

**Upton-by-Chester & District
Neighbourhood Plan
2020-2030**

**BASIC CONDITIONS
STATEMENT**

Upton-by-Chester & District Parish Council
Nov 2021

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1. INTRODUCTION

1.1 This Statement has been prepared by Upton-by-Chester and District Parish Council (“the Parish Council”) to accompany its submission to the local planning authority, Cheshire West and Chester Council, of the Upton-by-Chester, Bache and Moston Neighbourhood Development Plan (“the Neighbourhood Plan”) under Regulations 15 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”).

2. BACKGROUND

The Upton-by-Chester, Bache and Moston Neighbourhood Development Plan has been developed during the period 2014-2021 by a Steering Group of Parish Councillors and volunteers who are residents of the Neighbourhood. The Plan is based on community feedback throughout the whole development of the Plan, as described in the Neighbourhood Development Plan Consultation Statement. Preparation of the Neighbourhood Plan commenced in 2014 in response to the desire of the local community to have a greater say in future planning decisions. The Parish Council was encouraged along this route by positive action from Cheshire West and Chester Council who stressed the importance of Neighbourhood Plans and their support of communities who wanted to play a role in determining local planning policy. The steering group has worked closely with officers of Cheshire West and Chester Council during the preparation of the Neighbourhood Plan.

2.1 DESIGNATED AREA OF THE UPTON-BY CHESTER, BACHE AND MOSTON NEIGHBOURHOOD PLAN

Upton-by-Chester and District Parish Council submitted the application to designate the Neighbourhood Area towards the end of 2014. Cheshire West and Chester Borough Council designated the whole of the area within the boundary of Upton-by-Chester and District Parish Council as a Neighbourhood Area for the purposes of a Neighbourhood Development Plan on 16th January 2015.

Upton-by-Chester and District Parish Council confirms that the Upton-by-Chester, Bache and Moston Neighbourhood Development Plan relates only to the area within the boundary of Upton-by-Chester and District Parish Council and to no other Neighbourhood Area. Upton-by-Chester, Bache and Moston Neighbourhood Development Plan is the only Neighbourhood Development Plan in the designated area. No other Neighbourhood Development Plan exists nor is in development for any part of the Neighbourhood Area.

The area covered by this Neighbourhood Development Plan is the whole of the area within the boundary of Upton-by-Chester and District Parish Council. This consists of the civil parishes of Upton-by-

Chester, Bache and Moston. The boundary of the Neighbourhood Area is shown below.



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3. THE PROPOSAL

The policies described in the Neighbourhood Plan relate to planning matters (the development and use of land) in the designated Neighbourhood Area. It has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012

The Neighbourhood Plan is to have effect from 2020 to 2030.

The Neighbourhood Plan does not:

- contain policies relating to excluded development in accordance with the Regulations;
- deal with County matters (mineral extraction and waste development, nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990).

4. BASIC CONDITIONS STATEMENT

This Statement addresses each of the four 'basic conditions' required in the Regulations and explains how the submitted Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act.

The Regulations state that a Neighbourhood Plan will be considered to have met the basic conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan,
- the making of the neighbourhood development plan contributes to the achievement of sustainable development,
- the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations.

4.1 BASIC CONDITION 1 – HAVING REGARD TO NATIONAL POLICY

Upton-by-Chester and District Parish Council believes that this Neighbourhood Plan, as submitted, properly demonstrates due regard to National Policy, specifically that set out in the National Planning Policy Framework (NPPF) 2021. Paragraphs 29-30 of the NPPF describe how Neighbourhood Planning can be used to give communities direct power to deliver a shared vision for their neighbourhood, and deliver the sustainable development that they need. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development that is at the heart of national policy. For planning to deliver sustainable development, the NPPF gives policy guidance in key areas, the following of which, where relevant to the Neighbourhood, the Neighbourhood Plan has had close regard:

- Building a strong, competitive economy;
- Delivering a sufficient supply of homes;
- Promoting sustainable transport;
- Achieving well designed places;
- Supporting high quality communications;
- Promoting healthy and safe communities;
- Meeting the challenge of climate change;
- Conserving and enhancing the natural environment;
- Conserving and enhancing the historic environment;

The conformity between the policies of the Upton-by-Chester, Bache and Moston Neighbourhood Development Plan and the guidance given in the National Planning Policy Framework is demonstrated in further detail in Table 1 on the following pages.

4.2 BASIC CONDITION 2 – CONTRIBUTION TO SUSTAINABLE DEVELOPMENT

The NPPF highlights that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of

roles. These objectives should not be undertaken in isolation as they are mutually dependent.

1. An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
2. A social objective– to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ the health, social and cultural well-being.
3. An environmental objective – to protect and enhance our natural, built and historic environment; including making efficient use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and updating to climate change including moving to a low carbon economy.

The pursuit of sustainable development is at the heart of the Upton-by-Chester, Bache and Moston Neighbourhood Development Plan, as is highlighted by the Neighbourhood Plan’s vision and objectives to deliver and achieve the vision:-

Vision - In 2030, Upton will be:

- a pleasant, predominantly residential, area that provides a secure and sustainable environment for its inhabitants;
- part of the wider urban area of Chester but with a distinctive character as a former village settlement, protected by Green Belt, with local access to open spaces and countryside;
- a coherent yet diverse community which takes pride in and protects its appearance and its physical and cultural heritage;
- a place where people of all ages and incomes can find high quality, well designed, sustainable housing and the community services and facilities they need, particularly health services and a range of good schools for all ages and abilities;
- a healthy community with protected open spaces providing good facilities for physical exercise and enjoyment;
- a community where local shopping hubs at Bache, Long Lane and Weston Grove will provide a range of retail provision to serve local needs;
- linked by sustainable transport to employment and leisure provision with roads that are safe for pedestrians, cyclists and people with disabilities;
- home to one of the world's leading zoos, which as a conservation and education charity will increasingly develop as a positive influence on the local community and environment;
- the centre of hospital services for the wider Chester area with access arrangements for patients, staff and visitors that reduce negative impacts on residents;

- continuing its long association with the army, the Dale Barracks increasingly being integrated into the local community. If Upton's long association with the army has ended, the Dale Barracks site will have developed for mixed residential and employment use on "zero carbon" principles.
- A community which is adapted to be resilient to the impact of climate change, working towards a "zero carbon" impact on the earth's resources through sustainable community energy projects and conservation measures.

OBJECTIVES

- To ensure that any future development or redevelopment is sustainable, of high design quality and is fully integrated with the Upton community.
- To encourage individual and community scale renewable energy generation
- To protect and enhance the distinctive physical and cultural heritage of Upton ensuring that new development is sensitive and enriches the landscape and built environment
- To protect and enhance greenspace, public open spaces and access to countryside
- To ensure that housing developments and conversions are appropriate to the housing needs of the local community, particularly young families and older people
- To seek continued improvement to sustainable means of transport and the reduction of our carbon footprint
- To ensure that Upton is a place where people of all ages and incomes can find the community services and facilities they need.
- To strengthen and support local economic activity, including Chester Zoo and the Countess of Chester Hospital, and to retain varied local retail provision.

Policies seek to ensure sustainability; conserve local character and distinctiveness; support the local economy; encourage good design; ensure housing is of an appropriate mix and scale; support community facilities; encourage sustainable transport and ensure that the development of Dale Barracks is well designed and appropriate. The role of each Neighbourhood Plan policy to the contribution of delivering sustainable development is demonstrated in further detail on the following pages.

4.3 BASIC CONDITION 3 – BE IN CONFORMITY WITH STRATEGIC LOCAL POLICIES

The Cheshire West and Chester Local Plan Part One Strategic Policies was adopted in January 2015, and Local Plan Part Two Land Allocations and Detailed Policies was adopted in July 2019. The Upton –by- Chester, Bache and Moston Neighbourhood Development Plan has, therefore, been produced taking full consideration of the strategic direction and policies firstly in the Cheshire West and Chester Local Plan Strategic Policies and more recently the adopted Part Two. Cheshire West and Chester Council has been extremely helpful and supportive of the Neighbourhood Plan. This has ensured general conformity and minimised any potential conflict between policies.

This Basic Conditions Statement demonstrates that the Neighbourhood Plan does not conflict with the strategic policies of the Cheshire West and Chester Local Plan Parts One and Two. The Neighbourhood Plan seeks to add detail to the overall strategic policy of the Cheshire West and Chester Local Plan, and be flexible enough to work alongside it.

The general conformity of each Upton-by-Chester, Bache and Moston Neighbourhood Development Plan policy to the strategic policies of the Cheshire West and Chester Local Plan Parts One and Two is highlighted in detail in Table 1 below. Cheshire West and Chester Council have helpfully provided guidance as to which Local Plan policies should be considered strategic. The list can be viewed at http://consult.cheshirewestandchester.gov.uk/portal/cwc_ldf/np/toolkit

UPTON-BY-CHESTER, BACHE AND MOSTON NEIGHBOURHOOD DEVELOPMENT PLAN POLICIES

TABLE 1 - General conformity with Local Planning Policies, regard to National Policy Guidance and contribution to Sustainable Development

<p>Upton-by-Chester, Bache and Moston Neighbourhood Plan Policy</p>	<p>Policy S1: Sustainable construction</p> <ul style="list-style-type: none"> • All development must support the Neighbourhood Development Plan objective of seeking reductions in carbon emissions from within the Upton NDP area and mitigating the impacts of climate change. Developments should be zero carbon, with residential developments meeting Passivhaus standards, and should be designed to minimise non-renewable energy consumption, including the use of sustainable main materials, high energy efficiency levels, the incorporation of renewable energy initiatives and the efficient design of the building, except where there is clear evidence that it is impractical and/or non-viable. The sustainability of main building materials should be demonstrated by life cycle assessment. • Major developments are required to support sustainable living and utilise best practice in the use of sustainable resources and green technologies such as renewable energy and storage, decentralised heating systems, heat from waste systems and rainwater harvesting. • All development proposals (including changes of use) will be expected to achieve the highest levels of energy and water efficiency, except where there is clear evidence that it is impractical and/or non-viable. • All development proposals (including changes of use) will be expected to demonstrate that they have examined and maximised opportunities to incorporate sustainable design features. • Developments which would lead to improved energy and water efficiency in existing buildings and which do not negatively impact the character of the building or surrounding area will be supported.
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Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	ENV 6 - High quality design and sustainable construction highlights the importance of sustainable, high quality design and construction. Developments should make the best use of high quality materials, incorporate energy efficiency measures and provide for renewable energy generation either on site or through carbon offsetting measures, mitigate and adapt to the predicted effects of climate change and meet applicable nationally described standards for design and construction.
Comments	CWaC have recently ratified their Climate Emergency Plan, which includes a draft requirement that all new builds are built 'at least to a higher standard such as the Passivhaus standard' would be incorporated into the action plan for the revised local plan. This has therefore been incorporated into policy S1. Neighbourhood Plan policy S1 is in conformity with local plan policy ENV6, which stresses the importance of sustainable and high quality design and construction.
National Planning Policy Framework	Policy S1 relates to the core principle of the NPPF of meeting the challenge of climate change. The planning system should support the transition to a low carbon future in a changing climate. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
Contribution to the achievement of sustainable development	Neighbourhood Plan policy S1 contributes to the achievement of sustainable development by performing an environmental role, mitigating the effect of climate change and ensuring that new developments are sustainably constructed and reduce carbon emissions.

Upton-by-Chester, Bache and Moston Neighbourhood Plan Policy	<p>Policy S2: Renewable energy generation</p> <p>Support will be given to renewable and low carbon energy generation developments. In particular, support will be given for developments that:</p> <ul style="list-style-type: none"> • are led by, or meet the needs of the local community; and/or • create opportunities for colocation of energy producers with energy users, in particular heat, and/or facilitate renewable and low carbon energy innovation <p>When considering such proposals, regard will be given to the wider benefits of providing energy from renewable sources, as well as the potential effects on the local environment and residential amenity, including any cumulative impact of these proposals.</p>
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Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	<p>STRAT1 – Sustainable Development highlights that development should mitigate and adapt to the effects of climate change, ensuring that development makes the best use of opportunities for renewable energy use and generation.</p> <p>ENV7 – Alternative Energy Supplies states that renewable and low carbon energy proposals will be supported where there are no unacceptable impacts on landscape, visual or residential amenity; noise, air, water, highways or health; biodiversity, the natural or historic environment; radar, telecommunications or the safety of aircraft operations.</p>
Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (2019)	<p>DM53 – Energy Generation, Storage and District Heat Networks highlights that proposals will be supported which make maximum use of renewable energy sources and which support the use of intermittent renewable energy sources such as wind and solar. The policy gives criteria which must be met, including that the cumulative impacts of developments on the landscape, natural environment and surrounding users will be acceptable.</p>
Comments	The Neighbourhood Plan is in general conformity with these local plan policies, seeking to ensure that renewable energy installations are supported in appropriate locations.
National Planning Policy Framework	Policy S2 relates to the core principle of the NPPF to meeting the challenge of climate change. The NPPF states that the planning system should support the transition to a low carbon future in a changing climate. It should support renewable and low carbon energy and associated infrastructure, and ensure that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impact).
Contribution to the achievement of sustainable development	Neighbourhood Plan policy S2 contributes to the achievement of sustainable development by performing an environmental role, protecting the natural and built environment and adapting to climate change.

<p>Upton-by-Chester, Bache and Moston Neighbourhood Plan Policy</p>	<p>Policy PC1: Protecting and Enhancing Heritage Assets</p> <p>Designated and non-designated heritage assets enhance local distinctiveness and should be conserved and enhanced in a manner appropriate to their significance.</p> <p>Development should protect and, where possible, enhance, both designated and non-designated heritage assets and historic landscape character, and include measures to avoid or, where necessary, minimise impact and mitigate adverse effects.</p> <p>In particular, any development must:</p> <ul style="list-style-type: none"> • Protect or enhance the character and setting of the 12 listed buildings in the study area, all are Grade II. Newton Hall which is in proximity to the study boundary is Grade II* listed (See Appendix 1); • Protect or enhance the setting of the six Roman camps designated as Scheduled Monuments in the east of the Neighbourhood Plan area (See Appendix 1);
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	<ul style="list-style-type: none"> • Protect or enhance the setting and the different characters of the Conservation Areas: Upton Park Conservation Area and Chester Canal Conservation Area; • Protect or enhance the character and setting of the Upton Cross area, including the Cockpit, as a Key Node with historic character; • Protect or enhance the appearance and setting of landmarks, listed buildings and marker buildings (undesigned heritage assets) that aid legibility and contribute to the character, image and identity of the area. <p>Development which would remove, harm or undermine the significance of such non-designated heritage assets, or their contribution to the character of a place, will only be permitted where the benefits of the development outweigh the harm having regard to the scale of the harm and significance of the non-designated heritage asset.</p> <p>Prior to the loss of the non-designated heritage asset, an appropriate level of survey and recording will be expected including where appropriate archaeological investigation. The results of which should be deposited on the Historic Environment Record. It is expected that any application will be supported by a desk-based assessment which defines the significance of the assets and considers the development's effect on the asset and its setting and measures to avoid, minimise or mitigate any adverse impacts.</p>
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	ENV5 – Historic Environment states that designated and non designated heritage assets and their settings will be protected. Developments should safeguard and enhance heritage assets, and avoid loss or harm to their significance.
Comments	By seeking to conserve and enhance the historic environment of Upton-by-Chester, Bache and Moston, Policy PC1 is in general conformity with the Local Plan, whilst adding locally distinct detail.
National Planning Policy Framework	This policy relates to the NPPF core aim of conserving and enhancing the historic environment. The NPPF states that heritage assets should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
Contribution to the achievement of sustainable development	Neighbourhood Plan policy PC1 contributes to the achievement of sustainable development by performing a social role, creating a high quality environment, and an environmental role, protecting the natural, built and historic environment.
Upton-by-Chester, Bache and Moston Neighbourhood Plan Policy	Policy PC 2: Conserving local character and distinctiveness Development will be supported which conserves and enhances the character of the area, as defined in the relevant section of the Upton Characterisation Study (Section 3 of the Upton Neighbourhood Development Plan Design Code – Appendix 8).

	<p>Where appropriate, an application for development must set out a clear response to the character area/s in which it is sited or adjacent to (see Figure 8.3), including landscape character areas.</p> <p>The character response should be clearly outlined in terms of appearance, means of access, landscaping, layout and scale. The design must respond to the character area through one or all of the following approaches:</p> <p>Harmonise – clearly respond to existing characteristics within the character area, street and site across the categories of appearance, means of access, landscaping, layout and scale;</p> <p>Complement - doing something slightly different that adds to the overall character and quality in a way that is nonetheless fitting in terms of appearance, means of access, landscaping, layout and scale;</p> <p>Contrast – doing something of high design quality that is different but adds positively to the built-form and character and is considered an exemplar approach for others to follow.</p> <p>Development should protect and enhance locally distinctive boundaries (such as sandstone walls or “Cheshire” railings) and any proposals which would result in loss of these features would be resisted.</p> <p>Original architectural details such as cornices, fenestration, architraves, etc. are important to the character of the area and conservation or restoration of these features will be encouraged.</p> <p>Alterations and extensions to existing buildings must be carefully designed and implemented to ensure that the character of the building, and its contribution to the character of the wider area, is not harmed and that its impact on heritage assets and their setting is avoided or, if this is not possible, minimised.</p>
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	<p>ENV 6 - High Quality Design and Sustainable Construction stresses that development should respect local character and achieve a sense of place through appropriate layout and design, being sympathetic to heritage, environmental and landscape assets and making the best use of high quality materials.</p>
Comments	<p>The Neighbourhood Plan is in general conformity with these strategic policies, by seeking to encourage good design and ensuring that development will respect and enhance the character and environment of Upton-by-Chester, Bache and Moston.</p>
National Planning Policy Framework	<p>The NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics.</p> <p>Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development. Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, and are visually</p>

	attractive as a result of good architecture, layout and appropriate and effective landscaping. Developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. They should establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
Contribution to the achievement of sustainable development	This Neighbourhood Plan policy contributes to the achievement of sustainable development by performing a social role, creating a high quality environment, an environmental role, protecting the natural and built environment, and an economic role, ensuring that Upton-by-Chester, Bache and Moston remains a valued and attractive place to live and work.

Upton-by-Chester, Bache and Moston Neighbourhood Plan Policy	<p>Policy PC3: Landscape and Recreational Spaces</p> <p>Development will be supported which protects and enhances a multi-functional network of open spaces and associated leisure and recreation facilities including;</p> <ul style="list-style-type: none"> • amenity spaces; • sports fields; • parks; • sports clubs (including the Upton-by-Chester Golf Club); • recreation grounds. <p>New housing developments must provide adequate high quality open space of at least the standards in Policy DM35 of Part Two of the Cheshire West and Chester Local Plan. Any suitable proposals to increase recreational / amenity green space, or enhance existing space will be welcomed. Proposals for new green spaces, recreation and play areas, their enhancement, or connectivity between them will be supported where access is easy and safe.</p> <p>The following sites designated on the map at Figure 8.4 should be designated as Local Green Spaces:</p> <ol style="list-style-type: none"> 1. Countess of Chester Country Park adjacent to the Countess of Chester Hospital; 2. The former cricket pitch at the frontage of the 1829 Building on the Countess of Chester Health Park; 3. Land at Upton Cross (the junction of Mill Lane, Church Lane, Heath Road and Wealstone Lane) comprising the Cockpit, War Memorial and Lodge Gardens; 4. The Queen Elizabeth II Playing Field on Wealstone Lane; 5. The Chemistry Pits Playing Field to the rear of Marina Drive, Longfield Avenue and Heath Road. <p>Further detail of these sites and justification for their designation is provided at Appendix 4.</p>
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	<p>Development of Local Green Space is not permitted except in very special circumstances. Any development that is considered an exception or very special circumstances should consider the potential for alternative sites to be used instead that are not identified as Local Green Spaces. The identified Local Green Space sites are of particular importance to the local community due to their beauty, historic significance, recreational value and / or biodiversity and because they are easily accessible for Upton residents.</p>
<p>Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)</p>	<p>SOC 5 - Health and Well-being highlights that proposals will be supported that support opportunities to widen and strengthen the borough’s cultural, sport, recreation and leisure offer and promote high quality greenspace, and access to this across the borough, particularly in areas of recognised need.</p> <p>SOC 6 - Open space, sport and recreation states that the Council will seek to protect, manage and enhance existing open spaces, sport and recreation facilities to provide a network of diverse, multi-functional open spaces. Development will be required to incorporate or contribute towards the provision of an appropriate level and quality of open space, sport and recreation provision.</p>
<p>Comments</p>	<p>The Neighbourhood Plan is in general conformity with these local plan policies, seeking to protect and enhance the important open space facilities in Upton-by – Chester, Bache and Moston, and provide new ones. There is a deficiency of open spaces in the parish, and a need to protect existing open spaces and provide new ones. By seeking to ensure the designation, and protection and enhancement of good quality locally distinct green spaces, which are important to the community, Policy PC3 is in accordance with local plan policies.</p>
<p>National Planning Policy Framework</p>	<p>This policy relates to the NPPF core aims of conserving and enhancing the natural environment, promoting healthy and safe communities, and achieving well designed places. Neighbourhood Plan policy PC3 is in general conformity with Paragraphs 101 and 102 of the National Planning Policy Framework, which consider Local Green Space designations and set out when they might be appropriate. The designation should be used where the green space is a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife; and c) local in character and is not an extensive tract of land. Additionally, policies and decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs; and plan positively for the provision and use of community facilities including open spaces. Policy PC3 seeks to help deliver the NPPF aim of promoting healthy and safe communities. The NPPF states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of sports venues and open space. Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.</p>

Contribution to the achievement of sustainable development	Neighbourhood Plan policy PC3 contributes to the achievement of sustainable development by performing a social role, creating a high quality environment for people to enjoy, use recreationally and benefit from health wise, an environmental role, protecting the natural environment, and an economic role, ensuring that Upton-by-Chester, Bache and Moston remains a valued and attractive place to live, work, visit and invest.
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Upton-by-Chester, Bache and Moston Neighbourhood Plan Policy	<p>Policy PC4 – Hedgerows, Trees, and Watercourses</p> <p>Any development that would result in the loss of, or the deterioration in the quality of an important natural feature, including trees and hedgerows and watercourses will not normally be permitted.</p> <p>Where it is demonstrated that integration of these features into the development is not possible and the assets would be lost, developments may be permitted in line with the requirements of Local Plan (Part Two) policy DM45.</p> <p>The retention of trees, hedgerows and other natural features in situ will always be preferable. Where the loss of such features is unavoidable, replacement provision must be of a ratio of at least two new trees for each tree which is lost.</p> <p>New tree planting will be supported within new developments.</p>
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	<p>STRAT1 – Sustainable Development highlights that development should protect, enhance and improve the natural environment, seeking improvements for habitat creation.</p> <p>ENV 3- Green Infrastructure stresses that the Local Plan will support the creation, enhancement, protection and management of a network of high quality multi-functional Green Infrastructure. This will be achieved by development incorporating new and/or enhanced Green Infrastructure of an appropriate type, standard and size or contributing to alternative provision elsewhere, and increased planting of trees and woodlands, particularly in urban areas and the urban fringe.</p> <p>ENV 4 – Biodiversity and Geodiversity indicates that development should not result in any net loss of natural assets, and should seek to provide net gains. Where there is unavoidable loss or damage to habitats, sites or features, mitigation and compensation will be required to ensure there is no net loss of environmental value.</p> <p>Policy ENV2 - Landscape highlights that development should take full account of the characteristics of the development site, its relationship with its surroundings, recognising, retaining and incorporating features of landscape quality into the design.</p>
Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (2019)	<p>DM 44 - Protecting and Enhancing the Natural Environment highlights that development that makes a positive contribution towards the borough’s ecological network will be supported where there is no loss of natural assets and, wherever possible, it delivers net gains within the borough.</p>
Comments	The Neighbourhood Plan is in general conformity with these Local Plan policies, ensuring that valued trees and hedgerows and watercourses are protected where possible, and new planting is supported.

National Planning Policy Framework	Neighbourhood Plan policy PC4 helps to deliver one of the key themes of the NPPF of conserving and enhancing the natural environment. The NPPF states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) unless there are wholly exceptional reasons and a suitable compensation strategy exists.
Contribution to the achievement of sustainable development	Neighbourhood Plan policy PC4 contributes to the achievement of sustainable development by performing a social role, creating a high quality environment with access to greenery, an environmental role, protecting and enhancing the natural environment.

Upton-by-Chester, Bache and Moston Neighbourhood Plan Policy	<p>Policy H1: Scale of housing development</p> <p>Large-scale housing development (10 or more dwellings or an area of 0.3HA or more) would be supported only on the site of the Dale Barracks, should this become available during the plan period, or in exceptional cases, to meet an identified community need.</p> <p>Small-scale housing development will be supported in principle, provided that it is environmentally sustainable.</p> <p>The following types of housing development will generally be supported:</p> <ul style="list-style-type: none"> • Re-use of redundant or disused buildings which would lead to an enhancement of the immediate area. • Redevelopment of brownfield sites subject to the criteria listed in policy DM19 of Cheshire West and Chester Local Plan (Part 2). • Infill housing development, within the existing settlement, of a small gap in an otherwise built up frontage of up to two dwellings in keeping with adjoining developments. • Sites within the built up area that provide affordable housing.
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	<p>STRAT 1 –Sustainable Development states that to encourage sustainable development the use and redevelopment of previously developed land should be supported.</p> <p>SOC 1- Delivering affordable housing highlights that affordable homes will be sought within all new residential development, including as part of mixed use schemes on sites that in the urban areas have a capacity for ten or more dwellings or comprise an area of 0.3 hectares or more.</p>
Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (2019)	Policy GBC 1.C - Dale Barracks highlights the development proposals which would be acceptable on the Dale Barracks site should the site become surplus to military activities.
Comments	The Neighbourhood Plan policy is in general conformity with these Local Plan policies, by seeking to ensure that new housing development is appropriately

	located and provides affordable housing.
National Planning Policy Framework	Neighbourhood Plan policy H1 helps to deliver the key themes of the NPPF of making effective use of land, meeting the challenge of climate change and delivering a sufficient supply of homes. Para 29 highlights that neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies. Neighbourhood Plan policy H1 supports the strategic spatial distribution of development and recognises that housing development of a large scale should take place at Dale Barracks, should the site become surplus to military activities.
Contribution to the achievement of Sustainable Development	Neighbourhood Plan policy H1 contributes to the achievement of sustainable development by performing a social role, providing for new housing where appropriate, and an environmental role, protecting the natural environment.

Upton-by-Chester, Bache and Moston Neighbourhood Plan Policy	Policy H2: Mix of housing types In accordance with Policy SOC3 of the Local Plan (Part 1) and Policy DM 20 of the Local Plan (Part 2), sites which are developed for housing during the plan period should provide an appropriate mix of housing types. In particular they should include affordable housing and properties that meet the needs of first-time buyers and people wishing to downsize from larger homes and/or support elderly residents, whilst encouraging independent living.
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	SOC 3 - Housing mix and type highlights that in order to support mixed, balanced and sustainable communities, the Council will seek to provide a mix of housing types, tenures and sizes of both market and affordable housing. In particular, developments should include the provision of small family homes to assist households into home ownership and for older people who may wish to downsize.
Comments	The Neighbourhood Plan is in general conformity with the local plan, recognising that there is a need for a mix of dwellings to ensure a sustainable and mixed community.
National Planning Policy Framework	Neighbourhood Plan policy H2 helps to deliver one of the key themes of the NPPF of delivering a sufficient supply of homes. The NPPF states that it is important that the needs of groups with specific housing requirements are addressed. Para 62 states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.)
Contribution to the achievement of sustainable development	Neighbourhood Plan policy H2 contributes to the achievement of sustainable development by performing a social role, widening the choice of high quality homes to support a strong, vibrant, healthy, sustainable community.

<p>Upton-by-Chester, Bache and Moston Neighbourhood Plan Policy</p>	<p>Policy H3: Design of Housing Development</p> <p>All new housing developments will be expected to be of a high quality of design having demonstrable regard to the Upton-by-Chester Neighbourhood Plan Design Code (Appendix 8) which will:</p> <ul style="list-style-type: none"> • Be of an appropriate size, height, scale, mass and density which respects existing development in the area. • Complement and enhance where appropriate the skyline, materials, layout of and access to existing development in the area including where appropriate the provision of chimneys and other features. • Not unacceptably affect the amenities of neighbouring dwellings through overlooking, loss of light, over-dominance or general disturbance. • Where landscaping outside the curtilage of dwellings is characteristic of the area, developments should provide landscaping which complements and enhances the character of the local area. • Provide garden space commensurate with the size of the proposed dwelling, the prevailing pattern of development in the locality, and the likely needs of the prospective occupiers. • Have appropriate parking provision that does not detract from the visual amenity of the area, particularly at the front of properties. • New development should be designed to maximise the retention of surface water on the development site and to minimise runoff. The approach to surface water drainage should be considered in liaison with the lead Local Flood Agency, the public sewerage undertaker and where appropriate the Environment Agency. <p>Surface water should be discharged in the following order of priority:</p> <ul style="list-style-type: none"> • An adequate soakaway or some other form of infiltration system. • An attenuated discharge to watercourse or other water body. • An attenuated discharge to public surface water sewer. • An attenuated discharge to public combined sewer. <p>Proposals that include surface water discharge to a public sewer will need to submit clear evidence demonstrating why alternative options are not available.</p>
<p>Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)</p>	<p>ENV 6 - High Quality Design and Sustainable Construction stresses that development should respect local character and achieve a sense of place through appropriate layout and design, being sympathetic to heritage, environmental and landscape assets and making the best use of high quality materials.</p> <p>ENV1 – Flood Risk and Water Management states that the drainage of new development should be designed to reduce surface water run off rates to include the implementation of sustainable urban drainage systems unless it can be demonstrated that it is not technically feasible or viable.</p>

Comments	The Neighbourhood Plan is in general conformity with these strategic policies, by seeking to encourage good design and ensuring that development will respect and enhance the character and environment of Upton-by-Chester, Bache and Moston, and ensuring that new developments do not cause or exacerbate drainage and flooding issues.
National Planning Policy Framework	Neighbourhood Plan policy H3 helps to deliver one of the key themes of the NPPF of achieving well designed places. The NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development. Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. They should establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit. Additionally, Neighbourhood Plan policy H3 helps to deliver one of the key aims of the NPPF in meeting the challenge of climate change, flooding and coastal change. Para 154 states that new development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change.
Contribution to the achievement of sustainable development	This Neighbourhood Plan policy contributes to the achievement of sustainable development by performing a social role, creating a high quality environment, an environmental role, protecting the natural and built environment, and an economic role, ensuring that Upton-by-Chester, Bache and Moston remains a valued and attractive place to live and work.

Upton-by-Chester, Bache and Moston Neighbourhood Plan Policy	<p>Policy LSF1 - Provision of services and facilities</p> <p>The provision of new facilities for community services within the defined plan boundary will be supported subject to any new development:</p> <ul style="list-style-type: none"> • Respecting local residential amenity, particularly in terms of noise and traffic generation, and • Preserving local character and distinctiveness as in Policy PC2.
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Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	SOC5 – Health and Well-being highlights that proposals will be supported that widen and strengthen the borough’s cultural, sport, recreation and leisure offer. STRAT 11 – Infrastructure indicates that the Council will facilitate the provision of additional facilities arising from new developments or existing community need, in locations that are appropriate and accessible.
Comments	The Neighbourhood Plan is in general conformity with these local plan policies, reflecting the desire to provide community facilities.
National Planning Policy Framework	Policy LSF1 relates to the NPPF core aims of promoting healthy and safe communities. The NPPF is clear that in order to provide the social and recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and uses of shared spaces and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship, and guard against their unnecessary loss.
Contribution to the achievement of sustainable development	Neighbourhood Plan policy LSF1 contributes to the achievement of sustainable development by performing a social role, seeking the retention of important community assets that are valued by the community.

Upton-by-Chester, Bache and Moston Neighbourhood Plan Policy	Policy LSF2: Change of use or redevelopment of facilities for community services Change of use or redevelopment of existing community facilities for alternative uses will only be supported where it can be clearly demonstrated either: <ul style="list-style-type: none"> • that the public and community services provided at that facility are no longer needed; or • that they include alternative provision, in a suitable location to serve the local Upton community, of equivalent or enhanced facilities which are safely accessible to all by a range of transport modes, including walking and cycling, and have adequate car parking.
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	SOC5 – Health and Well-being highlights that proposals will be supported that widen and strengthen the borough’s cultural, sport, recreation and leisure offer. STRAT 11 – Infrastructure indicates that measures to protect, enhance or improve access to existing facilities, services and amenities that contribute to the quality of life of residents, businesses and visitors will be supported.
Comments	The Neighbourhood Plan is in general conformity with these local plan policies, reflecting the desire to protect community facilities, and provide alternative accessible facilities where their use is still needed.
National Planning Policy Framework	Policy LSF2 relates to the NPPF core aims of promoting healthy and safe communities and promoting sustainable transport. The NPPF is clear that in order to provide the social and recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and uses of shared spaces and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings,

	public houses and places of worship, and guard against their unnecessary loss.
Contribution to the achievement of sustainable development	Neighbourhood Plan policy LSF2 contributes to the achievement of sustainable development by performing a social role, seeking the retention of important community assets that are valued by the community.

Upton-by-Chester, Bache and Moston Neighbourhood Plan Policy	<p>Policy T1 – Sustainable Transport</p> <p>Development that reduces car usage and congestion on the local road network will be supported. Any development that results in a significant increase in congestion or risks to road safety will not be supported.</p> <p>In order to improve the sustainability of travel, transport and road safety, all developments that are likely to generate significant amounts of movement shall be accompanied by a Transport Assessment. This should include an assessment of the impact that any increase in traffic would have on the roads in the Neighbourhood Development Plan area, especially at peak times for journeys to and from school and work. The assessment should incorporate steps to mitigate any harmful effects and the timetable to deliver that mitigation and, where appropriate, a Travel Plan consistent with the provisions of the Cheshire West and Chester Local Plan.</p> <p>Proposals for development that meet the sustainable transport needs of those with disabilities or of elderly persons and provide appropriate facilities for them within the transport infrastructure will be supported.</p> <p>Proposals that promote better integration between different modes of transport including links to local facilities and to the railway station, and / or to improve bus routes, services and passenger facilities will be supported.</p>
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	<p>STRAT 10 – Transport and Accessibility highlights that new developments must demonstrate that additional traffic can be accommodated safely and satisfactorily within the existing or proposed highway network. Opportunities will be sought to extend and improve access to local footpath and cycle networks. Adequate levels of car and cycle parking should be provided. Developments should provide and develop reliable and efficient transport networks that support sustainable economic growth in the borough and the surrounding area, and reduce carbon emissions from transport adapting transport networks to the effects of climate change. Developments that would generate significant amounts of movement should be accompanied by a Transport Assessment and Travel Plan. Measures should be incorporated to improve physical accessibility and remove barriers to mobility, especially for disabled and older people.</p> <p>STRAT 11 – Infrastructure highlights that the Council will facilitate the provision of additional facilities and infrastructure to meet identified needs in locations that are appropriate and accessible, where appropriate through CIL regulations or successor regulations and other planning obligations.</p>
Comments	The Neighbourhood Plan is in general conformity with these local plan policies, seeking to ensure that development does not lead to unacceptable impacts on the road network and road safety, and that sustainable transport initiatives are

	supported.
National Planning Policy Framework	Neighbourhood Plan policy T1 seeks to help deliver the NPPF's aims of promoting sustainable transport, promoting healthy and safe communities and addressing climate change. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that opportunities to promote walking, cycling and public transport use are identified and pursued. Para 112 indicates that developments should give priority first to pedestrian and cycle movements and as far as possible to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use.
Contribution to the achievement of sustainable development	Neighbourhood Plan policy T1 contributes to the achievement of sustainable development by performing a social role, creating a high quality environment where people feel safe, an environmental role, encouraging the use of sustainable modes of transport, and an economic role, ensuring that Upton-by-Chester, Bache and Moston remains an accessible and attractive place to live, work, and visit.

Upton-by-Chester, Bache and Moston Neighbourhood Plan Policy	<p>Policy T2 - Pedestrians and cyclists</p> <p>Where necessary and proportionate to the scale and impact of development, new development must include provision or commit funding towards the provision, of safe, wide, well lit, smooth surfaced and direct footpaths and cycle routes between the development, local retail / activity centres and local schools.</p> <p>Whenever possible, new cycle routes and footpaths should link with the existing network of cycle routes, canal towpaths and public footpaths which should be enhanced by the developer to provide safe passage.</p> <p>Funds raised by the Parish Council from the Community Infrastructure Levy (CIL) will be considered for putting towards the costs of maintaining and improving the network of footpaths canal towpaths and cycle paths, with priority given to those routes with the highest relative traffic related fear factor as listed in Table 11.1 above. Developer contributions towards those costs will be sought in appropriate cases.</p> <p>The existing Public Right of Way (PROW) network will be protected and maintained. Improvements to PROW will be supported, and any development that leads to the loss of any PROW, or any cycleway, will only be supported if a suitable and appropriate alternative can be provided. Proposals to divert PROWs or cycleways should provide clear and demonstrable benefits for the wider community.</p>
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Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	<p>STRAT 10 – Transport and Accessibility highlights that opportunities will be sought to extend and improve access to local footpath and cycle networks. Transport infrastructure should contribute to safer and secure transport and promote forms of transport that are beneficial to health.</p> <p>STRAT 11 – Infrastructure highlights that the Council will facilitate the provision of additional facilities and infrastructure to meet identified needs in locations that are appropriate and accessible, where appropriate through CIL regulations or successor regulations and other planning obligations.</p> <p>SOC5 – Health and Well-being states that proposals should promote safe and accessible environments and developments with good access by walking, cycling and public transport.</p> <p>ENV6 – High Quality Design and Sustainable Construction states that developments should ensure ease of movement and legibility, with priority for pedestrians and cyclists.</p>
Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (2019)	<p>T5 – Parking and Access highlights that development proposals should be designed to incorporate measures to assist access to and around the site by pedestrians, cyclists and people with disabilities.</p>
Comments	<p>The Neighbourhood Plan is in general conformity with these local plan policies, seeking to ensure that development is sustainable and safe for pedestrians and cyclists and by protecting and establishing footpaths and links.</p>
National Planning Policy Framework	<p>Neighbourhood Plan policy T2 seeks to help deliver the NPPF’s aims of promoting sustainable transport, promoting healthy and safe communities, and addressing climate change. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that opportunities to promote walking, cycling and public transport use are identified and pursued. Furthermore, Neighbourhood plan policy T2 seeks to deliver the NPPF’s planning aims of conserving and enhancing the natural environment, and also of promoting healthy communities. The NPPF highlights that policies should protect and enhance public rights of way and that opportunities should be sought to provide better facilities for users, for example by adding links to existing public rights of way.</p>
Contribution to the achievement of sustainable development	<p>Neighbourhood Plan policy T2 contributes to the achievement of sustainable development by performing a social role, creating a high quality environment where people feel safe, an environmental role, encouraging the use of sustainable modes of transport and green links, and an economic role, ensuring that Upton-by-Chester, Bache and Moston remains a safe, accessible and attractive place to live, work, and visit.</p>

Upton-by-Chester, Bache and Moston Neighbourhood Plan Policy	<p>Policy T3 - Parking</p> <p>Development that would reduce, or not exacerbate, existing parking problems in the parish, subject to Policy T1 above, will be supported.</p>
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	<p>Further provision for off-road car parking in the parish will be supported, in line with relevant Conservation Area guidance, national Green Belt policies and other policies within the Neighbourhood Plan.</p> <p>Existing residential areas and new residential, retail, commercial and business developments must have adequate parking facilities to avoid or minimise 'on street' parking with due regard to the number of spaces defined in the Cheshire West and Chester Parking Standards Supplementary Planning Document.</p> <p>The loss of existing parking provision for shops and businesses will not be permitted, unless it is no longer required or adequate replacement provision is made.</p>
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	<p>STRAT 10 – Transport and Accessibility highlights that new developments will be expected to provide adequate levels of car and cycle parking in accordance with the Council's parking standards, taking account of:</p> <ul style="list-style-type: none"> - The accessibility of the development - The type, mix and use of the development - The availability of, and opportunities for, public transport - Local car ownership levels <p>Parking provision should support the viability of town centres whilst minimising traffic congestion.</p>
Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (2019)	<p>T5 – Parking and Access highlights that development proposals will be supported that provide sufficient parking facilities to serve the needs of the development and have regard to the Council's latest adopted parking standards for cars and other vehicles as necessary, including cycles. The Council will encourage improved parking facilities for residents and their visitors in older housing areas and to serve railway stations, where a clear need for such facilities can be demonstrated. Redevelopment of existing public car parks will be only be supported where adequate alternative provision is available or capable of being provided.</p>
Comments	<p>The Neighbourhood Plan is in general conformity with these local plan policies, ensuring that adequate parking is provided and seeking to ensure the protection of parking provision in the parish.</p>
National Planning Policy Framework	<p>Neighbourhood plan policy T3 seeks to help deliver the NPPF's key planning aims of building a strong, competitive economy and making the best use of land – as the retention and provision of parking will help services and businesses to thrive.</p>
Contribution to the achievement of sustainable development	<p>Neighbourhood Plan policy T3 contributes to the achievement of sustainable development by performing a social role, creating a high quality environment where people want to visit, and where community facilities, businesses and services can be easily accessed by all, and an economic role, ensuring that Upton-by-Chester, Bache and Moston remains a valued, accessible and attractive place to live, work and invest, and allowing for the continued viability of existing businesses.</p>

<p>Upton-by-Chester, Bache and Moston Neighbourhood Plan Policy</p>	<p>Policy T4 - Provision of electric charging points</p> <p>All new dwellings where dedicated parking per house is provided will be required to have appropriately located radial circuits or charging points for all electric vehicles.</p> <p>Where general parking areas are included in housing developments, these are required to provide radial circuits or charging points.</p> <p>New employment, leisure or retail developments are encouraged to provide radial circuits or electric charging points for staff and/or users. Initiatives to provide radial circuits or charging points in existing housing developments and public car parks will be supported.</p> <p>The best practice guidelines and standards for the provision of all electric vehicle charging infrastructure detailed in the Cheshire West and Chester Parking Standards Supplementary Planning Document should be adhered to.</p>
<p>Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)</p>	<p>STRAT 10 – Transport and Accessibility highlights that new developments should seek to maximise use of sustainable (low carbon) modes of transport, by incorporating high quality facilities for pedestrians, cyclists and public transport and where appropriate charging points for electric vehicles.</p>
<p>Cheshire West and Chester Local Plan (Part Two) Land Allocation and Detailed Policies (2019)</p>	<p>T5 – Parking and Access highlights that development proposals should provide appropriate charging infrastructure for electric vehicles in new developments.</p>
<p>Comments</p>	<p>The Neighbourhood Plan is in general conformity with these local plan policies, seeking to ensure that development provides radial circuits or electric charging points.</p>
<p>National Planning Policy Framework</p>	<p>Neighbourhood Plan policy T4 seeks to help deliver the NPPF’s aims of promoting sustainable transport, promoting healthy and safe communities, and addressing climate change.</p>
<p>Contribution to the achievement of sustainable development</p>	<p>Neighbourhood Plan policy T4 contributes to the achievement of sustainable development by performing an environmental role, encouraging the use of sustainable modes of transport and reducing pollution by providing opportunities for electric car use, and an economic role, ensuring that Upton-by-Chester remains an accessible and attractive place to live, work, and visit.</p>

<p>Upton-by-Chester, Bache and Moston Neighbourhood Plan Policy</p>	<p>Policy T5 – Cycle parking</p> <p>Cycle storage and cycling parking provision should be of at least the standard required in the Cheshire West and Chester Parking Standards Supplementary Planning Document.</p> <p>There must be two covered and secure cycle parking spaces per house and one covered and secure space per flat, apartment or maisonette. The cycle storage unit assigned to each dwelling is to be in or immediately adjacent to the property, fully-enclosed, secure and at ground-level.</p>
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	<p>Flats and other apartment buildings should also have provision for a communal cycle maintenance area with lighting, power and water.</p> <p>The provision of cycle parking and parking for mobility scooters at existing residential, leisure, retail, transport and employment developments and at existing car parks will be supported.</p>
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	STRAT 10 – Transport and Accessibility highlights that new developments will be expected to provide adequate levels of car and cycle parking in accordance with the Council’s parking standards.
Cheshire West and Chester Local Plan (Part Two) Land Allocation and Detailed Policies (2019)	T5 – Parking and Access highlights that development proposals should be designed to incorporate measures to assist access to and around the site by cyclists and provide sufficient parking facilities to serve the needs of the development and have regard to the Council's latest adopted parking standards for cars and other vehicles as necessary, including cycles.
Comments	The Neighbourhood Plan is in general conformity with these local plan policies, seeking to ensure that developments provide for cycle storage and parking provision.
National Planning Policy Framework	Neighbourhood Plan policy T5 seeks to help deliver the NPPF’s aims of promoting sustainable transport, promoting healthy and safe communities, and addressing climate change. Opportunities to promote cycling should be identified and pursued.
Contribution to the achievement of sustainable development	Neighbourhood Plan policy T5 contributes to the achievement of sustainable development by performing a social role, creating a high quality environment, where cycling is made a more feasible way to travel which encourages health benefits; an environmental role, encouraging the use of sustainable modes of transport, and an economic role, ensuring that Upton-by-Chester, Bache and Moston remains an accessible and attractive place to live, work, and visit.

<p>Upton-by-Chester, Bache and Moston Neighbourhood Plan Policy</p>	<p>Policy T6 – Communications Infrastructure</p> <p>The development of advanced high quality communications infrastructure, including high speed broadband and improved mobile network coverage, will be supported, subject to:</p> <p>a) Visible telecommunications development being kept to a minimum consistent with the efficient operation of the network.</p> <p>b) Any visible development being sympathetic to its surroundings and camouflaged where appropriate.</p> <p>In areas where there is existing Fibre to the Street provision, new developments should ensure that residential and business properties have Fibre to the Premises broadband connectivity.</p>
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	<p>Major developments should ensure that Fibre to the Premises broadband connectivity is provided to all new properties.</p> <p>Developments that will lead to improvements to Fibre to the Street broadband provision for existing properties will be supported.</p>
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	ECON 1 – Economic Growth, Employment and Enterprise highlights that the Council will support the delivery of high speed broadband infrastructure across the borough and the provision of adequate telecommunications.
Comments	By seeking to ensure that Upton-by-Chester, Bache and Moston has access to high quality digital connectivity, Neighbourhood Plan policy T6 is in general conformity with the local plan.
National Planning Policy Framework	Policy T6 helps deliver the NPPF core principle of supporting high quality communications. The NPPF states ‘Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.’
Contribution to the achievement of sustainable development	This Neighbourhood Plan policy contributes to the achievement of sustainable development by performing a social role, allowing people access to the internet and reducing social isolation, and an economic role, ensuring that residents and employers have adequate digital connectivity to conduct their business.

Upton-by-Chester, Bache and Moston Neighbourhood Plan Policy	<p>Policy E1: Limit the occupancy by Fast Food Takeaways within each of the three main shopping areas</p> <p>Proposals for retail shop usage in each of the Local Retail Centres will be supported. Development that supports local traders and provides a mix of retail and community uses would be welcomed.</p> <p>Proposals for change of use which will lead to usage of premises by hot food takeaway businesses in excess of 33% in total at Weston Grove, and 10% at each of Bache and Long Lane will not be supported.</p>
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	ECON 2 - Town Centres - Retail, leisure and other town centre uses states that shops and other community facilities within smaller district and local centres should be retained where they remain viable and new uses allowed where they are important in meeting the day-to-day needs of the local community.
Comments	Policy E1 supports local plan policy ECON2 by seeking to ensure that the local retail centres remain vibrant and viable. The locally distinct policy recognises that there are a relatively high number of fast food takeaways in the retail centres, which may lead to adverse health outcomes and too many takeaways may mean that there will no longer be an appropriate and diverse mix of retail uses, to the detriment of the community.
National Planning Policy	Policy E1 helps deliver the NPPF core aims of promoting healthy and safe

Framework	communities, ensuring the vitality of town centres, and building a strong, competitive economy. The NPPF highlights that to help promote healthy communities, planning policies and decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the access to healthier food. The NPPF also states that policies should ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.
Contribution to the achievement of sustainable development	Neighbourhood Plan policy E1 contributes to the achievement of sustainable development by performing a social role, ensuring the continued mix and success of the local retail centres, and an economic role, ensuring that the centres can flourish and add to the local economy, ensuring that Upton-by-Chester, Bache and Moston remains a valued and attractive place to live, visit, work and invest.

Upton-by-Chester, Bache and Moston Neighbourhood Plan Policy	<p>Policy E2: Development for business purposes</p> <p>Applications for development including office and light industrial businesses falling within Class E of the Use Classes Order 1987 as amended will be supported, provided that they fulfil all of the following criteria:</p> <ul style="list-style-type: none"> • They demonstrate that they will not unacceptably harm the residential amenity of an area. • They do not cause unacceptable noise, air pollution or other nuisance. • They do not lead to a loss of residential property. • They do not have significant negative impact on the environment or significantly increase traffic levels. • They do not lead to a decrease in retail shop usage at the Local Retail Centres. • They provide adequate parking in line with Cheshire West and Chester Parking Standards Supplementary Planning Document. <p>Development of land for general industrial uses will not be supported.</p>
Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)	ECON1 – Economic Growth and Enterprise highlights that economic growth will be supported.
Comments	The Neighbourhood Plan is in general conformity with these local plan policies, supporting businesses and employment.
National Planning Policy Framework	This policy supports the NPPF aim of building a strong, competitive economy. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt.

Contribution to the achievement of sustainable development	Neighbourhood Plan policy E2 contributes to the achievement of sustainable development by performing an economic role, providing employment opportunities, an environmental role, protecting the natural environment, and a social role, allowing for more employment opportunities which will lead to greater wellbeing.
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Upton-by-Chester, Bache and Moston Neighbourhood Plan Policy	<p>Policy D1: Dale Barracks Development</p> <p>Any redevelopment of the Dale Barracks site shall conform with Policy GBC 1C of the Local Plan and will be supported provided that:</p> <ul style="list-style-type: none"> • Consultation with the community and regular communication and liaison with community groups has formed a key part of the design process from an early stage through to submission of any planning applications for redevelopment. • A Building for a Healthy Life 2020 Assessment, or any subsequent industry standard for the design of new housing development, is undertaken and updated through all stages of the planning and delivery of the project. • A statement is provided to show how each of the National Design Guide and Upton Design Guide topics has or will be taken into account within the design process at each stage. • Development is in keeping with local housing requirements as set out in the draft Housing Needs Assessment (2019) or the latest available assessment of housing needs, including at least the maximum provision of affordable housing in line with policy SOC1 of Chester West and Chester Council Local Plan Part 1, homes for the elderly and smaller homes for first time buyers, young families and for down-sizing. Community led housing initiatives and self-build plots will be supported. • Existing residential properties are retained and enhanced where needed or alternative accommodation is provided in the same development area. • There is no physical segregation or barrier to movement between phases of development and existing housing. • All properties within the development have access to safe, well lit and comfortable walking and cycling routes linked to the wider walking and cycling network. • Future development retains and where possible enhances all of the existing sports pitches on the site. Development must demonstrate that the existing sport and recreation facilities/pitches at the site can be fully maintained, enhanced and transferred into permanent club/community use, subject to an appropriate financial contribution/commuted sum payment so far as is reasonable and if considered necessary and appropriate to the Club and Community. • Development incorporates features beneficial to wildlife.
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<p>Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (2019) and Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)</p>	<p>GBC1 – Commercial Sites in the Green Belt identifies commercial and employment sites that are located in the Green Belt. Dale Barracks is identified as being in military use. Policy GBC1.C– Dale Barracks highlights that proposals in connection with the operational use of the site as a military base will be supported where they are in line with Local Plan (Part Two) policy GBC 1. In addition, in the event of any part of the land becoming surplus to military activities, partial or complete redevelopment proposals should be comprehensively planned in line with an agreed development brief, to include residential use and the retention of community facilities.</p> <p>SOC5 – Health and Well-being states that proposals will be supported that support opportunities to widen and strengthen the borough’s cultural, sport, recreation and leisure offer.</p>
<p>Comments</p>	<p>The Neighbourhood Plan is in conformity with the local plan policies, by ensuring that any redevelopment of Dale Barracks is well-designed, providing appropriate housing for the community and protecting the valued sports pitches.</p>
<p>National Planning Policy Framework</p>	<p>Policy D1 helps deliver the NPPF core aims of making effective use of land, achieving well designed places, delivering a sufficient supply of homes, promoting sustainable transport, promoting healthy and safe communities, conserving and enhancing the natural environment and meeting the challenge of climate change. Para 29 of the NPPF highlights that neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies. The Neighbourhood Plan supports the strategic distribution of development and recognises that housing development and the protection of community facilities should take place at Dale Barracks should the site become surplus to military activities. The NPPF states that policies should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs, and recognises that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:</p> <ul style="list-style-type: none"> a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
<p>Contribution to the achievement of sustainable development</p>	<p>This policy contributes to the achievement of sustainable development by performing an environmental role, protecting the natural environment and access to walking and cycling routes, and a social role, allowing for appropriate and well-designed residential development and the retention of sports pitches to help health and wellbeing, and ensuring that Upton-by-Chester remains an attractive place to live, work, visit and spend leisure time.</p>

4.4 BASIC CONDITION 4: BE COMPATIBLE WITH EU OBLIGATIONS

A Strategic Environmental Assessment (SEA) screening was undertaken by Cheshire West and Chester Council. The screening confirms that a Strategic Environmental Assessment is not required for this Plan (see Upton-by-Chester, Bache and Moston SEA Screening Assessment https://www.uptonbychester.org.uk/uploads/9/3/5/8/9358403/ndp_sea_and_hra_screening_determination_final.pdf)

The screening was submitted to the statutory environmental bodies (English Heritage, Natural England and the Environment Agency). The screening assessment explains why the plan is not subject to the requirements of the Strategic Environmental Assessment Directive.

A Habitat Regulation Assessment (HRA) screening opinion was sought from Cheshire West and Chester Council in order to confirm whether an HRA was required to support the Plan. The screening exercise concluded that no European sites would be significantly affected by the proposals within the Neighbourhood Plan (see Upton-by-Chester, Bache and Moston screening assessment) https://www.uptonbychester.org.uk/uploads/9/3/5/8/9358403/ndp_sea_and_hra_screening_determination_final.pdf

As the qualifying body, Upton-by-Chester and District Parish Council has determined that an SEA and a HRA are not required.

The Upton-by-Chester, Bache and Moston Neighbourhood Development Plan is fully compatible with the European Convention on Human Rights, transposed into UK law by the Human Rights Act 1998. It has been prepared within the existing framework of statute, national planning policy and guidance, and local level strategic planning policies, which are both compatible with the Convention. In accordance with established process, the Plan has been produced in full consultation with the local community and it is subject to independent examination. The Plan does not contain policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national and local levels.

The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights (“The Convention”). The Convention includes provision in the form of Articles, the aim of which is to protect the rights of the individual. Section 6 of the Act prohibits public bodies from acting in a manner, which is incompatible with the Convention. Various rights outlined in the Convention and its First Protocol are to be considered in the process of making and considering planning decisions, namely: Article 6 protects the right to a fair and public hearing before an independent tribunal in determination of an individual’s rights and obligations. The process for Neighbourhood Plan production is fully compatible with this Article, allowing for consultation on its proposals at various stages, and an independent examination process to consider representations received.

Article 14 provides that “The enjoyment of the rights and freedoms set forth in ... [the] ... European Convention on Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”

The Neighbourhood Plan Steering Group and Parish Council has developed the policies and proposals within the Plan in full consultation with the community and wider stakeholders to produce as inclusive a

document as possible. In general, the policies and proposals will not have a discriminatory impact on any particular group of individuals.

4.5 BASIC CONDITION 5: COMPLIANCE WITH PRESCRIBED MATTERS

There are no other prescribed matters.

APPENDIX 1 – NOTICE OF DESIGNATION

Cheshire West and Chester Council

Delegated report

Date: 16th January 2015

Neighbourhood application area:

Upton-by-Chester District (NP 016)

Regulation No. 5 of the Neighbourhood Planning (General) Regulations 2012

Date application first publicised: 16 October 2014

Area name:

Upton-by-Chester and District

Applicant name:

Upton-by-Chester and District Parish Council

Ward:

Upton

Ward Members:

**Councillor Jill Houlbrook
Councillor Hilarie McNae**

Case officer:

Catherine Morgatroyd

Recommendation:

Approve

1 Introduction

- 1.1 This delegated report relates to the assessment of the application for the designation of Upton by Chester and District Neighbourhood Area.
- 1.2 The application for the designation of Upton by Chester and District Neighbourhood Area was publicised on 16 October 2014. The application was made under Part 2 of Regulation 5 of the Town and Country Planning Act. It complied with the requirements of the regulations as it included: a map identifying the area to which the area application relates; a statement explaining why the area is considered appropriate to be designated as a Neighbourhood Plan Area; and a statement that the organisation making the area application is a relevant body for the purposes of section 61G of the 1990 Act.

2 Area description

- 2.1 The proposed Upton by Chester and District Neighbourhood Area is the area covered by Upton and District Parish Council and follows the same boundary. It includes the settlements of Upton, Moston and Bache and the civil parishes of Bache, Moston and Upton-by-Chester. Moston and Bache do not have a separate parish council. The area is the same as the ward of Upton.

2.2 A map of the proposed Upton by Chester and District Neighbourhood Area is attached to this report.

3 Publicity

3.1 The application was publicised by public notice in the Chester Chronicle on 16 October 2014.

3.2 Details of the application were also published on the Council's website from 16 October – 27 November 2014 at http://www.cheshirewestandchester.gov.uk/your_council/policies_and_performance/council_plans_and_strategies/planning_policy/neighbourhood_planning.aspx.

3.3 A copy of the notice advertising the application was also placed on the noticeboard at the pavilion on Wealstone Lane in the Upton by Chester and District area.

3.4 Local Councillors were informed of the application with the call-in cut off date of 4 December 2014. Members were advised that should they wish the application to be considered by Executive Member with advice from the Local Development Panel, they must notify the case officer by email or letter before the call-in cut off date.

3.5 The six week publicity period ran from 16 October 2014 to 27 November 2014.

3.6 The neighbouring parish councils of Backford and District, Lea by Backford, Mickle Trafford and District and Mollington were notified of the application by letter (email sent to parish clerks on 16 October 2014).

3.7 The publicity arrangements complied with section 6 of the Regulations.

3.8 The following internal consultees were notified (by email): Housing Policy and Strategy; Legal; Regeneration; Total Environment; Development Planning; Committees and Elections; Economic Growth; Energy and Carbon Reduction.

3.9 The Council received three representations from English Heritage, Natural England and United Utilities during the publicity period. None of these bodies object to the proposed boundary

4 Issues and assessment

- 4.1 The main issues in determining this application are:
- Whether an application for a Neighbourhood Area has already been made covering all or part of this area (as there can only be one Neighbourhood Area in each location and they cannot overlap).
 - Confirmation that the applicant is a 'relevant body' to undertake Neighbourhood Planning in that area in accordance with section 61G of the 1990 Act and section 5C of the 2012 Regulations (i.e. a parish council or Neighbourhood Forum).
 - Assessment of whether the extent of the Neighbourhood Area is appropriate.
- 4.2 No other application has previously been made covering all or part of this area and there are no existing designated Neighbourhood Areas covering, or close to, the boundary of the proposed Upton by Chester and District Neighbourhood Area.
- 4.3 Upton by Chester and District Parish Council is a relevant body to undertake Neighbourhood Planning in that area in accordance with section 61G of the 1990 Act and section 5C of the 2012 Regulations.
- 4.4 The Neighbourhood Area is considered appropriate as it follows the boundary of the area covered by Upton by Chester and District Parish Council. It covers the parishes of Upton by Chester, Moston and Bache which are administered by one Parish Council. The area encompasses the settlements of Upton, Moston and Bache. It is surrounded by more rural areas including Mollington, Backford and Mickle Trafford to the north and the more built up areas of Blacon and Newton to the south. It is considered to be both appropriate and coherent to plan for the future growth and development of this area through a Neighbourhood Plan.

5. Conclusion

- 5.1 The application for the Upton by Chester Neighbourhood Area complied with the requirements of the regulations. The application was publicised in accordance with the regulations and no representations objecting to the neighbourhood area were received.
- 5.2 The Upton by Chester Neighbourhood Area is considered appropriate because:
- No other applications have been made for Neighbourhood Areas covering all or part of the area.
 - Upton by Chester and District Parish Council is the relevant body to undertake Neighbourhood Planning.
 - The Neighbourhood Plan Area follows the boundary of the area covered by Upton by Chester and District Parish Council, also including Moston and Bache and it is desirable for the future growth and development of this area to be set out through a Neighbourhood Plan

6 Decision

- 6.1 That the Upton by Chester Neighbourhood Area is approved and is formally designated.

- 6.2 The reasons for this decision are that the Upton by Chester Neighbourhood Development Plan Area is considered appropriate because:
- No other applications have been made for Neighbourhood Areas covering all or part of the area.
 - Upton by Chester and District Parish Council is the relevant body to undertake Neighbourhood Planning.
 - The Neighbourhood Plan Area follows the boundary of the area covered by Upton by Chester and District Parish Council, also including Moston and Bache and it is desirable for the future growth and development of this area to be set out through a Neighbourhood Plan.
- 6.3 The Spatial Planning and Strategic Transport Manager hereby exercises their delegated authority to agree the area application.
- 6.4 A copy of this note will be sent to Upton by Chester and District Parish Council and relevant local Councillors.
- 6.5 In accordance with section 7 of the Regulations, as soon as possible after the date of the decision the Council will publish the following on its website: a) Name of the area b) Name of body who applied c) Decision and reasons d) Details of where the decision can be inspected e) Map of Neighbourhood Plan Area

7 Attachments

- 7.1 Copy of application form and map of Upton by Chester and District Neighbourhood Area.

Spatial Planning and Strategic Transport Manager
16 January 2015