

## Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies Preferred Approach - Consultation Version

Recommendation for responses from Malpas & No Mans Heath Parish Councils

### 6 Rural Area

R1 - Key service centres – Page 59

#### Question 22

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. - **Yes**

#### Question 23

If there is a requirement for additional housing in Tattenhall, how should this be met? - **Yes. There are still outstanding planning applications in Tattenhall requiring determination. (With the Secretary of State for determination)**

**Tattenhall should accommodate their own pro-rata share of Rural Housing development requirements as all the other Key Service Centres have done.**

R2 - Local service centres - Page 61

#### Question 24

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

**No - Do not agree that No Mans Heath meets the criteria for a Local Service Centre.**

**Paragraphs 3.18 and 3.19 of the Cheshire West and Chester Council Local Service Centre Methodology document (dated January 2016) determine the scoring and criteria for the designation of the settlement as a Local Service Centre.**

**The document indicates that the suitability of rural settlements as local service centres at Stage one should contain the following services/facilities:**

**A primary school**

**A local convenience store or post office**

**A community meeting place or a place of worship**

**A public house**

**A point is scored for each of these facilities**

**This said document states that settlements with a score of 3 or 4 with access to public transport, are deemed to be suitable as being designated as Local service centres**

**No Mans Heath does not have a primary school, or a community meeting place or a place of worship. In this respect No Mans Heath only score 2 points and therefore does not meet the criteria for being designated as a Local Service Centre**

**The settlement boundaries for the designated Key Service Centres and Local Service Centres should be reviewed with reference to existing dwellings and granted permissions in the pipeline.**

R3 - Employment land provision in the rural area - Page 63

**Question 25**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. **No not completely. The employment/nature of the specific business on the small rural industrial estate should be limited to a light industrial nature or with a rural association.**

**At Hampton consideration should also be given to the access road off the A41 Trunk Road; this encompassing the hazardous road layout at the A41 roundabout at Hampton and the Whitchurch to Tattenhall old railway bridge on the B5069 access road.**

## **7 Green Belt and countryside**

GBC1 - Sustainable use of land and prudent use of natural resources – Page 67

**Question 27**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

**No – Unable to properly comment. Further explanation is required on what is meant by the Policy headline statement “*prudent use of natural resources*”.**

GBC2 - Rural workers dwellings - Page 69

**Question 28**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. **No - Need to understand why the dwelling would be classified as an “affordable” dwelling in the first instance.**

**How will it be ensured that the rural workers dwelling will remain as affordable housing and not sold on at full market value.**

GBC3 - Replacement dwellings, extensions, alterations and changes of use – Page 71

**Question 29**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. **No - Need to understand what is meant by “material larger” in criteria number 1. Surely there should be some percentage guideline attached to this policy.**

GBC5 - Protection of countryside and landscape – Page 77

**Question 31**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. **- Yes**

GBC6 - Key settlement gaps – Page 80

**Question 32**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. **– No. The alternative option to also include the 4 additional key settlement gaps in the policy should be adopted. However, this should be subject to a clause that allowed building of key infrastructure service or facility or service e.g. Fire Station, School, or Rural Medical Treatment Centre etc.**

## 8 Transport and accessibility

T5 - Rail corridors – Page 91

### Question 39

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. **Yes - support**

## 9 Infrastructure

INF1 - ICT and telecommunications

### Question 41

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. **No - we support the alternative option. Rural areas should not be disadvantaged just because of some potential increased costs**

## 10 Development Management Policies

DM1 - Development management - Page 98

### Question 42

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. **- Yes support**

DM2 - Redevelopment and refurbishment of employment land and premises – page 102

### Question 43

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. **Yes -support**

DM3 - New agricultural buildings - page 103

### Question 44

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. **No - this policy should consider the need to withdraw permitted development rights (in perpetuity rather than 10 years) to prevent the conversion of the building to another use**

DM4 - Rural diversification – Page 105

### Question 45

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. **Yes in principle, but the controls need to be better defined.**

DM5 - Equestrian development – page 107

### Question 46

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. **- Yes - support**

DM7 - District and local retail centres – Page 111

### Question 48

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. **- Yes - support**

## DM8 - Local shops and farm shops – Page 113

### Question 49

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. – **No. The policy is reasonable ok, but the wording “reasonable attempts” needs better defining i.e. 6 months. The policy also needs to make reference to the Community Right to Buy options and Shops registered as Assets of Community Value (ACV)**

## DM9 - Shopfronts - Page 115

### Visitor economy

### Question 50

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. **No. - The design, materials, proportions and colour should relate to the character of the building as an entity and the character of the locality; This policy needs strengthening to reflect the settlements with designated conservation areas.**

## DM10 - Visitor accommodation – Page 117

### Question 51

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. **Yes - support**

## DM11 - Touring caravan and camping sites - Page 118

### Question 52

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. **Yes - support**

## DM12 - Affordable housing – Page 120

### Rural exception sites

### Question 53

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

**No - Need to define the spatial areas in the preferences.**

**2nd preference – off-site provision, located within the same spatial area as the approved development, secured through a S106 legal agreement;**

**3rd preference – financial contributions to be used to deliver affordable dwellings within the same spatial area as the approved development**

## DM13 - Rural exception sites Page 122

### Question 54

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. **No – Amend policy to read ” The need for the development must be clearly demonstrated through an up to date and robust assessment of local housing needs based on the Council's most up-to-date housing waiting list, or if existing, take into consideration a local needs survey undertaken by Parish Councils.”**

DM14 - Mix and type of new housing development - Page 124

**Question 55**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. – **No. The mix and type and volume should be closely related to the demand as identified by a local survey by the Parish/Town Councils or an equivalent financial contribution be made into a central “Affordable Housing pot” that would be ring fenced for possible future development in that local area.**

The final sentence should read

**The Council will insist on the inclusion of new dwellings meeting Category 3 (wheelchair user dwellings) as part of new developments.**

DM15 - Specialist accommodation - Page 126

**Question 56**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. **Yes**

DM16 - Student accommodation – Page 128

**Question 57**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. **Yes**

DM17 - Houses in Multiple Occupation - Page 130

**Question 58**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. – **Yes**

DM18 - Residential annexes - Page 132

**Question 59**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. - **Yes**

DM19 - Gypsy and Traveller and Travelling Showpersons' accommodation

**Question 60**

Do you have any comments on the suitability of the sites suggested in the WYG study, including the availability of the site(s)? **Yes we agree with Hampton being indicated as a red site. Its location is a remote unsustainable location and is therefore inappropriate.**

**Question 61**

Are there any other sites, including those on the **consultant's long-list of sites**, that should be taken forward? **No**

DM20 - Health impacts of new development 135

**Question 62**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. – **No. We question the statement “not be permitted where it is considered that there may be significant adverse impacts on residential amenity in terms of noise, vibrations, odours, traffic disturbance, litter or hours of operation as a result of the proposed premises.”**

**We would like to see the use of alternative option 1. i.e. extend the policy to all development.**

**Is this saying Health Impacts will need to be measured?  
How will it be policed?**

**DM21 - Noise 138**

**Question 63**

**Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. Yes**

**DM22 - Land contamination and instability 140**

**Question 64**

**Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed – yes**

**DM23 - Air quality 142**

**DM24 - Culture and Public Art - Page 146**

**Question 65**

**Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. Yes**

**DM25 - Open space provision in new development – Page 148**

**Question 66**

**Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. – No. Where on-site provision is deemed impractical, and off-site provision or enhancements to existing open space is deemed appropriate, then this should be legally tied through a section 106 agreement to the immediate area i.e. Parish or Ward, and not a “central pot”**

**DM26 - Provision for sport and recreation – Page 152**

**Question 67**

**Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. Yes**

**DM27 - Recreational routeways - Page 154**

**Question 68**

**Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. - Yes**

**DM28 - Tourism and recreation use at minerals restoration sites – Page 156**

**Question 69**

**Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. - Yes**

**DM30 - Community facilities – Page 159**

**Question 71**

**Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. - Yes**



DM31 - Development and flood risk – Page 161

**Question 72**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. - **Yes**

DM32 - Requirements for a site specific flood risk assessment - Page 163

**Question 73**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. - **Yes**

DM33 - Sustainable Drainage Systems (SuDS) - Page 165

**Question 74**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. - **Yes**

DM34 - Flood water storage and critical drainage areas – Page 167

**Question 75**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. - **Yes**

DM35 - Reducing flood risk through site layout, design and phasing Page 169

**Question 76**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. - **Yes**

DM36 - Water quality, supply and treatment - Page 171

**Question 77**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. - **Yes**

DM37 - Trees, woodland and hedgerows - Page 173

**Question 78**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. - **No. This policy needs to include/make reference to the actual detail of the off-site provision contribution i.e. “how much”**

DM38 - Ecological network – Page 175

**Question 79**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. - **Yes.**

DM39 - Biodiversity and geodiversity in new development - Page 178

**Question 80**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. - **No. Have some concern over the lack of benchmarks, which would leave the door open for each individual developer to set their own evaluation criteria for the value and extent of the features.**

DM40 - Development in conservation areas – Page 181

**Question 81**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. – **No. Have some concern that the determination of this policy will rely on an individual’s “subjective” view.**

DM41 - Listed buildings – Page 184

**Question 82**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. – **Yes**

DM42 - Non-listed buildings and structures of architectural and historic interest – Page 186

**Question 83**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. – **Yes**

DM43 - Registered landscapes – Page 188

**Question 84**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. – **Yes**

DM44 - Archaeology – Page 190

**Question 85**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. – **No. This policy is not strong enough to protect historic archaeology in the rural areas, where little or no “desk top” evidenced records exist due to the lack of previous controls. (There is a flawed approach in the existing process of a desk top search revealing little evidence, so it is then assumed nothing exists, and development is allowed to proceed unmonitored. The consequence of this, given the financial pressures on developers is that nothing is highlighted even if it did exist. Hence further evidence never gets added to the records.)**

**In these areas where there has been previous lack of control and there is a potential archaeological interest as determined by the local community, (i.e. Neighbourhood Plan identified) applications must be accompanied by an appropriate assessment of the archaeological impact of the development. A field evaluation prior to the determination of the planning application must also be required.**

DM45 - Sustainable construction – Page 192

**Question 86**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. – **Yes, but is this achievable for single dwellings?**

DM46 - Parking and access – Page 195

**Question 87**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. – **No. Again this policy needs to be stronger in ensuring peoples individual safety by either incorporating measures to assist access to and around the site by pedestrians, and cyclists.**



All development on the fringes of rural settlements should deliver or contribute to providing pavements/footways, pedestrian crossings, cycleways, cycle crossings, and traffic calming measures as necessary to provide a continuous connection to the settlement centres.

DM47 - New or extension to hazardous installations – Page 198

**Question 88**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. – **Yes**

DM48 - Development in the vicinity of hazardous installations – Page 200

**Question 89**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. – **Yes**

DM49 - Advertisements – Page 202

**Question 90**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. – **Yes**

DM50 - Oil and gas development – Page 205

**Question 91**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. – **No. In the statement “*The cumulative impact on local communities and the environment with existing or proposed development of a similar kind in the same or adjoining areas is considered acceptable*” it needs to be defined who this is acceptable to. This should be the local community.**

DM51 - Wind energy – Page 209

**Question 92**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. – **Yes**

DM52 - Solar energy – Page 212

**Question 93**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. – **No the statement in the policy “*Where it is clearly demonstrated that there are no suitable sites on previously developed land and development is proposed on agricultural land, the best and most versatile land should be avoided in favour of lesser quality land*” is too “woolly”**

**There needs to be a clear indication of what the factors are, that demonstrate that there are no other suitable sites.**

**Also that development on land defined as best and most versatile after a comprehensive assessment should be prohibited.**

DM53 - Requirements for proposals for development of waste management facilities – Page 214

**Question 94**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. – **No Option 2 should be included as a separate policy.**

DM54 - Sites for replacement household waste recycling facilities – Page 216

**Question 95**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. - **No It is essential that remote rural household waste sites be retained. Residents will not make a 30 mile round trip to Chester to recycle household waste. Closure of these rural sites will drive an exponential increase in Fly Tipping.**

**Question 96**

Are there any suitable sites for new HWRCs (Household Waste Recycling Centres) in the Frodsham area and the rural area around Tattenhall? – **Not familiar with the Frodsham area. Unaware of any in the Tattenhall area, unless space exists at the old Cheshire County Council depot at Milton Green.**

DM55 - Future sand and gravel working – Page 218

**Question 97**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. – **Yes**

DM56 - Mineral Safeguarding Areas - prior extraction of minerals – Page 221

**Question 98**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. – **Yes**

DM57 - Proposals for minerals working – Page 224

**Question 99**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. – **Yes**

DM58 - Restoration of minerals sites – Page 226

**Question 100**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. – **Yes**

DM59 - Salt and brine working – Page 228

**Question 101**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. – **Yes**

DM60 - Industrial sand proposals – Page 229

**Question 102**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. – **No, The option of identifying a safeguarded preferred area for silica sand should be included in the policy.**

DM61 - Minerals infrastructure – Page 231

**Question 103**

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed. – **No, The option of an additional study should be undertaken as an update to the work completed in 2011 and additional sites identified then added to the list.**

**Draft recommendations produced by:**

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10<sup>th</sup> September 2016**