

Moulton Neighbourhood Plan – Summary of Publicity Stage Representations

All representations including attachments are available to view in full on the Council's Consultation Portal at:

http://consult.cheshirewestandchester.gov.uk/portal/cwc_ldf/np/moulton_pub

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| | Sport England | <p>Thank you for consulting Sport England on the above neighbourhood plan.</p> <p>Government planning policy, within the National Planning Policy Framework (NPPF), identifies how the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Encouraging communities to become more physically active through walking, cycling, informal recreation and formal sport plays an important part in this process. Providing enough sports facilities of the right quality and type in the right places is vital to achieving this aim. This means that positive planning for sport, protection from the unnecessary loss of sports facilities, along with an integrated approach to providing new housing and employment land with community facilities is important.</p> <p>It is essential therefore that the neighbourhood plan reflects and complies with national planning policy for sport as set out in the NPPF with particular reference to Pars 96 and 97. It is also important to be aware of Sport England's statutory consultee role in protecting playing fields and the presumption against the loss of playing field land. Sport England's playing fields policy is set out in our Playing Fields Policy and Guidance document.</p> <p>http://www.sportengland.org/playingfieldspolicy</p> <p>Sport England provides guidance on developing planning policy for sport and further information can be found via the link below. Vital to the development and implementation of planning policy is the evidence base on which it is founded.</p> <p>http://www.sportengland.org/facilities-planning/planning-for-sport/forward-planning/</p> <p>Sport England works with local authorities to ensure their Local Plan is underpinned by robust and up to date evidence. In line with Par 97 of the NPPF, this takes the form of assessments of need and strategies for indoor and outdoor sports facilities. A neighbourhood planning body should look to see if the relevant local authority has prepared a playing pitch strategy or other indoor/outdoor sports facility strategy. If it has then this could provide useful evidence for the neighbourhood plan and save the neighbourhood planning body time and resources gathering their own evidence. It is important that a neighbourhood plan reflects the recommendations and actions set out in any such strategies, including those which may specifically relate to the neighbourhood area, and that any local investment opportunities, such as the Community Infrastructure Levy, are utilised to support their delivery.</p> <p>Where such evidence does not already exist then relevant planning policies in a neighbourhood plan should be based on a proportionate assessment of the need for sporting provision in its area. Developed in consultation with the local sporting and wider community any assessment should be used to provide key recommendations and deliverable actions. These should set out what provision is required to ensure the current and future needs of the community for sport can be met and, in turn, be</p> |

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| | | <p>able to support the development and implementation of planning policies. Sport England's guidance on assessing needs may help with such work.</p> <p>http://www.sportengland.org/planningtoolsandguidance</p> <p>If new or improved sports facilities are proposed Sport England recommend you ensure they are fit for purpose and designed in accordance with our design guidance notes.</p> <p>http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/</p> <p>Any new housing developments will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then planning policies should look to ensure that new sports facilities, or improvements to existing sports facilities, are secured and delivered. Proposed actions to meet the demand should accord with any approved local plan or neighbourhood plan policy for social infrastructure, along with priorities resulting from any assessment of need, or set out in any playing pitch or other indoor and/or outdoor sports facility strategy that the local authority has in place.</p> <p>In line with the Government's NPPF (including Section 8) and its Planning Practice Guidance (Health and wellbeing section), links below, consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing planning policies and developing or assessing individual proposals.</p> <p>Active Design, which includes a model planning policy, provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity. The guidance, and its accompanying checklist, could also be used at the evidence gathering stage of developing a neighbourhood plan to help undertake an assessment of how the design and layout of the area currently enables people to lead active lifestyles and what could be improved.</p> <p>NPPF Section 8: https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities</p> <p>PPG Health and wellbeing section: https://www.gov.uk/guidance/health-and-wellbeing</p> <p>Sport England's Active Design Guidance: https://www.sportengland.org/activedesign</p> <p><i>(Please note: this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.)</i></p> <p>If you need any further advice, please do not hesitate to contact Sport England using the contact details below.</p> |
| Ms Jacqui Salt | Natural England | Thank you for your consultation regarding the Publication of the Moulton Neighbourhood Development Plan dated 10 th October 2018. |

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| | | <p>Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals.</p> <p>We have reviewed the attached plan however Natural England does not have any specific comments on this neighbourhood plan.</p> <p>If the Neighbourhood Plan changes and there is the potential for environmental impacts, Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening exercises may need to be undertaken.</p> |
| Miss Ellie Levenson | United Utilities | <p>Thank you for your email and links to the draft neighbourhood plan.</p> <p>United Utilities works closely with Cheshire West and Chester Council to understand future development sites and impact on our infrastructure.</p> <p>It is important that we highlight that as the water and sewerage company Cheshire West and Chester, we have statutory obligations which include:</p> <ul style="list-style-type: none"> • The right to connect domestic wastewater flows to the public sewer. This includes foul and surface water; and • A domestic supply duty in respect of public water supply. <p>United Utilities seeks to work with all parties to ensure all surface water from new development is drained in the most sustainable manner, in line with the surface water hierarchy (see specific comments for more detail).</p> <p>We wish to highlight our free pre-application service for applicants to discuss and agree drainage strategies and water supply requirements. We cannot stress highly enough the importance of contacting us as early as possible. Enquiries are encouraged by contacting:</p> <p>Developer Services – Wastewater Tel: 03456 723 723 Email: WastewaterDeveloperServices@uuplc.co.uk Website: http://www.unitedutilities.com/builder-developer-planning.aspx</p> <p>Developer Services – Water Tel: 0345 072 6067 Email: DeveloperServicesWater@uuplc.co.uk Website: http://www.unitedutilities.com/newwatersupply.aspx</p> <p>It is important that United Utilities is kept aware of any development proposed within your neighbourhood plan over and above the Council's allocations. We encourage further consultation with us at an early stage should you look to allocate any sites in the future over and above the allocations determined by the council.</p> |

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| | | <p><u>Specific Comments</u> With regards to the text in 'Policy GP2 Sustainable Development', United Utilities is pleased to see the inclusion of Sustainable Urban Drainage Systems (SuDS).</p> <p>Additional wording should also be included as a separate section of the explanatory. United Utilities recommend the following text is included:</p> <p><i>'8.9. Any drainage solution should be in line with the surface water hierarchy. No surface water should be connected to a combined sewer.'</i></p> <p><i>Surface water should be discharged in the following order of priority:</i></p> <ul style="list-style-type: none"> • <i>An adequate soakaway or some other form of infiltration system.</i> • <i>An attenuated discharge to watercourse or other water body.</i> • <i>An attenuated discharge to public surface water sewer.</i> • <i>An attenuated discharge to public combined sewer.</i> <p><i>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 LLFA, the public sewerage undertaker and where appropriate the Environment Agency'.</i></p> <p><u>Summary</u> Moving forward, we respectfully request that Cheshire West and Chester Council continue to consult with United Utilities on all future planning documents. We are keen to continue working in partnership with you to ensure that all new growth can be delivered sustainably.</p> <p>In the meantime, if you have any queries or would like to discuss this representation, please do not hesitate to contact me.</p> |
| Ms Hannah Lorna Bevins | Wood E&I Solutions UK Ltd on behalf of National Grid plc | <p>National Grid has appointed Wood to review and respond to development plan consultations on its behalf. We are instructed by our client to submit the following representation with regards to the above Neighbourhood Plan consultation.</p> <p>About National Grid National Grid owns and operates the high voltage electricity transmission system in England and Wales and operate the Scottish high voltage transmission system. National Grid also owns and operates the gas transmission system. In the UK, gas leaves the transmission system and enters the distribution networks at high pressure. It is then transported through a number of reducing pressure tiers until it is finally delivered to our customers. National Grid own four of the UK's gas distribution networks and transport gas to 11 million homes, schools and businesses through 81,000 miles of gas pipelines within North West, East of England, West Midlands and North London.</p> <p>To help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, National Grid wishes to be involved in the preparation, alteration and review of plans and strategies which may affect our</p> |

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| | | <p>assets.</p> <p>Specific Comments An assessment has been carried out with respect to National Grid's electricity and gas transmission apparatus which includes high voltage electricity assets and high-pressure gas pipelines, and also National Grid Gas Distribution's Intermediate and High-Pressure apparatus.</p> <p><u>National Grid has identified that it has no record of such apparatus within the Neighbourhood Plan area.</u></p> <p>Key resources / contacts National Grid has provided information in relation to electricity and transmission assets via the following internet link: http://www2.nationalgrid.com/uk/services/land-and-development/planning-authority/shape-files/</p> <p>Electricity distribution The electricity distribution operator in Cheshire West and Chester Council is SP Energy Networks. Information regarding the transmission and distribution network can be found at: www.energynetworks.org.uk</p> <p>Please remember to consult National Grid on any Neighbourhood Plan Documents or site-specific proposals that could affect our infrastructure. We would be grateful if you could add our details shown below to your consultation database:</p> <table border="0" data-bbox="633 890 1733 1220"> <tr> <td data-bbox="633 890 1209 922">Hannah Lorna Bevins</td> <td data-bbox="1209 890 1733 922">Spencer Jefferies</td> </tr> <tr> <td data-bbox="633 959 1209 1029">Consultant Town Planner n.grid@amecfw.com</td> <td data-bbox="1209 959 1733 1029">Development Liaison Officer, National Grid box.landandacquisitions@nationalgrid.com</td> </tr> <tr> <td data-bbox="633 1034 1209 1220">Wood E&I Solutions UK Ltd Gables House Kenilworth Road Leamington Spa Warwickshire CV32 6JX</td> <td data-bbox="1209 1034 1733 1220">National Grid House Warwick Technology Park Gallows Hill Warwick CV34 6DA</td> </tr> </table> <p>I hope the above information is useful. If you require any further information, please do not hesitate to contact me.</p> | Hannah Lorna Bevins | Spencer Jefferies | Consultant Town Planner n.grid@amecfw.com | Development Liaison Officer, National Grid box.landandacquisitions@nationalgrid.com | Wood E&I Solutions UK Ltd Gables House Kenilworth Road Leamington Spa Warwickshire CV32 6JX | National Grid House Warwick Technology Park Gallows Hill Warwick CV34 6DA |
| Hannah Lorna Bevins | Spencer Jefferies | | | | | | | |
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| Wood E&I Solutions UK Ltd Gables House Kenilworth Road Leamington Spa Warwickshire CV32 6JX | National Grid House Warwick Technology Park Gallows Hill Warwick CV34 6DA | | | | | | | |
| Mr Alan Thornley | Civitas Planning Ltd | <p>I submit this representation on behalf of my client and in objection to the inclusion of their land as a 'Local Green Space'.</p> <p>Policy EOS2 states that the areas listed are being designated as Local Green Spaces due to their special character, significance and community value. My client's land is included as LGS6 and given the title 'Natural Wetland'.</p> <p>The explanatory text at para.11.6 of the Plan states that the identified sites have been 'assessed in the Local Green Space</p> | | | | | | |

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| | | <p>Assessment provided as a supplementary document to the Neighbourhood Plan’.</p> <p>The ‘Assessment of Open Space in Moulton against the criteria for protection as Local Green Spaces’ is core document CD13 and extends to two pages in length. The assessment of each of the sites is set out in tabular form.</p> <p>LGS6 is assessed as fulfilling the criteria for inclusion as a local green space because (1) it is within a reasonable distance (this is not disputed), (2) it has been assessed as being beautiful, tranquil and rich in wildlife and (3) it is not an extensive tract of land. Limbs (2) and (3) are in dispute.</p> <p>The table states that the ‘Justification’ for inclusion is that <u>‘this area of natural wetland is important for wildlife and biodiversity’</u>.</p> <p>My client first became aware of the proposed LGS designation in March 2018 and sought a copy of the Assessment of Open Spaces (CD13) from the Parish Council. Having reviewed the Assessment we wrote to the Parish Council on 20 June 2018 to seek clarification regarding the justification stated, that <u>‘this area of natural wetland is important for wildlife and biodiversity’</u> and asked them to confirm the evidence they were relying on to inform the assessment’.</p> <p>In the response received from Cllr Harding on behalf of the Parish Council, dated 23 July 2018, it was stated ‘the Parish Council do not recognise this phrase [“natural wetland important for wildlife and biodiversity”]’.</p> <p>The inclusion of this site as a local green space is clearly arbitrary and unjustified when the Parish Council subsequently claim to not even recognise their own Justification for its inclusion. In the letter of 23 July 2018 the Parish Council also confirmed that they had not undertaken any ecological or biodiversity studies on this land.</p> <p>The Justification for the designation (that the Parish Council subsequently don’t recognise) is not therefore supported by any professional assessment of the wildlife or biodiversity offer or objective analysis of the site as a wetland; a description that my client disputes.</p> <p>Due to health reasons the landowner was unable to actively farm this land for a period, however it was and still is in agricultural land use and in 2018 the land has been worked again. It is accepted that for the period that my client was unable to work the land, it could have been described as tranquil, as it was undisturbed over that period. However this is no longer the case and there is no legal or planning restriction on the use of this land for agricultural activity.</p> <p>Continued agricultural operations on this site, the ploughing and cultivation of the land, render the justification given (natural wetland) as invalid. This site is not a wetland, it is not boggy and has, and is, capable of being cultivated for crops and/or facilitating grazing. This wouldn’t be the case if it were a wetland as it wouldn’t support this form of agricultural activity as machinery and/or livestock couldn’t safely access the site without becoming bogged down.</p> <p>Any argument about the wildlife and biodiversity value of the land is also diminished where the land is disturbed by</p> |

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| | | <p>agricultural activity. Likewise activity on site effects any perception of tranquillity and arguably beauty also.</p> <p>Para. 100 of the National Planning Policy Framework sets out the Local Green Space designation should <u>only</u> be used where the green space is:</p> <ol style="list-style-type: none"> 1. <i>a) in reasonably close proximity to the community it serves;</i> 2. <i>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), tranquillity or richness of its wildlife; and</i> 3. <i>c) local in character and is not an extensive tract of land.</i> <p>As set out above my client accepts the land is in close proximity to the settlement. My client however vehemently disputes that this land is <u>demonstrably</u> special to the local community <u>and</u> holds a particular local significance.</p> <p>No evidence is provided within the supporting documents to the Plan which <u>demonstrates</u> that this land, which is in private ownership, is special to the local community and as set out above there is no evidence which demonstrates this land holds a particular local significance.</p> <p>Policy EOS2 has already been subject to scrutiny and it is recorded in the Consultation Report (August 2018) that another party (Barton Willmore/Miller Homes) has also raised concerns about there being a lack of adequate justification for the inclusion of sites as Local Green Spaces; the response of the Parish Council being 'Disagree- see justification table'. This confirms that the Parish Council are relying on the justifications set out in the Local Green Spaces Assessment table, the phraseology cited in the Justification for LGS6 which the Council subsequently claim not recognise.</p> <p>My client shares the concerns raised by the other party, but this is the first opportunity they have had to formally raise these concerns as they only become aware of the designation post the last round of consultation closing.</p> <p>Barton Willmore/Miller Homes also raised concerns in regards to the evidence base, stating further justification and evidence to support the policies and Neighbourhood Plan is required. The Parish Council's response was to disagree with the position, stating '<i>Disagree - the evidence is proportional – tied to Local Plan policies</i>'.</p> <p>In the case of my client's land, allocation LGS6, proportional evidence must therefore mean no evidence, given there is no evidence, professional or otherwise, to support an assessment that the site is a 'wetland' and that it holds wildlife and biodiversity value.</p> <p>The Framework is quite clear at para.100 that the Local Green Space designation should only be used where a site satisfies all three limbs, that is (a), (b) and (c).</p> <p>While my client's land is in close proximity, being adjacent to the settlement, we would disagree that it serves the community in any way (a). For the reasons set out above we also disagree that it has been <i>demonstrated</i> to hold a particular significance (b). Finally we disagree with the Parish Council in respect of (c). Of the eight sites allocated as Local Green Spaces in the draft Plan, six of them adjoin one another, LGS6 being one, and cumulatively form an extensive tract of land. While LGS6</p> |

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| | | <p>alone could not be described as an extensive tract of land, the Parish Council has sought to circumnavigate this limb of para.100 by allocating this series of green spaces separately.</p> <p>For the reasons set out within we object to the inclusion of LGS6 as a Local Green Space as the Council has failed to <i>demonstrate</i> how the site satisfies all of the criteria for designation. This being the case the policy, as drafted, is contrary to the basic conditions (a) as the Plan has not been prepared in accordance with National Planning Policy. Given the draft Neighbourhood Plan does not meet the basic conditions it should not proceed to referendum.</p> |
| Miss Charlotte Aspinall | Cheshire West and Chester Council | Please see attached response. |
| Ms Dawn Hewitt | Environment Agency | Thank you for referring the above document to the Environment Agency for consultation, however we have no comments to make. |
| Ms Diane Clarke | Network Rail | <p>Network Rail owns, maintains, renews and enhances the railway infrastructure in England, Wales and Scotland. In addition we are a statutory consultee for any planning applications within 10 metres of relevant railway and for any development likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway (as the Rail Network Operators, set out in Schedule 4 (J) of the Development Management Procedure Order).</p> <p>The NP area includes existing operational railway infrastructure.</p> <p>Developments in the neighbourhood area should be notified to Network Rail to ensure that:</p> <p>(a) Access points / rights of way belonging to Network Rail are not impacted by developments within the area.</p> <p>(b) That any proposal does not impact upon the railway infrastructure / Network Rail land e.g.</p> <ul style="list-style-type: none"> • Drainage works / water features • Encroachment of land or air-space • Excavation works • Siting of structures/buildings less than 2m from the Network Rail boundary / Party Wall Act issues • Lighting impacting upon train drivers ability to perceive signals • Landscaping that could impact upon overhead lines or Network Rail boundary treatments • Any piling works • Any scaffolding works • Any public open spaces and proposals where minors and young children may be likely to use a site which could result in trespass upon the railway (which we would remind the council is a criminal offence under s55 British Transport Commission Act 1949) • Any use of crane or plant • Any fencing works |

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| | | <ul style="list-style-type: none"> • Any demolition works • Any hard standing areas • Fencing for proposals adjacent to the railway should be a minimum of 1.8m high, steel palisade trespass proof and set back 1m from the railway boundary <p>All initial proposals and plans should be flagged up to the Network Rail Town Planning Team London North Western Route at the following address:</p> <p>Town Planning Team LNW Network Rail 1st Floor Square One 4 Travis Street Manchester M1 2NY Email: TownPlanningLNW@networkrail.co.uk</p> |
| Mr Darren Ratcliffe | Historic England | <p>Thank you for consulting Historic England. We have nothing further to add to my substantive advice to the Forum in my letter dated 4th Dec 2017.</p> <p>If you have any queries about this matter or would like to discuss anything further, please do not hesitate to contact me.</p> |
| Mr Christopher Telford | The Coal Authority | <p>Thank you for consulting The Coal Authority on the above.</p> <p>Having reviewed your document, I confirm that we have no specific comments to make on it.</p> <p>Should you have any future enquiries please contact a member of Planning and Local Authority Liaison at The Coal Authority using the contact details above.</p> |
| Mr Tim Bettany-Simmons | Canal & River Trust | <p>Thank you for your consultation.</p> <p>The Moulton Neighbourhood Area includes, along its western boundary, the Weaver Navigation which is within the ownership of the Canal & River Trust (the Trust). We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. In this context we have the following comments to make on the Neighbourhood Plan.</p> <p>The Trust support the thrust of the objectives set out within the document, in particular in terms of the objective 2 - the Natural Environment which it is assumed would include the Weaver corridor and objective 4 - Traffic and Transport in terms of promoting sustainable mods of transport, again which is assumed would include along the Weaver navigation and linkage to</p> |

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| | | <p>the Sustrans route 5.</p> <p>Policy DH3 - relates to street and footpaths. It is unclear if this policy also includes the Weaver navigation in terms of 'existing footpaths and rights of way'. It is noted that the Proposals Maps shows a key footpath along the Weaver. We would support increased and appropriate linkage to the Weaver navigation corridor, provided the surface is fit for purpose and would not increase the maintenance liability upon the Trust.</p> <p>Policy EOS1 - relates to natural environment and biodiversity. We would support the principle of appropriate compensatory native planting along the riverside corridor. Any such planting on land owned by the Trust would require our consent.</p> <p>Policy EOS2 - relates to Local Green Space. We welcome that the riverside corridor has <u>not</u> been included as Local Green Space. It is assumed that 'natural wetland site' does not include the Weaver corridor. We would ask that this is clarified to avoid any dispute. The Trust would <u>not</u> support our land being designated as Local Green Space.</p> <p>Policy EOS3 - relates to Green Infrastructure. It is assumed that this would include the Weaver corridor, however we consider that this could be usefully included within the policy or supporting text.</p> <p>Policy T1 - relates to Sustainable Transport. The Trust supports the thrust of this policy in terms of promoting cycling and walking and connecting to existing routes and in terms of paragraph 12.6 of the supporting text to the policy. It is noted that the Proposals Maps shows a key footpath along the Weaver. We would support increased and appropriate linkage to the Weaver navigation corridor, provided the surface is fit for purpose and would not increase the maintenance liability upon the Trust.</p> <p>Policy CFT2 - relates to Developer contributions. The Trust fully support funding towards footpaths and walkways. It is assumed that this would include along the Weaver corridor, especially as the Proposal map shows this as a key footpath within the neighbourhood area. As outlined in other policies of the plan which encourage connection to existing footpaths. We would support increased and appropriate linkage to the Weaver navigation corridor, provided the surface is fit for purpose and would not increase the maintenance liability upon the Trust. This policy allows a mechanism for such improvements as required to ensure year-round use of the Weaver corridor as a sustainable transport route and for recreation and leisure purposes.</p> <p>Policy CFT3 - relates to Tourism. We would support the provision of improved signage to maximise linkage to the National cycle route 5 and Weaver corridor. We would also support the principle of the aspiration for interactive walking trails and for this to include the Weaver corridor.</p> <p>Please do not hesitate to contact me with any queries you may have.</p> |
| Mr Andrew Collis | Gladman Developments Ltd | <p>This letter provides Gladman Developments Ltd (Gladman) representations in response to the submission version of the Moulton Neighbourhood Plan (MNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. Gladman requests to be added to the Council's consultation database and to be kept informed on the progress of the emerging neighbourhood plan. This letter seeks to highlight the issues with the plan as currently presented and its</p> |

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| | | <p>relationship with national and local planning policy.</p> <p>Legal Requirements Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the MNP must meet are as follows:</p> <p><i>(a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.</i></p> <p><i>(d) The making of the order contributes to the achievement of sustainable development.</i></p> <p><i>(e) The making of the order 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).</i></p> <p><i>(f) The making of the order does not breach, and is otherwise compatible with, EU obligations.</i></p> <p>Revised National Planning Policy Framework On the 24th July 2018, the Ministry of Housing, Communities and Local Government published the revised National Planning Policy Framework. The first revision since 2012, it implements 85 reforms announced previously through the Housing White Paper.</p> <p>Paragraph 214¹ of the revised Framework makes clear that the policies of the previous Framework will apply for the purpose of examining plans where they are submitted on or before 24th January 2019. Given the date of this consultation, the comments below reflect the relationship between Neighbourhood Plans and the National Planning Policy Framework adopted in 2012.</p> <p>National Planning Policy Framework (2012) and Planning Practice Guidance The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of neighbourhood plans to be in conformity with the strategic priorities for the wider area and the role in which they play in delivering sustainable development to meet development needs.</p> <p>At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through both plan-making and decision-taking. For plan-making this means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. This requirement is applicable to neighbourhood plans.</p> <p>The recent Planning Practice Guidance (PPG) updates make clear that neighbourhood plans should conform to national policy requirements and take account the latest and most up-to-date evidence of housing needs in order to assist the Council</p> |

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| | | <p>in delivering sustainable development, a neighbourhood plan basic condition.</p> <p>The application of the presumption in favour of sustainable development will have implications for how communities engage with neighbourhood planning. Paragraph 16 of the Framework makes clear that Qualifying Bodies preparing neighbourhood plans should develop plans that support strategic development needs set out in Local Plans, including policies for housing development and plan positively to support local development.</p> <p>Paragraph 17 further makes clear that neighbourhood plans should set out a clear and positive vision for the future of the area and policies contained in those plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.</p> <p>Paragraph 184 of the Framework makes clear that local planning authorities will need to clearly set out their strategic policies to ensure that an up-to-date Local Plan is in place as quickly as possible. The Neighbourhood Plan should ensure that it is aligned with the strategic needs and priorities of the wider area and plan positively to support the delivery of sustainable growth opportunities.</p> <p>Planning Practice Guidance It is clear from the requirements of the Framework that neighbourhood plans should be prepared in conformity with the strategic requirements for the wider area as confirmed in an adopted development plan. The requirements of the Framework have now been supplemented by the publication of Planning Practice Guidance (PPG).</p> <p>On 11th February 2016, the Secretary of State (SoS) published a series of updates to the neighbourhood planning chapter of the PPG. In summary, these update a number of component parts of the evidence base that are required to support an emerging neighbourhood plan.</p> <p>On 19th May 2016, the Secretary of State published a further set of updates to the neighbourhood planning PPG. These updates provide further clarity on what measures a qualifying body should take to review the contents of a neighbourhood plan where the evidence base for the plan policy becomes less robust. As such it is considered that where a qualifying body intends to undertake a review of the neighbourhood plan, it should include a policy relating to this intention which includes a detailed explanation outlining the qualifying bodies anticipated timescales in this regard.</p> <p>Further, the PPG makes clear that neighbourhood plans should not contain policies restricting housing development in settlements or preventing other settlements from being expanded. It is with that in mind that Gladman has reservations regarding the MNP's ability to meet basic condition (a) and (d) and this will be discussed in greater detail throughout this response.</p> <p>Relationship to Local Plan To meet the requirements of the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform</p> |

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| | | <p>to the strategic policy requirements set out in the adopted Development Plan.</p> <p>The adopted development plan relevant to the preparation of the Moulton Neighbourhood Plan area, and the development plan which the MNP will be tested against is the Cheshire West and Chester Local Plan Part 1 (LPP1) which was adopted on the 29th January 2015. The document sets out the visions, objectives, spatial strategy and overarching policies to guide development in the area up to 2030.</p> <p>The Council are currently in the process of preparing a Local Plan Part 2 (LPP2) to supplement the adopted Local Plan Part 1. The emerging plan will set out the non-strategic allocations and detailed policies and once adopted will constitute the statutory development plan. The Local Plan Part 2 has now reached an advanced stage and was submitted for Examination on 12th March 2018. Gladman suggest sufficient flexibility is therefore drafted in to the policies of the MNP to ensure that there is no conflict with the emerging Local Plan (Part 2) that could lead to these policies being superseded under Section 38(5) of the Planning Compulsory Purchase Act 2004.</p> <p>Moulton Neighbourhood Plan This section highlights the key issues that Gladman would like to raise with regards to the content of the MNP as currently presented. It is considered that some policies do not reflect the requirements of national policy and guidance and as such Gladman have sought to recommend a series of alternative options that should be explored.</p> <p>Policy GP1 – Settlement First Policy GP1 states development will be directed to sites that fall within the identified settlement boundary.</p> <p>Gladman object to the use of rigid settlement boundaries if these would preclude otherwise sustainable development from coming forward. The Framework is clear that development which is sustainable should go ahead without delay. The use of a settlement boundary to arbitrarily restrict suitable development from coming forward on the edge of settlements does not accord with the positive approach to growth required by the Framework and is contrary to basic condition (a)</p> <p>Therefore, for the settlement boundary policy to be appropriate Gladman encourage the Parish Council to amend this policy to allow for development adjacent to existing settlement boundary of a scale commensurate to the settlement. This would ensure the plan allows for a degree of flexibility with regards to potential changes in circumstances in the authority. The issue regarding settlement boundary designations have been considered in numerous Examiner's reports, we highlight the Examiners Report in to the Godmanchester Neighbourhood Plan² which states;</p> <p><i>'limiting new development to "within the settlement boundary" could prevent new housing development, even of a moderate or minor scale'</i></p> <p>Consequently, the Inspector concluded the following;</p> <p><i>'Nevertheless, in my opinion, Policy GMC1 should be modified to state that "Development...shall be focussed within or adjoining the settlement boundary as identified in the plan'</i></p> |

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| | | <p>Policy H1 – Key Settlement Gap As currently drafted Policy H1 reads as a duplication of LPP2 policy GBC3. There is no need to repeat a policy that is already set out in another development plan document and accordingly Gladman suggest this policy should be removed from the MNP.</p> <p>Policy H2 – Location of New Residential Development As per our comments above, Gladman object to the use of a rigid settlement to restrict sustainable development from coming forward. Further to this, we suggest that there is scope for the contents of policies GP1 and H2 to be merged to create one succinct policy going forwards. This would ensure the MNP provides a practical framework from which decisions can be made.</p> <p>Policy DH1 – General Design Policy DH1 sets out six design criteria that all development proposals will be measured against.</p> <p>Gladman are concerned that some of the criterion in the policy are overly prescriptive and could limit suitable sustainable development coming forwards. Gladman suggest more flexibility is provided in the policy wording to ensure high quality residential developments are not compromised by overly restrictive criteria. We suggest regard should be had to paragraph 60 of the previous Framework which states that;</p> <p><i>“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles”</i></p> <p>Policy DH2 – Heritage Assets Gladman are concerned that policy DH2 as currently drafted is not in general conformity with the previous Framework. We suggest the policy could be clearer in differentiating between designated and non-designated heritage assets.</p> <p>Paragraph 132-134 of the previous Framework relate specifically to designated heritage assets and highlights that the more important the asset the greater the weight should be attached to it. The previous Framework states that if the harm to a designated heritage asset is deemed to be substantial then the proposal needs to achieve substantial public benefits to outweigh that harm. If the harm is less than substantial, then the harm should be weighed against the public benefits of the proposal. The policy needs to be clear on the two tests to be applied to designated heritage assets.</p> <p>With regards to non-designated heritage assets, the policy should refer explicitly to paragraph 135 of the previous Framework which states that a balanced judgement should be reached having regard to the scale of any harm and significance of the heritage asset.</p> <p>Policy EOS4 – Key Views With regards to policy EOS4, Gladman submit that new development can often be located in areas without eroding the views considered to be important to the local community and can be appropriately designed to take into consideration the wider</p> |

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| | | <p>landscape features of the surrounding area to provide new vistas and views.</p> <p>In addition, as set out in case law, to be valued, a view would need to have some form of physical attribute. This policy must allow a decision maker to come to a view as to whether particular locations contains physical attributes that would ‘take it out of the ordinary’ rather than selecting views which may not have any landscape significance and are based solely on community support.</p> <p>Opinions on landscape are highly subjective yet Gladman have been unable to locate any robust evidence to demonstrate why these views are considered special. The Parish Council should address the lack of evidence and reasoning to support policy EOS4.</p> <p>Conclusions Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national planning policy and the strategic requirements for the wider authority area. Through this consultation response, Gladman has sought to clarify the relation of the MNP as currently proposed with the requirements of national planning policy and the wider strategic policies for the wider area.</p> <p>Gladman is concerned that the plan in its current form does not comply with basic conditions (a) and (d). The plan does not conform with national policy and guidance and in its current form does not contribute to the achievement of sustainable development.</p> <p>Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team.</p> <p>1 National Planning Policy Framework, paragraph 214</p> <p>2 Godmanchester NP Inspectors Report</p> |
| Mr Steven Grimster | Barton Willmore Llp on behalf of Miller Homes Ltd | Please find attached representations submitted on behalf of our Client, Miller Homes, in relation to the above consultation document. |