

# DAVENHAM PARISH COUNCIL

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Mr Robert Yuille  
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## BY EMAIL AND POST

(via [Rosie.Morgan@cheshirewestandchester.gov.uk](mailto:Rosie.Morgan@cheshirewestandchester.gov.uk))

27 June 2017

Dear Mr Yuille,

Thank you for your letter dated 19 June providing Davenham Parish Council with the opportunity to respond to any of the points made at the Regulation 16 stage of the Neighbourhood Planning process. In response, please find the Neighbourhood Plan Working Group's comments below.

**1. The claim that there is no evidence to support the proposed 'cap' of 25 dwellings that Policy VC 1 places on housing development and that this 'cap' will fail to significantly boost the supply of housing land.**

Policy VC1 is principally focussed on the character of the housing in the village; it is not worded as a "cap" on the number of houses that may be brought forward for development, and merely seeks to exert influence on the creation of "character areas." There is evidence throughout the Plan, including section 9.1 (Village Character), to support the "character areas". The particular wording of the policy ("Where a scheme exceeds this number then different areas of distinct and discernible character, each no larger than 25 homes, must be designed into the scheme") indicates that larger schemes are acceptable but must reflect the need to create character areas. Therefore: a) no evidence is required to support a 'cap' of 25 units as no such limit is stated; and, b) the supply of housing land is not compromised.

With regard to the reference to 'boosting the supply of housing land', Davenham is already significantly contributing towards such supply. The development of 36 dwellings at Green Lane, Davenham, was completed during 2015, and residential development within the Parish with planning approval is likely to be completed within the next 4 years and within the Plan period. Indeed, work has already commenced in Fountain Lane and Church Street. These 3 developments amount to a total of 122 dwellings.

**2. The claim that the proposed settlement boundary referred to in Policy VC 2 should be reviewed to allocate housing land to ensure that the minimum requirement of 4,300 houses in the Northwich area is met.**

The settlement boundary is drawn tightly around the existing village with the express purpose of limiting future housing development that would be out of scale with the village character and place undue pressure on the local services and infrastructure. The local authority has robustly supported the approach taken by

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the Neighbourhood Plan and is focussing its aspirations for meeting the minimum housing requirement for the wider urban area on previously developed sites that are closer to the urban centre of Northwich, rather than on greenfield sites in peripheral locations.

The local authority comments in this consultation that “the Davenham Neighbourhood Plan does not allocate sites for development for the reasons set out at section 6.1 of the Plan. These reasons include recognising the need to maintain the character and individuality of Davenham required by STRAT 5, the significant contribution that planning commitments located adjacent to Davenham have already made in meeting the requirement and the sensitive nature of the countryside around Davenham which the Plan has designated as protected Local Green Space. This approach is broadly supported by the Council and is considered to be in general conformity with the overall strategy of the Local Plan.”

The local authority also comments that “the approach taken in the Davenham Neighbourhood Plan to define a settlement boundary is in conformity with the supporting text to STRAT 9” and “it is considered that by drawing this boundary, clarity is provided within the Neighbourhood Plan ahead of the adoption of the Local Plan (Part Two) and will provide a clear basis for the application of its policies which was an approach advocated by the Inspector in his report on the Local Plan (Part One).”

### **3. The claim that insufficient justification has been provided for the designation of the Local Green Spaces referred to in Policy VC 3 – particularly Sites 1 and 2 as shown on Figure 5.5.**

The designation of Local Green Spaces has been made by closely following the local authority’s guidance on this matter and reflects the long-term importance of the sites that have been identified remaining undeveloped. The sites are demonstrably of value to the community and should be retained as undeveloped land. The sites are also of importance for maintaining the character of the settlements and further support STRAT 5 of the Local Plan. If appropriate, the criteria against which the sites have been assessed can be referred to in the supporting text to the policy and the analysis of the sites’ characteristics set against the detailed guidance issued by the local authority included as an Appendix.

### **4. The claim that that Policy VC 7 is unnecessary and unjustified and that the requirement that buildings should be of ‘modest height’ is imprecise.**

The outcome that Policy VC7 is seeking to achieve is, at least partly, already covered by existing guidance and practice. However, the inclusion of the policy in the Neighbourhood Plan seeks to give assessment of the impact of building heights a greater prominence than might otherwise be the case, with reference to the existing development in the village and its firmly established character. However, the use of the term “modest” is a little imprecise and the explanatory text could reasonably be expanded upon to indicate what, in this context, the term refers to. The wording “in keeping with existing buildings in the immediate vicinity” within VC7 endeavours to provide further clarification as to what is intended by the term “modest height.”

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**5. The claim that there is no evidence that the proposed requirement in Policy HL 2 that account be taken of specific traffic flows identified in the Plan is based on robust traffic data obtained in normal traffic conditions.**

The Policy clearly indicates that the onus is on the applicant to demonstrate that traffic flows resulting from larger developments can be accommodated. In any event, the implementation of the policy will be subject to the local authority's highway planning and management guidance and expertise through the normal development control processes. However, it is beyond the scope and remit of the Neighbourhood Plan to identify and analyse every possible development proposal and opportunity and undertake a transport and traffic assessment for those circumstances. The policy as proposed might reasonably be edited to refer to 'anticipated traffic flows' rather than "traffic flows identified in the Plan" if it is felt that the wording needs to be amended.

This policy aims to bring to the attention of the developer the large number of school age children transiting the village at school times and it is felt to be relevant to highlight the very cyclic nature of anticipated traffic through the village and ensure that risks at the peak times are addressed.

**6. The claim that Policy S&LN 1 is unnecessary as consultation carried out as part of any planning application would establish whether there was a need for additional infrastructure or a financial contribution towards the provision of this.**

The Neighbourhood Plan provides evidence that the capacity of services and infrastructure is already of concern and that additional developments (particularly housing) that may take place will have to demonstrate that this capacity will be either unaffected or sufficiently improved to accommodate the impact of the new development. The claim that the existing planning application process, that is designed for circumstances that are typical across the whole Borough, adequately addresses the likely service and infrastructure needs of the specific situation in the Neighbourhood Plan area is, perhaps, a misrepresentation of the true position.

**7. The claim that the word 'must' in Policy S&LN 2 should be replaced with the word 'should'.**

The substitution of 'should' for "must" in the policy would weaken its implementation; if the use of "must" is not appropriate, a possible rewording could be along the lines of: "Other than in demonstrably exceptional circumstances, new housing proposals are required to reflect the latest housing need assessment for the Parish ..."

**8. The claim that Policy BS 1 adds nothing to the Plan.**

No further comment.

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**9. The claim that Policy L&PA1 should not specify a threshold of 25 dwellings and that its requirement that 20% of the site area be open space is excessive and unjustified. Such a requirement should be based on site characteristics, the amount of development proposed and the existing supply of open space. Appendix 6 should not include minimum dimensions for landscape buffers.**

The threshold of 25 dwellings is consistent with the existing character and historic development of the settlement. This is discussed in some detail in the Plan. There is always some flexibility to adjust for site characteristics. The character of the settlement is partly defined by the existing and ongoing provision of open space and loosening the requirements of Policy L&PA1 would compromise the preservation and enhancement of that character. The dimensions given in Appendix 6 represent an aspiration and starting point for negotiation; as such they are helpful and appropriate.

**10. The claim that there is no justification for the areas identified referred to in Policy W2 as having 'high or medium ecological value/distinctiveness' and identified in Fig 7.5\*.**

The wording and intent of Policy W2 is the result of extensive work done by Cheshire Wildlife Trust and resulting in a report "Protecting and Enhancing Davenham's Natural Environment" (2015). This provides justification for the areas referred to in Policy W2 being included.

Furthermore, the Environment Agency has provided comments in this consultation that, in their view, the areas selected as having "high distinctiveness" should be extended to include parts of the River Dane or Ship Brook; "the River Dane is one of the few remaining semi-natural watercourses in Cheshire, weaving its way through farmland within the area covered by this neighbourhood plan and so should be provided with protection."

**11. The claim that Policy G1 seeks to pre-empt the planning balance which should be carried out on a case by case basis and that the terms of this policy are not consistent with the National Planning Policy Framework (paragraph 8) in that they assert that some aspects of sustainable development should always be given more weight in the planning balance than others.**

No further comment.

**12. The claim that Policy G2 is unworkable (in that it would be difficult to monitor or enforce) and it is unreasonable (in that many benefits of development, such as infrastructure delivery, are beyond the control of developers).**

Policy G2 is aimed at ensuring that the benefits identified by developers during the planning process are delivered. Such benefits are defined by developers during the planning process on a voluntary basis and are sold as part of the scheme to be delivered. Accepting that a few benefits are dependent on parties other than the developer, the majority of benefits (or their enablers) are not, for example, the provision of schools and infrastructure, use of a local supply chain, providing local jobs during construction, providing open green space and affordable housing. With a strong emphasis within the NPPF being on deliverable plans, it is right and proper that local communities receive all the benefits of a plan claimed at the time of planning and not simply those which may be cherry picked once planning has been granted with no recompense to the local community.

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Para 9 of the NPPF emphasises that sustainable development is about improving the local built, natural or historic environment and Para 17 identifies core principles of the planning process including:

- Principle 2: not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives
- Principle 9: take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it
- Principle 12: take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

Therefore, with the presumption in favour of sustainable development, policy G2 is a creative and deliverable mechanism to ensure that all the benefits are delivered to support a thriving rural community and this policy is a local strategy to improve the health, social and cultural wellbeing for all and deliver the sufficient services to meet local needs. It is further noted that the supporting text to the policy defines a pragmatic and deliverable method of delivery for policy G2.

As such policy G2 is firmly built on the core principles of the NPPF, is a creative local strategy to maximise the benefits of a development for the local community and it is therefore wholly fitting that it is included in the neighbourhood plan.

\*We have contacted Cheshire Wildlife Trust for a higher resolution map identifying the areas of 'high or medium ecological value/distinctiveness' and will forward this as soon as it is provided. We will also send, with a hard copy of this letter, a memory stick containing a copy of the Neighbourhood Plan. This may assist with providing higher resolution figures/maps contained within the Plan.

As recommended, a copy of this letter and your letter dated 19 June will be placed on the Parish Council website.

Yours sincerely

**Neighbourhood Plan Working Group  
Davenham Parish Council**