

Planning Policy

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Date: 13 January 2021

Dear Mr Mead,

Cheshire West and Chester – Response to Examiner’s Questions Utkinton and Cotebrook Neighbourhood Plan Examination

Further to your letter dated 22nd December 2020, please find below a response from the Council to your questions. Utkinton and Cotebrook Parish Council will provide a response to their questions under a separate cover. Whilst question 1 is directed to the Parish Council, we have also responded to this question.

1. Consultation Statement 2020.

Questions to UCPC

- a. Please would the UCPC confirm that the Regulation 14 Consultation took place between 17 October and 30 November 2019, and confirm the number of representations received?**

CWAC response:

It is our understanding that the regulation 14 consultation, including the statutory consultees, took place: Wednesday 16th October 2019 – Wednesday 4th December 2019. We provided the Parish Council with details of the relevant statutory consultees and responded on 3rd December 2019. We note there is a factual error on the dates in para 9.6 of the Consultation Statement.



b. One of the representations received was from Cheshire West and Chester Council (CWaCC). Please may I see a copy?

CWAC response:

We attach a copy of the Cheshire West and Chester letter and annotated Plan comments made at the Regulation 14 stage, sent 3rd December 2019. In addition, we have provided informal advice on the preparation of the Plan.

2. Policy 4

Question to CWaCC

The Regulation 16 representations from CWaCC note that “some land is designated open space in the local plan, strategic policy SOC6.” Please could this be explained/identified? Policy SOC6 does not designate any land, although it considers generally various categories such as open space, sport or recreation facilities.

CWAC response:

Local Plan (Part One) Strategic Policies (LPP1), policy SOC6 can be viewed at:
http://consult.cheshirewestandchester.gov.uk/portal/cwc_ldf/adopted_cwac_lp/lp_1_adopted?pointId=1419339111265#section-1419339111265

LPP1 Paragraph 7.36 advises this will be supported through the Local Plan (Part Two) Land Allocations and Detailed Policies (LPP2). LPP2 policy DM35 provides further information:
https://consult.cheshirewestandchester.gov.uk/portal/cwc_ldf/adopted_cwac_lp/parttwo_adopted?pointId=s1561545628406#section-s1561545628406

LPP2 paragraph 14.4 refers to the open spaces identified on the policies map; these are attached for reference for (i) Utkinton SOC6 and R1 map, and (ii) Cotebrook SOC6 map. These open spaces are;

- Utkinton: Tennis courts / multi sports area behind Utkinton Village Hall (referenced in NDP policy 4b)
- Utkinton: Playing field opposite Utkinton primary school (referenced in NDP policy 4e)
- Cotebrook: St John and the Holy Cross Church (referenced in NDP policy 4f)

The CWAC response is seeking a factual amendment to the plan to acknowledge policy requirements of LPP1 SOC6 and LPP2 DM35 in the explanation. We have no objection to them being identified in a policy on community assets, which seeks to improve these facilities.

4. Policies 9 & 10

Question to CWaCC

The CWaCC Regulation 16 representations in relation to both Policies 9 & 10 refer to the CWaCC ecological network. Paragraph 16.9 of the Local Plan Part Two explains

the ecological network in greater detail. To what extent, if any, does Figure 18 in the UCNP conflict with the network? Does CWaCC envisage the mapped ecological network replacing the plans produced by the Cheshire Wildlife Trust (CWT), one of which is used as Figure 18 in the UCNP?

CWAC response:

We attach a map of the CWAC ecological network for the Utkinton and Cotebrook Neighbourhood Area, as shown under strategic policy DM44 of the Local Plan (Part Two) Land Allocations and Detailed policies. This shows the following components of the network; corridors and stepping stones, and restoration areas. The remaining land outside these areas, are sustainable land use areas. This is also shown on the borough wide local plan interactive policies map.

The NDP map shown in Figure 18 refers to habitat distinctiveness; this terminology is not used in the strategic local plan policies. We are seeking a change to more closely align with the borough wide ecological network, to provide assistance to decision makers. On Figure 18 the areas of high distinctiveness do not fully align with the corridors and stepping stones or the restoration areas shown in the local plan.

The evidence report 'Protecting and enhancing Utkinton and Cotebrooks Natural Environment' (CWT) is still relevant and complimentary to the CWAC evidence. We support reference to this work in the NDP, alongside the CWAC ecological network. We would suggest replacing Figure 18 in the NDP with the map attached to this response.

The Council is in the process of preparing a Guidance Note on Ecological Networks which it is anticipated will provide further advice to developers, applicants, landowners and neighbourhood plan groups on the application of these strategic policies.

5. Policy 11

Question to CWaCC

- a. The CWaCC Regulation 16 representations query the justification for some of the proposed LGS and their special value to the local community. Which specific sites are those criticisms aimed at?**

CWAC response:

We would like more information on the methodology used in identifying the proposed protected local greenspace designations; how they have been identified, assessed or what consultation has taken place with landowners, to meet the requirements of NPPF paragraph 99-101 and Planning Practice Guidance. The Council's Housing and Economic Land Availability Assessment (HELAA) is part of the background evidence for the local plan and associated settlement boundaries. These are not directly relevant to the designation of protected local greenspace.

The Council provided comments at pre-submission stage (regulation 14) on the two sites put forward. We provided a link to the Council's advice on designating Protected Local

Greenspace through Neighbourhood Plans available at:
<http://consult.cheshirewestandchester.gov.uk/file/4229861>

Four additional protected local greenspaces were included into the Plan following the pre-submission consultation. The NDP page 52-53 and table 2 provides information on the suggested protected local greenspaces.

Protected local greenspaces should be capable of enduring beyond the plan period (NPPF para 99). Under current local plan policy, there are no housing requirements for Utkinton as a local service centre. There are no land allocations made for additional housing development in Utkinton, although local plan policies allow for rural exception sites adjacent to identified settlements. The land outside the settlement boundary is protected under STRAT9 countryside, LPP1 ENV2 Landscape and LPP2 GBC2 Area of Special County Value. The justification for protected local greenspace designations, equivalent to green belt, should be clear. We note that longer term, the cumulative nature of the proposed protected local greenspaces around Utkinton may limit long term development opportunities (NPPF para 101).

The CWAC comments seek clarity on the methodology for site identification and has the following comments on each site;

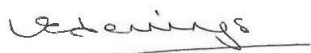
Location	Area	CWAC Comments
Land at Quarry Bank (NDP figure 25)	3.35ha	<p>This is a large site on the edge of the Utkinton settlement boundary. It is classed as STRAT9 countryside and part of the Area of Special County Value designated under LPP2 policy GBC2.</p> <p>We would query whether this scale of protected local greenspace is local in character and not an extensive tract of land, under NPPF para 100(c).</p>
Cotebrook former school (NDP figure 21)	0.12ha	<p>NDP table 2, justification refers to affordable housing and a withdrawn planning application. The land is in private ownership. More information on why this site is demonstrably special to the local community could be provided, in line with NPPF para 100(a) and 100(b).</p>
Land off John St (north of village hall) (NDP Figure 22)	0.3ha	<p>Table 2 'demonstration of special value to the local community' states "<i>The site is within a conservation area and represents a focal point in the village</i>". This is factually incorrect, there are no conservation areas in Utkinton.</p> <p>The map boundary does not follow field boundaries or other natural features, it is unclear how this has been determined. This is adjacent to the land around the war memorial (shown figure 22) and the cumulative</p>

Location	Area	CWAC Comments
		<p>impact of these protected local greenspaces should be considered in relation to NPPF paragraph 100(c).</p> <p>We recognise this could be covered through a policy on the key views/vistas.</p> <p>The field is outside the settlement boundary and protected under local plan policies on STRAT9 countryside, ENV2 landscape and GBC2 Protection of Landscape (Area of Special County Value).</p>
Land around the war memorial (John St opposite Quarry Bank) (NDP Figure 23)	0.8ha	<p>The proposed boundary relates to the open fields to the west of the war memorial site. As drawn, it does not include the war memorial itself. We would query whether, if the examiner accepts the greenspace designation, the boundary should be drawn to include the war memorial and seating area, as this has special significance to the local community and used for ceremonies and remembrance. We would agree the war memorial would meet NPPF criteria 100(a) and 100(b).</p> <p>We seek advice from the Examiner on the inclusion of the wider field, in terms of NPPF para 100(c) and whether this is local in character or an extensive tract of land. The map boundary does not seem to follow field boundaries or other natural features, it is unclear how this has been determined. There is a need to consider this cumulatively alongside the above site shown in figure 22.</p> <p>We recognise the local value of the open aspect from the road and would support the inclusion of the field under a key/views vistas policy.</p> <p>The field is outside the settlement boundary and protected under local plan policies on STRAT9 countryside, ENV2 landscape and GBC2 Protection of Landscape (Area of Special County Value).</p>
Northgate Field (known locally as the 'donkey field') Adjacent to Rose Farm shop	0.9ha	<p>Land identified at pre-submission consultation (regulation 14).</p> <p>The land is in private ownership. The site has been the subject of a planning application and appeal¹. The appeal decision relates to the effect on the character and appearance of the area within the ASCV. The</p>

¹ APP/A0665/W/18/3196169 Land South of Northgate, Utkinton, Tarporley Cheshire

Location	Area	CWAC Comments
		<p>appeal decision references the semi-rural character and relative tranquillity of this part of the ASCV. It states that <i>Whilst the site is located near to existing residential development of varying character and to the complex at Rose Farm, its rural character, elevated topography and position at the edge of the village means that it is highly prominent and sensitive to change (para 12).</i></p> <p>In relation to the protected local greenspace designation, this could align with NPPF paragraph 100(a) being close to the community i.e. residential properties and the Rose Farm complex, paragraph 100(b) it holds a local significance due to the landscape value and relative tranquillity. With regard to paragraph 100(c) the site boundaries are more clearly defined by hedgerows, trees and sandstone walls, although it adjoins more open areas of countryside to the east. It would be a relatively large-scale designation for the size of the local service centre.</p>
Cotebrook - Area to the rear of Woodlands Close (Known locally as the village green)	0.13	<p>Land identified at pre-submission consultation (regulation 14).</p> <p>Comments provided from the Council's Property team as landowner at Regulation 14 and 16. We have no objection in principle to this designation.</p>

Yours sincerely



Lyndsay Jennings - Senior Planning Officer

Attached:

1. CWAC response to Regulation 14 Consultation (letter and annotated plan)
2. Utkinton SOC6 and R1 map
3. Cotebrook SOC6 map
4. Suggested replacement NDP Figure 18 – CWAC ecological network (DM 44) within Utkinton and Cotebrook Neighbourhood Are