulation 16 representations and the responses clearly articulated objections to the Plan, and presented arguments for and against the Plan's suitability to proceed to a referendum. As a consequence, I concluded that hearing sessions would be unnecessary.

Modifications

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

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The SNP has been prepared and submitted for examination by SPC, which is a qualifying body for an area that was designated by CEC on 17 August 2016.
- 3.2 It is the only Neighbourhood Plan for the Shavington-cum-Gresty Plan Area and does not relate to land outside the designated Neighbourhood Plan Area.

Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2019 to 2030.

Neighbourhood Plan Preparation and Consultation

- 3.4 The preparation of the SNP has been overseen and coordinated by the Shavington-cum-Gresty Neighbourhood Plan Steering Group, which was formed from a group of resident volunteers and Parish councillors. The process has involved public meetings, surveys and consultation events, to ensure that all residents were fully informed and were able to contribute to the Plan. Formal consultation on designation of the Neighbourhood Area ran from 4 July 2016 until 15 August 2016, during which time no

comments were received. Official designation took place on 17 August 2016.

- 3.5 Development of the main issues for the Plan was initially informed by the responses to a short fact finding survey. This was followed by the main questionnaire, delivered to households for completion by 14 November 2016 and described in detail in section 5 of the Consultation Statement. A total of 812 responses were received; a response rate of some 45%. Business owners were asked to complete a separate online business questionnaire. A total of 17 responses were received, the large majority being home based. Significant matters of concern to respondents were identified as the poor mobile phone coverage and broadband speeds.
- 3.6 A draft version of the Plan was subjected to a Regulation 14 pre-submission consultation, which was undertaken between 23 April and 5 June 2019. This resulted in a total of 129 comments being submitted from residents, neighbouring parish councils, statutory consultees and developers. Appendix 2 attached to the Consultation Statement summarises the comments received and the Steering Group's responses. Based on those comments a number of modifications were made to the Plan, following which it was submitted to CEC on 19 February 2020. The Regulation 16 consultation was undertaken between 28 July and 8 September 2020, resulting in submissions from 16 respondents, eight of which offered no further comment.
- 3.7 The consultation process is described in detail in the Consultation Statement, October 2019, covering the period prior to the Regulation 16 consultation. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the SNP, that has had regard to the advice in the PPG pertaining to plan preparation and engagement and is procedurally compliant in accordance with the legal requirements.

Development and Use of Land

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

Excluded Development

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

Human Rights

- 3.10 SPC is satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998)⁷, and from my independent assessment I see no reason to disagree.

⁷ Basic Conditions Statement (October 2019); paragraph 4.4.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The Neighbourhood Plan was screened for SEA by CEC, which found that it was unnecessary to undertake SEA. Having read the Strategic Environmental Assessment Screening Opinion⁸, I support this conclusion.
- 4.2 The Plan was further screened for HRA, which also was not triggered. There are no designated sites of European significance within the Neighbourhood Plan Area. There are six sites within 15km proximity of the Plan area but the effect of the Plan on these sites is not considered to be significant.⁹ Natural England agreed with this conclusion, indicating that it is not aware of significant populations of protected species which are likely to be affected by the Plan proposals or policies.¹⁰ From my independent assessment of this matter, I have no reason to disagree.

Main Issues

- 4.3 I have approached the assessment of compliance with the Basic Conditions of the Shavington-cum-Gresty Neighbourhood Plan as two main matters:

Issue 1: - General compliance of the Plan, as a whole, having regard to national policy and guidance (including sustainable development) and the strategic adopted local planning policies; and

Issue 2: - The appropriateness of individual policies to support improvements to the Plan area, create a sustainable and inclusive community and support essential facilities and services.

- 4.4 As part of that assessment, I shall consider whether the policies are sufficiently clear and unambiguous, having regard to advice in the PPG that a neighbourhood plan should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.¹¹

Issue 1: General compliance of the Plan, as a whole, having regard to national policy and guidance (including sustainable development) and the strategic adopted local planning policies

- 4.5 The NPPF advises that a plan should provide “a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings” (paragraph 15). It also requires that “plans should positively seek opportunities to

⁸ Strategic Environmental Assessment (SEA) Screening Report, February 2019.

⁹ Ibid: paragraph 4.0.

¹⁰ Email from Natural England attached as item 3 of Appendix A of the Screening Report.

¹¹ PPG Reference ID: 41-041-20140306.

meet the development needs of the area, and be sufficiently flexible to adapt to rapid change” (paragraph 11).

- 4.6 The Plan’s Vision for Shavington indicates that it will be a vibrant and inclusive village, easy and safe to get around and with thriving local businesses. It will also provide new housing of an appropriate type and scale to meet the needs of the community (paragraph 7.2). The broad vision will be achieved through six objectives which, in turn, provide the basis for the policies grouped into five categories: housing and design; environment; community facilities; transport and parking; and economy.
- 4.7 Shavington is identified as a Local Service Centre (LSC) in CELPS, Policy PG2, *“where small scale development to meet needs and priorities will be supported where they contribute to the creation and maintenance of sustainable communities”*. The justification indicates that development should reflect the function and character of individual villages, and that small scale growth may be appropriate where it supports the creation of stronger local communities and where a clear need exists (paragraph 8.34). CELPS allocates sites for strategic development within the Parish, including sites LPS3 - Basford West, LPS9 - the Shavington/Wyburnbury Triangle and LPS 10 – East Shavington. Although all the strategic sites are identified as located in Shavington, LPS9 is only partially within Shavington Parish and the Neighbourhood Plan Area. As a consequence, the total amount of housing provided in Shavington through the strategic sites will be 406 dwellings rather than the 675 suggested by the CELPS allocations, or the revised total of 635 shown in Appendix 1 of the SNP. In this context, SPC has provided a revised Appendix.¹²
- 4.8 In terms of overall housing provision the NPPF makes it clear that *“neighbourhood plans should not promote less development than set out in the strategic policies for the area”* (paragraph 29). The overall development strategy set out in CELPS, Policy PG1, and based on a Case for Growth¹³, shows the full objectively assessed needs for the Borough requires provision for a minimum of 36,000 homes to 2030. The total contribution provided by LSCs would be 3,500 homes (Policy PG7), although the geographical distribution and the proportion that each area will take have not been decided. The Housing Advice Note, prepared by CEC, suggests an *‘even split’* would result in 269 dwellings for Shavington over the Plan period, whilst a proportionate distribution would result in 317 dwellings. Finally, on the basis of the DCLG¹⁴ household projections a *‘level of need’* figure of 236 dwellings has been calculated.
- 4.9 The table in Appendix 1 to the SNP (as revised by the answers to the Examiner’s questions) shows the number of approved new dwellings in the Plan area between 2011 and 2020 as 1,288. The revised figure for completions (paragraphs 2.11 and 5.1) indicates some 470 of the 1,288

¹² See **PM3** below, paragraph 4.11.

¹³ CELPS 2010-2030 (Section 4).

¹⁴ Department for Communities and Local Government (since replaced by the Ministry of Housing, Communities and Local Government).

had been completed by March 2020. In response to the Examiner's questions, SPC has provided amended text to paragraphs 2.11 and 5.1 to reflect the revised figures.

- 4.10 The second draft of the SADPD includes a revised Policy PG8, stating that *"the local service centres are expected to accommodate development as shown: in the order of 7ha of employment land and 3,500 new homes. It is expected that the housing element will be addressed by windfall going forward, in line with other policies in the Local Plan"*. A more detailed and up to date analysis in a Site Allocations and Development Policies Document¹⁵ includes Table 11 which illustrates the total housing supply across the LSCs. The entry for Shavington shows 222 completions with a further 143 commitments giving a contribution of 365 dwellings towards the 3,500 total for LSCs. The document concludes (paragraph 4.63) that *"the significantly increased level of flexibility in the overall plan housing numbers (set out in Chapter 8 below) gives confidence that the overall 36,000 plan housing requirement will be met in full over the plan period without requiring site allocations in the LSCs"*. In this context I have noted that Policy HOU1 supports new developments within the settlement boundary.¹⁶ In this respect, the Plan seeks to guide development to sustainable locations in line with national and local strategic policies.
- 4.11 Revised text to paragraphs 2.11 and 5.1 to correct the housing totals is necessary and proposed modifications are provided by **PM1** and **PM2**, whilst a revised Appendix 1 is provided by **PM3**. These are necessary for accuracy.
- 4.12 Taking the above into account and the policies of the SNP, and subject to the detailed modifications I recommend throughout this report, I am satisfied the SNP should contribute to the achievement of the three strands of sustainable development and also has regard to national policy and guidance. In particular it meets the requirement to *"..not promote less development than set out in the strategic policies for the area"*. It is also my view that the SNP, as a whole, is in general conformity with the strategic policies set out in the CELPS. It further seeks to align, where appropriate, with the emerging SADPD which is to form Part 2 of the Cheshire East Local Plan.¹⁷

¹⁵ The Provision of Housing and Employment Land and the Approach to Spatial Distribution [ED05], October 2020.

¹⁶ See paragraph 4.13 below.

¹⁷ See footnote 3.

Issue 2: The appropriateness of individual policies to support improvements to the Plan area, create a sustainable and inclusive community and support essential facilities and services

Housing and Design Policies

Policy HOU1 – New Housing

- 4.13 There has been a request by CEC at Regulation 16 stage to amend Figure C regarding the definition of the southern boundary, as the physical form of Shavington extends beyond the Neighbourhood Plan Area. In response to an Examiner's question, SPC has provided a replacement figure which should be incorporated into the final version of the Plan.¹⁸ All references in this report to the settlement boundary apply only to those parts that fall within the Neighbourhood Plan Area.
- 4.14 The policy also indicates that outside the settlement boundary CELPS Policy PG6, Open Countryside, will be applied, subject to certain identified exceptions. The main body of the policy text then largely repeats that of the CELPS Policy PG6, contrary to advice in the NPPF, paragraph 16, which states that Plans should, inter alia, *"serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)"*.
- 4.15 SPC has defended the approach in responses to the Examiner's questions, indicating that this was suggested by CEC to ensure consistency with the neighbouring Wybunbury Ward Combined Parishes Neighbourhood Plan. The reason given was because the Shavington settlement boundary falls within the two designated plan areas. I accept that in this particular instance there is an overriding logic to the argument and, in the interests of a local consistency in the application of policies, I have concluded that the duplication of policy wording should remain in Policy HOU1.
- 4.16 I am satisfied that the policy does have sufficient regard to national advice and policy and is in general conformity with CELPS. However, the first sentence of Policy HOU1 should make it clear that the statement of policy relates to housing development. This is in the interests of clarity and precision as required by PPG¹⁹, since CELPS Policy PG6 is intended for the control of *all* development in the Open Countryside. An appropriate amendment to the text is provided by proposed modification **PM4**. This ensures the Basic Conditions are met.
- 4.17 Questions have been raised in the Regulation 16 responses regarding references to the SADPD, particularly suggesting that the quantum of development to be distributed in Shavington as a LSC is yet to be determined and is a matter for the SADPD. SPC has suggested amendments to the justification for Policy HOU1 at paragraphs 8.7 and

¹⁸ See **PM17**, paragraph 4.61.

¹⁹ PPG Reference ID: 41-041-20140306.

8.8 to reflect the ongoing nature of the draft SADPD. These should be incorporated in the Plan. However, in the interests of clarity the revision to paragraph 8.7 should indicate the source of the statement that the development requirements will be met. I have included amendments to the revised text in the proposed modification **PM5** to provide the necessary clarification.

Policy HOU2 – Housing Mix and Type

- 4.18 The policy has been criticised for a number of reasons, including being too prescriptive, not in general conformity with local strategic policies and not having regard to national policies and advice. Those criticisms resonate with my own examination of the Plan and further clarification was requested to support the policy. In response, SPC has suggested that current developments do not address the issue of need for more bungalows and single person dwellings, and has provided a breakdown of major developments still under construction. This shows a substantial proportion of new developments to be larger dwellings, with less than 4% being bungalows or 1-bed apartments. These figures support SPC's concerns.
- 4.19 However, there are problems with the policy, as drafted. Firstly, it is clearly not in general conformity with strategic CELPS Policy SC4 which does not place specific limits on the proportion of new developments which should comprise specific house types. The policy also requires developers to provide viability evidence to justify an exception to the policy requirements which, in practice, would impose an onerous demand on developers, contrary to the advice in the NPPF, paragraph 44, that *"local planning authorities should only request supporting information that is relevant, necessary and material to the application in question"*. Appropriate revisions to the text are suggested by proposed modification **PM6** to ensure the Basic Conditions are met.

Policy HOU3 – Housing for Older People

- 4.20 The policy seeks to prevent the loss of existing housing for older people and supports proposals to enhance provision for older people within the settlement boundary. It is in general conformity with local strategic policies in CELPS, particularly Policy SC4 which seeks *"to meet the needs arising from the increasing longevity of the borough's older residents"*. It also has regard to the advice in the NPPF, paragraph 61, that the housing needed for different groups in the community should be assessed and reflected in planning policies.
- 4.21 A suggestion from the Regulation 16 responses, that the final sentence should allow for limited development adjacent to the settlement boundary would not be in accord with the principle of setting such boundaries and should not be acted upon. The policy meets the Basic Conditions and requires no modification.

Policy HOU4 – Local Character and House Design

- 4.22 SPC considers the design elements referred to in Policy HOU4 are important to the achievement of good design in the context of Shavington's existing character. It follows the Government's advice in the NPPF, paragraph 124, that "*good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*". It is also in general conformity with Policy SE1 in CELPS, which advises that developments should make a positive contribution to their surroundings. However, there is merit in some criticisms of the policy contained in Regulation 16 responses, on the basis of clarity in respect of some criteria.
- 4.23 Criterion (a) is imprecise and the suggestion from Regulation 16 responses, qualifying the reference to a *sympathetic transition* should be included in proposed modifications to significantly improve decision makers' confidence in its consistent application.
- 4.24 Criterion (e) is intended by SPC to respond to the relevant design cues mentioned in the Cheshire East Design Guide, which highlight a wide variety of building styles reflecting the different periods in the growth of the settlement. The text of the criterion in the submission Plan does not provide an adequate basis for determining whether this aim would be achieved. More appropriate text to achieve clarity is provided by proposed modifications.
- 4.25 Criterion (f) is intended to achieve strong enclosure to the street, as indicated in paragraph 8.23 of the justification. However, the response to the Examiner's questions suggests a quite different reason – to "*ensure that new residential dwellings do not open out straight on to the pavement, so as to maintain a feeling of openness and space and reflect the local character*". SPC's response has suggested an alternative form of words, reflecting design cues from the Cheshire East Design Guide. This appears to me a more appropriate criterion which should replace the submission version as shown in the proposed modifications.
- 4.26 Criterion (h) aspires to high sustainable standards in terms of energy and resource efficiency. This is, in itself, laudable. However, a planning policy cannot require higher standards than those set out in the Building Regulations as a matter of course. Whilst the criterion does suggest such high standards are '*encouraged*', the format could be interpreted to provide an imperative. A more appropriate form of words is suggested by the proposed modifications.
- 4.27 Criterion (i) reflects Policy SE2 in CELPS, which states that windfall developments should "*consider the landscape and townscape character of the surrounding area when determining the character and density of development*". However, the form of words chosen for the criterion is imprecise and the necessary clarity would be achieved through an amended text as shown in the proposed modifications.

- 4.28 Responses to the Regulation 16 consultation include a suggestion that an additional criterion should be provided relating to the incorporation of SUDS (sustainable drainage systems) in new developments. In view of the concern with flooding evidenced by SPC in its responses to the Examiner's questions, this is a sensible addition which would ensure general conformity with the local strategic Policy SE13 in CELPS, and so it should be included in the Plan using the text suggested in the proposed modifications.
- 4.29 A number of proposed modifications to the criteria have been suggested above and are included in proposed modification **PM7**. These will ensure the Basic Conditions have been met.

Environment Policies

Policy ENV1 – Footways and Cycleways

- 4.30 The objective of the SNP to protect access to the open countryside is addressed through Policy ENV1. The policy takes account of national advice in the NPPF, paragraph 98, that "*planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users*". The policy also provides more detailed guidance within the context of the local strategic policies within CELPS, particularly Policy SE6 which indicates support for the potential of strategic green infrastructure assets, including "*public rights of way, cycle routes and greenways*". In this respect it is in general conformity with strategic policies in the local development plan.
- 4.31 Suggestions within the Regulation 16 responses that the policy is too demanding of new developments has not convinced me that specific changes are necessary. However, the policy would benefit from changes to the text to ensure that it is sufficiently clear and unambiguous as advised in the PPG.²⁰ The first of these relates to the use of the phrase "*very special circumstances*" in the second paragraph. This is a precise term in the context of planning policy, used only in the context of Green Belt policies, and it should be replaced with more appropriate text as shown in the proposed modification. The second issue relates to the last sentence of the policy, which refers to "*measures to be taken to ensure this*" without being clear what is meant by "*this*". In the interests of clarity it would be better to use a general reference to "*appropriate mitigation*".
- 4.32 Amendments to address these matters are included in proposed modification **PM8** to ensure the Basic Conditions are met.

²⁰ PPG Reference ID: 41-041-20140306.

Policy ENV2 – Trees and Hedgerows

- 4.33 Policy SE5 in CELPS provides the local strategic policy for trees, hedgerows and woodland. Its requirements are twofold: to ensure firstly, the sustainable management of trees, woodland and hedgerows and secondly, the planting and sustainable growth of large trees within new development. Policy ENV2 is in general conformity with the local strategic policy. It has also had regard to the advice in the NPPF regarding the achievement of sustainable development (paragraph 8(c)), and regarding the protection of irreplaceable habitats (paragraph 175). The policy therefore meets the Basic Conditions.
- 4.34 The map, Figure E, is confusing in that it refers to Tree Protection Orders and Tree Preservation Orders. In addition, it provides information regarding trees outside the Plan area. SPC has provided a replacement Figure E to address these matters. It has also been suggested that a link to CEC's interactive map of all Tree Preservation Orders be included and a listing, using a further appendix. I am not convinced either of these is a necessary modification, although SPC may wish to include the link to the interactive map within the justification to Policy ENV2. The substitution of the revised Figure E is covered by proposed modification **PM17** referred to later in this report (paragraph 4.61).

Policy ENV3 – Water Management and Drainage

- 4.35 Policy ENV3 has come in for criticism from Regulation 16 responses, both in terms of the policy wording, and the supporting evidence. In particular, the first 2 paragraphs of the policy appear to be at variance with the advice in the NPPF, paragraphs 157-160 regarding application of the sequential and exceptions tests. SPC has accepted that the wording is unclear and has provided a more precise and succinct replacement for the first two paragraphs. The policy should be amended to incorporate the replacement text in order to demonstrate that regard has been had to national advice in the NPPF (paragraphs 155-159). A further suggestion, to ensure the accuracy of the policy, relates to the second bullet point regarding the discharge of surface water. The amendment suggested does provide a more precise statement of policy and should be incorporated in the text.
- 4.36 It has been suggested that the final paragraph of the policy is not factually correct and could be misinterpreted. Since the water and sewerage company, United Utilities, has statutory obligations regarding the right to connect to the public sewer, it does appear that the paragraph does not serve a planning purpose and could be misinterpreted. As a consequence it should be deleted from the policy. An alternative final sentence which is not open to misinterpretation, has been suggested by the company and should be included to provide clarity.
- 4.37 Paragraph 9.16 of the supporting evidence has been disputed as inaccurate and unnecessary. SPC has indicated a need for revision in its

responses to the Examiner's questions, as opposed to deletion of the paragraph in its entirety. I accept that a revised paragraph could usefully provide support for the policy. However, the suggested revision would require further amendment to provide a clear and precise statement of support. For clarity I have included the text of the SPC proposed replacement paragraph, together with additional amendments, in the proposed modification.

- 4.38 Paragraph 9.17 has also been subject to a suggestion for its deletion, although no evidence has been provided to support the request. In response to the Examiner's questions, SPC has provided further clarification of flooding events, including some related to new developments. As a consequence the paragraph does serve a purpose in providing evidence in support of the policy. However, SPC has suggested revisions to the paragraph relating to the final sentence. Not all of the proposed replacement text forms a necessary addition to the paragraph and, whilst I agree that the paragraph should be replaced, I have not included the final three sentences as a proposed modification.
- 4.39 The proposed modifications included in **PM9** will ensure that the policy is in general conformity with the strategic CELPS Policy SE13, and also has regard to national advice in the NPPF. The revised policy meets the Basic Conditions.

Community Facilities Policies

Policy COM1 – Community Facilities and Local Businesses

- 4.40 The policy seeks to provide support for existing local businesses and community facilities and encourage the provision of new ones. It is in general conformity with the local strategic policies in CELPS, including specifically policies EG1 concerning economic prosperity and the part of EG3 relating to the protection of existing employment sites. It is also in line with Government advice and policy in the NPPF, paragraph 92, which seeks to guard against the unnecessary loss of valued facilities and services.
- 4.41 The second paragraph of the policy indicates that the loss of shops, public houses and community infrastructure will be resisted unless it can be demonstrated that "*the existing uses have been actively marketed over an appropriate timeframe*". However, it does not specify a test to be met by any proposal by identifying an appropriate timeframe. As a consequence, applicants will not have a clear idea of what is required of them. A precise indication of the evidence required to show an active market investigation has been undertaken should be provided. I have noted that CELPS Policy RG3 (footnote) requires a period of not less than two years marketing to demonstrate the existing use is not viable, and the same period is used for this Plan in Policy ECON1. However, whilst this may be an appropriate marketing period for employment sites, it appears to me to be too onerous for small business premises and

community facilities. A suggested form of words to be added to the second paragraph of the policy is provided by proposed modification **PM10** to provide clarity and precision, and to ensure the Basic Conditions are met.

Policy COM2 – Play, Recreation and Open Space Facilities

- 4.42 The NPPF, paragraph 97, advises that existing open space and recreation facilities should not be built on, providing a list of three criteria to be met prior to approval of building on them. Policy COM2 reproduces the three criteria with minor adaptation of the wording to relate to the local context and so the policy has had regard to national advice. The policy is also in general conformity with strategic CELPS Policy SC1. Accordingly the policy meets the Basic Conditions without modification.

Policy COM3 – The Provision of New Open Space Facilities

- 4.43 In parallel with protecting existing recreational facilities through Policy COM1, this policy seeks to ensure new developments provide appropriate additional facilities through compliance with CELPS Policy SD2 which requires residential development to provide appropriate open space. CELPS Policy SE6 is also relevant, seeking to strengthen the contribution that sport and playing fields, open space and recreation facilities make to Cheshire East's green infrastructure network by requiring all developments to provide adequate open space in accordance with standards set down in the appended Table 13.1. Policy COM3 is also in line with advice in the NPPF, paragraph 96, which encourages local planning policies to seek to accommodate open space, sport and recreational provision where this can be shown to be necessary.
- 4.44 Proposals for development should comply with policy requirements in order to obtain permission, unless there is good reason that they should not. A greater provision may be supported, but it cannot be imposed. It follows that the phrase "*at the very least*" in the first sentence introduces a note of ambiguity which is inappropriate. It should be deleted as shown in proposed modification **PM11**. This will ensure the policy meets the Basic Conditions.

Policy COM4 – Developer Contributions

- 4.45 Policy COM4 sets down the expectations regarding developer contributions to address the impact of new development on community infrastructure. This is in line with national advice on decision making in the NPPF, Section 4.
- 4.46 CELPS Policy IN2 provides the local strategic context for developer contributions, indicating that "*development proposals will be expected to provide a contribution towards the cost of infrastructure*". Policy COM4 is in general conformity with the local strategic policies and has had regard to the national advice in the NPPF.

- 4.47 The first sentence of the policy introduces the term “*benefits*” which is not a matter to be addressed through developer contributions and should be deleted. Proposed modification **PM12** includes appropriate amendments to ensure the policy meets the Basic Conditions.

Policy COM5 – Telecommunications

- 4.48 The telecommunications policy supports the development of advanced high quality communications infrastructure, following advice in the NPPF. However, to ensure general conformity with CELPS, Policy CO3, there should be reference to proposals being “*appropriately located*”, and for precision, the reference to new housing development should be prefaced by “*all*”. Appropriate amendments are provided by proposed modification **PM13**. This will ensure the Basic Conditions are met.

Transport and Parking Policies

Policy TRA1 – Sustainable Transport

- 4.49 Transport is a key consideration in planning for sustainable development. Policy TRA1 addresses the matter in the context of the local strategic framework in CELPS, particularly Policy CO4. It also takes account of the national advice and policy in the NPPF and follows the Government’s aim to achieve sustainable development. However, there is a difference in emphasis regarding travel plans between the NPPF and Policy CO4. The former indicates that “*all developments that will generate significant amounts of movement should be required to provide a travel plan*”, whilst the latter suggests the requirement for a travel plan for all major development proposals that are likely to generate significant additional journeys is only “*where appropriate*”. Since the NPPF postdates CELPS the qualification should be deleted from Policy TRA1 in order to have regard to national advice.
- 4.50 A suggestion contained within the Regulation 16 responses is that the term “*elderly*” should be replaced with “*older people*” to provide consistency - the latter term being defined in the glossary attached to the NPPF. This is a simple but useful suggestion which has my support. The amendments in proposed modification **PM14** will ensure that the policy meets the Basic Conditions.

Policy TRA2 – Parking

- 4.51 The policy seeks to deal with parking issues in Shavington-cum-Gresty, firstly by ensuring new developments do not exacerbate existing problems, and secondly, supporting developments which would lead to alleviation or elimination of existing problems. The Cheshire East Design Guide, Volume 2, provides advice regarding residential parking and recognises the problems created by parking. It advises that the Council intends “*to take a more pragmatic approach to parking by ensuring there is ample allocated and visitor parking for the location of the development*”

.." (page 23, paragraph 71). Policy TRA2 is intended to broadly address these matters. Appendix C of CELPS provides parking standards and Policy CO2, Enabling Business Growth Through Transport Infrastructure, makes reference to these in paragraph 2, criterion (vii), requiring new developments to adhere to the standards "*where there is clear and compelling justification*". National advice in the NPPF does not provide specific guidance on the subject, although it does indicate that parking considerations are integral to the design of schemes and contribute to making high quality places (paragraph 102).

- 4.52 The second paragraph of Policy TRA2 provides support to developments which "*will alleviate or eliminate existing parking problems*". This is too demanding of development proposals and is clearly not achievable. For this reason "*will*" should be replaced with "*would assist with the*". The third paragraph seeks to apply the policy requirement for adequate parking facilities to existing residential areas. This would be an onerous requirement which could not, in practice, be applied to existing housing. Accordingly the first part of the paragraph should be deleted.
- 4.53 The changes to the text to ensure the policy meets the Basic Conditions are shown in proposed modification **PM15**.

Economy Policy

Policy ECON1 – Economy

- 4.54 There is a single economic policy included in the Plan to respond to the objective "*to support and enhance the local economy*". The policy reflects various statements of national advice and policy in the NPPF. These include the proactive encouragement to sustainable economic growth and allowance for flexible working practices (paragraph 81), and the sustainable growth of businesses including through conversion of existing buildings, and agricultural and rural diversification (paragraph 83).
- 4.55 CELPS does not include an equivalent explicit policy statement regarding support for the development of local businesses, although Policy EG1 provides support for employment development "*in the right location*", whilst Policy EG2 provides support for the rural economy (outside identified centres, including LSCs such as Shavington-cum-Gresty) in similar terms to those included in Policy ECON1. In these terms, the policy can be said to be generally in conformity with the local strategic policies contained in CELPS.
- 4.56 However, the first statement does not provide a clear and precise statement of policy since the purpose of the policy only becomes clear at the end of the sentence. Clarity would be achieved by commencing the policy with "*In order to support the local economy, the following will be supported:*". The remainder of the first sentence should follow as a qualifying statement.

- 4.57 The penultimate sentence requires adequate parking for staff and visitors, followed by adequate cycle storage facilities. To have proper regard to the thrust of Government advice and policy²¹, the emphasis should be to give priority to cycle provision. The advice in the NPPF also indicates that development should “*be designed to enable charging of plug-in and other ultra-low emission vehicles...*”. Amendment of the penultimate sentence would ensure the policy has due regard to Government advice.
- 4.58 Appropriate changes to the text are contained in the proposed modification **PM16** to ensure the Basic Conditions are met.

Diagrams and Maps

- 4.59 At Regulation 16 stage, CEC has requested an amendment to Figure C, to remove the blue line delineating the extent of the settlement boundary that is layered next to the southern Neighbourhood Plan Area boundary. The settlement boundary is that referred to in Policy PG6 of the CELPS, extending beyond the Neighbourhood Plan Area and so an appropriate amendment has been provided by SPC.
- 4.60 Other figures (D, E, F and G) include notations outside the Neighbourhood Plan area which require deletion, and substitute figures have been provided, which should replace those in the submitted Plan. SPC has also provided a Policies Map which is a useful addition and which should be incorporated in the final Plan. However, the Policies Map should show delineation of Strategic Sites LPS3, LPS10, and that part of LPS9 within the Neighbourhood Plan Area to ensure completeness and clarity.
- 4.61 All of these additions and amendments to the diagrams and maps add to the clarity and precision of the Plan, allowing decision makers to apply it consistently and with confidence. They should be incorporated in the Plan as indicated by proposed modification **PM17**.

5. Conclusions

Summary

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

²¹ NPPF, paragraph 110.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Shavington-cum-Gresty Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Overview

- 5.4 The Parish Council and the Steering Group are to be congratulated for the collaborative approach to working with Cheshire East Council during the preparation of the Neighbourhood Plan. This follows advice in PPG²² which is intended to resolve issues and ensure success at independent examination. It is clear from the documentation that this close working relationship has assisted in producing a comprehensive Neighbourhood Plan which will have a significant influence in shaping the future of Shavington-cum-Gresty within the local strategic planning context.

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Examiner

²² PPG Reference ID: 41-009-20190509.

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Appendix: Modifications

Proposed Modification (PM) number	Page no./ other reference	Modification
PM1	Page 7	Amend paragraph 2.11 as follows: "More recently, there has been a further surge in house building. Notably, three strategic sites were identified in the Cheshire East Local Plan Strategy Part One, for a total of 1005 units. Although these houses count towards the housing figures for nearby Crewe, they <u>some 776</u> lie within the parish boundary and designated Neighbourhood Plan area of Shavington-cum-Gresty. In total, since the 2011 census, there have been permissions for over 1500 <u>nearly 1300</u> new dwellings within the parish, with over 700 <u>470</u> dwellings completed by September 2019 <u>March 2020</u> (see Appendix 1)".
PM2		Amend the second sentence of paragraph 5.1 as follows: "However further growth has taken place; since April 2010 there have been planning permissions granted within the parish boundary for over 1500 <u>nearly 1300</u> <u>new</u> dwellings, with more than 700 <u>470</u> completions by September 2019 <u>March 2020</u> (Appendix 1)".
PM3	Appendix 1	Replace Appendix 1 with the amended version provided with the response to Examiner's questions.
PM4	Page 13	Policy HOU1 Amend the first sentence to read: <i>"Within the settlement boundary defined on Figure C, <u>proposals for housing development proposals...</u>"</i> .
PM5	Pages 14 and 15	Replace the text of the second sentence to paragraph 8.7 with the following: "A number of the 13 Local Service Centres have site allocations in the emerging SADPD, but it is <u>considered the Shavington Settlement Report (ED42), paragraph 4.7, advises that 'there are no remaining development requirements in Shavington, and consequently there is no need to identify further</u>

		<p><i>sites for housing' the development requirements of Shavington-cum-Gresty will be met by development that has already been completed and schemes with planning permission."</i></p> <p>And replace paragraph 8.8 with the following:</p> <p>"As part of the evidence base for the SADPD, Cheshire East Council produced two reports specifically relevant to Shavington-cum-Gresty; 'ED05 – Provision of Housing and Employment Land and the Approach to Spatial Distribution' and 'ED 42 – Shavington Settlement Report'. These reports can be found at https://cheshireeast-consult.objective.co.uk/portal/planning/cs/sadpd/revpubevidence. The reports make it clear that no further sites need to be allocated for housing at Shavington in the emerging Cheshire East Site Allocations and Development Policies Document."</p>
PM6	Page 15	<p>Policy HOU2</p> <p>Amend the policy as follows:</p> <p>"Unless viability or other material considerations show a robust justification for a different mix, i<i>In order to redress the imbalance of the current housing stock and ensure an appropriate mix of housing in Shavington-cum-Gresty, new housing developments should comprise a mix of house types, with a limit of one third being detached. The remainder (both market and affordable) should favour including smaller homes, such as bungalows, apartments, terraced or semi-detached.</i></p> <p>Where viable and appropriate, housing should meet the requirements of a wide range of households should be met without the necessity for substantial alterations including, for example. These include the requirements of families with push chairs, wheelchair users, disabled visitors, and older people. The design of housing should maximise utility, independence and quality of life, while not compromising other design issues such as aesthetics or cost effectiveness".</p>

PM7	Page 17	<p>Policy HOU4</p> <p>Amendments should be made to the criteria, as follows:</p> <p><i>"a) Development adjoining open countryside should provide a sympathetic transition <u>between the built form and wider countryside</u>";</i></p> <p><i>"e) <u>The design of New residential development should not normally be uniform in design reflect the wide variety of building styles and materials which characterise the settlement</u>";</i></p> <p><i>"f) Wherever possible, <u>the layout of new residential development should be set to the back of the pavement include front gardens, or have dwellings set back with open frontages</u>";</i></p> <p><i>"h) Developers are encouraged to use <u>sustainable construction practises, including the use of renewable and low carbon technology where appropriate, to achieve New residential development which is built to high sustainability standards in terms of energy and resource efficiency is encouraged</u>";</i></p> <p><i>"i) The density of development <u>must should be appropriate to the site and its surroundings. The demolition Proposals for the redevelopment of large properties for the redevelopment of the site of more units at a higher density must not have an adverse effect on should reflect the local character of the existing development, the street scene and residential amenity</u>";</i></p> <p><i>"k) All developments should incorporate SUDS <u>which minimises surface water run-off. These may include features such as ponds, swales and permeable paving designed as part of the development and to reflect the rural character of the area. Every reasonable option should be investigated before discharging surface water into a public sewerage network, in line with the</u></i></p>
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		<u>surface water hierarchy</u>
PM8	Page 19	<p>Policy ENV1</p> <p>Amend the second paragraph, first sentence, as follows:</p> <p><i>"Any development that leads to the loss or degradation of any PROW, or any cycleway, will not be permitted in other than very special circumstances, and then only if unless a suitable alternative can be provided"</i>.</p> <p>Amend the third paragraph, final sentence, as follows:</p> <p><i>"Measures to be taken to ensure this appropriate mitigation may include, for example, separation of pedestrians/cyclists from vehicular traffic where possible, improvements to signage, or means of speed reduction"</i>.</p>
PM9	Page 22	<p>Policy ENV3</p> <p>The first two paragraphs of the policy should be deleted and replaced with the following text:</p> <p><i>"In order to avoid inappropriate development in areas at risk of flooding, development should be steered to areas with the lowest risk of flooding, having regard to the sequential test detailed in the National Planning Policy Framework. Where this is not possible, the exceptions test must be applied"</i>.</p> <p>The second bullet point concerning surface water should be amended as follows:</p> <p><i>"An attenuated discharge to watercourse or other a surface water body"</i>.</p> <p>The final paragraph should be deleted and replaced with:</p> <p><i>"Applicants wishing to discharge surface water to a public sewer will need to submit clear evidence demonstrating why alternative options are not available."</i></p> <p>Replace paragraph 9.16 of the supporting evidence with the following amended text:</p>

		<p>"Shavington is served by a mains drainage system and since the installation of the present system – both surface runoff and foul sewage – the village has expanded significantly. This has putting additional loads on the existing system. Any new development will need to ensure that the system connections are adequate and acceptable to the system operator, following the order of priority set down in Policy ENV3 United Utilities. The presumption of available capacity is no longer an option to a study and confirmation of system adequacy. Potential public health dangers must be anticipated and mitigated."</p> <p>Replace the final sentence of paragraph 9.17 with the following:</p> <p>"Shavington is an area with particular geology, layers of impermeable soils, creating unique drainage situations for developers. These conditions require technical investigation and flooding mitigation measures to be included in planning applications for consideration before planning permission is granted".</p>
PM10	Page 24	<p>Policy COM1</p> <p>Add a new final sentence to the second paragraph of the policy as follows:</p> <p><u>"Proposals must demonstrate that the site has been marketed for freehold or leasehold purposes for the current use at a reasonable commercial price for at least twelve months without an appropriate offer being received."</u></p>
PM11	Page 25	<p>Policy COM3</p> <p>The first sentence of the policy should be amended as follows:</p> <p><u>"All developments must at the very least comply with the Cheshire East Local Plan policy requirements for the provision of open space".</u></p>
PM12	Page 27	<p>Policy COM4</p> <p>The first sentence should be amended as follows:</p> <p><u>"All new development will be expected to address the impacts and benefits it will have on community infrastructure...."</u></p>

PM13	Page 28	<p>Policy COM5</p> <p>The second criterion should be amended as follows:</p> <p><i>"b) Any development being <u>appropriately located</u>, sympathetic to its surroundings and camouflaged where appropriate".</i></p> <p>The final sentence of the policy should be amended as follows:</p> <p><i>"Where appropriate, <u>all</u> new housing developments should ensure that residential properties have high speed broadband connectivity capability".</i></p>
PM14	Page 29	<p>Policy TRA1</p> <p>Delete "<i>where appropriate</i>" in the first paragraph.</p> <p>Replace "<i>elderly persons</i>" with "<i>older people</i>" in the second paragraph.</p>
PM15	Page 30	<p>Policy TRA2</p> <p>The policy should be amended as follows:</p> <p><i>"Developments which will <u>would</u> assist with the alleviation or elimination of existing parking problems in Shavington-cum-Gresty will be supported.</i></p> <p><i>Existing residential areas and nNew residential, retail, commercial and business developments must have adequate parking facilities to avoid or minimise 'on street' parking".</i></p>
PM16	Page 31	<p>Policy ECON1</p> <p>Amend the first sentence of the policy as follows:</p> <p><i>"Subject to respecting Shavington-cum-Gresty's built and landscape character, and environmental, traffic and residential amenity impacts being acceptable In order to support the local economy, the following will be supported –"</i></p> <p>Add the following new sentence following criterion (d):</p> <p><i>"Support will be subject to proposals respecting Shavington-cum-Gresty's built and landscape</i></p>

		<p><i>character, and to environmental, traffic and residential amenity impacts being acceptable.”</i></p> <p>Amend the penultimate sentence as follows:</p> <p><i>“New and expanded employment facilities should ensure that <u>adequate cycle storage facilities are provided, that there is adequate parking for staff and visitors; in line with Cheshire East Parking Standards, and adequate cycle storage facilities and designed to enable charging of plug-in electric vehicles”</u>.</i></p>
PM17	Pages 14, 20, 22, 23 and 27	<p>Replace figures C, D, E, F and G with those provided, and insert new Policies Map following page 32.</p> <p>Amend the Policies Map to include the delineation of Strategic Sites LPS3, LPS10 and that part of Strategic Site LPS9 which falls within the Neighbourhood Plan area.</p>