

**INDEPENDENT EXAMINATION OF THE UPTON-BY-CHESTER & DISTRICT
NEIGHBOURHOOD DEVELOPMENT PLAN 2020-2030**

Examiner: Andrew Mead BSc (Hons) MRTPI MIQ

Sue Stanley
Neighbourhood Plan Steering Group
Upton-by-Chester & District Parish Council

Gemma Droughton
Cheshire West and Chester Council

Examination Ref: 01/AM/UBC&DNDP

4 March 2022

Dear Ms Stanley and Ms Droughton

UPTON-BY-CHESTER & DISTRICT NEIGHBOURHOOD DEVELOPMENT PLAN EXAMINATION

Following the submission of the Upton-by-Chester & District Neighbourhood Development Plan (the Plan) for examination, I would like to clarify several initial procedural matters. I also have a number of questions for Upton-by-Chester & District Parish Council (the Qualifying Body) and Cheshire West and Chester Council (the Local Authority), to which I would like to receive a written response(s) by **Friday 18 March 2022**.

1. Examination Documentation

I can confirm that I am satisfied that I have received a complete submission of the draft Plan and accompanying documentation, including the Basic Conditions Statement, the Consultation Statement, the Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Determination and the Regulation 16 representations, to enable me to undertake the examination.

Subject to my detailed assessment of the draft Plan, I have not at this initial stage identified any very significant and obvious flaws in the Plan that might lead me to advise that the examination should not proceed.

2. Site Visit

I will aim to carry out a site visit to the neighbourhood plan area in the week beginning 7 March 2022. The site visit will assist in my assessment of the draft Plan, including the issues identified in the representations.

The visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process.

I may have some additional questions, following my site visit, which I will set out in writing should I require any further clarification.

3. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

4. Further Clarification

From my initial assessment of the Plan and supporting documents, I have identified a number of matters where I require some additional information from the Parish Council and the Local Authority.

I have ten questions seeking further clarification, which I have set out in the Annex to this letter. I would be grateful if you can seek to provide a written response(s) by **Friday 18 March 2022**.

5. Examination Timetable

As you will be aware, the intention is to examine the Plan (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within 4-6 weeks of submission of the draft Plan. However, as I have raised seven questions, I must provide you with sufficient opportunity to reply. Consequentially, the examination timetable will be extended. Please be assured that I will aim to mitigate any delay as far as is practicable. The IPE office team will seek to keep you updated on the anticipated delivery date of the draft report.

If you have any process questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure that a copy of this letter is placed on the Parish Council and Local Authority websites.

Thank you in advance for your assistance.

Your sincerely

Andrew Mead

Examiner

ANNEX

From my initial reading of the Plan and the supporting evidence, I have the following questions for Upton-by-Chester & District Parish Council (UBC&DPC) and Cheshire West and Chester Council (CWaCC). I have requested the submission of responses **by Friday 18 March**, although an earlier response would be much appreciated.

Questions to UBC&DPC (1-4)

1. The documents relating to the Plan refer to various versions of the title. For example, the Basic Conditions Statement (BCS) refers to the Upton-by-Chester, Bache and Moston Neighbourhood Development Plan. This has been abbreviated to the Upton-by-Chester & District Neighbourhood Plan on the front cover of the BCS and the Plan. Occasionally, within the Plan, reference is made to the Upton Neighbourhood Plan. This inconsistency should be avoided and I suggest that the title should be the Upton-by-Chester & District Neighbourhood Development Plan (and shortened to the UNDP, or the Plan, within my report). Does the UBC&DPC agree and if not, what is its preferred alternative?
2. CWaCC has suggested that Policy E2 of the Plan is not intended to include support for retail and restaurant uses which fall within Class E. Is this correct?
3. Should Policy PC3 of the Plan include references to Local Plan (Part One) Policy SOC6 and Local Plan (Part Two) Policy DM36? See the Regulation 16 representation from Sport England.
4. Policy D1 of the Plan includes a reference to Building for a Healthy Lifestyle Assessment (second bullet point). Should the policy also include a reference to Sport England's "Active Design"?

Question to CWaCC (5-9)

5. I note that the date of the consultation of statutory consultees on the SEA Screening and HRA Screening was 30/9/20. Please could I be informed of the dates of the individual responses?
6. It seems to me that within the area of the Plan, land is either inside the Chester settlement area or, if outside, it is in the Green Belt. Is that correct?
7. Proposed Local Green Space (LGS) 2 is within the Green Belt, but it is also within the area covered by Cheshire West and Chester Local Plan (Part Two) Policies GBC1 and GBC 1.B (Countess of Chester Health Park), which is a major developed site in the Green Belt. Is that correct?
8. Policy DM19 of the Local Plan (Part Two) considers proposals for residential development. The policy contains three sub-headings: Identified Settlements; Countryside; Green Belt. Assuming the built-up area of the Plan is within the Chester settlement area, is Upton-by-Chester an Identified Settlement to which Policy DM19 would apply?
9. Policy H1 of the Plan states that "*small-scale housing development will be supported in principle, provided that it is environmentally sustainable*". Should I assume that this element of Policy H1 is subject to Green Belt constraints as indicated in Local Plan (Part Two) Policy DM19?

Question to both Councils (10)

10. Should either Council choose, I would welcome any comments on the questions not directed to them in the first instance.