
An Examination undertaken for Cheshire East Council with the support of the Poynton Town Council on the Regulation 15 submission version of the Plan.

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Date of Report: 24 June 2019
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Main Findings - Executive Summary

From my examination of the Poynton-with-Worth Neighbourhood Plan (the Plan/PNP) 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 Poynton Town Council;
- The Plan has been prepared for an area properly designated – the whole of the Poynton Council area as shown on page 154 of the submitted Plan;
- The Plan specifies the period in which it is to take effect: 2016 - 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

Poynton-with-Worth Neighbourhood Plan 2016 - 2030

1.1 Poynton-with-Worth, with a parish population of 14,260\(^1\), is a historic former coal mining town in north east Cheshire about 8 km south of Stockport and 11 km north of Macclesfield. Set in attractive countryside, the town has good road and rail connections with Greater Manchester. The popular abbreviated name of the town is Poynton and that is how I shall refer to it within this report.

1.2 The Neighbourhood Plan Area was designated by Cheshire East Council (CEC) in 2014, following which the Plan was launched by the Poynton Town Council (PTC) on 17 January 2015. A Steering Group was formed, questionnaires distributed and drop in sessions and public exhibitions held. The PNP now represents over four years’ work by those involved.

1.3 The vision for Key Services Centres in the Cheshire East Local Plan Strategy (CELPS) is that they will see growth, with high quality homes and

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\(^1\) 2011 Census.
business premises provided, where smaller independent traders and tourism initiatives will continue to thrive and where all development will contribute to creating a strong sense of place.

1.4 The vision for Poynton, which has evolved through the Plan process, is described on page 9 of the PNP. It is a thoughtful vision embracing many facets of life within the Plan area and from which the following quotations are apposite: *Poynton will retain its character and heritage as a "small town with a village feel"; and, Poynton will be a healthy, happy and fulfilling place to live, which the residents will be pleased to call home.*

1.5 Five broad objectives were developed from the vision which considered the environment, housing, transport, the town centre and business and health and wellbeing. These objectives then formed the topic headings for groups of policies in the Plan.

**The Independent Examiner**

1.6 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Poynton Neighbourhood Plan by CEC, with the agreement of the PTC.

1.7 I am a chartered town planner and former government Planning Inspector with previous experience of examining neighbourhood plans. I am an independent examiner and do not have an interest in any of the land that may be affected by the draft Plan.

**The Scope of the Examination**

1.8 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.

1.9 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’).

1.10 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

1.11 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 PNP 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.

1.12 Regulation 32 and Schedule 2 to 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 (‘the 2017 Regulations’).

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 CELPS adopted in July 2017 and the saved policies of the Macclesfield Borough Local Plan (MBLP) 2004. The Proposals Maps from the MBLP and Local Plans in East Cheshire are saved for the purposes of determining planning applications.

2.2 The emerging Site Allocations and Development Policies Document (SADPD) will include detailed development management policies and an adopted Policies Map, which will replace the saved policies from the MBLP. The First Draft SADPD was published for consultation from 11 September until 22 October 2018. CEC is currently considering the consultation responses and updating the evidence base of the SADPD.

2.3 I shall make reference to the emerging policies of the SADPD in this report, having regard to paragraph 184 of the National Planning Policy Framework (NPPF), which states that the ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. To facilitate this, local planning authorities should ensure that an up-to-date local plan is in place as quickly as possible. PPG Reference ID 41-009-20160211 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. In this context, I shall have regard to the emerging SADPD in addition to assessing whether the PNP is in general conformity with the CELPS.

2.4 The planning policy for England is set out principally in the NPPF. The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published on 19 February 2019, replacing the previous NPPF 2012 and NPPF 2018. The transitional arrangements for local plans and neighbourhood plans are set out in

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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.

3 The NPPF 2012: see paragraph 2.4 below.
paragraph 214 of the NPPF 2019, which provides ‘The policies in the previous Framework published in March 2012 will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019’. A footnote clarifies that for neighbourhood plans, ‘submission’ in this context means where a qualifying body submits a plan to the local planning authority under Regulation 15 of the 2012 Regulations. The PNP was submitted to CEC in December 2018. Thus, it is the policies in the previous NPPF that are applied to this examination and all references in this report are to the March 2012 NPPF and its accompanying PPG.

Submitted Documents

2.5 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the Poynton Neighbourhood Plan 2016 – 2030;
- the map on page 154 of the Plan (Map 1 Appendix B3) which identifies the area to which the proposed PNP relates;
- the Consultation Statement (undated);
- the Basic Conditions Statement (undated);
- all the representations that have been made in accordance with the Regulation 16 consultation;
- the Strategic Environmental Assessment (SEA) Screening Report prepared by CEC, March 2017; and
- the requests for additional clarification sought in my letters of 9 and 25 April 2019 and the responses on 25 April, 2 May, 6 May and 20 May 2019 provided by the Town and Cheshire East Councils, which are available on the Town Council website.

Site Visit

2.6 I made an unaccompanied site visit to the Neighbourhood Plan Area on 12 April 2019 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

2.7 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan’s suitability to proceed to a referendum. As noted in paragraph 2.5 above, PTC and CEC helpfully answered in writing the questions which I put to them in my letters of 9 and 25 April. No requests for a hearing were received.

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**Modifications**

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

**3. Procedural Compliance and Human Rights**

*Qualifying Body and Neighbourhood Plan Area*

3.1 The PNP has been prepared and submitted for examination by PTC, which is a qualifying body. It extends over the whole of the Poynton-with-Worth Parish which constitutes the area of the Plan designated by CEC on 21 October 2014.

3.2 It is the only neighbourhood plan for Poynton-with-Worth Parish and does not relate to land outside the designated Neighbourhood Plan Area.

*Plan Period*

3.3 The text within the Plan (penultimate paragraph page 10) indicates the period during which it has effect, which is between 2016 and 2030, albeit the Basic Conditions Statement refers to a period beginning from when the Plan might be made (2018 or 2019). However, the period is not immediately clear from first glance and I recommend that the dates 2016 - 2030 are shown prominently on the front cover.\(^5\) (PM1) The end date aligns with that of the CELPS, the period for which is 2010 – 2030.

*Neighbourhood Plan Preparation and Consultation*

3.4 The Consultation Statement and Appendix B1 of the PNP provide a comprehensive summary of the preparation process of the Plan. The Plan was launched in January 2015 following the designation of the Plan area by CEC in October 2014. Representatives of the Steering Group attended various community group meetings in January 2015 to explain the Plan and seek views. A household survey was conducted between January and April 2015, both by printed questionnaire and online, with a 20% response rate.

3.5 An exhibition publicising the results of the questionnaire was held on 16 May 2015, with further exhibitions in July 2015 to explain the draft vision and objectives for the various policy areas of the Plan and in February 2016 in order to assist in developing policies and preferences for development sites. It was recognised that the questionnaire surveys had

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\(^5\) Section 38(1)(a) of the 2004 Act requires that a neighbourhood development plan must specify the period for which it is to have effect.

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resulted in excellent responses, but mainly from older people, and so a further targeted consultation and the engagement of pupils through local headteachers aimed at and resulted in a more balanced outcome.

3.6 Businesses were contacted to gain their views with a subsequent survey carried out. In addition, a call for sites was initiated with landowners, agents and developers. Notes of the meetings are included, together with other background papers, in Appendix B2: Supporting Information.

3.7 There were two formal consultations on the PNP under Regulation 14 of the 2012 Regulations. The first consultation took place within a six weeks period ending on 14 November 2016. There were 134 responses. However, the Plan was amended following the adoption of the CELPS in July 2017 and also in the light of comments received by interested parties. Therefore, it was decided to hold another Regulation 14 consultation which was concluded on 20 March 2018 and which resulted in 47 responses. The PNP was then submitted to CEC on 19 December 2018 and was subject to consultation under Regulation 16 until 8 March 2019. 64 representations were received. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the PNP, that has had regard to advice in the PPG on plan preparation and is procedurally compliant in accordance with the legal requirements.

Development and Use of Land

3.8 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act. As drafted, the Plan also includes many policies which are not land use based, but if the recommended PMs are made this legal requirement will be met.

Excluded Development

3.9 The Plan does not include provisions and policies for ‘excluded development’.

Human Rights

3.10 The Basic Conditions Statement comments that the preparation of the PNP and the policies and proposals contained within it, has had due regard to the fundamental rights and freedoms guaranteed under the European Convention of Human Rights (as amended 2010) and complies with the Human Rights Act 1998. CEC states in its Regulation 16 consultation response that it is satisfied that the PNP does not breach, and is compatible with, EU Obligations and Convention rights (within the meaning of the Human Rights Act 1998). I have considered the matter independently and I have found no reason to disagree with that position.
4. Compliance with the Basic Conditions

EU Obligations

4.1 The PNP was screened for SEA by CEC, the report of which was submitted with the Plan in accordance with the legal requirement under Regulation 15(e)(i) of the 2012 Regulations. The Council found that it was unnecessary to undertake SEA. Neither Historic England (HE), Natural England (NE) nor the Environment Agency (EA), when consulted, disagreed with that assessment. Having read the SEA Screening Opinion, and considered the matter independently, I agree with that conclusion.

4.2 The PNP was further screened by CEC for Habitats Regulations Assessment (HRA). The screening report concluded that the PNP would be unlikely to have an adverse effect under the terms of the 2017 Regulations and therefore HRA was not required. NE had no further comments in its Regulation 16 consultation response. Based on my independent consideration on the information provided, I support the above conclusions.

Main Issues

4.3 Following the consideration of whether the Plan complies with various procedural and legal requirements, it is now necessary to deal with whether it complies with the Basic Conditions; particularly the regard it pays to national policy and guidance, the contribution it makes to the achievement of sustainable development and whether it is in general conformity with strategic development plan policies. I test the Plan against the Basic Conditions by considering specific issues of compliance with all the Plan’s policies.

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

4.5 Accordingly, having regard to the PNP, the consultation responses, written evidence and the site visit, I consider that the main issues for this examination are whether the PNP policies (i) have regard to national

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7 PPG Reference ID: 41-041-20140306.
8 The other evidence includes my letters of 9 and 25 April 2019 to the Poynton Town and Cheshire East Councils seeking clarification and the replies of 25 April, 2 May, 6 May and 20 May 2019.
policy and guidance, (ii) are in general conformity with the adopted strategic planning policies and (iii) would contribute to the achievement of sustainable development? I shall assess these issues on the basis of grouping the topics which have been identified in the PNP into: (a) environment and green belt; (b) housing and development; (c) transport and connectivity; (d) town centre and business; (e) health and wellbeing; and (f) implementation, monitoring and review.

**Overview**

4.6 The Plan is an extremely comprehensive and logical document which describes very thoroughly its evolution from genesis in 2013 to submission to CEC in 2018. The Plan has embraced most, if not all, of the concerns expressed by the community during the commendable wide-ranging publicity during its preparation. However, in pursuing the breadth of topics in such depth, the Plan exhibits four general shortcomings, outlined in paragraph 4.8, (a) to (d) below, on which I comment at this stage because they influence many of my conclusions on the policies and proposals.

4.7 National advice is that neighbourhood planning should shape and direct development that is outside the strategic elements of the local plan.9 Furthermore, PPG advises that wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan but they should be clearly identifiable, for example in a companion document or annex.10

4.8 I consider that the PNP has exceeded its terms of reference at both ends of the scale by including (a) strategic matters and (b) items of detail which are not land used based, both of which are inappropriate for neighbourhood plan policies. Furthermore, contrary to national advice,11 some PNP policies include (c) a confusing amount of justification which requires editing and moving to Appendix A: Policy Justification and Evidence; and (d) references to the Macclesfield Borough Local Plan (MBLP) in various PNP policies, which seek to unequivocally apply certain policies of the MBLP for the lifetime of the PNP.

4.9 Therefore, in summary, in order that the Plan meets the Basic Conditions, I have recommended that the PNP should be modified by the deletion of policies which deal with strategic matters which are the within the ambit of the Local Plan, a change in the description of some of the policies to Town Council Actions (TCA) or Aspirations, the transfer of some of the...
policy text to the evidence paragraphs, where appropriate, and the removal of references which purport to save certain MBLP policies for the PNP Plan period. To ensure that the policies are clear, the TCAs should be grouped together in an appendix to the Plan. (PM2)

**Topic (a): Environment and Green Belt (Policies EGB 1 – EGB 32).**

4.10 Policy EGB 1 aims to retain the boundary of the Green Belt around Poynton. This is a strategic issue dealt with by the CEC Local Plans (the adopted CELPS and emerging SADPD). The policy should be deleted. (PM3)

4.11 Policy EGB 2 would introduce a sequential test of prioritising previously developed land for development before other land. This approach is not provided for in national guidance nor in the strategic policies of the Local Plan and, therefore, the policy should be deleted. (PM4)

4.12 Policies EGB 3, EGB 4 and EGB 5 consider the inclusion of land at Glastonbury Drive within the Green Belt. The safeguarding of this land for housing is a strategic issue (Policy EGB 4). Policy EGB 3 concerns development management in the Green Belt, which is also the subject of Policy PG 3 in the CELPS where the nuances of NPPF guidance are more fully explained. Accordingly, these two policies should be deleted. The first sentence of Policy EGB 5 should further be deleted as a consequence of the deletion of Policy EGB 4. However, the remainder of the policy could be redefined as a TCA. Therefore, in PM4 I recommend a modification to Policy EGB5 as well as the deletion of Policies EGB 3 and EGB 4. (PM5)

4.13 Policy EGB 6 encourages the coordination of flood risk management into a Flood Risk Mitigation Plan and generally conforms with CELPS Policy SE 13 and has regard to national guidance.12

4.14 Policy EGB 7 seeks to protect areas of recreation land and existing open spaces in Poynton from development. The policy refers to a list of locations and maps which are available in a supporting document (PNP/C32). The policy generally conforms with CELPS Policy SC 1 and has regard to national guidance.13

4.15 However, I consider that the location of the sites to which the policy applies should be more accessible than in a supporting document. Either the internet link should be included in the policy or, preferably, the document which lists the 62 sites, should be contained within the Plan as an Appendix. The addition of another appendix would lengthen an already long plan but, as part of a policy it is more important than, for example,

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12 NPPF: paragraphs 99 – 104.
13 NPPF: paragraphs 70 & 74.
Appendix C which, interesting as it is, merely describes the Site Assessments and Methodology of the Call for Housing Sites. In addition, the second of the two paragraphs comprising Policy EGB 7 is background information rather than policy and should be relocated to Appendix A. (PM6)

4.16 Policy EGB 8 seeks to safeguard the natural and historic environment and generally conforms with CELPS Policies SE 3, SE 4, SE 6 and SE 7 and has regard to national guidance.14 Policies EGB 9 and EGB 10 aim to improve access to the countryside and both policies generally conform with CELPS Policies CO 1 and EG 4 and have regard to national guidance.15 However, Policy EGB 9 refers to documents PNP/C13 and PNP/C14. Although referenced as an evidence base document, there is no link to an online version of PNP/C13 in Appendix B2. Consistent with my comment about Policy EGB 7 above and for the same reasons, I recommend that the maps are given a direct internet link within the policy or included as an Appendix in the actual Plan. (PM7) In addition, the final two sentences of the policy express support for the Poynton Heritage Walk and the possibility of reinstatement. I consider that this short section of text is more appropriately defined as a TCA rather than a policy. (PM8)

4.17 Policies EGB 11, EGB 12 and EGB 14 focus on landscape protection and enhancement. All three policies generally conform with CELPS Policy SE 4 and have regard to national guidance.16 However, the final sentence of the Policy EGB 11 states that funding opportunities will be sought to support local residents wishing to replace fences with new hedges in the Green Belt. This is a TCA, especially as it is not a planning policy. (PM9) In addition, the two examples of woodland quoted in Policy EGB 14 appear as an unnecessary prioritisation without supporting justification and should be deleted. (PM10)

4.18 Policy EGB 13 seeks to retain and enhance certain areas of woodland. There are several elements to the policy, including references to the two inclines (Lady’s and Prince’s Incline: document PNP/C22), two areas near the Poynton Relief Road and existing woodland around Lockstock Hall Farm. The aim of the Policy EGB 13 generally conforms with CELPS Policy SE 4 and has regard to national guidance.17 Nevertheless, I share the concerns of CEC about aspects of the policy in that clarity is lacking about how new planting can be delivered, especially when there is no control of the land at the two areas near LPS 50 and LPS 52, or at Lostock Hall Farm, and no evidence of how new tree planting would affect the proposed Relief Road. The delineation of the inclines is quite clear,

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14 NPPF: paragraphs 109 & 126.
15 NPPF: paragraph 75.
16 NPPF: paragraph 109.
17 NPPF: paragraph 109.
particularly in the comprehensive Woodland Management Policy document PNP/C22. Therefore, rather than delete the policy, the enhancements at the suggested locations could form a valid TCA. (PM11)

4.19 Policy EGB 15 aims to protect certain views deemed important to the local community. The list comprises views of the Parish Church of St George in the town centre, Lyme Park and the Pennines and the Peak District National Park. I do not dispute the visual significance of the church in the centre of the town or the attractive views from various parts of the town into open countryside, with the hills beyond. However, the policy and the accompanying “indicative map” lacks the precision necessary for effective development management and there is no provision in national guidance for the protection of views of such widespread nature. Therefore, the policy should be deleted. (PM12)

4.20 Policy EGB 16 seeks to protect areas of high and medium habitat distinctiveness from development. Areas are identified on Maps 7 and 8 in PNP/C15 (Cheshire Wildlife Trust (CWT) report) and which appear to equate to Maps 3 and 4 of Appendix B3 of the Plan. Map 6 is also mentioned in Policy EGB 16, but the equivalent is not included in Appendix B3. The policy would generally conform with CELPS Policy SE 3 and have regard to national guidance. However, various activities are mentioned as acceptable, such as conservation studies and pond dipping. Sites are listed where walking, bird watching and where bird hides could be introduced. These are not land use matters with which planning policy is concerned and therefore should be moved to Appendix A. Appropriate modifications are recommended. (PM13)

4.21 Policy EGB 17 proposes a wildlife corridor and aims to protect it from development. The policy generally conforms with CELPS Policy SE 3 and has regard to national guidance. However, the references within the policy to the “CWT study” and the NPPF are superfluous. Furthermore, the inclusion of an “area” (paragraph two, first sentence) to be protected, in addition to the corridor, is unacceptably open ended for the effective management of development and the consequences of the application of the policy to any species in the corridor could result in a very imprecise and widespread zone of unjustified protection. The CWT report (PNP/C15) qualifies Map 8 (Map 4 of the PNP Appendix B3) as indicative and likely to require refinement following detailed survey work, with an additional buffer zone in the region of 15 metres wide. Moreover, the CWT report states that the corridor should be enough to protect the high and medium distinctiveness areas.

18 NPPF: paragraph 109.
19 NPPF: paragraph 117.
4.22 This cumulative lack of precision leads me to conclude that assessment should be the first step, rather than outright protection as sought in the policy. Therefore, I shall also recommend modification of the policy so that, within the corridor, there should first be prior assessment of the extent of possible harm to biodiversity which might be caused from development proposed within it or nearby. *(PM14)*

4.23 Policy EGB 18 proposes the preparation of a management plan, but this is not a land use policy and would include projects and schemes not yet specified. Accordingly, I consider that this should be a TCA rather than a policy of the Plan. *(PM15)*

4.24 The first paragraph of Policy EGB 19 proposes the provision of small pocket parks, picnic areas and informal open spaces which generally conforms with CELPS Policy SE 6 and has regard to national guidance.\(^{20}\) However the second paragraph is an intention to identify Local Green Spaces at some time in the future and should be moved to Appendix A, rather than be included as part of this policy. *(PM16)*

4.25 Policy EGB 20 seeks the provision of additional allotments. Planning permission is not required for allotments on land already used for agriculture. Therefore, I see the policy as either an Aspiration or TCA, especially as the locations mentioned in the policy are very general and there is no suggestion of deliverability. Therefore, although the provision of allotments would generally accord with the aims of CELPS Policy SC 3 and have regard to the provision of open space in NPPF, I shall recommend redefining the policy as a TCA. *(PM17)*

4.26 Policy EGB 21 considers the need for additional playing fields and suggests five possible areas. The policy also includes support for the retention of existing playing fields. Policy EGB 22 aims to retain land or buildings which currently provide for outdoor recreational use, including three exceptions which effectively seek a replacement in the event of possible loss. I agree that both policies would generally conform with Policies SE 6 and SC 2 of the CELPS and have regard to national guidance.\(^{21}\)

4.27 However, within Policy EGB 21, the locations identified for future playing field use appear extremely general and based on tracts of land identified in the Arup Green Belt Assessment, with no clear evidence about site planning details which might indicate their suitability for such a purpose. Therefore, I recommend that the policy is modified by the exclusion of the locations and the repetitious clauses (which may be a typographical error), whilst still retaining the components which support the retention of the existing playing fields and the support for more. The reference to

\(^{20}\) NPPF: paragraphs 69 & 70.
\(^{21}\) NPPF: paragraphs 69, 70, 73 & 74.
NPPF is unnecessary and inaccurate. The PNP is being examined alongside the NPPF (2012) by virtue of the transitional arrangements set out in paragraph 2.4 above, but any planning application would be judged against extant guidance, currently NPPF 2019. I recommend appropriate modifications to the policy. (PM18)

4.28 Policy EGB 23 supports the replacement of a sports facility within Poynton Town or building a new one and includes a list of ten matters against which any planning application should be assessed. The policy is not proposing a new sports club facility or a location for one and it generally conforms with CELPS Policies SC 1 and SC 2 and, similar to Policies EGB 21 and EGB 22, has regard to national guidance. Item 9 within the policy, charging for use of the facilities, is not a planning matter and, as agreed by the Town Council in their response to my questions, should be deleted. In addition, Item 8 considers floodlighting and, in my opinion, is unduly prescriptive. The requirement for a time limiting condition may be unreasonable on the merits of a specific case. Similarly, any visual intrusion, effect on privacy, or the discouragement of various unneighbourly activities should be dealt with on a case by case basis as for other forms of development. Therefore, I shall recommend modifying the policy by the deletion of items 8 and 9. (PM19)

4.29 Policies EGB 24 – EGB 31 consider heritage assets. Policy EGB 24 is a general policy aimed at conserving and enhancing heritage assets. Policy EGB 31 considers development within the curtilage or setting of a listed building. In common with the other policies in this section, both policies conform with CELPS Policy SE 7 and mostly have regard to national guidance in NPPF paragraphs 126 – 141, as do the other policies in the section. However, there are exceptions. Policy EGB 24 includes a definition of heritage assets but, when compared to the Glossary in the NPPF, it is incomplete. Rather than include the inaccuracy or expand the definition to needlessly repeat those within the NPPF, I shall recommend deletion of the sentence. (PM20)

4.30 Policy EGB 25 deals with improvement and enhancement of listed buildings. Policy EGB 26 considers changes of use of listed buildings. Policy EGB 27 focusses on issues relating to development at a listed building, Lostock Hall Farm. There is an excessive amount of evidence within the text which should be removed to Appendix A. The policy requires development to be in accordance with English Heritage advice, which is not provided for in national guidance or strategic policies. The reference to a restriction on a “significant number of new dwellings” lacks clarity and is not justified by any evidence. Accordingly, I shall recommend modifying the policy to take the above conclusions into account. (PM21)

22 NPPF: Glossary: See “Designated heritage asset” and “Heritage asset.”
Policy EGB 28 welcomes the addition of locally listed buildings. However, it is more appropriate and accords with the evidence in Appendix 1 that the phrasing should be one of support rather than merely to welcome. (PM22) Policy EGB 29 provides for the identification of non-designated heritage assets. Policy EGB 30 lists them by reference to Appendix B3 Maps 5A and 5B, and sets out factors to take into account for development or change of use which might affect them or their setting. National guidance advises that only local planning authorities may identify non-designated heritage assets. The PPG comments that a substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage interest for their significance to be a material consideration in the planning process.

Nevertheless, CEC, in its response to the Regulation 14 and Regulation 16 consultations, did not challenge either the principle of identification of the non-designated assets or the sites in the list. No other representations dispute the principle or detail of the list. Therefore, I accept that the Basic Conditions are met in respect of Policy EGB 29 and Policy EGB 30, although most of the second paragraph of Policy EGB 29 is superfluous and would be more appropriate in Appendix A. (PM23)

Policy EGB 32 relates the policies for the Environment, Green Belt, Recreation and Tourism to the MBLP. I note the support which the saved policies received in the CELPS, but Appendix B of the CELPS states that the policies that are retained (in the MBLP) will continue to be used in the determination of planning applications in the borough until superseded by the SADPD. The CELPS has been adopted and, therefore, once the SADPD is adopted, the policies of the MBLP will cease to have effect. It is therefore inappropriate in Policy EGB 32 to purport to save Chapters 3 (Natural and Built Environment), 4 (Green Belt and Countryside) and Chapter 5 (Recreation and Tourism) of the MBLP for the lifetime of the PNP. The relevant policies in these MBLP chapters will, in any event, apply in the area for the purposes of decision making (unless material considerations indication otherwise) until such time as they are superseded by the adoption of the SADPD. I consider that the retention of Policy EGB 32 would not be in general conformity with the aims of the CELPS and should be deleted. (PM24)

Therefore, overall, on the evidence before me, with the recommended modifications PM3 – PM24, I consider that the green belt and environment policies of the PNP are in general conformity with the strategic policies of the CELPS, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

23 PPG Reference ID: 18a-039-20140306.
**Topic (b): Housing (Policies HOU 1 – HOU 28).**

4.35 The first set of 15 policies within the housing topic are subdivided into subject areas: the amount and location of housing development, site selection, local plan strategic sites and neighbourhood plan sites. CEC objected to the inclusion of 9 of those policies in the Regulation 16 consultation to which the Town Council submitted a robust response.

4.36 Policy HOU 1 seeks to introduce a sequential test for the development of future housing development whereby the location of any new development needs to use existing brownfield sites first, before the release of any Green Belt areas for development. Whereas I accept that very special circumstances may be required for the release of land in the Green Belt for housing, this is a strategic matter where wider than local considerations would apply and there is no provision for such sequential testing in either national guidance or the CELPS (or the emerging SADPD). The policy does not generally conform with strategic policies and does not have regard to national guidance and so I shall recommend its deletion.

4.37 Policy HOU 2 describes the amount of housing Poynton is expected to accommodate during the Plan period and itemises locations derived from the CELPS and the PNP. I note that item vi in the policy includes a reference to land outside the Plan area, but within the settlement of Poynton as defined by the CELPS. The acceptability of the PNP sites will be dealt with below but, although I agree with CEC that whilst the quantum of housing development which Poynton should accommodate is a strategic matter for the CELPS, the details of where that housing should be located can reasonably be included in the Plan, subject to being in general conformity with strategic policies and having regard to national guidance. Nevertheless, I deal with housing allocations generally under Policy HOU 11 together with the individual PNP allocations in subsequent Policies HOU 12, HOU 13 and HOU 14A/B. Accordingly, I shall recommend deletion of this policy and assess the issues it raises under Policy HOU 11.

4.38 Policy HOU 3 describes ten criteria for assessing the suitability of potential sites for housing development. However, most of them either lack the clarity necessary for effective development management (e.g. “e) be in proportion with the surrounding area”); are arbitrary (e.g. “d) be no larger than a small site (maximum 100 units)”); unreasonable (e.g. h) the adequacy of the range of services listed); and the references to ribbon development in g) and j); or are criteria contrary to the CELPS (e.g. c) sequential testing). I agree with CEC that the policy should be deleted.

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24 There are two policies under HOU 14: HOU 14A and HOU 14B.
4.39 Policy HOU 4 seeks to introduce phasing for housing development in order to mitigate the impact of new house building on local infrastructure, facilities and services. The first criterion of Policy HOU 4 is a reliance on Policies HOU 1 – HOU 7, which includes unacceptable sequential testing and the first three policies of which I have recommended to be deleted. The final criterion suggests a cap of 35 dwellings per year which is not directly referred to in Policy TAC 8 as stated in Policy HOU 4 and for which, in any event, there is no justification in evidence. The affordable housing criterion c) might generally conform with the aims of CELPS Policy SC 5, but a limit is placed on 200 homes to which that requirement would apply. I realise 200 is derived from the alleged PNP housing requirement, but more than 200 houses may be built, in which case the affordable housing policy in the CELPS would still be relevant. Accordingly, due to the conflict with strategic policies in the CELPS, I shall recommend deleting the policy. (PM28)

4.40 Policy HOU 5 considers development at Higher Poynton which is a village washed over by the Green Belt. The policy generally conforms with CELPS Policy PG 3 (also aligning with emerging SADPD Policy PG 10) and has regard to national guidance where limited infilling in villages is an exception to inappropriate development in the Green Belt.\(^{26}\) However, the policy includes a requirement at criterion 4 that small scale infilling should not remove an existing open view of countryside. I consider that this lacks the necessary precision for effective development management in addition to being totally unrealistic for a small village in open countryside albeit, as I saw on my visit to the area and as evident from Appendix B3 Map 9, there are limited infilling opportunities. Therefore, I shall recommend deletion of the final phrase of Policy HOU 5 criterion 4. (PM29)

4.41 Policy HOU 6 provides for planning applications for the development of the three strategic housing sites identified in the CELPS, including details of consequential infrastructure requirements. The policy would generally conform with CELPS Policies IN 1 and IN 2 and would have regard to national guidance.\(^{27}\)

4.42 Policies HOU 7, HOU 8, HOU 9 and HOU 10 consider the strategic housing sites in more detail. CEC recommend that all four policies should be deleted because they deal with strategic matters covered by the CELPS.\(^{28}\) The PNP seeks an overlay of development management criteria on top of those already specified in the details of the individual strategic site allocations for housing at Poynton in the CELPS (LPS 48, LPS 49 and LPS 50). Not only are many of the site requirements already dealt with in the CELPS, and more succinctly, but additional control measures may

\(^{26}\) NPPF: paragraph 89 bullet point 5.
\(^{27}\) NPPF: paragraph 162.
\(^{28}\) Regulation 16 consultation: CEC dated 8 March 2019.
prejudice the viability and deliverability of the housing. The Town Council will be a statutory consultee on planning applications within the strategic sites and is well able to make its views known on the details of the proposals at the appropriate stage. Therefore, I shall recommend deleting Policies HOU 7, HOU 8, HOU 9 and HOU 10. (PM30)

4.43 Policy HOU 11 sets out the proposed housing numbers within the allocations and describes in two tables how demand for housing can be met. The CELPS establishes the overall development strategy for the borough which is to deliver a minimum of 36,000 homes over the Local Plan period to 2030, distributed across a settlement hierarchy which focuses on the Principal Towns and Key Service Centres. The remainder of the development is distributed to the Local Service Centres and to Other Settlements and Rural Areas. Poynton is one of nine Key Service Centres which, overall, are expected to accommodate about 2,950 new homes over the Plan period. According to CELPS Policy PG 7, Poynton should accommodate 650 new dwellings between 2010 and 2030.

4.44 In order to assist in delivering the number of new homes required in the Plan period, strategic housing allocations were made in the Local Plan. Three of these are around the periphery of Poynton defined as LPS 48 (Land adjacent to Hazelbadge Road), LPS 49 (Land at Sprink Farm) and LPS 50 (Land south of Chester Road) and overall are intended to accommodate 450 new homes.29 Together with housing completions and commitments from the beginning of the Plan period in 2010 and a 6.6% added flexibility factor30, in order to meet the residual 181 dwellings required, three further sites are allocated in the emerging SADPD which, it is estimated in the Poynton Settlement Report FD 39, could accommodate 155 dwellings. Taking into account other residential development coming forward and a windfall allowance, according to FD 39, housing requirements to 2030 would be met.

4.45 Two of the three sites recommended in FD 39 for inclusion in the emerging SADPD are proposed in the PNP: Policy HOU12 Land at Former Vernon Infants School and Policy HOU 13 Poynton Sports Club. The policies have regard to national guidance.31 I note that the details of the allocation at the Former Vernon Infants School in the PNP differ from those on FD 39 of the SADPD in that the PNP Appendix B3 Map 6 shows a larger site than the map in FD 39 (Map Poynton 1 CFS 637). In addition, the PNP states that the site can accommodate 25 houses, whereas the indication in Table Poynton 9 of FD 39 and the SADPD (PYT 4) is 50 dwellings, despite the significantly smaller area. PNP Policy HOU 13 estimates that 96 houses can be accommodated at the Poynton Sports Club, whereas FD 39 and the SADPD (PYT 1) indicates 80 dwellings.

29 CELPS Table A.1 Housing Distribution: Principal Towns.
30 The flexibility factor is to take into account changing site circumstances or market conditions over the period of the Plan. See FD 39 paragraph 3.3.
31 NPPF: paragraph 184.
Nevertheless, despite those inconsistencies, the two policies generally conform with Policy PG 7 of the CELPS and align with allocations in the emerging SADPD.

4.46 I note that the Town Council has submitted a representation about site criterion 9 for the Former Vernon Infants School site which would alter the proposed access arrangements. I have no comment to make about the change, but it has not been the subject of any publicity and there may be parties who are not supportive and have had no opportunity to make representations. Therefore, although there may be merit in the suggestion, I shall not include it and the Town Council might wish to consider with CEC how to proceed.

4.47 The PNP also allocates Land at Glastonbury Drive as Safeguarded Land and suitable for housing in the long term under Policies HOU 14A and HOU 14B. Policy HOU 14B states that the land is considered suitable for housing in the longer term once the current range of brownfield and town sites have been developed. Policy HOU 14A would define that land as safeguarded until it is required for housing. However, firstly, the land is within the Green Belt and, secondly, safeguarding land for housing is a strategic matter which falls within the CELPS. National advice is that Green Belt boundaries should only be changed, and safeguarded land should only be defined, by local planning authorities. Therefore, both policies fail to have regard to national guidance. I shall recommend their deletion and, in so doing, reject the proposals for housing on land at Glastonbury Drive. (PM31)

4.48 In addition, three responses to the Regulation 16 consultation sought the allocation in the PNP of five additional areas of land for housing: Land off Towers Road; Land off Waterloo Road; Land at Woodleigh, 77 Chester Road; Lostock Hall Farm; and Land adjacent to Lostock Hall Farm. (Estate of Marques Kingsley Dec’d).

4.49 Regardless of the merits of the sites for residential development, they are located within the Green Belt, the boundaries of which were re-evaluated in the CELPS. In the absence of the application of the NPPF 2019 to this examination, the Green Belt boundary may not be altered by this Neighbourhood Plan and, given the recent adoption of the CELPS, I see no sound reason why it should be changed so that additional sites should be allocated for housing. Nonetheless, it will be possible for the settlement boundary and Green Belt at Poynton to be altered in the emerging SADPD.

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32 NPPF: paragraph 85.
33 Regulation 16 response by Jones Homes (North West Limited).
34 Regulation 16 response by Hourigan Connolly.
35 Regulation 16 response on behalf of Estate of Marques Kingsley Dec’d.
36 See paragraph 2.4 above. Paragraph 136 of the NPPF 2019 provides, where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.
should CEC choose to do so. In addition, the sites at Woodleigh and Lostock Hall Farm, although within the Green Belt, may be considered as infill exceptions through normal development management procedures and, if so, would contribute to housing supply without the allocation procedures of the PNP.

4.50 Returning to Policy HOU 11 and based on evidence within the representations, the housing numbers are uncertain.37 Although it appears unlikely that the three strategic sites allocated in the CELPS will deliver all the 450 dwellings anticipated in the Local Plan Strategy, there is no allowance in the PNP for the housing site identified as Land at Poynton High School (reference: CFS 636) in the SADPD evidence base document FD 39, recommended for inclusion in the SADPD and which may accommodate 25 dwellings. The PNP suggests a windfall allowance of 13 dwellings/year, but FD 39 indicates 9 units or fewer. Depending on which windfall allowance was chosen, this would equate to 156 or 108 during the period of the Plan. FD 39 indicates an allowance of 62 for completions and commitments.38 Although the PNP allocates the site at Glastonbury Drive in the Green Belt as safeguarding for 35 dwellings, which I have recommended to be deleted, it omits land at Woodford Aerodrome (part of which is in the Plan area) which is already safeguarded for future development in the CELPS.

4.51 Therefore, adopting the above figures and assuming maxima and minima, the range of provision up to the end of the Plan period is between 814 and 725 which would meet the CELPS housing requirement of 650 (or 693 including a 6.6% flexibility factor).

4.52 CEC recommended that Policy HOU 11 should be deleted, but I disagree because it is reasonable that the PNP should assist in implementing the strategic policies of the CELPS, where possible, and assist development management by clarifying where housing may or may not be permitted. Therefore, I shall recommend modification of Policy HOU 11 by setting out the CELPS housing requirement for Poynton and confirming the PNP site allocations at the Former Vernon Infants School and the Poynton Sports Centre and including references to windfalls, completions and Safeguarded Land at Woodford Aerodrome (LPS 52). (PM32)

4.53 Policies HOU 15, HOU 16, HOU 17 and HOU 18 consider housing mix, density and the environment. Policy HOU 15 seeks an appropriate mix of housing, but two of the five criteria within the policy are unacceptably prescriptive. There is no evidence to justify the detailed limitations in the policy on the number of bedrooms, nor the requirement for an attached garage with the capability of creating a fourth bedroom in the future.

37 For example, see Regulation 16 consultation response from Hourigan Connolly.
38 FD 39 paragraph 3.8.
should it become necessary through family circumstances. However, subject to the deletion of those criteria, the policy would generally conform to CELPS Policy SC 4 and have regard to national guidance. 

4.54 Policy HOU 16 states that development within the town should be no more than 30 dwellings per hectare and requires provision for open space in proposals of more than 50 dwellings. Policy HOU 18 deals with site coverage and seeks compatibility with surrounding development and the character of the local area. I consider that the open space requirements in Policy HOU 16 lack justification. There is no detail about the amount required and, indeed, it may be desirable to specify open space on development proposals of less than 50 dwellings, depending on the circumstances, including the location. The set back of open space to 20 metres from a “main road” is also too prescriptive and can be dealt with by normal development management on a case by case basis.

4.55 Whereas I consider that the detailed specification of density by numbers in Policy HOU 16 is excessively prescriptive and inflexible, the need to fit in with the surroundings sought by Policy HOU 18 should enable density considerations to be applied, so that housing numbers per hectare are neither excessive, whilst still enabling the allocations sought in CELPS, the SADPD and the PNP to be realised. Policy HOU 18 generally conforms with CELPS Policy SE 2 and has regard to national guidance. I consider that, due to the excessive prescription which may prejudice the viability and deliverability of housing development, Policy HOU 16 fails to have sufficient regard to national guidance and I therefore recommend deletion.

4.56 Policy HOU 17 lists four environmental aims to be taken into account when considering proposals for housing development. The policy generally conforms with CELPS Policy SE 1 and has regard to national guidance.

4.57 Policy HOU 19 considers affordable housing. The policy has regard to national guidance. It also generally conforms with CELPS Policy SE 5 subject to the deletion of the requirement under item e), which defines a local connection to Poynton and then provides for a sequence of preferring Poynton before other areas of Cheshire East. Preferment of one town or village over another within CEC is not provided for in the CELPS. Furthermore, the Regulation 16 response from Christopher Hutton (CEC) dated 6 February 2019 illustrates the differences between the PNP and CEC in the definition of local connections for the purpose of administering affordable housing policy. Statutory guidance on affordable housing is provided in “Allocation of accommodation: guidance for local housing authorities in England” (2012) and “Providing social housing for local

39 NPPF: paragraph 50.
40 NPPF: paragraph 58.
41 NPPF: paragraph 58.
42 NPPF: paragraph 47.
people” (2013). The latter document indicates that it is in addition to the former.

4.58 Paragraph 2.5 of the 2012 document explains that s.166A ensures certain categories are given reasonable preference. It states that authorities must have regard to their homelessness and tenancy strategies when framing their allocation scheme. In paragraph 3.20, it states that "in framing their qualification criteria, authorities will need to have regard to their duties under the equalities legislation, as well as the requirement in s.166A(3) to give overall priority for an allocation to people in the reasonable preference category". It also indicates (paragraph 3.21) that housing authorities should avoid setting criteria which disqualify groups of people whose members are likely to be accorded reasonable preference for social housing. This appears to indicate that policies should not exclude people who should be given reasonable preference, for example, those who are homeless or occupying insanitary or overcrowded accommodation or need to move on medical grounds, etc.

4.59 I am aware of examples where examiners have been content to agree the inclusion of neighbourhood plan policies to deal with the allocation of social housing. However, in my view, the process of allocating social housing is a matter for housing management and not planning policy. CEC, as the relevant local housing authority, has made its view quite clear that the approach set out in the policy is not in accordance with their approach to the allocation of social housing. Therefore, I consider that this element of the policy does not generally conform with CELPS Policy SE 5. In addition, item c) is now erroneous because Policy HOU 3 has been deleted. Therefore, I shall recommend deletion of items c) and e) and the subsequent text from the policy. (PM35)

4.60 Policy HOU 20 deals with self-build houses and has regard to national guidance and generally conforms with CELPS Policy SC 4, except for the requirement to have a local connection to Poynton. PPG advises that it is “relevant authorities” who define local eligibility tests.43 A relevant authority is defined in section 1 of the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). The list does not include Town Councils. CEC, as the relevant authority for the area, may have its own view of what constitutes “local” and what other details of the tests there might be, including a financial solvency test.44 Therefore, I shall recommend the deletion of item g) from the policy. (PM36)

4.61 Design matters are considered in Policy HOU 21 and generally conform with CELPS Policy SE 1 and have regard to national guidance, subject to the unnecessary prescription of detail about garaging, gardens and charging points for electric vehicles. The first sentence of item f) repeats the requirement of CELPS Appendix C: Parking Standards, but the

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43 PPG Reference ID: 57-019-20170728.
44 NPPF: paragraphs 50 & 159.
following sentence relating the garage dimensions to a type of car and door opening is far too detailed. Similarly, requiring access to a garden may be desirable, but is unnecessary and may be inappropriate depending on the design of the development. The provision of at least one charging point per car may not be feasible where terraced housing is concerned. Accordingly, I shall recommend deleting those items from the policy. (PM37)

4.62 Policy HOU 22 considers the replacement of existing dwellings. Policy HOU 23 considers extensions to existing dwellings. Policy HOU 24 deals with side extension to existing dwellings. Policy HOU 25 deals with back land and tandem development and Policy HOU 26 considers the subdivision of housing. With one exception, all the policies conform generally with CELPS Policies SE 1 and SE 2 and have regard to national guidance. The exception is that Policy HOU 23 c) requires that an extension is necessary to provide a satisfactory range and standard of facilities. The need for a domestic facility is not normally a planning consideration and whether it is of an acceptable standard is a subjective judgement. Therefore, I shall recommend deletion of that requirement. (PM38)

4.63 Policy HOU 27 states that proposals for new mobile homes and residential caravans should satisfy the same policies in the PNP, the CELPS and the NPPF as for new housing development. However, this ignores the issue of accommodation for travellers who may live in mobile homes or residential caravans. In addition, residential caravans are frequently used for accommodation where those working in agriculture are in the first stages of creating a new holding and need to live nearby in order to manage livestock. Therefore, I consider the policy would not have regard to national policy, nor would it conform with CELPS Policy SC 7 and I shall recommend its deletion. (PM39)

4.64 Policy HOU 28 seeks to retain four policies for housing from the MBLP. Appendix B of the CELPS states that the policies that are retained (in the MBLP) will continue to be used in the determination of planning applications in the borough until superseded by the SADPD. The CELPS has been adopted and, therefore, once the SADPD is adopted, the policies of the MBLP will cease to have effect. It is therefore inappropriate for Policy HOU 28 to purport to save the specific MBLP policies to which reference is made in the policy for the lifetime of the PNP. I refer to my conclusions on Policy EGB 32 above and for the same reasons, I consider that the retention of Policy HOU 28 would not be in general conformity with the aims of the CELPS and should be deleted. (PM40)

4.65 Therefore, overall, on the evidence before me, with the recommended modifications PM25 – PM40, I consider that the housing policies of the PNP are in general conformity with the strategic policies of the CELPS, have

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45 NPPF: paragraph 50 and Section 7: Requiring good design.

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regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

**Topic (c): Transport and Connectivity (Policies TAC1 – TAC12)**

4.66 The topic includes Policy TAC 1 and Policy TAC 2 on walking and cycling. The community concerns about cycling and walking are well expressed in Appendix A: Policy Justification and Evidence. However, the policies themselves are expressions of a vision rather than a land use based policy. I recommend that the text of both policies is integrated into the appropriate sections of Appendix A and, as a substitute and in order to provide sufficient clarity for development management, I have set out how I consider the policies should be combined. The policy as modified would have regard to national guidance and generally conform with CELPS Policy CO 1. (PM41)

4.67 Policy TAC 3 considers cycle parking. I agree that convenient, safe and secure cycle parking is desirable at railway stations, but a requirement that all development proposals (other than extensions to dwellings) within the town should provide cycle parking is unreasonable and impractical. I shall recommend redrafting the policy so that it reflects its aims whilst having regard to national guidance and being generally conformable with CELPS Policy CO 1. (PM42)

4.68 Policy TAC 4 deals with disabled facilities. However, rather than a planning policy, it is a statement of intent which would assess where there are issues on routes into Poynton and then address them in order to facilitate access by mobile scooter and wheelchair users. The inclusion of child buggies in the policy suggests that the sub heading should be “mobility” or “accessibility” rather than using the term “disabled”. Nevertheless, I shall recommend modification of the policy by changing the title from Policy TAC 4 to TCA. (PM43)

4.69 Policy TAC 5 supports the designation of “Quiet Lanes” which has regard to the thrust of national guidance on promoting shared space and healthy communities. The policy would also generally conform with CELPS Policy CO 1.

4.70 I note that the concern expressed about bus services, but the support of improvements to their frequency and reliability and details about timetabling are not planning matters. Therefore, I shall recommend alteration of the title of Policy TAC 6 to TCA. (PM44)

4.71 Policy TAC 7 raises issues of train fares and the frequency of train services at Poynton Station and Middlewood Station, which are not planning matters. However, the policy refers to the need to provide car parking at

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46 NPPF: paragraph 35.
Middlewood Station and improve car parking facilities at Poynton Station. I shall recommend modification of the policy to enable it to generally conform with CELPS Policy CO 1 and have regard to national guidance.\(^{47}\) (PM45)

4.72 Policy TAC 8 proposes that the three strategic housing allocations in the CELPS for Poynton should not be developed until the Poynton Relief Road is completed and open. This policy would not generally conform with the strategic policies of the CELPS, which placed no such restrictions on when the housing in the allocations could be built. Therefore, I recommend the policy should be deleted. In addition, to ensure compatibility with other sections of the Plan, the first objective for Transport (page 9) should also be deleted. (PM46)

4.73 Policy TAC 9 considers traffic calming and road safety and supports extending the Shared Space scheme within the town centre and improving pedestrian crossing facilities. I consider that the policy generally conforms with CELPS Policy CO 1 and has regard to national guidance for safety and the promotion of healthy communities. The final word in the policy may be a typographical error and perhaps should be “supported” rather than “improved”?

4.74 Policy TAC 10 includes a significant amount of evidence and justification but it refers to a series of actions, including an unspecified programme of schemes which might be included as an annex to the Plan. Therefore, I shall recommend retitling the policy as a TCA. (PM47)

4.75 Policy TAC 11 refers to an issue of car park management, which is not a planning matter, and continues with comments about the possible need for a multi storey car park. This is not sufficiently precise to be useful for effective development management. I recommend the policy should be deleted. (PM48)

4.76 Policy TAC 12 seeks to retain the transport policies from the MBLP and I refer to my conclusions earlier in the report about retaining MBLP policies in PNP Policy EGB 32 and Policy HOU 28. For the same reasons, I shall recommend deletion of Policy TAC 12. (PM49)

4.77 Therefore, overall, on the evidence before me, with the recommended modifications PM41 – PM49, I consider that the transport and connectivity policies of the PNP are in general conformity with the strategic policies of the CELPS, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

\(^{47}\) NPPF: paragraph 29.
**Topic (d): Town Centre and Business (Policies TCB 1 – TCP 9)**

4.78 **Policy TCB 1** defines the extent of the town centre and proposes that the town centre area becomes the subject of a master plan. The policy includes a significant amount of text which is more properly included as justification in Appendix A. **Policy TCB 2** describes the intention to produce a Design Guide for the town centre. **Policy TCB 3** aims to retain a mixture of uses in the town centre. **Policy TCB 4** describes an intention to identify land for community purposes, either within the town centre or with good access to it. **Policy TCB 5** considers car parking in the town centre. Generally, all the policies have regard to national guidance for ensuring the vitality of town centres, but I have raised specific issues with each of them below.

4.79 I shall recommend transferring the excessive amount of justification in Policy TCB 1 to Appendix A. In addition, I note that the map (PNP page 55) revises the current town centre boundary (PNP page 56), saved in the MBLP, extending it along Park Lane to the School Lane area. This is in complete contrast to the proposed town centre boundary shown in FD 39 (page 67), the evidence base document for the emerging SADPD, which would reduce the centre by the omission of six areas, mostly, but not wholly, back land behind shopping frontages.

4.80 I note the objection to the proposed boundary by CEC in the Regulation 16 consultation response, but the justification and evidence for Policy TCB 1 outlined in Appendix A indicates the expectation that the centre of Poynton will undergo increased pressure due to the additional housing allocated within and around the town. I consider that this expectation is entirely reasonable and fully endorse the policy aims in the Plan for the centre of Poynton. The proposed town centre boundary delineated in FD 39 correlates with the proposed primary and secondary shopping frontages within the current town centre boundary which, in my opinion, makes little provision for any potential for expansion. The potential to expand is enabled by the proposed town centre boundary proposed in the Plan which retains the land for regeneration opportunities and enables expansion along Park Lane.

4.81 I believe that the town centre boundary proposed in the PNP will enable Poynton to continue to thrive and still retain the village character which I observed on my visit to the area and I shall not recommend a modification. I consider the policy generally conforms with Policy EG 5 of the CELPS, but I shall recommend altering the phrasing from “… allows for …” to “… supports …” in the penultimate sentence in order to create clarity for effective development management. The map on page 55 and

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48 NPPF: paragraph 23.
Appendix B3: Map 7 should also be amended either by excluding the two sites allocated for housing or identifying them, together with the boundary, in the key. (PM50)

4.82 Policy TCB 2 comments on the aim to produce a Design Guide for the town centre, but it does not constitute a policy. It is an intended action in combination with CEC and that is what it should be stated as in the Plan. I shall recommend modifying the Plan by redefining Policy TCB 2 as a TCA. (PM51)

4.83 Policy TCB 3 seeks to retain the current mixture of uses within the town centre, including the consideration of the change of use of key sites to residential accommodation. The key sites referred to are not specified either in the policy or in Appendix A and, as a consequence, I shall recommend deletion of the relevant paragraph from the policy due to the uncertainty raised, but include the reference to residential development in the first paragraph. (PM52) The policy conforms generally with Policy EG 5 of the CELPS.

4.84 Policy TCB 4 states that land should be identified for the future provision of community, leisure, health and similar services. No land has been identified and the suggested locational criteria of being centrally located within the town or with good access to central Poynton is too general to be of use in effective development management. The monitoring of publicly owned land is an action rather than a policy. Therefore, as in Policy TCB 2, I shall recommend modifying the Plan by redefining Policy TCB 4 as a TCA. (PM53)

4.85 The location of future car parking to the rear of Park Lane and on other land to be identified as stated in Policy TCB 5 is too general to be effective as a development management measure. The second paragraph of the policy is a TCA. PM54 outlines my recommended rewording.

4.86 Policy TCB 6 offers support for business. The policy has four elements to it, three of them concerned with either improving broadband or the provision of a Community WiFi service. Those three aspects are not land used based policies and so should be redefined as TCAs. The fourth element of the policy supports the change of use for business purposes, “other than retail” and is confusing. It is not clear whether the policy would restrict change of use to retail or from retail and where the policy would apply. Policies TCB 3 and TCB 2 are referenced within Policy TCB 6 so it clearly includes the town centre. Therefore, I consider that it is the loss of retail space in the town centre which is to be resisted. I shall recommend rewording the policy so that it is sufficiently clear for development management purposes. (PM55) The policy would then have regard to national guidance for building a strong competitive economy and generally conform with CELPS Policy EG 5.
4.87 Policy TCB 7 supports home working and has regard to national guidance to build a strong, competitive economy whilst minimising unnecessary transport costs. The policy is in general conformity with CELPS Policy CO 1, but requires the deletion of the unnecessary and inaccurate reference to Policy HOU6 B. (PM56)

4.88 Policy TCB 8 states that any additional employment land will be concentrated on newly allocated land south of Poynton. The newly allocated land in the CELPS is LPS 51: Adlington Business Park Extension, Poynton and, according to paragraph 15.611 of the CELPS, it is within Adlington Parish.50 Therefore, the land is outside the Plan area. The policy also places a restriction on development until the Poynton Relief Road is built, for which there is no provision in CELPS LPS 51. The policy could be interpreted as resisting any new land being permitted for employment use within Poynton. Whereas strategic policies may prioritise land for employment purposes at key locations such as Adlington Business Park, a total restriction on employment land at any site which might otherwise be sustainable would not have regard to national guidance on sustainability and would also not generally conform with CELPS Policy MP1. Therefore, I shall recommend deletion of the policy. (PM57)

4.89 Policy TCB 9 is similar to Policy EGB 32, Policy HOU 28 and Policy TAC 12 in seeking to retain policies from the MBLP. I refer to my conclusions earlier in the report about those policies and, for the same reasons, I shall recommend deletion of Policy TCB 9. (PM58)

4.90 Accordingly, on the evidence before me, with the recommended modifications PM50 – PM58, I consider that the town centre and business policies of the PNP are in general conformity with the strategic policies of the CELPS, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Topic (e) Health and Wellbeing (Policies HEWL 1 – HEWL 8)

4.91 The subjects of the policies in this section as described by the subheadings are all praiseworthy: encouraging a healthy lifestyle, encouraging getting about in Poynton, providing access to green spaces, sports and activities for all, growing up in Poynton, access to healthcare professionals, the location of a central health hub, and making Poynton a non-charging clean air zone.

4.92 However, none of the policies offer clear and effective guidance on how to manage development should planning applications be made. They are all community aspirations. PPG states that neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhoods than though the development and use of land and

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50 See also PNP Appendix A: Policy Justification and Evidence: Policy TCB 8 paragraph 4.
wider community aspirations can be included in a neighbourhood plan. Therefore, I recommend the entire section of Health and Wellbeing should be retitled Community Aspirations and the policy numbers deleted. In that way, each subject is retained and the particular aims are not prejudiced or disadvantaged. (PM59)

4.93 The aspirations will give a framework for how the Town Council will work alongside the other parties to ensure the health and wellbeing needs of the community are delivered. They demonstrate the positive involvement of the community in the neighbourhood planning process and the wider aspects of life in Poynton.

**Topic (f) Implementation, Monitoring and Review**

4.94 The PNP policies section of the report concludes with a brief summary of decision making on applications; non-spatial planning policies; monitoring and review; and infrastructure and development.

4.95 The sections are mostly very helpful and will assist in the knowledge and understanding of the role of the PNP in making decisions on planning applications, the creation of an Implementation Plan and the necessary role of monitoring. However, I have two concerns in the topic headed infrastructure and development. The first is the statement that it is expected that developers will pay for all the necessary infrastructure, which includes community facilities, open spaces and other services arising from the implementation of development proposals. The second concern is the preceding sentence in the Plan which states it is critical that development and infrastructure are planned alongside each other as required by national policy in the NPPF (2012).

4.96 Both statements are inaccurate and gloss over the complexities of providing for infrastructure in all its forms, as demonstrated in the justification (paragraph 10.3) following the CELPS Policy IN 1 and also in Policy IN 2 of the CELPS. The statement is not made that developers are expected to pay for all those items and it does not conform generally with those strategic policies. Neither does the statement have regard to national guidance. Similarly, the NPPF does not require that development and infrastructure are planned alongside each other, desirable though that might seem. The CELPS describes the relationship of the provision of infrastructure with the development that causes the need as “timely”. Therefore, I consider the statement does not generally conform with CELPS Policy IN 1 nor does it have regard to national guidance. I recommend both sentences should be deleted from the section. (PM60)

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51 PPG Reference ID: 41-004-20170728.
52 NPPF: paragraph 173 Ensuring Viability and deliverability.
53 CELPS: paragraph 10.2.
5. Conclusions

Summary

5.1 The Poynton 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 to all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.

5.2 I have made recommendations to delete or modify a number of policies to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Poynton Neighbourhood Plan, as modified, has no policy which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the boundary of the Plan.

5.4 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.

Comments

5.5 In conducting the examination, which was challenging, I enjoyed absorbing the wealth of information about Poynton from the Plan and visiting the town. The Plan is thorough and has captured the town’s character. I understand the references to a village atmosphere. The Consultation Statement, and especially the Basic Conditions Statement, were extremely helpful. The Town Council, the supporting Steering Committee and the volunteers are to be commended for their efforts in producing such a comprehensive document which, incorporating the modifications I have recommended, will make a positive contribution to the Development Plan for Poynton and will assist in creating sustainable development.

Andrew Mead

Examiner
# Appendix: Modifications

<table>
<thead>
<tr>
<th>Proposed modification number (PM)</th>
<th>Plan reference</th>
<th>Modification</th>
</tr>
</thead>
<tbody>
<tr>
<td>PM1</td>
<td>Front cover</td>
<td>Insert: “2016 – 2030”</td>
</tr>
<tr>
<td>PM2</td>
<td>General</td>
<td>List the TCAs together as a separate Appendix to the Plan.</td>
</tr>
<tr>
<td>PM3</td>
<td>Policy EGB 1</td>
<td>Delete the policy.</td>
</tr>
<tr>
<td>PM4</td>
<td>Policy EGB 2</td>
<td>Delete the policy.</td>
</tr>
<tr>
<td>PM5</td>
<td>Policy EGB 3</td>
<td>Delete the policies EGB 3 and EGB 4.</td>
</tr>
<tr>
<td></td>
<td>Policy EGB 4</td>
<td>Delete the first sentence of Policy EGB 5.</td>
</tr>
<tr>
<td></td>
<td>Policy EGB 5</td>
<td>Redefine the second sentence of Policy EGB 5 as a TCA.</td>
</tr>
<tr>
<td>PM6</td>
<td>Policy EGB 7</td>
<td>Either add the internet link to document PNP/C32 or include as an Appendix of the Plan. The second paragraph of EGB 7 should be moved to Appendix A.</td>
</tr>
<tr>
<td>PM7</td>
<td>Policy EGB 9</td>
<td>Either add the internet links to documents PNP/C13 and PNP/C14 or include as an Appendix in the Plan.</td>
</tr>
<tr>
<td>PM8</td>
<td>Policy EGB 9</td>
<td>Separate the final two sentences into a TCA.</td>
</tr>
<tr>
<td>PM9</td>
<td>Policy EGB 11</td>
<td>Separate the final sentence into a TCA.</td>
</tr>
<tr>
<td>PM10</td>
<td>Policy EGB 14</td>
<td>Delete: (e.g. Wigwam Wood, Ben’s Wood et al).</td>
</tr>
<tr>
<td>PM11</td>
<td>Policy EGB 13</td>
<td>Change the title from Policy EGB 13 to TCA.</td>
</tr>
<tr>
<td>PM12</td>
<td>Policy EGB 15</td>
<td>Delete the policy.</td>
</tr>
</tbody>
</table>
| PM13 | Policy EGB 16 | Add Map 6 from PNP/C15 to the Maps at Appendix B3 and number them in the policy as Maps at Appendix B3 rather than using the numbering system in the supporting document.

Move the section of the policy beginning with the second sentence of paragraph two: “In the areas of high and medium habitat distinctiveness (as identified in the CWT report) ...” ending with the sentence of the fourth paragraph “… bird hides could be introduced.” into Appendix A. |
| PM14 | Policy EGB 17 | Delete the text of Policy EGB 17 and Replace with: “A Poynton Wildlife Corridor is proposed as shown on Map 4 Appendix B3 within which biodiversity will be safeguarded and enhanced. The significance of any harm which might be caused to biodiversity within the corridor from proposed development within it or nearby should be assessed as part of the proposal. If significant harm resulting from a development cannot be avoided, or adequately mitigated, or compensated for, planning permission should be refused.”

The second paragraph of the existing policy should be moved to Appendix A. |
| PM15 | Policy EGB 18 | Change the title from Policy EGB 18 to TCA. |
| PM16 | Policy EGB 19 | Move the second paragraph of the policy to Appendix A. |
| PM17 | Policy EGB 20 | Change the title from Policy EGB 20 to Aspiration. |
| PM18 | Policy EGB 21 | Delete the text of Policy EGB 21 and replace with: “Additional playing fields are required within the Poynton area to meet current and future needs for these community facilities. Land within the Green Belt may be
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| PM19 | Policy EGB 23 | Delete items 8 and 9 from the policy. |
| PM20 | Policy EGB 24 | Delete the second sentence. |
| PM21 | Policy EGB 27 | Paragraph 1: remove second and third sentences to Appendix A.  
Paragraph 2: remove first and second sentences to Appendix A.  
Paragraph 3: delete second sentence.  
Paragraph 4: delete second sentence. |
| PM22 | Policy EGB 28 | Delete: “... is welcomed ...”. Replace with “... will be supported ...”. |
| PM23 | Policy EGB 29 | Paragraph 2: remove the first three sentences to Appendix A. |
| PM24 | Policy EGB 32 | Delete the policy. |
| PM25 | Policy HOU 1 | Delete the policy. |
| PM26 | Policy HOU 2 | Delete the policy. |
| PM27 | Policy HOU 3 | Delete the policy. |
| PM28 | Policy HOU 4 | Delete the policy. |
| PM29 | Policy HOU 5  
Criterion 4 | Delete the final phrase “... where this does not remove an existing open view of the countryside.” |
| PM30 | Policy HOU 7  
Policy HOU 8  
Policy HOU 9  
Policy HOU 10 | Delete the policies. |
| PM31 | Policy HOU 14A  
Policy HOU 14B | Delete the policies.  
Delete the site from Appendix B3: Map 6. |
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| PM32 | Policy HOU 11 | Modify the policy by deleting the text and tables and replacing with: “The CELPS sets out a housing requirement from 2010 to 2030 of 650 (695 including a flexibility factor). The plan proposes allocations on Land at the Former Vernon Infants School and at the Poynton Sports Club (Appendix B3: Map 6). In addition to the three strategic sites of LPS 48, LPS 49 and LPS 50 and an allowance for commitments and completions and a further allowance for windfalls, this should enable the housing requirement to be met. Should a shortfall occur within the period of the plan between the housing requirement and housing supply, Safeguarded Land at Woodford Aerodrome (LPS 52) should have priority in being considered to assist in meeting any deficit.” |
| PM33 | Policy HOU 15 | Delete criteria c) and d). |
| PM34 | Policy HOU 16 | Delete the policy. |
| PM35 | Policy HOU 19 | Delete item c). |
|       |             | Delete item e) and subsequent text. |
| PM36 | Policy HOU 20 | Delete item g). |
| PM37 | Policy HOU 21 | Delete items f), g) and i). |
| PM38 | Policy HOU 23 | Delete item c). |
| PM39 | Policy HOU 27 | Delete the policy. |
| PM40 | Policy HOU 28 | Delete the policy. |
| PM41 | Policy TAC 1 | Delete the text of Policies TAC 1 and TAC 2 and replace with: “Proposals to
<p>| PM42 | Policy TAC 3 | Delete the text of Policy TAC 3 and replace with: “Proposals to provide convenient, safe and secure cycle parking within the town centre, other commercial areas and at the railway stations will be supported.” |
| PM43 | Policy TAC 4 | Change the title from Policy TAC 4 to TCA. |
| PM44 | Policy TAC 6 | Change the title from Policy TAC 6 to TCA. |
| PM45 | Policy TAC 7 | Delete the text of Policy TAC 7 and replace with: “Proposals to improve car parking facilities at Poynton Station and Middlewood Station will be supported.” |
| PM46 | Policy TAC 8 p.8 | Delete the policy. Delete the first sentence of the Objectives of the Neighbourhood Plan for Transport. |
| PM47 | Policy TAC 10 | Change the title from Policy TAC 10 to TCA. |
| PM48 | Policy TAC 11 | Delete the policy. |
| PM49 | Policy TAC 12 | Delete the policy. |
| PM50 | Policy TCB 1 | Move the text of the policy and map from p.54 to Appendix A. |</p>
<table>
<thead>
<tr>
<th>PM51</th>
<th>Policy TCB 2</th>
<th>Change the title from Policy TCB 2 to TCA.</th>
</tr>
</thead>
<tbody>
<tr>
<td>PM52</td>
<td>Policy TCB 3</td>
<td>Rephrase the first paragraph to: <strong>The objective of planning policy will be to maintain and enhance the vitality and attractiveness of the main shopping area by retaining the current of mixture of uses. Proposals to retain the balance, which includes residential development, will be supported.</strong>” Delete the second paragraph.</td>
</tr>
<tr>
<td>PM53</td>
<td>Policy TCB 4</td>
<td>Change the title from Policy TCB 4 to TCA.</td>
</tr>
<tr>
<td>PM54</td>
<td>Policy TCB 5</td>
<td>Delete the first paragraph and replace with: <strong>Proposals to create more car parking space in the town centre will be supported, subject to the acceptability of access and no significantly adverse effects being caused either to the character of the immediate area or to any other environmental factors. Proposals which would result in the loss of existing car parking will be resisted unless a suitable alternative is to be provided.</strong>” Define the second paragraph as a TCA.</td>
</tr>
<tr>
<td>PM55</td>
<td>Policy TCB 6</td>
<td>Replace the first sentence with: <strong>Within the town centre, the change of use for business purposes or the provision of new buildings for business purposes will normally be supported, provided that the overall character of the immediate area is retained and retail floorspace is not</strong></td>
</tr>
<tr>
<td>PM56</td>
<td>Policy TCB 7</td>
<td>Delete “See also Housing Policy HOU 6B”.</td>
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<td>----------------------------------------</td>
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<tr>
<td>PM57</td>
<td>Policy TCB 8</td>
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</tr>
<tr>
<td>PM58</td>
<td>Policy TCB 9</td>
<td>Delete the policy.</td>
</tr>
<tr>
<td>PM59</td>
<td>Policies HEWL 1–8</td>
<td>Retitle the section “<strong>Health and Wellbeing Aspirations</strong>”. Delete the policy references.</td>
</tr>
<tr>
<td>PM60</td>
<td>Page 63</td>
<td>Delete the second and third sentences of the second paragraph of Section 4 Infrastructure and Development.</td>
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