

Cuddington Neighbourhood Plan Regulation 16 Representations and Cuddington Parish Council (CPC) comments

Policy 1 – Landscape Setting

Representations:

Gladman Developments Ltd (Gladman)

Policy 1 states that proposals for new development should be focussed on previously developed/brownfield sites within the identified Key Service Centre. Gladman cannot identify sufficient evidence to demonstrate that there is enough previously developed land within the defined Key Service Centre available to meet the growth requirements in the neighbourhood plan area. Whilst we appreciate that the policy states that development should be focused in this manner, we suggest that further flexibility is established in the policy and it is recognised that greenfield development outside of the Key Service Centre may be necessary.

CPC Response

The 2018 CWaC Local Plan Housing and Monitoring report has just been completed. The Local Plan Part 1 set a target for the Cuddington and Sandiway Key Service Centre of 200 additional houses from 2010 to 2030. The Monitoring report provides the following data for the Key Service Centre as at 1st April 2018:

Completions (2010 – 2018) = 176

Commitments (as at April 2018) = 23

Permissions granted post April 1 2018 = 2

It is clear that the target has already been met, the above totals 201. Development proposals are coming forward all the time on small sites within the settlement boundary and are expected to continue to do so during the period to 2030. Policy 14 of the Neighbourhood Plan also supports the conversion or subdivision of larger dwellings to provide smaller units which meet identified needs.

The 2018 CWaC Local Plan Housing and Land Monitor indicates that, for the rural area in the Borough as a whole, the outstanding requirement is 945 houses to reach the 2030 Local Plan Part 1 target for the area. As of April 2018, there are 2266 already permissioned with 45 awaiting legal agreement. An additional small site windfall of 362 has been allocated. It

is apparent that, without considering the small site windfall, the permitted sites already exceed the target requirement by in excess of a factor of 2. Thus there is no Local Plan Part 1 target requirement for any additional houses to be built in the rural area between the Key Service Centre boundary and the Neighbourhood Plan perimeter.

Since the Local Plan Part 1 target has already been met it is CPC's view that there is no requirement to allocate any further housing sites.

ASHALL HOMES LTD

Our Client is concerned by the role and weight attributed within this Policy towards the Cuddington Parish Character Assessment produced by the Parish Council. Our Client does not view the Character Assessment as a robust document owing to the following:

- _The document contains broad observations of the physical character of the Parish based on subjective views rather than it be informed by evidence or qualitative/quantitative statistics;
- _It is unclear how the 15 character areas identified within the Assessment have been defined;
- _There is no methodology set out for how these character areas were assessed, and it is understood this was undertaken by several volunteers;
- _There is little information available to explain on what basis the conclusions were reached within the Assessment;
- _Little explanation is provided within the Assessment as to how any should respond to observations/conclusions contained within.

Our Client does not therefore consider that the Assessment provides for an implementable strategy, rather it contains a subjective description of the built form of the Parish in 2016. No weight should therefore be attributed to this evidence base document by the examiner/decision-maker.

CPC Response

In setting about preparing the Character Assessment, Cheshire West and Chester Council referred the Cuddington Neighbourhood Plan Steering Group to the Guidance provided by Planning Aid England – “Thinglink” A Guide to Preparing a Neighbourhood Plan- using as a model Higham Ferrers: A Case Study about Local Character and Design.

Section 1 (Page 1) of the Character Assessment Report describes in overview how the CA was carried out thus:

“In order to carry out this Character Assessment, the Neighbourhood Area was divided into

15 manageable Character Areas. Volunteers were then sought at the Gala Day and other occasions to assist in the Characterisation of the village. Teams of 4, 5 or 6 people were put together to assess the areas, preferably with at least one person local to that Character Area in the team. In order to ensure consistency of approach for each area a core of people attended each assessment and the 10 Criteria Assessment Points were used (See Section 5 Below). The teams walked their respective areas whilst making appropriate comments against the Criteria; notes and photographs were taken.”

The Character Areas were mapped out on the basis of consistency and practicality e.g. Green Belt, Open Countryside, Age of Estates etc. Professional Maps were produced showing great detail of each area.

Page 77 of the CA Report shows the twenty plus Contributors to the CA.

Volunteers were assigned to their local areas in order to obtain better information about each area and they were always accompanied by the same core of Neighbourhood Plan Team members plus other members of the Plan Team when appropriate to ensure consistency of approach

Section 5 (Page 3) of the CA Report describes the Criteria for Character Assessment thus:-

- “1. Topography – Landscape setting/gradient of the local area (flat, sloping, valley, plateau, hilltop etc.).
2. Land Uses – Residential, Retail Leisure and Recreation, Commercial, Employment, Community etc.
3. Layout – Relationship between buildings, spaces and routes, and how these elements are arranged in relation to each other. Building plots (wide, narrow, long, short etc.).
4. Roads, Streets, Routes – Vehicular routes, pedestrian pathways, cycle paths, shared surfaces, rights of way, bridleways, alleyways etc.
5. Spaces – parks, playing fields, allotments, cemeteries, village greens, car parks, market squares etc.
6. Buildings – building heights, arrangement (detached, semi-detached, terraced or apartments), materials, construction era, roof types, distinct and/or predominant architectural features, window types, condition etc.
7. Landmarks – Distinct and instantly recognisable local features (including buildings, statues and monuments, and other locally significant features of the local area, both built and natural).
8. Green and Natural Features – Trees, hedgerows, streams, rivers, ponds, lakes, woodland, landscaped areas etc.
9. Streetscape – Lamp posts, benches and seating, street surfacing materials, signage,

boundary treatments etc.

10. Views – Important views in and out of the character area, location of viewpoint and direction and extent of view.

In addition a summary of key defining characteristics and other observations should be noted down.”

The criteria above are a given standard set for preparing Character Assessments which cover all eventualities while the pro formas used provided the basis for making notes on the walks for each area. In addition around 2,000 photographs were taken.

Following the conclusion of each Character Assessment a draft report was produced for each Area taking account of notes, maps, photographs and the List of References shown on Page 77 of the CA Report.

The draft reports were given wide circulation in order to check for factual accuracy, validation and omissions. Following receipt of comments the amended reports were circulated again to check that points raised had been understood.

As a final check for accuracy the local history experts who have published histories of the development of Cuddington and Sandiway were involved and have given their feedback with any resultant changes made to the report.

The Parish Population has had the opportunity to see the Character Assessment both on the website and in a published form in the library and in Delamere Park clubhouse during periods of consultation during 2016, 2017 and 2018. No objections were raised; indeed there have been many comments about its value as a source of Parish information.

The CA report has been reviewed by our Professional Advisors and by Cheshire West and Chester Planning department.

The Character Assessment Report is thus a robust document which addresses all the concerns shown by Ashalls Homes Ltd under Policy 1-Landscape Setting, Policy 7–Open Countryside and Policy 8-Vistas and Views. The report also underpins Policies 3, 4 and 5. CPC believes that, whatever team of people were to perform a Character Assessment, there will always be a degree of subjectivity. However, with the process used by the Cuddington Neighbourhood Steering Group, this subjectivity has been deliberately significantly reduced.

Cheshire West and Chester Council

The aim of this policy is supported but as written it is somewhat repetitive and would benefit from some rewording to make it more concise. The beginning of the policy could be reworded to say:

“Development should respect and wherever possible enhance the landscape setting of Cuddington Parish”

The second sentence of the policy could be moved to the explanatory text.

The second paragraph does not quite align with the explanatory text, which refers to targeting new development onto brownfield sites and those within the current key service centre. To reduce repetition and improve clarity it is suggested that the second paragraph of the policy could be amended to say:

“Where possible, new development should be focused on previously developed and appropriate infill sites within the Key Service Centre”

The words ‘and those’ could then be deleted from paragraph 6.1.5 (third sentence).

CPC Response

If the Examiner concurs with CWaC that the suggested wording is an improvement, then the PC have no difficulty with accepting the change.

Policy 4 – Habitats and Wildlife Corridors

Representations:

ASHALL HOMES LTD

The Policy seeks to protect and enhance existing habitats and wildlife corridors within the Parish. Reference is made to Appendix F and G of the Neighbourhood Plan which identifies these corridors. It is unclear on what basis these corridors and spaces have been identified. Without evidence demonstrating the use of these corridors by local wildlife the Policy cannot be considered to provide for an effective framework by which to protect the ecological assets of the Parish.

Our Client is also concerned about reference made within the Policy to avoid divisions between important wildlife corridors. There is little evidence to support this policy position

with no ecology assessment for the Parish undertaken to inform the preparation of the Neighbourhood Plan, and as such it is not justified. Instead the Policy should be refocused to instead encourage the delivery of new wildlife corridors as part of development proposals, with such measures considered positively in the planning balance.

CPC Response

Corridors and spaces have been identified through consideration of various inputs (eg English Nature Research Report No. 60, Defra: Biodiversity 2020 – A Strategy for England's Wildlife and Ecosystem Services) CPC believes that the descriptions below are supported by these and other sources of information.

“A wildlife corridor is a link of wildlife habitat, generally native vegetation, which joins two or more larger areas of similar wildlife habitat. Corridors are critical for the maintenance of ecological processes including allowing for the movement of animals and the continuation of viable populations. By providing landscape connections between larger areas of habitat, corridors enable migration, colonisation and interbreeding of plants and animals. Corridors can consist of a sequence of stepping stones across the landscape (discontinuous areas of habitat such as paddock trees, wetlands and roadside vegetation), continuous lineal strips of vegetation and habitat or they may be parts of a larger habitat area selected for its known or likely importance to local fauna.

A wildlife corridor, habitat corridor, or green corridor is an area of habitat connecting wildlife populations separated by human activities or structures (such as roads or development). This allows an exchange of individuals between populations, which may help prevent the negative effects of inbreeding and reduced genetic diversity that often occur within isolated populations. Corridors may also help facilitate the re-establishment of populations that have been reduced or eliminated due to random events.

This may potentially moderate some of the worst effects of, habitat fragmentation wherein urbanisation can split up habitat areas, causing animals to lose both their natural habitat and the ability to move between regions to use all of the resources they need to survive. Habitat fragmentation due to human development is an ever-increasing threat to biodiversity, and habitat corridors are a possible mitigation. The main goal of implementing habitat corridors is to increase biodiversity. When areas of land are broken up by human interference, population numbers become unstable and many animal and plant species become endangered. By re-connecting the fragments, the population fluctuations can decrease dramatically. Corridors can contribute to three factors that stabilize a population:

Colonisation - animals are able to move and occupy new areas when food sources or other natural resources are lacking in their core habitat.

Migration - species that relocate seasonally can do so more safely and effectively when it does not interfere with human development barriers.

Interbreeding—animals can find new mates in neighbouring regions so that genetic diversity can increase and thus have a positive impact on the overall population.

Why are corridors important? - Habitat loss and fragmentation are the two main contributors to continuing biodiversity decline across the landscape. A holistic approach is required across both public and private lands to protect and manage natural ecosystems and ensure connectivity between remaining habitats. When native vegetation is cleared, fragmented patches or islands are created. These patches may become increasingly cut-off from other areas of habitat resulting in many plant and animal species becoming isolated, especially when land between the patches is permanently altered for human activities. As these vegetation patches are reduced in size and become increasingly isolated, the on-going viability of ecosystems and individual populations of species within them is severely affected. This ultimately leads to a break down in ecological processes such as species migration, dispersal, recycling of nutrients, pollination of plants and other natural functions required for ecosystem health. The likely result is severe biodiversity decline and local extinction of sensitive species. Corridors play an extremely important role in the maintenance of biodiversity, but they can only partly compensate for the overall habitat loss produced by the fragmentation of the natural landscape. It is important, therefore, that vegetation remnants and vegetated corridors are maintained and enhanced as a network across all lands both private and public. In this way private landscapes can contribute to wider landscape conservation efforts by enhancing and linking existing reserves and conservation networks.”

The corridors and spaces identified in Policy 4 (Habitats and Wildlife Corridors) do provide landscape connections between areas of wildlife habitat. They meet the spirit and intention of wild life corridors as identified in the above definition and subsequent explanation. They are examples in the Parish and, as the Policy states, are not limited to these.

The linear features we have identified have not been subject to an ecological survey and confirmed as corridors for wildlife. Self-evidently however they do have the potential to be wildlife corridors and, if they are impacted by development, ecological surveys should be conducted by the developer to confirm this one way or the other.

Refocusing the Policy only on new wildlife corridors would greatly increase the potential for destroying existing Habitats and Wildlife Corridors.

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To strengthen this policy it is suggested that the ‘or’ in the first sentence is replaced with ‘and wherever possible...’

It is not clear if the areas listed in the policy are in fact wildlife corridors, and the wording, which refers to 'possible protection', is vague. This part of the policy would benefit from some rewording.

CPC Response

'If the Examiner is minded to make a change, then CPC will support this

The corridors and spaces identified in Policy 4 (Habitats and Wildlife Corridors) are examples in the Parish and, as the Policy states, are not the limit of these.

The linear features we have identified have not been subject to an ecological survey and confirmed as corridors for wildlife. Self-evidently however, as shown in the response to Ashall Homes Ltd, they do have the potential to be wildlife corridors and, if they are impacted by development, ecological surveys should be conducted by the developer to confirm this one way or the other.

Policy 6 – Local Green Space

Representations:

Cheshire West and Chester Council

The recently published Cheshire West and Chester Open Space Study (2017) has found that the ward Cuddington Parish is located in (Weaver and Cuddington) has a shortfall in some open space typologies (allotments, amenity greenspace, parks & recreation and play youth). Whilst the plan does consider open space in new development, we would also suggest that it could go further by encouraging/supporting opportunities for increasing the amount of open space. This would benefit the community as it would reduce the need to travel outside the parish as well as helping to address the shortfall position.

The Open Space Study can be viewed here:

http://consult.cheshirewestandchester.gov.uk/portal/cwc_ldf/cw_lp_part_two/ev_base/oss_ps?tab=files

Policy 7 – Open Countryside

Representations:

ASHALL HOMES LTD

The first two parts of this Policy impose a restriction on development within the open countryside which departs from the policy framework set out within the Part One Local Plan and as such does not meet basic condition (e). Insufficient justification is provided setting out why a higher degree of containment on development is required for these parts of the Parish.

The third part of the Policy relates back to the scale and type of development afforded through Policy STRAT9 of the Part One Local Plan, and as such conflicts with the approach set out within Part 1 and 2 of the Policy. The Policy is therefore contradictory and confusing and must be reconsidered before it can be made.

In our Client's view, the Policy should be reworded to encourage informal and agricultural uses in the wider countryside, and to the south of the A556, small scale, low-key recreational activity, with such types of development, treated positively, subject to compliance with other development plan policies.

As set out above in response to Policy 1, our Client does not consider the Parish Character Assessment to provide for a robust and reliable evidence base document on which decisions should be referred to or made against. Reference to this document within the Policy should therefore be removed.

CPC Response

NP Policy supports informal recreation or agricultural uses and doesn't preclude appropriate uses as in policy STRAT 9 within the parish. The Character Assessment sets out the design principles within the village. For response to comments regarding the Character Assessment see Policy 1 above.

Cheshire West and Chester Council

This policy focuses on recreational and agricultural development but other policies in the plan allow for a wider range of development in the countryside, eg small scale economic development. It is also not clear whether there should be a distinction made between the land to the south of the A556 (which is predominately in recreational use) and other parts of the parish. To improve clarity and make it more concise, the first paragraph of this policy could be reworded and expanded to say:

“Outside the Key Service Centre small scale development will be supported providing it would not have any adverse impact on the character of the countryside or local residential amenity, and is in accordance with the Local Plan Policy STRAT 9 and other relevant policies within the NP. Proposals for development should demonstrate how they have addressed the design principles and design aspects set out in the Cuddington Parish Character assessment.... (Continue from 3rd para) ”

The existing third and fifth paragraphs could then be deleted.

6.1.17 Explanatory (ii)

“Development in this open countryside should therefore be restricted to those exceptions stated in Policy ~~GS5~~ STRAT 9 of the ~~Vale Royal Borough~~ Local Plan (Part One).”

6.2.7 (i)

For clarity, the first sentence should read:

“The Cheshire West and Chester Local Plan (Part One)”

6.2.7 (iii)

Suggest including the first sentence into the policy itself:

“This policy also requires all new retail development (including expansions) to meet the strict tests set out in the previous Policy 9.”

CPC Response

If the Examiner concurs with CWaC that the wording suggested is an improvement then the PC have no difficulty with accepting the change.

Policy 11 – Working from Home

Representations:

Cheshire West and Chester Council

To avoid this policy providing a justification for overly large or disproportionate extensions to dwelling houses, it is suggested that text is added to the policy or text referring to the need for extensions to be of a limited scale and proportionate to the original dwelling house.

CPC Response

If the Examiner is minded to make a change, then CPC will support this

Policy 13 – Blakemere

Representations:

Turley Associates (Mrs Sam Ryan)

Modifying the policies of the NP to facilitate investment at Blakemere Village as suggested in the representations to the draft NP, would provide the opportunity to address all of those issues resulting in both a sustainable form of development on the site and enhancements to the overall sustainability of the settlement.

In any event, and as stated above, the policies are currently so restrictive that they would also stifle any natural growth of Blakemere to the extent that they would actually accelerate its decline. At the very least policy 13 of the NP which is specific to Blakemere should be amended to remove the first sentence of the second paragraph : ~~“Development must be confined to the existing developed footprint”~~

CPC Response

While the PC is sympathetic to the position that Blakemere finds itself, the PC recognises the legislation underpinning Neighbourhood Plans requires a Neighbourhood Plan to be in conformity with the Local Plan and to reflect the local community aspirations. Should it not do so the local community will have the opportunity to reject it in the final consultation i.e. at the referendum. The CPC position thus reflects the community consultation that has taken place (see reports under the Consultation section on the village website) and also the guidelines set out in the Local Plan. Blakemere is in the rural area and is located outside the settlement boundary of Cuddington and Sandiway. It is, therefore, within a countryside location. If development was allowed on land outside the existing footprint it would not be in conformity with the Local Plan (Part One) policy STRAT 9.

It is clear that Blakemere is a popular attraction in the village. However, it is also clear from the Blakemere comments that this support, and wider support in the area, is now insufficient to sustain Blakemere as a going concern. Building additional housing to finance a revamp of the site will have a significant impact on the village, its facilities, its character and its environment. However, whether the additional elderly population will be sufficient to provide a sustainable basis for continued Blakemere operation is unknown. Should it prove

insufficient, Blakemere will need to attract additional visitors with their concomitant impact of the village and its environment.

Should the Neighbourhood Plan accept a development to sustain a business contrary to Local Plan policy and village aspirations, CPC is concerned that this will set a precedent for both the Parish and, possibly, more widely elsewhere.

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A3 and A4 uses are main town centre uses and should be accommodated within the local centres in line with the town centre first approach in the Local Plan (Part One) policy ECON 2 and NPPF. Development of this type, edge or out of centre should be subject to the sequential test and impact test. Therefore, we would suggested deleting the following sentence:

~~**“Small scale food and drink retail (A3 or A4 use class) development may also be appropriate as part of a mixed use solution in accordance with Local Plan (Part 1) Strategic Policies ECON1 and ECON 3”**~~

6.2.13 (ii)

Same as above comment:

~~**In some circumstances food and drink may form part of the mix of uses on this site, but should not be the driver for further development.**~~

6.3.3 (x)

It should be made clear that the completed dwellings and dwellings with planning permission only relates to the key service centre housing requirement in the Local Plan (Part One) policy STRAT 8 and not the wider parish area. We therefore suggest the following footnote:

Dwellings identified as Cuddington and Sandiway in the Housing Land Monitor Report relate to the housing requirement in the Local Plan (Part One) policy STRAT 8 and only consider dwellings within the settlement boundary. Dwellings outside the settlement boundary contribute to the rural housing requirement.

CPC Response

If the Examiner concurs with CWaC that the suggested wording is an improvement then the PC have no difficulty with accepting the change.

Policy 14 – Housing Mix and type

Representations:

ASHALL HOMES LTD

Our Client does not consider that the Neighbourhood Plan will be effective in securing the delivery of sufficient housing in response to the minimum housing needs of the Parish during the Plan period. Only small sites located within settlement boundaries and utilising brownfield sites are permitted for housing by the Neighbourhood Plan during the Plan period. Our Client considers this source to be too insufficient and too unreliable to provide sufficient opportunity to respond to local housing needs.

The Cuddington Neighbourhood Plan Housing Needs Survey Report prepared in May 2016 provides a snapshot in time of the housing needs of the Parish over the next 10 years. The timing of the Survey must be noted, as it was prepared following commitments within Cuddington and Sandiway. It is our Client's view therefore that the housing needs identified within the Survey should be considered in addition to these commitments.

The Survey illustrates a clear need for housing within the Parish. The evidence illustrates:

- 227 people outline that they wish to move in the next 10 years;
- 64 people whom want to live in the village cannot do so;
- 69 people are considering a move within the next year; and
- 100 people are dissatisfied with their current accommodation.

Despite this wealth of evidence, commentary provided alongside the Survey makes the best effort to discredit the results provided by the assessment. The commentary highlights problems with the wording of questions, as well as the option for people to tick multiple options. Whilst critical of this evidence, it is notable that the Parish Council has not sought to update this assessment, despite a two-year window of opportunity to undertake such an assessment since its publication and prior to this public consultation. Even accounting for these issues, there remains an outstanding housing need within the Parish which is not met by current or committed development.

There is an absence of any study undertaken to support the preparation of the Neighbourhood Plan which assesses the urban capacity of Cuddington/Sandiway to accommodate new housing. As a result, the only source of this information is provided by

the Cheshire West and Chester Strategic Housing Market. The most recent assessment was undertaken by the Council in 2017. This assessment found no available, deliverable or achievable housing site within the Cuddington/Sandiway built-up area (or Key Service Centre). As such, there are no known sites within the Parish which could be developed consistent with Policy 14. The Plan does not therefore provide for a sustainable pattern of development resulting in a failure to meet basic condition (a), (b) or (e).

Beyond the above, our Client is concerned that the Policy is not sufficiently responsive to housing needs by the mix and type of housing it seeks to secure. The current policy is orientated to secure the provision of three-bedroom dwellings and bungalows; however, the Housing Needs Survey clearly shows that there is a need for 2, 4 and 5-bedroom dwellings, both detached and semi detached in nature. As such the evidenced housing needs of the Parish are broad, and policy should not seek to restrict provision to just one or two types as currently drafted.

CPC Response

(i) The comment suggests that the Plan as presented will not deliver sufficient housing to meet the minimum housing needs of the Parish during the Plan period. The CPC notes that Plan was drafted taking into consideration the actual position with respect to housing completions in the Key Service Centre (KSC) as compared to the Local Plan Part 1 target for the Key Service Centre viz 200 additional houses by 2030.

The latest Housing and Land Monitor for 2018 shows that for the Key Service Centre at 1st April 2018 there were 176 completions in the 2010 – 2018 period and there were 23 committed. A further 2 permissions were granted post 1st April - indicating that the target has been achieved. Small site development proposals within the KSC continue to come forward and it is expected they will continue to do so over the remaining Plan period.

Turning to the space between the KSC boundary and the Neighbourhood Plan perimeter, building is constrained by the Green Belt for the majority of the area and by the Local Plan policies in the rural area. Building in the rural area would be counter to the Local Plan Part 1 policies STRAT 8 & 9.

The CPC does not, therefore, accept the comment made.

(ii) The comment suggests that the Housing Needs Survey (HNS) can be used to provide evidence to support a requirement of additional house building. The HNS was not formulated to derive the demand for housing.

It was recognised at the outset that the study undertaken by CWaC (<http://consult.cheshirewestandchester.gov.uk/file/4995632>) to identify KSCs and the housing they could be expected to sustain, was more extensive, of greater depth, and more rigorous than could be achieved by our Neighbourhood Area survey. The HNS survey was aimed at understanding the type and size and mix of housing that would be required in the next 10 years. As such the questions allowed respondents to select a variety of options with no constraint on the number of options that the respondent could choose. This implies that the comparative frequencies are valid while the absolute frequencies are not soundly based. In the CPC's view these data cannot be used to establish the likely demand for any type of house or other accommodation.

The CPC does not, therefore, accept the use of this data in the way the developer wishes to use it.

(iii) The comment suggests HNS requires to be updated. The HNS was undertaken to allow local policies to be developed in the Housing and Design section of the Neighbourhood Plan. It was recognised that these would need to be consistent and compatible with the Local Plan Parts 1 & 2, although Part 2 was still at the draft stage while this NP was being developed. The data so generated was used for this purpose. The report was part of the suite of documents that underwent Reg 14 review without any adverse comments on it being raised. In addition, the CPC does not feel the need to update the report since the policies formulated have been reviewed by the local community in the Policy Ideas survey, have been subject to Reg 14 & 15 review and, ultimately, will be reviewed again by the community at the referendum stage. The CPC does not, therefore accept the comment made.

(v) The comment suggests that there is an absence of a study to assess the urban capacity of Cuddington/ Sandiway. As noted in response to other parts of these comments, the CPC consider the original CWaC study to be valid in the present circumstances. The CPC does not, therefore accept the comment made.

(vi) The comment suggests there is a demand for 2, 4 and 5 bedroom dwellings, both detached and semi-detached – again using HNS data in a way the CPC does not support. The policy is derived from the HNS data which identifies those properties which are the most in demand by the respondents living in the village community. The 2011 census data indicates the village has, in proportion, more than twice the number of 4 bedroomed houses than the CWaC and NW Regions and, roughly, 1.5 times the number of 5 bedroomed houses. The policy recognises the respondents' need for smaller family dwellings and indicates that they should be favoured. However, it also recognises that small units could also be required and supports the conversion or subdivision of larger houses to provide such accommodation.

The CPC believes the policy is appropriate and does not, therefore, accept the comments made.

We turn now to the rural area outside of the Key Service Centre. The 2018 CWaC Housing and Land Monitor indicates that, for the rural area in the Borough as a whole, the outstanding requirement is 945 houses to reach the 2030 Local Plan Part 1 target for the area. As of April 2018, there are 2266 already permissioned with 45 awaiting legal agreement. An additional small site windfall of 362 has been allocated. It is apparent that, without considering the small site windfall, the permissioned sites already exceed the target requirement by in excess of a factor of 2. Thus there is no Local Plan Part 1 target requirement for any additional houses to be built in the rural area between the Key Service Centre boundary and the Neighbourhood Plan perimeter. In any case such development would need to be in conformity with the Local Plan (Part One) policy STRAT 9.

Cheshire West and Chester Council

For clarity it is suggested that the first paragraph of this policy be reworded to say:

“In order to secure a sustainable and mixed community, small scale residential developments with a range of housing types to meet identified local needs, as set out below, will be permitted where they accord with local plan policies STRAT 8 and STRAT 9, Neighbourhood Plan policy 16 and other relevant policies”

CPC Response

If the Examiner concurs with CWaC that the wording suggested is an improvement then the PC have no difficulty with accepting the change.

Policy 15 – Affordable Housing

Representations:

ASHALL HOMES LTD

The Neighbourhood Plan seeks to adopt a position which reflects Policy SOC1 of the Part One Local Plan. Whilst this would be in accordance with the Local Plan Strategy it would not reflect the national policy position and as such would not be in compliance with Basic Condition (a).

The up-to-date position on affordable housing is set out in ref ID 23b-031-20161116 of PPG. This sets out that for sites of 10 dwellings or fewer there is no on-site requirement for affordable housing. In rural parishes schemes of 5-10 dwellings will be required to make an off-site contribution. Cuddington and Sandiway is not a rural parish as defined and as such no affordable contribution should be required consistent with the national position.

The result of this updated position to national planning policy leaves the Parish Council without the means to secure the delivery of affordable housing. This means that the Neighbourhood Plan is not effective in responding to evidenced affordable housing needs and will fail to deliver the objectives of the plan.

In response there is need for Policy 15 to be amended to be in accordance with Policy SOC2 of the Part One Local Plan. The Neighbourhood Plan should not prevent the development of Rural Exception Sites in Cuddington/Sandiway

CPC Response

The legislation requires a Neighbourhood Plan to be consistent and compatible with policies developed by the planning authorities – in this case the Local Plan Parts 1 & 2 and planning guidance. This Neighbourhood Plan is believed to be in compliance with this requirement. As an example - in the explanatory for Policy 16 the issue is explicitly addressed. Section 6.3.9 (v) states:

‘Since the area surrounding the Key Service Centre is Green Belt to the north, west and east and countryside to the south, development is constrained. However, although not favoured, it is recognised that (in compliance with Local Plan policy) small scale reuse of rural buildings that are no longer suitable for employment and could be converted to dwellings can be permitted provided any development outside of the Key Service Centre complies with the Local Plan parts 1 & 2- STRAT 9. ‘

The Local Plan (Part One) policy SOC 2 and the Local Plan (Part Two) policy DM 24 is concerned with rural exception sites. The neighbourhood plan does not need to repeat these policies and the neighbourhood plan does not contradict the policies in the Local Plan. The CPC does not, therefore, accept this comment.

Policy 16 – Location of Buildings

Representations:

Gladman Developments Ltd (Gladman)

Policy 16 states that applications for small scale residential developments, including infill and conversion will be permitted within the Key Service Centre.

Gladman submit that Policy 16 unnecessarily restricts the scale of development proposals coming forward to meet identified housing needs. There is no evidence to suggest why it is considered appropriate to limit development within the NPA to that consider to be small scale, infill or conversions. In restricting development in this way the CNP is not conforming to the positive approach of the Framework or the direction taken through the emerging Local Plan and as such Gladman suggests this element of the policy is deleted.

ASHALL HOMES LTD

As set out above in response to Policies 14 and 15 of the Neighbourhood Plan, our Client considers that there is a need to provide greater flexibility for new residential development within the Plan area aside from small-scale infill and conversions. Based on the extent of outstanding housing need and the absence of available, deliverable and achievable sites for housing within the built-up area, there is a need for new allocations within the Plan area. This will benefit the achievement of the Parish Council's aim to "meet the need of all sections of the community". It will also allow the Parish Council to ensure that the environmental qualities of the Parish are protected.

CPC Response

The CPC notes that the CWaC Housing and Land Monitor report, together with permissions since 1 April 2018, establishes that the housing target for the KSC out to 2030 has already been met. However, there are small developments within the KSC coming forward and this is expected to continue throughout the Plan period to 2030. There is, therefore, no requirement in the Neighbourhood Plan to provide for developments on scales larger than those identified in the policy. In addition, it is likely that any large scale development would need to be outside of the KSC boundary and would be constrained either by the Green Belt limitations or, if in the rural area between the KSC boundary and Neighbourhood Plan perimeter, Local Plan policy STRAT 8 & 9.

It should also be noted that little or no support for larger scale development within the village was identified during consultation on community aspirations.

The PC does not, therefore, accept the comments as valid.

Cheshire West and Chester Council

The approach taken in the local plan assumes that any development within the key service centre would be acceptable in relation to accessibility. Policy 16 adds an additional test in bullet point 1 for accessibility but given the size of the settlement any new development should not be too far away from local services. The particular need for housing for older/mobility impaired people to be able to access services is covered in bullet point 4, so we would suggest that the first bullet point is not required.

We would suggest deleting the word “broad” from the third bullet point.

6.3.8 Key Policy Links

Would suggest that the Local Plan (Part One) STRAT 8 is a relevant policy link

6.3.11 (i)

Would suggest moving the following criteria into the policy itself:

“(For the sake of clarity this includes property extensions. Such extensions should not disproportionately increase the size of the property)”

CPC Response

If the Examiner concurs with CWaC that the wording suggested is an improvement then the PC have no difficulty with accepting the change.

Policy 19- Improved Pedestrian, Cycle and Public Transport Access

Representations:

ASHALL HOMES LTD

Our Client considers that this Policy is too onerous and sets a requirement which is out-of-scale for small-scale developments to. The financial capacity of a small-scale development to respond to such a requirement will be lower than a development more significant in scale. There is also the question as to how the additional demand created by the development is sufficient to warrant the delivery of one or more of this listed infrastructure. Reflecting on this, our Client does not consider that the policy requirement is consistent with Paragraph 204 of the NPPF, and as such the Policy does not accord with Basic Condition (a).

A more effective approach to secure the delivery of this infrastructure is for the Parish Council to include these works within its Section 123 list, with monies collated from Community Infrastructure Levy (CIL) Receipts (it is noted that CIL is now adopted in Cheshire West) taken from schemes within the Parish used to facilitate its delivery.

CPC Response

The policy promotes the routes listed in the Policy and development which will be looked on favorably because it includes improvements to these routes. This is not a requirement of the plan, but a development that increases the connectivity around the parish would be of great benefit to the scheme and to the community. The development is also not confined to housing and could include employment, retail, tourism and recreational development.

It is accepted that some small developments would not fund most of these routes and therefore alternative funding will be required. This funding may come from CIL either through the Parish Council share or through Cheshire West and Chester Council's share. This latter share does not necessarily have to come from development within the Cuddington Neighbourhood Plan area.

Policy 20- Parking Standards

Representations:

ASHALL HOMES LTD

Our Client is concerned by the proposed requirement within Policy 20 for parking levels within developments to be provided at a level above the Cheshire West and Chester Parking Standards SPD to account for "potential visitors". Whilst the issue of parking is understood to be a local issue, the provision of additional parking will only seek to encourage additional trips by car, rather than reduce this. The Policy approach will not therefore provide for sustainable developments. To ensure that the Neighbourhood Plan can be considered to be consistent with Local and National Planning Policy, the Plan should be orientated to apply measures to reduce the reliance on cars. Should parking be an issue within the central parts of Cuddington/Sandiway to the detriment of highways safety and/or the vitality and vibrancy of local business, the Parish Council should use

the Neighbourhood Plan as a tool to secure the provision of a new public car park for the village – such as through the collation of monies through CIL receipts collected within the Parish area. The only way to effectively secure this however is to encourage and facilitate sufficient new development to achieve this, and to find a potential location for this provision.

CPC Response

Policy 20 does not propose a specific number of visitor parking spaces or state that they should be within the private curtilage of the dwellings. Visitor parking on the roads will be acceptable provided the widths of the roads are such that emergency and refuse vehicles can pass the parked vehicles safely.

It is inevitable that the majority of dwellings will at times have visitors who will arrive by car or van in the case of tradesmen. These visitors will arrive regardless of the parking provision and any visitor parking will not encourage additional visitors to come or result in increased trips. It is in fact the new development itself that will increase the trips.

The Parish Council has already made provision for increased parking on Mere Lane to serve the existing Sandiway shops and businesses. This was done without resort to funding from any new development through CIL. This new parking area together with traffic management in the area is complete and has reduced the congestion issues and improved the availability of parking throughout the day.

Policy 21–Traffic Impact of New Development

Representations:

ASHALL HOMES LTD

Only small-scale development is permitted through the Neighbourhood Plan. This scale of development is unlikely to result in a severe impact on the highway network requiring improvements to the local highway network.

The Policy wording whereby a development which would generate and cause negative impacts on roads within the Parish represents a significant departure from National Planning Policy.

Paragraph 32 of the NPPF only requires planning applications to be refused where they result in a severe impact on the highway network. In real terms it is likely that any new development will have capacity effects on the wider highway network owing to their nature of introducing new trips.

However, only where this additional development will result in junction capacity being exceeded should improvements to junctions be sought.

The Policy as currently worded is therefore too onerous and is in need of substantive revision. A more appropriate wording would be along the lines of:

“Proposals for new development which are considered to generate a notable increase in traffic should be accompanied by a Transport Statement, which will assess the likely impact of the development on the existing local highways network. Should this statement find that the development will result in existing junctions within the Parish to operate above design

capacity, mitigation will be sought in order to prevent an adverse highways impact. The location, extent and nature of such improvement works will be agreed with the Local Highways Authority ahead of any planning consent being granted.”

Cheshire West and Chester Council

The second part of the policy says

“new development that generates significant additional traffic and causes negative impacts.... Will be refused “

The National Planning Policy Framework sets out the test for refusing planning applications on transport grounds:

“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

We suggest amending the policy in line with the NPPF.

CPC Response

The comments are noted and the following changes to the Policy are proposed - subject to the examiner's recommendations.

The second paragraph could be deleted and replaced by the following two paragraphs the second of which will bring it in line with the NPPF.

“Any resulting Transport Assessment or Statement should include the assessment of the impact on local roads within the Parish specifically at the key junctions identified on the Proposals Map (Appendix E).

Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure
- safe and suitable access to the site can be achieved for all people
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”