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# **Report on Marton Village Neighbourhood Plan 2015-2030**

**An Examination undertaken for Cheshire East Borough Council with the support of Marton Parish Council on the February 2016 submission version of the Plan.**

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Date of Report: 20 July 2016

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## **Main Findings - Executive Summary**

From my examination of the Marton Village Neighbourhood Plan 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 – Marton Parish Council;
- The plan has been prepared for an area properly designated – the Parish of Marton as shown on Map 1 in the plan;
- The plan specifies the period to which it is to take effect – 2015 to 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**

### *Marton Village Neighbourhood Plan 2015-2030*

1.1 The approach to preparing this Neighbourhood Plan is summarised on Page 4 of the document submitted for examination. This indicates that the process began in 2014 when the Parish Council created a Steering Group with four councillors. The process of plan preparation is summarised on Page 5, which demonstrates how the Steering Group has liaised with Cheshire East Council, consulted residents and other interested parties, and has commissioned technical assessments of relevant planning topics. Page 5 sets out the anticipated future steps towards a referendum and publication of the Neighbourhood Plan.

### *The Independent Examiner*

1.2 As the plan has now reached the examination stage, I have been appointed as the examiner of the Marton Village Neighbourhood Plan by Cheshire East Borough Council, with the agreement of the Marton Parish Council.

1.3 I am a chartered town planner and former government Planning Inspector, with more than 15 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*

1.4 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.

1.5 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 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). 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'; and
  - 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 ('the 2012 Regulations').

1.6 I have considered only matters that fall within paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended), with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

### *The Basic Conditions*

1.7 The 'Basic Conditions' are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended). 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.

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

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

### *Planning Policy Context*

2.1 The Development Plan for this part of East Cheshire Borough, not including documents relating to excluded minerals and waste development, is the Macclesfield Borough Local Plan 2004 (the saved policies from it).

2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented.

### *Submitted Documents*

2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:

- the draft Marton Village Neighbourhood Plan 2015-2030, February 2016;
- Map 1 of the plan which identifies the area to which the proposed neighbourhood development plan relates;
- the Consultation Statement, February 2016;
- the Basic Conditions Statement, February 2016;
- all the representations that have been made in accordance with the Regulation 16 consultation; and
- the Strategic Environmental Assessment (SEA) Screening Opinion prepared by Cheshire East Council.

### *Site Visit*

2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 20<sup>th</sup> June 2016 to familiarise myself with it, and visit relevant sites and areas referenced in the plan and evidential documents.

### *Written Representations or Public Hearing*

2.5 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.

### *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 also listed these modifications separately in the Appendix.

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

### *Qualifying Body and Neighbourhood Plan Area*

3.1 The Marton Village Neighbourhood Plan has been prepared and submitted for examination by the Parish Council which is a qualifying body, for an area that was designated by Cheshire East Borough Council on 23<sup>rd</sup> February 2015.

3.2 It is the only neighbourhood plan for Marton village and parish, and does not relate to land outside the designated neighbourhood area.

### *Plan Period*

3.3 The plan specifies clearly the period to which it is to take effect, which is from 2015 to 2030.

### *Neighbourhood Plan Preparation and Consultation*

3.4 The submitted consultation statement (February 2016) provides the detail around the extensive public engagement that has taken place in the evolution of the submitted Marton Village Neighbourhood Plan. Following the application from the Parish Council in October 2014 for a Neighbourhood Planning Area to be designated, public consultation on the area was carried out in November and December 2014. Cheshire East Council consulted statutory consultees, the Housing Market Partnership and other interested parties to inform them of the proposed designation. The Council also provided information on its dedicated Neighbourhood Planning website. Five comments were received from the general public, a utility company, a developer and the Parish Church. There were no objections to the proposed area designation and the Neighbourhood Planning Area was designated by Cheshire East Council in February 2015.

- 3.5 A questionnaire sent to local residents and businesses in March 2015, with a brief summary statement as to the purpose of a Neighbourhood Plan, sought to determine what people thought of the village and what, if anything, needed to change. The Annual Village Meeting also held in March 2015 was attended by the Parish Council and 21 residents, and addressed by the Neighbourhood Plan Manager from Cheshire East Council with a question and answer session. There were 30 questionnaire responses raising a range of issues and concerns about the village, and these have shaped the vision for the Neighbourhood Plan as explained in its section 5. The Consultation Statement correctly observes that a large number of issues and concerns raised in the responses were not land use based, so not appropriately included in the Neighbourhood Plan. The Parish Council, however, drew up an action plan for some of the issues by other relevant means as set out in Appendix 2 of the plan.
- 3.6 Further public meetings, appropriately advertised, took place in April and December 2015 to update residents and other interested parties on the plan's progress. Both were attended by some 30 people. The Housing Needs Survey undertaken in September 2015 also elicited a response of 30 questionnaires from local people. On 18<sup>th</sup> and 19<sup>th</sup> December 2015, the steering group overseeing preparation of the plan held consultation days at Marton School, after informing local residents and businesses by e-mail, community Facebook, and hand-delivered flyers. The draft plan, maps and diagrams were available and 27 people attended. The comments received were taken forward as part of the Regulation 14 consultation stage.
- 3.7 Consultation for Regulation 14 on the draft Marton Village Neighbourhood Plan was undertaken between 18<sup>th</sup> December 2015 and 1<sup>st</sup> February 2016 based on the update meeting and drop-in events, as well as information sent by e-mail, Facebook, post and hand delivery. Residents, other local stakeholders, local businesses and statutory consultees as listed in the Consultation Statement were contacted. Responses were received from 25 residents, 8 public bodies, and 2 landowners and developers. Appendix 2 of the Consultation Statement indicates that all responses were considered by the neighbourhood planning team and amendments made in selected cases. Consultation in accordance with Regulation 16 when the plan was submitted to Cheshire East Council was carried out between 26<sup>th</sup> February 2016 and 11<sup>th</sup> April 2016, and 11 responses were received. I am satisfied that a transparent, fair and inclusive consultation process has been followed for this neighbourhood plan, 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 Town and Country Planning Act 1990.

#### *Excluded Development*

- 3.9 Providing the modification recommended in paragraph 4.34 below is made, the plan does not include provisions and policies for 'excluded development'.

## *Human Rights*

3.10 Cheshire East Borough Council is satisfied that the plan does not breach Human Rights (within the meaning of the Human Rights Act 1998), and I see no reason to disagree.

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

### *EU Obligations*

4.1 The neighbourhood plan was screened for Strategic Environmental Assessment (SEA) by the Borough Council, which found that it was unnecessary to undertake SEA. Having read the Strategic Environmental Assessment Screening Opinion, I support this conclusion.

4.2 Marton's neighbourhood plan was further screened for Habitats Regulations Assessment (HRA), which also was not triggered. The site is not in close proximity to a European designated nature site. Natural England agreed with this conclusion in its e-mail of 12<sup>th</sup> February 2016 to Cheshire East Council, and I have no reason to disagree with this assessment.

### **Main Issues**

4.3 Having regard for the Marton Village Neighbourhood Plan, the consultation responses and other evidence, and the site visit, I consider that there are three main issues relating to the Basic Conditions for this examination. These are:

- Whether the policies for housing and commercial development in the neighbourhood plan contribute to the achievement of sustainable development having regard for national policy and guidance, and are in general conformity with strategic policies in the Local Plan for Cheshire East Borough Council;
- Whether the neighbourhood plan will protect and conserve the natural environment and historic environment of Marton appropriately in line with national policy and in general conformity with the Local Plan, bearing in mind the parish's rural setting, landscape character and significant number of listed buildings; and
- Whether the neighbourhood plan promotes sustainable transport policies, bearing in mind the lack of public transport services and need for safety, access and parking, particularly in relation to the village school.

### *Housing and Commercial Development*

4.4 The NPPF is clear that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 6); there should be a presumption in favour of sustainable development (paragraph 14). There are three dimensions to sustainable development ie. an economic role, a social role and an environmental one (paragraph 7). Importantly,



neighbourhoods should develop plans that support the strategic development needs set out in Local Plans, plan positively to support local development and identify opportunities to use Neighbourhood Development Orders to help deliver development consistent with a neighbourhood plan (paragraph 14).

- 4.5 Pages 31 onwards of Marton's Neighbourhood Plan set out a Vision followed by an Objective for Residential and Commercial Development in Marton. The Vision aims for Marton in 2030 to *"be a quiet, small rural agricultural community with a thriving rural economy ...."*. The Objective is for *"a slightly larger population ... proportionate increases in housing preferably created through brownfield development, conversions of existing buildings or through infill development of an appropriate density, scale and size"*. The introduction to Policies RCD1 to RCD12 confirms this approach to housing provision, with the additional category for housing *"at the edge of the existing settlement in locations that will not cause harm to the wider landscape and setting of Marton"*.
- 4.6 The approach has been criticised as too restrictive and unlikely to provide the most sustainable level of residential development for Marton consistent with the NPPF. The Neighbourhood Plan does not state how many new dwellings should be provided over the plan period, nor identify specific sites for new dwellings. Some critics favour including in the plan the site on School Lane which was the subject of planning application 15/2274M. This outline application for up to 27 dwellings was refused by Cheshire East Council in October 2015, and is currently at appeal for determination by the Secretary of State. I have read the arguments for and against that proposal, noting that it was recommended for approval by the planning officer, but make no comment on the likely outcome of the appeal nor seek to pre-empt the Secretary of State's decision.
- 4.7 The Macclesfield Borough Local Plan was adopted in January 2004, and it covers the time period from 1996 to 2011. It stated that about 4,500 houses (net) should be provided in that time period, of which 80% should be on previously developed land, and 90% in locations well served by public transport. There should be no loss of open space. The Housing chapter of the Local Plan states that, in 2003, completions, commitments and outstanding allocations could provide 4,549 new houses, with no allowance for windfall development. The Local Plan was adopted more than 10 years ago, but many of its policies have been saved. The Local Plan did not allocate sites for housing or other major development in Marton. Saved Policy H5 gives criteria for windfall sites, and the first criterion states that location and accessibility to jobs, shops and services by modes other than the car will be considered to determine potential suitability. The lack of rail or bus services and limited range of jobs, shops and other basic facilities in Marton would count against its selection as suitable for development.
- 4.8 Saved Policies GC5 and GC14 of the adopted Local Plan also take a restrictive approach to new development in the Parish of Marton. Policy GC5

states that development in the countryside beyond the Green Belt will not normally be permitted. Policy GC14 refers to the Jodrell Bank Radio Telescopes Consultation Zone, which includes Marton, where there should be no development that would impair the efficiency of the radio telescopes. Overall, the current development plan for Cheshire East Borough, which includes saved policies from Macclesfield Borough Local Plan, supports a moderate approach towards new housing and commercial development in the village and parish of Marton, with no set requirement for new housing in the village.

- 4.9 I have had regard for the emerging Cheshire East Local Plan for the plan period 2015-2030, which was submitted for examination in 2014, although I note that the Basic Conditions for neighbourhood plans only expect general conformity with strategic policies in adopted development plans. The examination for the emerging Cheshire East Local Plan has been protracted. The Inspector requested additional work on objectively assessed housing need, economic strategy, the distribution of development and the Green Belt and these led to proposed modifications to the plan. The Inspector published his Further Interim Views in December 2015, which included his assessment of the overall housing requirement and site selection process, among other things. I note that he found the overall housing requirement figure of 36,000 additional dwellings as a balanced level of housing provision. He was satisfied with the site selection process but could not sign off the revised spatial distribution for new development because a revised round of public consultation of potential changes to the plan was required.
- 4.10 Fresh hearing sessions for the emerging Local Plan are expected to take place in September 2016. Regarding the neighbourhood plan for Marton, the PPG, ID:41-009-20140306 indicates that neighbourhood plan preparation should not be held back when a Local Plan is also being prepared<sup>1</sup>. The PPG supports collaborative working between the local planning authority and qualifying body in such circumstances. In its consultation response, Cheshire East Borough Council reports on close working aimed at minimising any conflict between the neighbourhood plan and emerging Local Plan.
- 4.11 Emerging Local Plan Policies PG1 and PG2 envisage most new development taking place in the Key Towns of Crewe and Macclesfield and the nine key service centres. The most recent figures show that Cheshire East's other settlements and rural areas should provide not less than 2,950 dwellings by 2030. After allowance has been made for recent housing completions and commitments, an outstanding requirement for 1,250 dwellings in the rural areas exists. Suitable sites should be identified and settlement boundaries designated in a forthcoming Site Allocations and Development Policies Development Plan Document. The emerging Local Plan's strategic policies do not commit to significant development or any site allocations in Marton.

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<sup>1</sup> See further the judgement in Gladman Developments Ltd v Aylesbury Vale District Council [2014] EWHC 4323 (Admin)

- 4.12 Those proposing the housing scheme off School Lane contend that site allocations should be made in Marton, having regard for the Council's limited grounds for refusal. However, in its Regulation 16 response to Marton Village Neighbourhood Plan, Cheshire East Council is supportive of the plan's approach, pointing out that it does not introduce a maximum level of housing development and instead introduces policies to manage the need arising locally.
- 4.13 In short, no strategic need has been identified to deliver housing in Marton beyond local needs in either the existing Macclesfield Borough Local Plan nor the emerging Cheshire East Local Plan. This neighbourhood plan proposes to meet local needs arising from the existing population and refers to the Housing Needs Assessment undertaken by the qualifying body. I share concerns about the robustness of the Housing Needs Survey in Appendix 4 to the plan. I accept that an objective study of need is very difficult for a village; a local survey cannot take account of unexpected demographic change resulting from births, deaths and people or household movements. However, in addition to uncertainty of the demographic factors, the Housing Needs Survey for Marton only looks forward 5 years, whereas the neighbourhood plan takes a longer term view to 2030. The estimate of a need for four new dwellings should only therefore be viewed as a snapshot of future housing need for this village.
- 4.14 The Cheshire East Council's Strategic Housing Market Assessment (SHMA) Update 2013 confirms a backlog of affordable housing provision in the Macclesfield Rural Area, and a future need of 59 units 2013/14 to 2017/8 (Table 6C). My attention was drawn to the waiting list of Cheshire Homechoice (with responsibility for letting social and affordable housing across Cheshire East) which shows 19 applicants selecting Gawsforth and Marton as their first choice location. This evidence supports a plan for Marton which will not be tied to the village-based local housing need survey, and will look favourably on new housing development in principle, providing proposals are consistent with other policies as emphasised in the NPPF.
- 4.15 Marton has a population of fewer than 250, living in 105 dwellings. Major housing development could change the rural character of the community where 20% of the population work in agriculture. Marton has no public transport services and a limited range of community facilities. My attention was drawn to the draft neighbourhood plan and things that people did not like about living in Marton – the absence of a post office, no village hall, community centre, sports facility or traditional village shop. Whilst significant growth could provide better support for existing facilities and services, notably Marton Primary School, and give a more mixed community to balance the high proportion of older residents, there can be no guarantee that new community facilities and services or a more integrated community would result from new housing development. Marton is set in a green landscape with working farms, some attractive woodlands, diverse wildlife and a network of rural roads off the A34. The parish contains a large

number (10) of listed buildings especially in the village core. The case for safeguarding this environment, as discussed below, is strong.

4.16 Whilst a plan to boost housing supply and identify potential housing sites is sought by some parties in the interests of sustainable development, I consider that the small size of the existing community and the character of the rural settlement within the countryside justify the more moderate approach in the Vision and the Objective for residential and commercial development put forward in the neighbourhood plan. The NPPF, paragraph 10, states that plans and decisions must take account of local circumstances to respond to the different opportunities for achieving sustainable development. The social and environmental roles of sustainable development mean that planning for major housing development would not be appropriate in Marton. Having regard for the saved Local Plan policies and emerging Local Plan, I see no reason for the Marton neighbourhood plan to allocate specific sites for housing and/or commercial development.

4.17 I am broadly supportive of Policies in RCD1 to RCD12 concerning residential and commercial development, but recommend that some modifications are needed to meet the Basic Conditions. I support the proposed modification put forward by Cheshire East Borough Council to identify the approach favouring brownfield sites, infill, conversions and sites at the settlement edge in a policy rather than simply including it in supporting text. The introductory text should be modified and a new policy added as follows:

***Policy RCD0 Local housing needs will be met through:***

- ***The redevelopment of brownfield sites***
- ***Infill (see definition above)***
- ***Conversions***
- ***And at the edge of the existing settlement in locations that will not cause harm to the wider landscape and setting of Marton.***

As a consequence of adding a new Policy RCD0 (**PM1**), and having regard for the objection to RCD2 that its wording is unclear, I propose that **Policy RCD2 be deleted (PM2)**.

**Policy RCD12 should also be deleted**, because it is repetitive of proposed Policy RCD0 and Policy RCD7 (**PM5**).

In order to overcome my concern over reliance on the local housing need assessment, the second sentence under the heading POLICIES on Page 32 should be modified to read:

***"This neighbourhood plan will contribute to meeting local housing needs arising in Marton and the Macclesfield Rural Area."*** (PM1)

Policy RCD4 should read: ***"Development should meet local needs in terms of tenure, type and size of dwellings, to suit the needs of different groups of the population as detailed in the Housing Need***

***Assessment and the Cheshire East SHMA Update 2013, or future updates to these documents.” (PM3)***

The text headed “Assessment of Local Housing Need” should be modified as follows:

***“The Housing Need Assessment, shown in Appendix 4, highlighted four households currently living in Marton who identified a need for housing over the next 5 years. These findings align with our own assessment of the natural minimal ebb and flow of housing requirement in a small settlement such as Marton. However, the Housing Need Assessment only estimated need over the next five years rather than need over the full plan period to 2030. It is also recognised that Marton is not an isolated settlement. Housing need should also be considered within the wider context of Rural Macclesfield, as reported in the Cheshire East SHMA Update 2013.” (PM6)***

4.18 I consider that there is overlap and some inconsistency between Policies RCD3 and RCD8. Policy RCD3 correctly in my view indicates that the scale, density and landscaping of proposed development should be appropriate to its location. It has been calculated that some existing housing in Marton was built at 26 dwellings per hectare, rather than 5-15 dwellings per hectare as referenced in Policy RCD8. I have seen insufficient justification for all new housing to be sited in well wooded grounds, and conclude that ***Policy RCD8 should be deleted (PM4).***

4.19 Providing these modifications are made, I conclude that the policies for housing and commercial development in the neighbourhood plan meet the Basic Conditions, by contributing to the achievement of sustainable development having regard for national policy and guidance, and be in general conformity with strategic policy in the currently saved local plan policies for Cheshire East Borough Council.

*Natural and Historic Environment*

4.20 The Landscape and Settlement Character Assessment (LSCA) undertaken in 2015 and contained in Appendix 3 to the plan presents a very thorough assessment of the Marton neighbourhood planning area and its assets, in the context of the National Character Assessment and Cheshire Landscape Character Assessment. The LSCA identifies key viewpoints within the village and across the Cheshire Plains. It has considered the history of the village, features of biological interest, woodlands and hedges, heritage assets and features of interest on buildings (such as half-timbered elevations and thatched roofs), water features and footpaths and bridleways. The professional assessment is complemented by commentary on residents’ views as to what they like or dislike about the parish.

4.21 The content of the LSCA is rightly embedded in the body of the neighbourhood plan, as it provides a robust and thorough evidential

document. Policies RCD3, RCD5, RCD9 and RCD10 of the neighbourhood plan expect new development to be in keeping with existing buildings in the village and fit in with the prevailing scale, density and rural character. Those policies, and policies to protect the environment, PE8, PE9 and PE13, refer to the Landscape and Settlement Character Assessment (LSCA). The Neighbourhood Plan Design Guidance, Appendix 1, is referenced in Policy RCD3 and Policy RCD7.

4.22 The NPPF explains that sustainable development has an environmental role contributing to protecting and enhancing our natural, built and historic environment. The core principles of the NPPF (paragraph 17) refer to securing high quality design, recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it, and conserving heritage assets. Section 12 addresses conservation and enhancement of the historic environment, and paragraph 132 sets out the significance of listed buildings and their settings. Section 11 gives detailed policy for conserving and enhancing the natural environment.

4.23 Saved policies from the Macclesfield Borough Local Plan include policies for landscape protection and enhancement to conserve and enhance the diversity of landscape character (NE2), to conserve and enhance rural landscapes through the creation and restoration of hedgerows, woodland etc. (NE3), and to seek to retain and enhance existing woodlands. Overall, I consider that the Marton Village Neighbourhood Plan places appropriate emphasis on conserving and enhancing its natural, built and historic assets, having regard to the NPPF and in general conformity with the Local Plan.

4.24 Policy PE4 of the plan states it is essential that views to the mature sycamore within the paddock off School Lane are retained, and Policy PE7 seeks to preserve ancient hedgerows and valued trees. However, the sycamore tree is suffering from decay, and is no longer protected by a Tree Preservation Order (TPO). At the time of my site visit, this tree in the centre of a field where sheep were grazing looked green and healthy, and provided an attractive feature in the centre of the village. Nevertheless, I consider that the plan should be modified to clarify the current situation regarding the TPO and recognise that this landmark tree has a limited life.

4.25 My attention was also drawn to the appeal statement from Cheshire East Council's Landscape Officer for the proposed development on School Lane, ref. 15/2274M. This stated that development of the site, being the green space to which Policy PE4 relates, would not have any significant landscape or visual impacts. It was noted that the site had no formal designation for landscape protection. I accept that the green space at the centre of the village is enclosed by roads and housing, so that its development would not affect the wider landscape or have a significant visual impact on the countryside outside the village. However, saved Policy RT2 of Macclesfield Borough Local plan states that open spaces in residential areas should be protected from development and enhanced as appropriate. Policies SD1,

SD2 and SE6 of the emerging Cheshire East Local Plan continue this protective theme.

4.26 The last sentence of Marton's Visual Amenity, Page 24 of the neighbourhood plan, highlights "*shorter range views over the paddock in the heart of the village ... enjoyed by the residents who live in the surrounding houses.*" I consider that the green space is a visually attractive feature for pedestrians and road users on School Lane and Oak Lane as well as for residents, whether or not the mature sycamore tree remains there. I note that the Design and Access Statement submitted in support of the planning application refers to provision of on-site open space, and the proposed layout shows a "village green/community open space" area around the existing mature sycamore tree. There appears to be recognition that some open space in this prominent location should be retained, even if housing development is permitted.

4.27 With reference to all the above, Policy PE4 should be modified to read:

***"Proposals which enhance the green space between School Lane and Oak Lane/Oak View at the centre of the village and at the spinney will be supported.***

***The paddock and spinney in the heart of the village should be retained as open green space" (PM10).***

***In addition, the map on Page 22 of the neighbourhood plan should be amended to make clear that the sycamore tree is not protected by a TPO. The map should contain a key, and could usefully show a larger part of the village so that the location for the ancient Marton Oak, referenced in Policy PE5 and illustrated in the photograph on Page 21, is also shown (PM18).***

***Map 8: Village Spatial Policies Map should also be modified to delete the focal tree and brown triangle adjacent to it (PM19).***

Providing that is changed, Policy PE8 need not be modified.

However, Policy PE7 should be modified so that it takes account of the condition and likely longevity of affected trees and hedgerows. Policy PE7 should read: ***"Ancient hedgerows and valued trees, which are in good condition and expected to thrive in the future, should be preserved ....." (PM11).***

4.28 A number of objections have been made to policies for Protecting Our Environment, regarding when and where they will be applied. I consider that a number of modifications are required to meet the Basic Conditions, specifically to ensure that the policies will achieve a positive outcome in the context of sustainable development when used for development management.

Policy PE1 expecting any development proposal to mitigate the impact on Marton's surroundings could be unduly onerous. It should be modified to read: **"Development proposals which would have a significant and harmful visual impact on the countryside surrounding the settlement of Marton will not be permitted, unless appropriate mitigation measures are put in place"** (PM7).

On Policy PE2, it may be reasonable for a sizeable housing development to contribute towards better access to the countryside, but unrealistic and unviable for conversions or infill schemes of one or two dwellings to do so. The policy should be modified by adding the following text:

**"Any appropriate proposals ... new developments to improve access to the countryside, where this would be reasonable and viable"** (PM8).

Policies PE3 and PE10 cover the same ground. **Policy PE3 should be deleted** (PM9).

I consider that Policy PE11 is rather vague and unclear as to where or when it should be applied. Alterations to village lanes would usually be a matter for the highway authority rather than the local planning authority. If new vehicular accesses were required for permitted development along village lanes, however, they should aim to minimise any harm to the rural character of the area. Road safety would also need to be considered if access arrangements were to be changed. The policy should be modified and combined with Policy PE12 to make this clear, as follows:

**Where new vehicular accesses to the roads and lanes in the Parish of Marton are made, the character and appearance of rural lanes should be retained. Existing verges, trees and hedgerows along rural lanes should be retained wherever possible, having regard for road safety** (PM12).

4.29 Providing all the above mentioned modifications are made, I conclude that the neighbourhood plan should protect and conserve the natural environment and historic environment of Marton appropriately having regard for national policy and be in general conformity with strategic policies in the Local Plan, bearing in mind the parish's rural setting, landscape character and significant number of listed buildings.

#### *Transport*

4.30 Policy TSP1 of the neighbourhood plan is designed to address the plan objective, to *"Reduce the problems of congestion outside school and improve safety"*. I am aware that Cheshire East Council did not object to the planning application for new housing off School Lane on highways grounds, and that the applicants carried out surveys of traffic and parking at the Marton and District School, which indicated that there were negligible problems relating to congestion or road safety. In its comments on the



neighbourhood plan, Cheshire East Council, however, stated that the policies on Transport, School and Parking meet the Basic Conditions. I note that school traffic and parking are features which local residents do not like about living in Marton (Page 28 of the plan). Even if conditions are not seriously problematic now, this is a long term plan looking to 2030. Given the perception of local people, the location of the school within a rural area away from the main road, the fact that the school serves a number of villages which are not within reasonable walking distance, and the importance of securing safety for young children, I accept the need for the policy.

- 4.31 Saved policies from the Macclesfield Borough Local Plan include a number of transport policies relevant to this neighbourhood plan. Saved Policy T1 sets out criteria for an “integrated transport policy” including (3) improved safety for pedestrians, cyclists and road users; (5) protection and enhancement of the environment; and (6) the extent to which new transport schemes integrate with land use. Saved Policy T3 aims for improved pedestrian conditions including safer routes to school, Policy T5 addresses provision for cyclists, and Policy T9 gives support for traffic management and calming measures in, among other places, village centres.
- 4.32 The emerging Cheshire East Local Plan also includes policies for safe access and sufficient car parking (Policy SD1), for sustainable travel and transport encouraging cycling and walking (Policy CO1) and design around the comfort of people rather than vehicles (Policy SE1). The thrust of Policies TSP1 and TS1 to TS4 is in general conformity with the Local Plan, the emerging plan and with achieving sustainable development, although I consider that some modifications to wording are required to meet the Basic Conditions.
- 4.33 Section 4 of the neighbourhood plan addresses Traffic and Safety. I agree that the last sentence below the OBJECTIVE should be re-worded to have regard for the NPPF’s paragraph 32.

It should read: ***New development should be designed so that its impact on the transport network is minimised as far as possible. Development which exacerbates existing transport problems and results in a severely harmful impact will not be permitted (PM13).***

Also, having regard for national policy, notably paragraph 35 of the NPPF, Policy TS2 should refer to the impact of all motor vehicles not just the private car, and promote safety for all road users not just pedestrians and cyclists, as does saved Local Plan policy T1.

Policy TS2 should state: ***The impact of vehicular traffic on the street scene ....., and do not reduce safety for all road users including pedestrians and cyclists (PM14).***

Policy TS4 is in general conformity with saved Policy IMP2 of the Local Plan which seeks planning obligations to secure improvements to walking or cycling where such measures could influence travel patterns. However, Policy TS4 should be extended to explain that transport improvements

should be secured with new development where they would be viable and deliverable having regard for paragraph 173 of the NPPF, as follows:

***Development should be refused .....Where appropriate in terms of viability and deliverability, new development should contribute towards traffic improvement (PM16).***

4.34 Neighbourhood plans must not include policies for 'excluded development' (s.38B(1) of the Town and Country Planning Act 1990). It is the responsibility of the highway authority, Cheshire East Borough Council, to determine the number and size of traffic signs rather than Marton Village Neighbourhood Plan. However, I have sympathy with the aim of Policy TS3 to reduce the impact of signage on the character and appearance of this rural landscape and village, which is broadly in general conformity with saved Local Plan Policies T1(5) and T9. I propose a modification to the plan so that Policy TS3 is moved from policy to supporting text, and so that it encourages dialogue with Cheshire East Borough Council and other bodies (such as local businesses and the school) to achieve safe but sensitive use of road signs in the village and across the parish. Policy TS3 should cease to be a policy, and be modified to read:

***The Parish Council will liaise with the highway authority, Cheshire East Borough Council, and other interested parties, to ensure that the numbers of traffic signs do not exceed what is necessary, and are the minimum size necessary to meet the requirements of safety. The Parish Council will aim to secure the design of signage which is sensitive to the character and appearance of the village and parish (PM15).***

4.35 Providing these modifications are made, I conclude that the neighbourhood plan meets the Basic Conditions in so far as it promotes sustainable transport policies, both having regard for national policy and being in general conformity with Local Plan policy, bearing in mind the lack of public transport services in Marton and need for safety, access and parking, particularly in relation to the village school.

#### *Other matters*

4.36 Section 5 of the neighbourhood plan seeks to protect community assets, with an objective to retain and enhance those components of the village that residents value, and which contribute to village life. Protection of Marton's historical assets including the ancient oak tree and listed buildings and their settings is consistent with one of the core principles in the NPPF, paragraph 17, to conserve heritage assets. Saved Policies BE2 and BE16 of Macclesfield Borough Local plan, and Policies SE1 and SE7 of the emerging Cheshire East Local Plan also support the inclusion of Policy PCA1 in the neighbourhood plan. In order to clarify the location of listed buildings as shown on Map 3 for readers of the neighbourhood plan who may not be residents, it would be helpful if numbers were inserted against each building

mentioned on Page 15. This is put forward as an optional modification to the neighbourhood plan to achieve clarity, but is not essential to meet the Basic Conditions. If the Parish Council decides to pursue the change, the plan would read "**Grade 1: 1. Church of St James and St Paul; .... Grade II: 2. Cross in churchyard; 3. Cherry Tree Cottage .... 10. Pump Cottage**".

4.37 Notwithstanding the criticism of Policy PCA2 and PCA3, I consider that the aim to retain a thriving village centre is sufficiently clear, and is consistent with maintaining sustainable communities and a prosperous rural economy. The requirement for a marketing exercise prior to granting a change of use from commercial uses to residential is not unusual and is justified for a small rural settlement like Marton. However, I consider that Policy PCA2 should be expressed more clearly to achieve the desired outcome as follows:

***Commercial proposals to maintain the thriving village centre will be supported provided that they are in keeping with the character of the village. Any proposals for change of use from commercial to residential use will require a marketing exercise for an appropriate amount of time to demonstrate that the commercial use is no longer viable (PM17).***

4.38 Policies SBS1 to SBS3 supportive of small businesses are consistent with the NPPF's paragraph 28 on supporting economic growth in rural areas and taking a positive approach to sustainable new development there. There is no conflict in general conformity with the Local Plan or emerging Cheshire East Local Plan, and the Basic Conditions are met.

4.39 In examining the neighbourhood plan, I have considered whether it is clear in its presentation of policies and proposals, and sufficiently focussed on the development and use of land, having regard for s.38A(2) and s.38B(1) of the Town and Country Planning Act 2004, as amended. In my view, Marton Village Neighbourhood Plan is commendably clear in its structure and style of presentation. The early sections set out the process of preparing the plan, describe Marton, and report on the findings of the village consultation exercise, before the Vision, Objectives and Policies are addressed. Cheshire East Council commented on "the depth of support in the local community" for this plan. The appendices include useful evidential documents as well as Appendix 2, which gives an Action Plan for the Parish Council; this has emerged from consultation work for the neighbourhood plan. The proposed works involve ongoing collaboration with Cheshire East Council, the school and other bodies, and demonstrate an intent to secure the neighbourhood plan's vision and objectives. The neighbourhood plan should provide a very useful tool for future planning and change in Marton.

## 5. Conclusions

### *Summary*

5.1 The Marton Village 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. It has focused on three main issues relating to policies for housing and commercial development, for protecting the environment, and for transport. I have had regard for all the responses made following consultation on the neighbourhood plan, and the evidence documents submitted with it.

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

### *The Referendum and its Area*

5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the plan relates. The Marton Village Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated neighbourhood plan boundary (ie. the parish 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 ie. the parish boundary.

*Jill Kingaby*

Examiner

## Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 32	<p>POLICIES</p> <p>Marton is a rural settlement. No strategic need has been identified to deliver housing beyond local needs in either the existing Macclesfield Borough Local Plan or the emerging Cheshire East Local plan. This neighbourhood plan will contribute to meeting local housing needs arising in Marton and the Macclesfield Rural Area.</p> <p>Policies to meet the objective are:</p> <p>Policy RCD0 Local housing needs will be met through:</p> <ul style="list-style-type: none"> <li>• The redevelopment of brownfield sites</li> <li>• Infill (see definition above)</li> <li>• Conversions</li> <li>• And at the edge of the existing settlement in locations that will not cause harm to the wider landscape and setting of Marton.</li> </ul> <p>Policy RCD1 unchanged.</p>
PM2	Page 33	Policy RCD2 should be deleted.
PM3	Page 33	Policy RCD4: Development should meet local needs in terms of tenure, type and size of dwellings, to suit the needs of different groups of the population as detailed in the Housing Need Assessment and the Cheshire East SHMA Update 2013, or future updates to these documents.
PM4	Page 33	Policy RCD8 should be deleted.
PM5	Page 33	Policy RCD12 should be deleted.
PM6	Page 34	<p><u>Assessment of Local Housing Need</u></p> <p>The Housing Need Assessment, shown in Appendix 4, highlighted four households currently living in Marton who identified a</p>

		<p>need for housing over the next 5 years. These findings align with our own assessment of the natural minimal ebb and flow of housing requirement in a small settlement such as Marton. However, the Housing Need Assessment only estimated need over the next five years rather than need over the full plan period to 2030. It is also recognised that Marton is not an isolated settlement. Housing need should also be considered within the wider context of Rural Macclesfield, as reported in the Cheshire East SHMA Update 2013.</p>
PM7	Page 35	<p>Policy PE1: Development proposals which would have a significant and harmful visual impact on the countryside surrounding the settlement of Marton will not be permitted, unless appropriate mitigation measures are put in place.</p>
PM8	Page 35	<p>Policy PE 2: Any appropriate proposals .... will be sought in connection with new developments to improve access to the countryside, where this would be reasonable and viable.</p>
PM9	Page 35	<p>Delete Policy PE3</p>
PM10	Page 35	<p>Policy PE4: Proposals which enhance the green space between School Lane and Oak Lane/Oak View at the centre of the village and at the spinney will be supported.</p> <p>The paddock and spinney in the heart of the village should be retained as open green space.</p>
PM11	Page 35	<p>Policy PE7: Ancient hedgerows and valued trees, which are in good condition and expected to thrive in the future, should be preserved, and development which would adversely impact .....</p>
PM12	Page 36	<p>Replacement Policy PE11 and PE12: Where new vehicular accesses to the roads and lanes in the Parish of Marton are made, the character and appearance of rural lanes should be retained. Existing verges, trees</p>

		and hedgerows along rural lanes should be retained wherever possible, having regard for road safety.
PM13	Page 36	OBJECTIVE Delete last sentence in second paragraph beginning "Any additional development must not ..." and insert:  New development should be designed so that its impact on the transport network is minimised as far as possible. Development which exacerbates existing transport problems and results in a severely harmful impact will not be permitted.
PM14	Page 36	Policy TS2: The impact of vehicular traffic on the street scene ....., and do not reduce safety for all road users including pedestrians and cyclists.
PM15	Page 37	Policy TS3: The Parish Council will liaise with the highway authority, Cheshire East Borough Council, and other interested parties, to ensure that the numbers of traffic signs do not exceed what is necessary, and are the minimum size necessary to meet the requirements of safety. The Parish Council will aim to secure the design of signage which is sensitive to the character and appearance of the village and parish.
PM16	Page 38	Policy TS4: Development should be refused .....Where appropriate in terms of viability and deliverability, new development should contribute towards traffic improvement.
PM17	Page 37	Policy PCA2: Commercial proposals to maintain the thriving village centre will be supported provided that they are in keeping with the character of the village. Any proposals for change of use from commercial to residential use will require a marketing exercise for an appropriate amount of time to demonstrate that the commercial use is no longer viable.
PM18	Page 22	Clarify that the mature sycamore is not subject to TPO; add a key to the map; enlarge the map to show the location of

		Marton's ancient oak.
PM19	Page 26	Map 8: Village Spatial Policies Map should be modified to delete the focal tree and brown triangle adjacent to it.

***Examiner's suggested optional modification for clarity:***

*Insert numbers against each of the listed buildings on Page 15 to reflect the numbers shown on Map 3.*