
Report to Cheshire West and Chester Council

by Kevin Ward BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 15 December 2014

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION INTO THE CHESHIRE WEST AND CHESTER LOCAL PLAN (PART ONE) STRATEGIC POLICIES

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Examination hearings held between 17 June and 4 July 2014

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Abbreviations used in this report

AA	Appropriate Assessment
CHWEM	Cheshire, Halton and Warrington Econometric Model
DCLG	Department for Communities and Local Government
ELSU	Employment Land Study Update
HMA	Housing Market Area
HMO	House in Multiple Occupation
LDS	Local Development Scheme
LEP	Local Enterprise Partnership
MM	Main Modification
NPPF	National Planning Policy Framework
OAN	Objectively assessed need for housing
PPG	Planning Practice Guidance
RRS	Rural Regeneration Strategy and Action Plan
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment

Non-Technical Summary

This report concludes that the Cheshire West and Chester Local Plan (Part One) Strategic Policies provides an appropriate basis for the planning of the Borough subject to a number of modifications being made. The Council has specifically requested me to recommend any modifications necessary to enable the plan to be adopted.

The Council has provided the detailed wording for the modifications, a number of which are based on suggestions it put forward during the examination. I have recommended their inclusion after considering the representations from other parties on these issues.

The main modifications can be summarised as follows:

- Make it clear that figures for housing and employment land provision are considered as minima and that the overall supply of housing land will need to take account of losses/demolitions; and
- Clarify the approach to settlements in the Rural Area and their role in accommodating development; and
- Strengthen the policy wording in relation to the historic environment and in particular the potential effect of development on the edge of Chester on its character and setting; and
- For Ellesmere Port, increase the potential capacity on the strategic site at Ledsham Road, delete references to the broad location for development at the Waterfront/Ellesmere Quays and clarify the approach to employment land; and
- Clarify the scale of development likely during the plan period on the strategic site at the Station Quarter Urban Extension in Winsford; and
- Clarify the proposed approach to the definition of settlement boundaries and the countryside; and
- Amend a number of policies to ensure that they are effective by providing necessary clarity and/or flexibility, that they are justified by up to date evidence and are consistent with national policy; and
- Include a clear and realistic housing trajectory; and
- Include an effective monitoring framework in the Plan itself; and
- Add to the list of existing Local Plan policies to be retained to ensure an adequate policy framework is in place pending the adoption of the Local Plan Part Two Land Allocations and Detailed Policies.

Introduction

1. This report contains my assessment of the Cheshire West and Chester Local Plan (Part One) Strategic Policies (the Plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Council has complied with the duty to co-operate in relation to the preparation of the Plan, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. Paragraph 182 of the National Planning Policy Framework (NPPF) makes it clear that to be sound a local plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the Council has submitted what it considers to be a sound plan. The basis for my examination is the Submitted Plan (December 2013) which is the same as the Publication Draft Plan of September 2013.
3. In accordance with section 20(7C) of the 2004 Act, the Council requested that I recommend any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. This report deals with the main modifications that are needed to make the Plan sound and they are identified in bold in the report (**MM**). These main modifications are set out in the Appendix.
4. The main modifications all relate to matters that were discussed at the examination hearings. The Council has provided the detailed wording of the main modifications, a number of which are based on suggestions it put forward during the examination.
5. The main modifications have been subject to public consultation and Sustainability Appraisal (SA) and I have taken account of consultation responses and the findings of the SA in writing this report.
6. On reflection, in the light of comments received on the proposed main modification to Policy ENV 5, I consider that the proposed additional third paragraph lacked sufficient clarity and would not have been fully consistent with national policy. I have therefore amended it accordingly. This is a detailed matter which does not affect the substance of the policy and I am satisfied that it would not prejudice the interests of any party.
7. Whilst the Plan includes a limited number of strategic housing site allocations, it will be followed by the Local Plan (Part Two) Land Allocations and Detailed Policies Plan (the Local Plan Part Two). The Local Plan Part Two will set out more detailed policies to guide and control development and will provide the opportunity to allocate sites for development. A number of issues and site specific matters raised through representations on the Publication Draft Plan would be more appropriately dealt with through the Local Plan Part Two.

Assessment of duty to co-operate

8. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A of the 2004 Act in relation to the preparation of the Plan.
9. As is often the case, the issue of overall housing provision was of key concern to a number of those who made representations in respect of the Council's compliance with the duty to co-operate.
10. In terms of the extent of the Housing Market Area (HMA), the Council considers that this corresponds with the Borough boundary. It has sought to identify the objectively assessed need (OAN) for housing on this basis. This approach is in line with the findings of the 2013 Strategic Housing Market Assessment (the SHMA).
11. The national Planning Practice Guidance (PPG) recognises that a range of factors can be used to identify HMAs. In some cases HMAs may correspond with functional economic areas and many will cut across local authority boundaries. In terms of using data on household migration to identify HMAs, the PPG refers to areas within which a relatively high proportion of moves are contained and indicates that this would typically be 70%, excluding long distance moves, for example due to retirement.
12. Analysis contained within the SHMA indicates that approximately 66% of those who had moved in the previous five years had moved within the Borough. Of those intending to move in the next five years, approximately 71% planned to move within the Borough. The figures include long distance moves. Approximately 65% of economically active heads of household worked within the Borough.
13. There are clearly housing market interactions with other areas, notably Cheshire East, Wirral and Flintshire. There are also differences in average house prices across the Borough with higher values being associated with more rural areas east and south of Chester and reflective of those in similar areas within Cheshire East. However, such characteristics of the housing market are not unexpected given the extensive, largely rural nature of the Borough and its position in relation to other authorities.
14. The Council recognises wider economic links with other authorities and the Local Enterprise Partnership (LEP) also includes Cheshire East and Warrington. However, there is no evidence to suggest that the definition of the LEP area is based on housing market factors or that it provides an appropriate basis for the HMA. Furthermore, the Inspector's report on the Warrington Local Plan Core Strategy (published May 2014), concludes that Warrington is correctly identified as being part of the Mid-Mersey HMA along with Halton and St Helens.
15. The definition of a HMA requires an element of judgement and pragmatism. Taking all of the relevant factors into account, I consider that available evidence supports the view that the Borough can be described as a largely self-contained HMA. There is no evidence which would substantiate a specific alternative boundary for the HMA and there is nothing in the PPG to suggest

that in some cases, a single local authority area could not form the HMA. None of the other local authorities have questioned the Council's approach or suggested that the HMA should extend beyond the Borough.

16. On this basis, it has not been necessary for the Council to seek to identify the objectively assessed need for housing beyond its own boundary or to undertake work on a joint SHMA with other authorities. I deal with overall housing provision in terms of soundness in more detail below, however I am satisfied that the Borough can meet its own housing needs. There is no substantive evidence of unmet housing needs from neighbouring authorities. None of the other authorities have questioned the proposed level of housing provision in the Plan and none have suggested that they will have unmet needs that should be accommodated in the Borough.
17. The Council has demonstrated a history of good working relationships with other authorities and relevant organisations during the preparation of the Plan. There are mechanisms for co-operation at both officer and member level on a range of issues and particularly strong links in terms of the economy through the LEP.
18. Other authorities and organisations have been involved at key stages in the preparation of the Plan and there are a number of examples of cross boundary joint working such as on economic strategies, green infrastructure and Gypsy, Traveller and Travelling Showpeople Accommodation.
19. There are no unresolved issues with other authorities or relevant organisations in terms of strategic matters and none of them raised concerns over the Council's compliance with the duty to co-operate.
20. In overall terms I am satisfied that in respect of strategic matters, the Council has engaged constructively, actively and on an ongoing basis in the preparation of the Plan. I conclude that the Council has complied with the duty to co-operate.

Assessment of Soundness

Main Issues

21. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified the following main issues upon which the soundness of the Plan depends.

Issue 1 – Whether the Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to the overall provision for housing and employment, the settlement hierarchy and sustainable development

Overall provision for housing

22. Paragraph 47 of the NPPF sets out the clear policy objective of boosting significantly the supply of housing. Paragraph 154 emphasises the need for local plans to be aspirational but realistic.

23. Local planning authorities should use their evidence base to ensure that the local plan meets the full, OAN for market and affordable housing in the HMA, as far as is consistent with the policies in the NPPF (NPPF Para 47).
24. Put simply, for a local plan to be considered sound in terms of overall housing provision it is first of all necessary to have identified the OAN for housing in the HMA. Having done this it is necessary to seek to meet this need in full. As set out above, I consider that the HMA corresponds with the Borough boundary.
25. As the PPG recognises, establishing future need for housing is not an exact science. This point is illustrated well by the wide range of alternative figures put forward by various parties to the examination.
26. The PPG emphasises that household projections published by the Department for Communities and Local Government (DCLG) provide the starting point for the estimate of OAN. It is clear however that there may be other factors which can be taken into account.
27. The Plan seeks to make provision for in the region of 22,000 new dwellings in the Borough between 2010 and 2030 (an average of 1,100 per year). The Council considers that this figure is the OAN for housing having considered a number of alternative scenarios through demographic modelling.
28. The DCLG 2008-based household projections indicated a need for approximately 800 dwellings per year in the Borough. The DCLG 2011-based interim household projections indicate a need for approximately 500 dwellings per year. The 2012-based subnational population projections (published in May 2014) show a lower level of population growth for the Borough than previous projections. On the face of it, this could indicate a level of growth in the number of households below that in the 2011-based interim projections.
29. The 2011-based interim household projections only cover a ten year period up to 2021. In addition there are concerns regarding the extent to which they were influenced by economic circumstances and conditions in the housing market and specifically how this may have suppressed household formation rates. Whilst various approaches are put forward to address these concerns, it is clear that some caution needs to be applied in using the 2011-based interim household projections and it is not appropriate to simply roll them forward beyond 2021 without further analysis.
30. The extent to which the 2008-based household projections can be used to assess housing needs is also subject to considerable debate, particularly in relation to whether longer term trends in household formation rates may return and if so over what time period.
31. In addition to these wider issues in respect of the use of DCLG household projections, the Council points to market signals and the need for affordable homes, along with the need to support economic growth through increasing population and labour supply as factors influencing the OAN and justifying a figure significantly in excess of the DCLG projections (both 2008 and 2011-based).
32. The alternatives for OAN assessed by the Council (set out in the Strategy and

Housing Background Paper - KSD1) considered a range of demographic, dwelling led and employment growth scenarios. The modelling results in potential figures for OAN ranging from 300 dwellings per year (based on migration rates) to 2,400 dwellings per year (based on 1.2% average annual jobs growth) and identifies the implications in terms of migration, population change, labour supply and jobs.

33. The modelling suggests that 1,100 dwellings per year would see population growth of 33,900 between 2010 and 2030 (annual average 1,700) and average annual net in-migration of 1,300. It would imply an increase of 13,700 jobs between 2010 and 2030 (annual average 700) and an increase in labour supply of 16,900 (annual average 800)¹. These figures are broadly similar and indeed slightly above those resulting from a scenario based on 0.4% annual jobs growth.
34. To put this in context the 2012-based subnational population projections show an increase of only 13,100 in the Borough's population between 2012 and 2030 (annual average 700). Population growth between 1991 and 2010 averaged 900 per year and between 2010 and 2012 it averaged only 300 per year. Net in-migration averaged 500 per year between 1991 and 2010 and 300 per year between 2010 and 2012.
35. The pattern of past jobs growth has fluctuated with economic cycles. Whilst there was strong growth between 1991 and 1998 (annual average increase in employees 2,100) and between 1998 and 2008 (annual average increase in employees 1,200), the period since 2008 has seen a decline in the number of employees (annual average decreases of 1,700 between 2008 and 2010 and 700 between 2010 and 2012). The long term trend between 1984 and 2012 saw an average annual growth in employees of 800. The Cheshire, Halton and Warrington Econometric Model (CHWEM) baseline projection is for an average of 0.1% annual growth in employment. The projection based on this scenario would see jobs growth averaging 200 per year and an annual average need for 800 dwellings.
36. Analysis in the SHMA confirms that average house prices in the Borough have remained consistently above those in the North West as a whole. In terms of the ratio of house prices to incomes it is one of the least affordable areas in the North West (ranked 8th out of 39 authorities with lower quartile house prices being 6.6 times lower quartile income). The SHMA identifies an annual need for 714 affordable dwellings in the Borough².
37. Past housing completions have consistently been well below the level required by the now revoked Regional Strategy. Restraint policies were applied between 2004 and 2008³ with the intention of managing the supply of housing land. Annual average completions saw a noticeable decline after 2006, although the specific effect of these restraint policies is unclear given that a significant stock of planning permissions remained and taking into account wider economic circumstances and conditions in the housing market.

¹ All figures relating to population and employment projections rounded to nearest 100

² This is based on addressing the backlog of need within five years. The figure would be reduced if the backlog were cleared over a longer time period.

³ By the three former Councils of Vale Royal, Chester and Ellesmere Port and Neston

38. On the basis of the Council's modelling, scenarios involving an OAN of approximately 800 dwellings per year (2008-based household projections and CHWEM baseline) would see population growth similar to past trends and above the 2012-based subnational population projections. However, they would result in a very modest increase in jobs, substantially below the long term trend. Such a figure would also limit the opportunity to address issues of affordability and respond to market signals. Scenarios based on an even lower OAN, including 500 dwellings per year as indicated by the 2011-based interim household projections would see population growth below past trends and the 2012-based subnational population projections and no growth or even a decline in jobs. They would also further reduce the scope to address affordability and respond to market signals.
39. Scenarios involving an OAN above 1,100 dwellings per year would, according to the modelling exercise, result in higher rates of job growth and increases in labour supply. They would require significantly higher population growth and levels of net in-migration however. For instance the 1,300 dwelling per year scenario would require the population to increase by some 44,000 between 2010 and 2030 (annual average 2,200) and average annual net in-migration of 1,700.
40. Predicting future levels of economic/jobs growth is notoriously difficult, particularly under current circumstances when the economic recovery is still in its early days. There are various economic strategies prepared by the Council itself or jointly through the LEP which contain targets for job creation and housing provision. As a general point, it is important to bear in mind that these are targets in what are clearly aspirational strategies. They are not intended to be objective assessments of need in the same sense as those required for plan making and have not been derived from the same level of analysis and modelling. Targets for jobs and housing in the LEP documents are for Cheshire and Warrington as a whole, and do not identify individual figures for the Borough.
41. The Council's most up to date position on economic growth is set out in "Altogether Better for Business- An Economic Growth Strategy for West Cheshire" (LEB14). This sets out targets for 5,000 new jobs and 7,300 homes between 2013 and 2018. Longer term targets are set out in the "Altogether Better West Cheshire Operational Plan" (ED33). This includes an "ambition" for 19,000 jobs and 21,000 homes by 2030. Again it must be emphasised that these are not intended to be objective assessments of need. It is also not clear whether they refer to gross or net job targets and the latest strategy looks forward over a much shorter time frame than the Plan. Whilst they provide some context, such targets cannot be directly compared with more detailed modelling undertaken to form an assessment of OAN for housing. Bearing in mind these factors I consider that the Council's approach to OAN is broadly consistent with these strategies.
42. The Council's approach towards the level of jobs growth and the relationship with housing provision is clear and consistent with the modelling exercise (see Para 5.1 of the Plan). There is not a direct relationship between the amount of land proposed for employment development (Use classes B1, B2 and B8) and the jobs growth figure used to inform OAN for housing. The employment land

figure was derived from analysis of past take up rates and is intended to ensure a choice of sites in a variety of locations. Unlike the jobs growth figure, it is not intended to cover all forms of employment.

43. In order to support the level of jobs growth anticipated, the Council assumes a continued increase in economic activity rates for older age groups which limits the need for even greater net in-migration. Given increasing life expectancy, changes to state pension ages and evidence from the Census I consider that the Council has made reasonable assumptions in this respect.
44. The Council's modelling exercise assumes that household formation rates will remain constant (at their 2021 level) from 2021 to 2030. As noted above, the extent to which longer term, higher rates of household formation may return and over what time period is subject to considerable debate. There is clearly a case to be made for the assumption that the rate of household formation will increase as economic conditions continue to improve and the housing market gathers strength. On the other hand the Council points to a number of factors such as continuing issues with wages in real terms and changes to higher education funding which may affect household formation, particularly amongst younger age groups.
45. It is possible that the Council has under-estimated future growth in household formation beyond 2021. On balance however, I consider that it has taken a reasonable and plausible approach on this issue. In any case, it needs to be remembered that the Council's assumptions on population growth and net in-migration are optimistic compared with trends and projections and the OAN of 1,100 dwellings per year is significantly above the starting point provided by DCLG household projections.
46. Taking all of the above into account, I consider that there is a sound basis for the OAN to be higher than that indicated by DCLG household projections in order to factor in economic growth, take sufficient account of market signals and address the need for affordable housing. The figure of 1,100 dwellings per year is optimistic and aspirational in terms of growth and would be sufficient to have a significant positive effect on the provision of affordable housing and respond to market signals. It is however in my view also realistic in respect of jobs growth and the implications for in-migration and population change.
47. It is not possible to identify a specific tipping point when aspirations for growth become unrealistic. However I consider that in broad terms, taking account of background trends and projections, figures for OAN much above 1,100 dwellings per year would fall into this category.
48. I conclude therefore that the OAN for the Borough is 1,100 dwellings per year (22,000 dwellings between 2010 and 2030). Whilst the Plan is based on meeting this need, it is not clear from Policy STRAT 2 that the figure for new dwellings is to be regarded as a minimum. In addition, the Plan fails to recognise that this is a net figure. On the basis of recent trends, it is anticipated that approximately 50 dwellings per year may be lost or demolished. Main modification **MM2** would provide necessary clarity in these respects. Subject to this main modification the Plan has been positively prepared and is justified, effective and consistent with national policy in

respect of overall housing provision.

Overall provision for employment

49. Policy STRAT 2 of the submitted Plan seeks to deliver in the region of 300ha of land for employment development between 2010 and 2030. The Council's approach is based on the Employment Land Study Update 2013 (ELSU) which indicates that a portfolio of 290-368ha of employment land should be provided up to 2030. The Council accepted that this range of provision related to 2013-2030 and to clarify matters suggested that Policy STRAT 2 should refer to 365ha of employment land between 2010 and 2030 (given that 65ha of employment land had been developed between 2010 and 2013).
50. As recognised above, it is not the intention for employment land provision to directly reflect the Council's overall jobs growth target used to inform the OAN for housing. The figure of 290ha of employment land provision identified in the ELSU is derived from analysis of past take up rates using an annual average of 17ha. This represents the mid-point between gross and net take up rates. The higher end of the range (368ha) is based on applying a flexibility factor of 27%. This flexibility factor stems from the former Regional Strategy.
51. The ELSU recognises that CHWEM forecasts indicate substantially lower employment land requirements than those based on past take up rates. The Council estimate that 300ha of employment land could potentially deliver in the order of 20,000 jobs if it was all developed. Whilst there is no direct relationship between the amount of employment land to be provided and the overall jobs growth target used to inform OAN for housing (13,700), the provision of 300ha of land between 2013 and 2030 would provide considerable flexibility and choice.
52. I am satisfied that the ELSU provides a robust evidence base for overall provision of employment land in the Borough. Subject to clarification that the provision of 300ha of employment land relates to 2013-2030 (365ha being the figure for 2010-2030) and that the figure is to be regarded as a minimum, I consider that the Plan is consistent with this evidence base.
53. The Council takes a realistic view of the supply of employment land, taking into account particular site specific issues and constraints and the prospects for such land being developed for other purposes. The ELSU considers that the worst case scenario would reduce the supply from a realistic level of some 316ha to approximately 222ha (the Council's further note on Employment Land - ED72 estimates worst case scenario supply at 224ha). The Plan seeks additional provision at Northwich, Winsford and in the Rural Area totalling some 75ha. On this basis I am satisfied that the Plan will provide for an adequate realistic supply of employment land in the Borough. The Local Plan Part Two will give the opportunity to review and potentially replace existing employment land allocations to ensure an adequate supply of suitable land is maintained.
54. Main modification **MM2** would clarify that total provision of employment land for 2010-2030 would be at least 365ha and is required to ensure that the Plan is effective and reflects the evidence base. Subject to this modification the

Plan has been positively prepared and is justified, effective and consistent with national policy in respect of overall provision for employment.

The settlement hierarchy

55. The Plan seeks to locate the majority of new development at Chester, Ellesmere Port, Northwich and Winsford. Approximately 80% of new housing in the Borough is intended to be developed in these main urban areas. They are the largest settlements in the Borough by some way, provide the main opportunities for employment, retailing and social and community facilities and act as focal points for public transport. They possess the greatest capacity to accommodate new development.
56. Although Chester is the largest of the urban areas and has a particular role in terms of employment, tourism and higher education, I see no benefit in identifying it separately in the settlement hierarchy. Policies STRAT 3 to STRAT 6 set out detailed, specific approaches for each of the urban areas, including the scale of development envisaged. I deal with each of these policies in more detail below.
57. Beyond the main urban areas, the Plan seeks to focus development in the Rural Area on ten Key Service Centres. They are the largest settlements in the Rural Area and provide a range of services and facilities for surrounding areas. Again, whilst there are differences in their size and particular level of services available, I see no need to create a further category in the settlement hierarchy. Policy STRAT 8 deals with the key issue of the scale of housing in these individual settlements and I address this in more detail below.
58. The Plan recognises that there are a number of other smaller rural settlements which have a basic level of services and access to public transport and which could accommodate small scale development. It is intended that these Local Service Centres will be identified in the Local Plan Part Two. I see some merit in the argument that the Local Service Centres should be identified in this Plan, in order to provide greater certainty and guidance for the Local Plan Part Two and bearing in mind that the submitted Plan proposes that approximately 45% of the housing provision in the Rural Area will be delivered outside of Key Service Centres.
59. However, there is a significant stock of existing commitments⁴ in the Rural Area (3,300 dwellings at April 2014). Taking account of completions (875 between 2010 and 2014), there is little if any need for additional land to be identified for housing on the basis of the planned provision of 4,200 dwellings in the Rural Area. The distribution of housing development in the Rural Area and the role to be played by individual settlements is to a large extent already established. Under these circumstances, it is appropriate to leave the identification of Local Service Centres to the Local Plan Part Two.
60. I consider that the settlement hierarchy based on main urban areas, Key Service Centres and Local Service Centres is appropriate and justified by evidence. The Plan rightly seeks to focus development on the larger settlements which possess the greatest range of services and facilities,

⁴ Commitments are sites with planning permission or awaiting S106 agreements

employment opportunities and access to public transport and have the greatest potential to accommodate development.

61. Policy STRAT 2 is however insufficiently clear with regard to the identification of Local Service Centres and their role in meeting development needs. Main modification **MM2** would address this concern.
62. Whilst Middlewich is within Cheshire East, its built up area is tightly enclosed to the east, west and north by the Borough boundary. Policy STRAT 7 commits the Council to close working with Cheshire East Council in planning for development in and around Middlewich and if justified allocating land on the edge of the town, but within Cheshire West and Chester, in the Local Plan Part Two. As noted above, Cheshire East Council has not identified unmet development needs that it considers should be met in Cheshire West and Chester and there is no substantive evidence that such unmet needs exist. However, Policy STRAT 7 provides a basis to deal with that situation should it arise and an important element of flexibility.
63. Subject to main modification **MM2** the Plan has been positively prepared and is justified, effective and consistent with national policy in respect of the settlement hierarchy.

Sustainable development

64. Policy STRAT 1 sets out key principles in respect of economic, social and environmental sustainability and a positive approach to sustainable development. There is insufficient evidence to support reference to a specific distance (1.6km) between new housing and local services however and the reference to prioritising the use of previously developed land is inconsistent with the NPPF. Subject to main modification **MM1**, which would address these concerns, the Plan has been positively prepared and is justified, effective and consistent with national policy in respect of sustainable development.

Issue 2 – Whether the approach towards Chester is justified, effective and consistent with national policy

Housing provision in Chester

65. Policy STRAT 3 provides for in the region of 5,200 new dwellings at Chester. In order to achieve this level of growth, it is proposed to allocate land currently in the Green Belt west of Wrexham Road for housing.
66. Chester is the largest settlement in the Borough and performs a key role as an urban centre. It is a particular focus for employment and the only settlement in the Borough to see significant net in-commuting. There is strong market demand for housing and the SHMA estimates a need for some 93 affordable houses per year.
67. Chester is also a historic city of national and international significance and is set within the Green Belt. One of the purposes of the Green Belt is to preserve the setting and special character of the historic city.
68. In determining the appropriate level of housing for Chester, the Council has

sought to balance the need to continue to focus development on the city to sustain its role with the need to preserve its special character and setting. In doing this it has assessed the capacity of the existing built up area and the scope to remove land from the Green Belt without significantly undermining its purposes.

69. The figure of 5,200 new dwellings would represent some 24% of the total planned in the Borough between 2010 and 2030. This corresponds well to the existing proportion of population and dwellings in the city (approximately 25% and 24% respectively of the Borough total in 2010). It would see 15% growth in the number of dwellings in the city, reflecting the average for the Borough as a whole. Whilst the proportionate growth in dwellings would be less than that for Ellesmere Port, Northwich and Winsford, these other urban areas do not have the same environmental constraints and provide capacity to accommodate higher levels of growth without altering the Green Belt.
70. I consider that the Plan strikes the right balance in terms of the scale of housing proposed for Chester. It will bring the growth necessary to sustain its role as a centre and focus for development whilst preserving its character and setting. I acknowledge that there is likely to be continued net in-commuting to the city with an excess of jobs compared with the economically active population. Whilst there are merits in seeking to boost the economically active population, it would take a very substantial increase in housing to have a significant effect on overall commuting patterns. Such a level of housing would inevitably involve substantial further releases of Green Belt land and within the context of the Borough wide housing provision of 22,000 dwellings would reduce the scope for necessary growth elsewhere.
71. The scale of housing planned for Chester is therefore justified. It is not clear from Policy STRAT 3 however that the figure for new dwellings is to be regarded as a minimum. Main modification **MM3** would provide necessary clarity and ensure that the Plan is effective in this respect.

The Green Belt and land at Wrexham Road

72. Paragraph 83 of the NPPF makes it clear that Green Belt boundaries should only be altered in exceptional circumstances through the preparation or review of the Local Plan.
73. Between 2010 and 2014 there were 1,019 dwellings built in Chester. Existing commitments total 2,018 dwellings and the Strategic Housing Land Availability Assessment 2013 (the SHLAA) identifies sites within the urban area capable of delivering 864 dwellings on sites of 10 dwellings or more. The Council has estimated that 468 dwellings would come forward on small sites (less than 10 dwellings) within the urban area. I consider that this is a reasonable estimate given past completion rates and the proportion of dwellings in the city.
74. On this basis there is a residual need for at least 830 additional dwellings to achieve the proposed level of growth (5,200 dwellings) and to provide flexibility should some sites not come forward as envisaged.
75. There is insufficient capacity within the urban area to deliver the amount of housing growth planned for Chester, which as I have concluded above, is

necessary to sustain its role. Diverting some of this growth to other parts of the Borough would not achieve this key objective. It is also important to ensure that a reasonable range and choice of deliverable housing land is available. I consider therefore that these constitute the exceptional circumstances necessary to justify altering the Green Belt at Chester in principle.

76. A comprehensive assessment of the Green Belt around Chester was undertaken on behalf of the Council to inform the preparation of the Plan (Green Belt Study Part Two – LEB33). This study recognises that all of the areas of Green Belt surrounding Chester have assisted in urban regeneration by encouraging the recycling of derelict and other urban land and the assessment does not distinguish between them on the basis of this particular Green Belt purpose.
77. The Green Belt Study Part Two concludes that there are only three areas where land could potentially be released from the Green Belt. These are land to the west of Wrexham Road (Land Parcel 2A), land south of Whitchurch Road between Chester and Christleton (Land Parcel 4A) and land between Liverpool Road and Moston Road/south of Dale Camp Barracks (Land Parcels 8A and 8B).
78. I consider that the Green Belt Study Part Two provides a thorough, objective and robust evidence base. Whilst it identifies three areas of potential Green Belt release, it is entirely appropriate for the Council to have undertaken further analysis and to have given weight to particular factors in determining whether these areas should be removed from the Green Belt and considered suitable as an allocation for development in the Plan.
79. The A41 Inner Ring Road forms a key edge to the eastern part of the city. Whilst there are pockets of development beyond the A41, the road provides a distinct boundary and defines the limits of the main urban area. Removing Land Parcel 4A from the Green Belt would allow the urban area to extend across to the A55 Outer Ring Road. This land parcel contains the Boughton Heath Park and Ride facility and some built development along Whitchurch Road. Whilst the gap between Chester and the village of Christleton has been compromised to some degree along the road frontage, the rest of the land parcel is essentially open and Christleton remains a distinct and separate settlement. I appreciate that the Council has recently approved a scheme for 17 affordable houses in the Green Belt on land to the north of Whitchurch Road. However, the site in question is small, relatively self-contained and does not fall within Land Parcel 4A. Crucially, the scheme was for 100% affordable housing which is specifically allowed for in the NPPF (Para 89).
80. Development occupying a substantial part of Land Parcel 4A would result in the coalescence of Chester and Christleton with a continuous urban area stretching well to the east of the existing edge to the city. The loss of openness and separation would undermine part of the setting and special character of the city. I agree with the Council therefore that bringing forward this parcel of land for development would have a significant adverse effect on the purposes of including land within the Green Belt and would not be appropriate.

81. Land Parcels 8A and 8B contain largely open land to the north of the city and form a gap between the main urban area and major developed sites within the Green Belt at Dale Camp Barracks and Chester Zoo. Whilst the presence of these major developed sites has an impact on the character and openness of the Green Belt in this locality, I consider that there remains a distinct separation with the main urban area. The Green Belt was originally defined to include these developed sites. The existing Green Belt boundary is defensible and has clearly stood the test of time. Removing these parcels of land from the Green Belt and allowing them to be substantially developed would result in coalescence between the urban area and Dale Camp Barracks and significantly reduce the gap with Chester Zoo. Again I concur with the Council's view that it would be inappropriate to remove these land parcels from the Green Belt and bring them forward for development.
82. As with all of the areas of Green Belt around the city, developing the land to the west of Wrexham Road (Land Parcel 2A) would inevitably involve some encroachment into the countryside. However, the land in question sits between existing residential areas at Westminster Park/Lache to the north and west and the Wrexham Road Park and Ride facility, the Chester Business Park and King's School to the south and east. The land parcel does not extend out in a south westerly direction beyond the Park and Ride facility or the residential area of Lache. It is well contained by the existing built form. Within this context, development of the land west of Wrexham Road would not result in a significant encroachment into the countryside, nor would it constitute unrestricted sprawl of the built up area. It would not result in coalescence or have a material effect on the gap between the city and other settlements.
83. The land west of Wrexham Road has little if any visual relationship with the historic core of the city. Given the context of existing built development within which it sits, the land in question has a very limited role in terms of the relationship between the city and surrounding countryside. Development of the land would have a limited effect on the overall compactness of the urban area. In overall terms it would not have a significant effect on the setting and special character of Chester.
84. I consider therefore that the Council's approach is justified and the proposed allocation of land west of Wrexham Road would not have a significant effect on the purposes of including land within the Green Belt.
85. The site at Wrexham Road is currently in open, agricultural use and development of the site would clearly have an effect on its character and appearance. The site also contains a Scheduled Monument (Marlston cum Lache Moated Site) and ponds which provide a habitat for a small population of Great Crested Newts. However, the scale of the site provides potential to incorporate significant areas of greenspace and landscape enhancement measures to soften the visual impact, to avoid development in close proximity to the Scheduled Monument and to allow for appropriate mitigation measures in relation to the Great Crested Newt habitat.
86. Development on the scale envisaged would place additional demands on local services and facilities. It is intended that the site incorporates a new primary school however and there are clear mechanisms to ensure that the

development makes provision for or contributes to the provision of essential community infrastructure.

87. Increases in traffic as a result of the proposed development will have an impact on the local road network, but I see no reason to suggest that subject to appropriate mitigation and improvement works, these impacts would be unacceptable.
88. There are currently issues with wastewater treatment capacity in Chester. Welsh Water are investing in improvement works however which are expected to be completed by October 2016 and provide sufficient capacity to accommodate the level of housing growth proposed for Chester in the Plan, including at the Wrexham Road site.
89. There is no evidence of any major physical or other constraints which would prevent or significantly delay development. There is clear developer interest in bringing the site forward and there are no significant issues to resolve in terms of land ownership. I consider that the site is viable and deliverable and is capable of making a significant contribution to the supply of housing land in Chester and the Borough as a whole.
90. It is envisaged that the site at Wrexham Road would deliver in the region of 1,300 dwellings during the plan period. This would be sufficient to meet the residual need for housing that could not be accommodated within the existing urban area and provide a reasonable degree of flexibility in the supply of land should some sites not come forward as planned.
91. Taking all of the above into account I am satisfied that the exceptional circumstances necessary to alter the Green Belt at Wrexham Road have been demonstrated. The removal of the site at Wrexham Road from the Green Belt and its allocation for development is therefore justified, effective and consistent with national policy.
92. Whilst Chester Zoo is a major developed site, it also contains significant open areas and is distinct from the main urban area. Policy ENV 70 of the Chester District Local Plan provides a positive framework for development within the site, subject to appropriate safeguards. The Zoo has been allowed to develop and there is no evidence that its current designation has had a significant effect on the viable operation of the Zoo. There are no exceptional circumstances which would justify the removal of the site from the Green Belt and it is not required to make the Plan sound.

The need for additional housing site allocations and safeguarded land

93. The Plan makes adequate provision for housing in Chester to meet needs over the plan period. It allows for a range and choice of sites to come forward and gives sufficient flexibility. There is no need for further strategic housing sites to be allocated to make the Plan sound and there are no exceptional circumstances to justify alterations to the Green Belt, other than that proposed at Wrexham Road. It may be that smaller sites within the urban area could be allocated in the Local Plan Part Two, but that is not the role of this Plan.

94. When altering the boundaries of the Green Belt, Paragraph 83 of the NPPF makes it clear that authorities should have regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period. Paragraph 85 states that "where necessary" authorities should identify safeguarded land in order to meet longer-term development needs stretching well beyond the plan period and that they should satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period.
95. There is no existing safeguarded land around Chester and the Plan does not propose altering the Green Belt to provide any. The first point to make here is that the NPPF does not specifically require the identification of safeguarded land when defining Green Belt boundaries. A key purpose of the Green Belt around Chester is to preserve the setting and special character of the historic city. Decisions will clearly need to be made regarding the longer term strategy for the scale of growth in the Borough and the role of Chester in meeting development needs beyond 2030 within this context. Depending on such decisions, it is not necessarily the case that further alterations to the Green Belt boundaries would be needed beyond the current plan period.
96. The Council has, quite rightly in my view, concluded that other than at Wrexham Road, alterations to the Green Belt boundary would have a significant adverse effect on the purposes of including land within it. On the basis of current evidence I consider that it is reasonable to conclude that the amended Green Belt boundary proposed in the Plan is capable of enduring and will not need to be altered at the end of the plan period. It is not necessary to identify safeguarded land and there is no scope to do so without undermining the purposes of including land within the Green Belt.

Proposals for the City Centre

97. The Plan identifies land for the redevelopment of the Northgate area for major leisure and retail use and a site for a new theatre. The Northgate scheme would meet identified needs for additional non-food retailing floorspace and together the proposals would bring significant investment to the City Centre and enhance its vitality and viability. The Council is committed to bringing the schemes forward and delivering them and has allocated funding to do so. I consider that the proposals for the City Centre are justified and effective.

Business and employment

98. The Plan does not seek to make provision for additional employment land allocations in Chester. This approach is consistent with the recommendations of the ELSU and takes account of existing supply, the role that the city has in providing jobs in the service sector and the potential for relatively high density office developments, particularly at the Chester Business Quarter. Land for employment and regeneration is already identified in the Chester District Local Plan. I consider that the approach towards business and employment in Chester is justified and effective. There is no need for additional employment land to be allocated to make the Plan sound.

The historic environment

99. Whilst Policy STRAT 3 recognises the importance of Chester as a historic city, the detailed wording does not fully reflect national policy and does not make it clear that the policy also relates to development on the edge of the urban area. Main modification **MM3** would ensure that Policy STRAT 3 is consistent with national policy and effective.

Overall conclusion on Issue 2

100. Subject to main modification **MM3**, I conclude that the approach towards Chester is justified, effective and consistent with national policy.

Issue 3 – Whether the approach towards Ellesmere Port is justified, effective and consistent with national policy

101. The Plan seeks to make provision for in the region of 4,800 new dwellings at Ellesmere Port. This would represent some 22% of the total planned in the Borough between 2010 and 2030. This is above the existing proportion of population and dwellings in the town (in both cases approximately 18% of the Borough total in 2010). The level of housing growth planned in Ellesmere Port reflects its role as one of the main urban areas, the considerable employment land resource available and the capacity to accommodate development without encroaching into the Green Belt. I consider that it is justified and would provide for a realistically achievable rate of development. It is not clear from Policy STRAT 4 however that the figure for new dwellings is to be regarded as a minimum. Main modification **MM4** would provide necessary clarity and ensure that the Plan is effective in this respect.
102. The Waterfront/Ellesmere Quays is identified as a broad location for strategic mixed-use development in Policy STRAT 4. This covers a number of sites including the operational docks. Although recognised as a long term project, the Council anticipated 700 dwellings would be delivered in the plan period. However, on the basis of recent investment and significantly increased activity at the docks, the landowner now wishes to focus on port related activity and no longer considers redevelopment for mixed-use to be a viable option. The Council accepted this position at the hearings and agreed that it would be appropriate to remove reference to dwellings being delivered in the plan period. Whilst regeneration initiatives are likely to continue, there is insufficient justification to retain reference to the broad location in the Plan. Main modification **MM4** would address this concern.
103. Policy STRAT 4 seeks to allocate land at Ledsham Road for approximately 1,500 dwellings. Part of the site was allocated for housing in the Ellesmere Port and Neston Borough Local Plan and the remainder was identified as safeguarded land to meet possible future development needs. The Council has resolved to grant outline planning permission for in the region of 1,500 dwellings and associated social and community facilities on the site subject to a s106 agreement.
104. The site at Ledsham Road is currently in open, agricultural use and development of the site would clearly have an effect on its character and appearance. However, the scale of the site provides potential to incorporate

significant areas of greenspace and landscape enhancement measures to soften the visual impact.

105. The scale of development envisaged would place additional demands on local services and facilities. However, there are clear mechanisms to ensure that the development makes appropriate provision for or contributions towards essential community infrastructure including a new primary school. I am satisfied that subject to appropriate mitigation and improvement works, the impact of increased traffic from the development would not have an unacceptable effect on highway safety or the living conditions of local residents.
106. There is no evidence of physical or other constraints that would prevent or significantly delay development of the site. There is clear developer interest in bringing forward the site and I consider that it is viable and deliverable over the timescale envisaged. The allocation would broaden the range and choice of housing sites available and would make a significant contribution to the supply of housing land in Ellesmere Port and the Borough as a whole.
107. On the basis of evidence submitted to the examination and discussions at the hearings, there is potential for the site at Ledsham Road to accommodate up to 2,000 dwellings through an increase in density. Again, subject to appropriate mitigation and improvement works increased traffic could be accommodated without an unacceptable effect on highway safety or the living conditions of local residents. This increased level of housing could be achieved with net densities averaging 35 dwellings per hectare across the site; this would not be out of keeping with the character of existing residential areas in the locality. Increasing the number of houses which the site could potentially accommodate would ensure that effective use is made of the land available for housing and would provide an important element of flexibility.
108. The allocation of land at Ledsham Road for housing is therefore justified. Main modification **MM4** would ensure that it is also effective in relation to the potential capacity of the site.
109. Between 2010 and 2014 there were 710 dwellings built in Ellesmere Port. Existing commitments (including the site at Ledsham Road) total 3,121 dwellings and the SHLAA identifies sites within the urban area capable of delivering 986 dwellings on sites of 10 dwellings or more. The Council has estimated that 351 dwellings would come forward on small sites (less than 10 dwellings) within the urban area. On this basis, the potential supply of housing land would total some 5,168 dwellings, compared with planned provision of 4,800. This would provide a reasonable degree of flexibility in the supply of land should some sites not come forward as planned. Additional flexibility would be provided by increased potential capacity on the Ledsham Road site as discussed above.
110. The Plan makes adequate provision for housing in Ellesmere Port to meet needs over the plan period. It allows for a range and choice of sites to come forward and gives sufficient flexibility. There is no need for further strategic housing sites to be allocated to make the Plan sound and there are no exceptional circumstances to justify alterations to the Green Belt.

111. Even on the basis of the worst case scenario, the ELSU identifies a very substantial existing employment land supply of some 145 ha in Ellesmere Port. Whilst the ELSU concludes that in overall terms, no additional allocations are required, it recognises the complex nature of existing land uses and allocations and the need to review the situation as far as detailed allocations are concerned. An example is the land at Ince Marshes, to the east of Ince Park which is allocated in the Ellesmere Port and Neston Borough Local Plan for development related to the oil and chemical industries. I share the Council's view that it is appropriate to consider such detailed matters comprehensively through the preparation of the Local Plan Part Two rather than through this Plan. There is no need for employment land to be allocated to make the Plan sound and there are no exceptional circumstances to justify alterations to the Green Belt.
112. Whilst the overall approach to employment land in Ellesmere Port is appropriate, aspects of Policy STRAT 4 relating to the Eastern Employment Zone lack justification and are insufficiently clear. Land at New Bridge Road is already allocated for employment development in the Ellesmere Port and Neston Borough Local Plan as part of the Stanlow Special Policy Area, and the opportunity exists to consider the detailed approach to the site in the Local Plan Part Two. The approach towards Ince Park lacks sufficient clarity and does not fully reflect the nature of development planned for this land. Policy STRAT 4 also lacks clarity as to the role of the Local Plan Part Two in reviewing the nature and extent of employment land allocations and the requirements for flood risk assessments. Main modification **MM4** would address these specific concerns.

Conclusion on Issue 3

113. Subject to main modification **MM4**, I conclude that the approach towards Ellesmere Port is justified, effective and consistent with national policy.

Issue 4 – Whether the approach towards Northwich is justified, effective and consistent with national policy

114. The Plan seeks to make provision for in the region of 4,300 new dwellings at Northwich. This would represent some 20% of the total planned in the Borough between 2010 and 2030. This is above the existing proportion of population and dwellings in the town (in both cases approximately 14% of the Borough total in 2010). The level of housing growth planned in Northwich reflects its role as one of the main urban areas and a focus for development in the east of the Borough, the considerable stock of existing commitments and the capacity to accommodate development on previously developed land within the urban area. I consider that it is justified. It is not clear from Policy STRAT 5 however that the figure for new dwellings is to be regarded as a minimum. Main modification **MM5** would provide necessary clarity and ensure that the Plan is effective in this respect.
115. Between 2010 and 2014 there were 355 dwellings built in Northwich. Existing commitments total 3,863 dwellings and the SHLAA identifies sites within the urban area capable of delivering 1,679 dwellings on sites of 10 dwellings or more. The Council has estimated that 273 dwellings would come forward on small sites (less than 10 dwellings) within the urban area. On this basis, the

potential supply of housing land would total some 6,170 dwellings, compared with planned provision of 4,300. This would provide a considerable amount of flexibility in the supply of land should some sites not come forward as planned, both for Northwich itself and the Borough as a whole.

116. The Plan makes adequate provision for housing in Northwich to meet needs over the plan period and gives considerable flexibility. There is no need for strategic housing sites to be allocated to make the Plan sound and there are no exceptional circumstances to justify alterations to the Green Belt.
117. The ELSU identifies the need for 20-40 ha of additional employment land in Northwich and the potential for the development of warehousing/distribution uses given the proximity to the M6. Policy STRAT 5 makes a commitment to the provision of 30ha of additional employment land and specifically the allocation of a site for logistics/warehousing and distribution uses. It is intended that sites will be identified through the Local Plan Part Two. The approach towards employment land in Northwich is consistent with the evidence base provided by the ELSU and it is appropriate to allocate additional sites through the Local Plan Part Two rather than this Plan. Subject to main modification **MMS** which would clarify that the figure for employment land is to be regarded as a minimum, I consider therefore that Policy STRAT 5 is justified and effective in respect of employment land.
118. For strategic purposes the Plan considers Northwich to consist of the town itself along with a number of adjacent settlements. This follows on from the principle established in the Vale Royal Borough Local Plan. In preparing the Plan, the Council has taken the opportunity to review the settlements concerned and concluded that Cuddington and Sandiway is more appropriately identified as a separate Key Service Centre given its function, level of services and the physical separation from Northwich. It has also concluded that Moulton and Higher Wincham should not be included as part of Northwich given the degree of physical separation from the town. I consider that the Council's approach is justified. It reflects the physical and functional relationships between the town and surrounding settlements and results in a logical definition of Northwich for strategic purposes.
119. I appreciate that there is a strong desire from the local community for Davenham to be identified as a separate rural settlement and that there are concerns regarding the potential scale of development that may result from being included within the wider Northwich area. However, whilst the village has its own identity, it is very closely related physically to the town and is heavily reliant on it for services and facilities, despite the existence of the A556. Inclusion within the definition of Northwich would not necessarily mean growth on a significant scale. Policy STRAT 5 makes a clear commitment to safeguarding the character and individuality of the settlements that form the wider built up area. As noted above, the potential supply of housing land already identified is significantly in excess of planned requirements for Northwich.
120. I consider that whilst Weaverham is separated from the town of Northwich by Green Belt, it is closely related physically and functionally and is appropriately included within the definition of the wider built up area.

Conclusion on Issue 4

121. Subject to main modification **MM5**, I conclude that the approach towards Northwich is justified, effective and consistent with national policy.

Issue 5 – Whether the approach towards Winsford is justified, effective and consistent with national policy

122. The Plan seeks to make provision for in the region of 3,500 new dwellings at Winsford. This would represent some 16% of the total planned in the Borough between 2010 and 2030. This is above the existing proportion of population and dwellings in the town (in both cases approximately 9% of the Borough total in 2010) and would see a 28% growth in dwellings, the highest of all the Spatial Areas. The high level of housing growth planned in Winsford reflects its role as one of the main urban areas and a focus for development in the east of the Borough, strategies aimed at regenerating the town and work on the Neighbourhood Plan. I consider that the planned level of housing in Winsford is justified on this basis. It is not clear from Policy STRAT 6 however that the figure for new dwellings is to be regarded as a minimum. Main modification **MM6** would provide necessary clarity and ensure that the Plan is effective in this respect.
123. Policy STRAT 6 seeks to allocate a site for mixed use development at the Station Quarter Urban Extension, involving some 1,000 dwellings, a local neighbourhood centre, primary school, leisure, social and community facilities and new open space linked to the Flashes. The allocation of a strategic greenfield extension to the urban area is justified in principle to ensure that there is an adequate supply and range of housing land available to meet the requirement above. The site at the Station Quarter is well located in relation to the town centre, employment opportunities and public transport links including the railway station. Development of the site would also provide the opportunity to improve access to the Flashes and enhance recreational opportunities.
124. Whilst some parts of the site are affected by flood risk and contain nature conservation interest, these are relatively small, distinct areas. The layout of development on the site can take these factors into account and they are not likely to have a significant effect on the scale of housing that could be accommodated.
125. There are clear mechanisms to ensure that the development makes appropriate provision for, or contributions towards, essential community infrastructure including a new primary school. I am satisfied that subject to appropriate mitigation and improvement works, the impact of increased traffic from the development would not have an unacceptable effect on highway safety or the living conditions of local residents.
126. There is no evidence of physical or other constraints that would prevent or significantly delay development of the site. There is clear interest in bringing forward the site for development and I consider that it is viable and deliverable. The allocation would broaden the range and choice of housing sites available and would make a significant contribution to the supply of housing land in Winsford. The Council confirmed during the examination that

it estimates that approximately 775 dwellings could be delivered on the site in the plan period. I consider that this estimate is based on reasonable and realistic assumptions. Policy STRAT 6 does not make this clear however.

127. The proposed allocation of the Station Quarter Urban Extension is justified. Main modification **MM6** would ensure that it is also effective in respect of the level of housing envisaged during the plan period.
128. Between 2010 and 2014 there were 141 dwellings built in Winsford. Existing commitments total 1,259 dwellings and the SHLAA identifies sites within the urban area capable of delivering 1,334 dwellings on sites of 10 dwellings or more. The Council has estimated that 176 dwellings would come forward on small sites (less than 10 dwellings) within the urban area. As set out above, it is estimated that some 775 dwellings would be delivered at the Station Quarter Urban Extension during the plan period. On this basis, the potential supply of housing land would total some 3,685 dwellings, compared with planned provision of 3,500. Unlike the other main urban areas, Winsford is not constrained by the Green Belt. There is potential for additional sites to come forward or be allocated through the Neighbourhood Plan or the Local Plan Part Two if required, including those on the edge of the built up area. I am satisfied therefore that the Plan makes adequate provision for housing in Winsford to meet needs over the plan period and gives sufficient flexibility should some sites not come forward as planned. There is no need for additional strategic housing sites to be allocated to make the Plan sound.
129. The ELSU identifies the need for 20-40 ha of additional employment land in Winsford and recognises the potential for further development at the Winsford and Woodford Park Industrial Estates. Policy STRAT 6 makes a commitment to the provision of 35ha of additional employment land. It is intended that expansion of the existing industrial estates will be addressed through the Local Plan Part Two or Neighbourhood Plan. The approach towards employment land in Winsford is consistent with the evidence base provided by the ELSU and it is appropriate to allocate additional land through the Local Plan Part Two or Neighbourhood Plan rather than this Plan. Subject to main modification **MM6** which would clarify that the figure for employment land is to be regarded as a minimum, I consider therefore that Policy STRAT 6 is justified and effective in respect of employment land.

Conclusion on Issue 5

130. Subject to main modification **MM6**, I conclude that the approach towards Winsford is justified, effective and consistent with national policy.

Issue 6 – Whether the approach towards the Rural Area is justified, effective and consistent with national policy

131. The Plan seeks to make provision for in the region of 4,200 new dwellings in the Rural Area. This would represent some 19% of the total planned in the Borough between 2010 and 2030. This is below the existing proportion of population and dwellings in the Rural Area (approximately 33% and 35% respectively of the Borough total in 2010) and would see growth of approximately 8% in the number of dwellings.

132. Whilst the Rural Area is home to a significant proportion of the Borough's population, this is spread between a large number of settlements which in many cases are small and have limited services and facilities. In a number of settlements, the potential to accommodate development is affected by the Green Belt or other constraints. As I have concluded above in relation to Policy STRAT 2, the strong focus on development at the main urban areas is justified. The amount of additional housing proposed in the Rural Area also has to be seen in the context of the figure for the Borough as a whole.
133. The Rural Regeneration Strategy and Action Plan (RRS) was adopted by the Council in 2011. This advocated a growth strategy involving an additional 8,000 dwellings in the Rural Area between 2011 and 2030. There are key differences in the geographical definition of the Rural Area between the RRS and the Plan, resulting in significantly different population and employment base levels. The RRS housing figure also included an additional contingency of 15%. Furthermore, it was based on evidence collated in 2010 and was not produced within the context of the Council's approach to OAN for housing in the Borough as a whole. It does not provide an objective assessment of need in the same sense as that required for plan making and was not derived from the same level of analysis and modelling. Whilst the Council has taken account of the RRS along with other evidence, its position regarding the appropriate level of housing growth in the Rural Area is clearly set out in the Plan.
134. There are significant issues with the affordability of housing in the Rural Area and the SHMA identifies substantial levels of need. Again however, this needs to be seen in the context of the provision for housing in the Borough as a whole. Increasing the amount of housing planned in the Rural Area to the level required to meet needs for affordable housing in full would have a dramatic effect on the overall spatial strategy, significantly shifting the focus away from the main urban areas. There is no substantive evidence that such levels of affordable housing are realistically deliverable in any case. The Plan takes a positive and proactive stance towards affordable housing in the Rural Area within this context.
135. Taking all of these factors into account, I consider that the planned level of housing in the Rural Area is justified.
136. As set out above in relation to Policy STRAT 2, I consider that focussing development in the Rural Area on Key Service Centres is an appropriate strategy. The list of Key Service Centres identified in Policy STRAT 8 is justified on the basis of the level of services and facilities available and the role that they perform in the wider area. The scale of housing envisaged in each Key Service Centre reflects the level of services and facilities, the capacity to accommodate development and constraints such as the Green Belt. I consider that it is justified.
137. In reaching this view I have taken account of the significant stock of existing commitments in the Key Service Centres and the Rural Area as a whole. As noted above, the level of existing commitments along with completions between 2010 and 2014 means that there would be little if any need for additional land to be identified in the Rural Area to meet planned requirements. Within the context of these requirements, the distribution of

housing and the role to be played by individual settlements has already been established to a large degree.

138. In addition to completions (875 dwellings between 2010 and 2014) and existing commitments (3,300 dwellings) the SHLAA identifies sites capable of delivering 404 dwellings on sites of 10 dwellings or more. The Council has estimated that 682 dwellings would come forward on small sites (less than 10 dwellings). On this basis, the potential supply of housing land in the Rural Area would total some 5,261 dwellings, compared with planned provision of 4,200. This would provide a considerable amount of flexibility in the supply of land should some sites not come forward as planned.
139. The Plan makes adequate provision for housing in the Rural Area to meet needs over the plan period and gives considerable flexibility. There is no need for strategic housing sites to be allocated to make the Plan sound.
140. I have set out my conclusion regarding the identification of Local Service Centres above when dealing with Policy STRAT 2.
141. Although the overall approach to the scale and distribution of housing development in the Rural Area is justified, Policy STRAT 8 is insufficiently clear with regard to the role of the Key Service Centres and the approach to the identification of Local Service Centres and their role in accommodating development. The situation in terms of completions and existing commitments and the implications for future land requirements is also unclear. References to the figures for housing in the Key Service Centres being treated as maxima would result in a lack of flexibility. Main modification **MM7** would address these concerns and also make it clear that the figure for new dwellings in the Rural Area overall is regarded as a minimum. It is necessary to ensure that Policy STRAT 8 is effective in these respects.
142. The ELSU identifies the need for a minimum of 10ha of additional employment land in the Rural Area in or adjacent to key settlements. Subject to clarification that the figure of 10ha is a minimum (main modification **MM7**), Policy STRAT 8 is consistent with this evidence base and the approach to employment land in the Rural Area is justified and effective. The policy would not prevent small scale economic development in other suitable locations within the Rural Area.

Conclusion on Issue 6

143. Subject to main modification **MM7**, I conclude that the approach towards the Rural Area is justified, effective and consistent with national policy.

Issue 7 – Whether the approach towards the supply and delivery of housing land is justified, effective and consistent with national policy

144. The net housing requirement of the Plan is 22,000 dwellings. In order to satisfy the overall requirement for housing provision over the plan period potentially some 22,800 dwellings would need to be delivered in the Borough as a whole. This is a gross figure which takes account of the estimated loss of approximately 50 dwellings per year from 2014 onwards (completion figures

for 2010-2014 are net).⁵

145. The OAN constitutes the full identified need for housing in the plan period. It has been derived in the light of up to date demographic information. It would be inappropriate to add further levels of housing provision to the overall total specifically to compensate for past under delivery against previous targets before the beginning of the plan period.
146. There were 3,100 dwellings (net) completed in the Borough between 2010 and 2014. As of 1 April 2014 commitments totalled 13,562 dwellings. Of these some 73% benefitted from planning permission and the remainder were awaiting S106 agreements. The Council estimates that the strategic sites at Wrexham Road, Chester and the Station Quarter Urban Extension, Winsford would together deliver 2,039 dwellings. The SHLAA identifies sites capable of delivering 5,267 dwellings on sites of 10 dwellings or more within built up areas. The Council has estimated that 1,950 dwellings would come forward on small sites (less than 10 dwellings) from 2017 onwards.
147. On this basis, the potential supply of housing land in the Borough between 2010 and 2030 would total some 25,918 dwellings. This would provide a considerable amount of flexibility in the supply of land should some sites not come forward as planned. Additional flexibility would be provided by as yet unidentified large windfall sites, rural exception sites and potential greenfield extensions to settlements if required (these are excluded from the SHLAA category). I consider therefore that the Plan would provide for sufficient housing to meet identified needs over the plan period.
148. I am satisfied that the Council has undertaken a thorough and robust assessment of the potential supply of housing land and has used reasonable assumptions in terms of whether sites are deliverable and developable and over what timescale. As noted above there is considerable flexibility in the potential supply in comparison to planned requirements.
149. The number of dwellings completed since 2010 has consistently been below the planned requirement. Completions over the longer term were also well below the level envisaged by the former Regional Strategy. The Council accepts that there has been a record of persistent under delivery of housing. In terms of a five year supply it is appropriate to apply a 20% buffer brought forward from later in the plan period in line with paragraph 47 of the NPPF. As set out in the PPG, the aim should be to deal with undersupply within the first five years where possible.
150. As of 1 April 2014 the basic annual requirement would be for 1,150 dwellings (gross). Adding the under supply within the plan period to date (1,300 dwellings) gives a total of 7,050 dwellings. Applying the 20% buffer to this would give a total five year requirement of 8,460 dwellings (gross).
151. The Council estimates that the five year supply of deliverable sites from 1 April 2014 would total some 8,906 dwellings. Most of this would be made up of existing commitments (7,714 dwellings). The Council estimates that the

⁵ 2010/11-2013/14 – 4 years x 1,100 dwellings
2014/15-2029/30 – 16 years x 1,150 dwellings

strategic sites would deliver 278 dwellings in this period and sites identified in the SHLAA 614 dwellings. It has included an allowance of 300 dwellings from small sites. Potential supply from this source has not been included in the first three years to avoid double counting with existing permissions.

152. Again I am satisfied that the Council has used reasonable assumptions in terms of whether sites are deliverable within the five year period. I consider that the Plan would provide for a five year supply of housing land even with a 20% buffer and addressing the shortfall to date within the first five years. There would be some flexibility should sites not come forward as planned. Additional flexibility would be provided by as yet unidentified large windfall sites, rural exception sites and potential greenfield extensions to settlements if required.
153. The housing trajectory in the submitted Plan does not fully reflect an up to date and realistic assessment of projected completions, nor does it set out clearly the potential sources of housing supply. It is not effective in these respects.

Conclusion on Issue 7

154. Main modification **MM20** is required to ensure that the Plan includes a realistic and clear housing trajectory. Subject to this modification I conclude that the approach towards the supply and delivery of housing land is justified, effective and consistent with national policy.

Issue 8 – Whether the approach towards the Green Belt and countryside is justified, effective and consistent with national policy

155. The Plan does not propose any alterations to the boundaries of the Green Belt, other than at Wrexham Road, Chester. I have concluded that the exceptional circumstances necessary to justify altering the Green Belt in that particular case have been demonstrated.
156. The situation with the Green Belt elsewhere in the Borough is very different. As noted above, there would be an adequate supply of housing land to meet identified needs in each of the other spatial areas and the Borough as a whole. Indeed there would be a considerable amount of flexibility in the supply of housing land. There is nothing to suggest that the relatively modest requirements for additional employment land allocations cannot be met outside of the Green Belt. In line with the NPPF, Policy SOC 2 would allow for limited affordable housing on rural exception sites in the Green Belt. Other than at Chester, development needs can be met without alterations to the boundaries of the Green Belt.
157. The Green Belt boundaries in the Borough are well established. There have been no major changes in circumstances and there are no other site specific reasons that would justify altering the boundary.
158. There are no exceptional circumstances that would justify the alteration of the boundary of the Green Belt in the Borough, other than at Wrexham Road, Chester. A wider review of the Green Belt in the Borough is not required at this point in time and it is not necessary to identify safeguarded land.

159. The URENCO complex at Capenhurst is a major developed site within the Green Belt. It is separated and clearly distinct from the main urban area of Ellesmere Port and would remain so even after the development of the site at Ledsham Road. Policy ENV 72 of the Chester District Local Plan provides a positive framework for development within the site, subject to appropriate safeguards. Development has been allowed on the site and there is no evidence that its current designation has had a significant effect on its viable operation. There are no exceptional circumstances which would justify the removal of the site from the Green Belt and it is not required to make the Plan sound.
160. The Plan sets out a sufficiently clear approach to development within the Green Belt, which is consistent with the NPPF.
161. The Plan considers areas beyond the main urban areas, Key Service Centres and Local Service Centres to be countryside. Whilst Policy STRAT 9 seeks to protect the character and beauty of the countryside, it takes a positive approach to development that requires a countryside location, the re-use or replacement of buildings, farm diversification and the growth of established businesses. I consider that the approach is justified and consistent with the NPPF.
162. It is not clear from the submitted Plan however that settlement boundaries for the main urban areas, Key Service Centres and Local Service Centres will be identified in the Local Plan Part Two and that where necessary these boundaries will take account of the need to accommodate development on the edge of existing built up areas. Main modification **MM8** would address these concerns and also confirm that until the Local Plan Part Two is adopted, existing policies relating to settlement boundaries and development beyond built up areas will remain. This includes Policy GS5 of the Vale Royal Borough Local Plan which the submitted Plan identified would be superseded by Policy STRAT 9. The main modification is necessary to provide clarity regarding the definition of built up areas and the countryside and to provide a clear basis for decision making. It is required to ensure that the Plan is effective in terms of the approach to the countryside.

Conclusion on Issue 8

163. Subject to main modification **MM8**, I conclude that the approach towards the Green Belt and countryside is justified, effective and consistent with national policy.

Issue 9 – Whether the approach towards transport, accessibility and infrastructure is justified, effective and consistent with national policy

164. Policy STRAT 10 sets out a clear and comprehensive approach to transport and accessibility. It promotes a safe, secure and sustainable transport network and improvements in accessibility in line with the Local Transport Plan and the Chester Transport Strategy and consistent with the NPPF.
165. The policy gives broad support to improvements to the transport network in Chester identified in the Chester Transport Strategy. This strategy includes an additional park and ride facility, to the north east of the city near Hoole. The

Council wishes to review its commitment towards further park and ride facilities around Chester however. Given this and the fact that land is already safeguarded in the Chester District Local Plan for such a scheme, there is no need or justification to amend the policy to make specific reference to a park and ride scheme at Hoole. Such an amendment is not required to make the Plan sound.

166. Specifically, whilst housing development in this location could fund a park and ride facility, this does not constitute the exceptional circumstances necessary to justify altering the Green Belt.
167. The Plan identifies a site for a new bus interchange in Chester at Gorse Stacks. This would provide improved facilities and is necessary for the delivery of the Northgate scheme. It is an important element of the comprehensive approach to regeneration in the city centre. Local Growth Funding has been agreed and I am satisfied that the project is deliverable.
168. The route of a new A5117 link road in Ellesmere Port is also identified. This will improve accessibility and assist in bringing forward employment land for development in the Stanlow area. The Council is committed to the scheme and is pursuing funding through the LEP which has identified improvements to transport infrastructure in order to support growth at key sites as a priority. I am satisfied that it is realistically deliverable, albeit later in the plan period as the Council acknowledges.
169. Although individual development proposals will need to address specific transport and other infrastructure requirements and provide for mitigation and improvements where necessary, there are no fundamental issues in terms of the capacity of infrastructure to accommodate the overall scale of growth planned. Policy STRAT 11 provides a framework for the delivery of infrastructure improvements and a clear basis for development to provide or contribute towards infrastructure.

Conclusion on Issue 9

170. I conclude that the approach towards transport, accessibility and infrastructure is justified, effective and consistent with national policy.

Issue 10 – Whether the approach towards the economy, town centres and the visitor economy is justified, effective and consistent with national policy

171. Policy ECON 1 provides a positive approach to economic growth and employment related development. Along with other policies discussed above, it sets out a clear commitment to ensure a range of sites to provide an adequate and flexible supply of employment land. As noted above I am satisfied that the Plan will provide for an adequate and realistic supply of employment land in the Borough. The Local Plan Part Two will give the opportunity to review and potentially replace existing employment land allocations.
172. The key employment locations are set out in Policy ECON 1 and there is no need for additional employment land to be allocated in this Plan to make it

sound.

173. The approach to the redevelopment of existing employment sites and premises for other uses lacks flexibility however and it would not be sufficiently effective in ensuring that such uses are compatible with retained employment uses in the locality. Main modification **MM9** would address these concerns.
174. Policy ECON 2 sets out a comprehensive approach to retailing and other main town centre uses. It is informed by the Retail Study Updates of 2011 and 2013 which provide the evidence for the hierarchy of centres and the requirements for additional retail floorspace and other main town centre uses. The policy provides a clear and effective basis for meeting the needs for additional development over the plan period. It is consistent with national policy.
175. However, there is a lack of clarity in respect of the geographical scope of those parts of the policy relating to the Northgate scheme in Chester and the Barons Quay scheme in Northwich. In relation to a new food store in Winsford, the policy is unnecessarily specific and lacks sufficient flexibility. Whilst the overall approach towards retail impact assessments is justified by the Retail Study Update of 2013, the particular size threshold for developments in Chester is not. Main modification **MM10** would address these concerns.
176. Policy ECON 3 provides a positive approach to the visitor economy. It aims to direct major leisure, tourism and cultural development to locations within or accessible to the centres of the four main urban areas whilst providing flexibility to allow for smaller scale development in a wider variety of locations subject to reasonable safeguards. As discussed above Chester Zoo is recognised as a major developed site in the Green Belt in the Chester District Local Plan and this provides a positive framework for development within the site, subject to appropriate safeguards.

Conclusion on Issue 10

177. Subject to main modifications **MM9** and **MM10**, I conclude that the approach towards the economy, town centres and the visitor economy is justified, effective and consistent with national policy.

Issue 11 – Whether the approach towards affordable housing, the mix and type of housing, Gypsy, Traveller and Travelling Showpeople accommodation and open space, sport and recreation is justified, effective and consistent with national policy

178. The Plan includes a number of social policies dealing with a range of issues. The SHMA identifies a significant need for affordable housing in the Borough. Having considered a range of development scenarios, the SHMA Viability Study 2013 (the Viability Study) recommended a target of up to 30% affordable housing being sought as part of residential developments. It also recommended applying a site size threshold of 10 or more dwellings or 0.3ha or more in urban areas.
179. I consider that on the basis of the SHMA and the Viability Study, in principle

Policy SOC 1 is justified in seeking affordable housing provision as part of housing schemes and applying thresholds of 10 or more dwellings or 0.3ha or more in urban areas and 3 or more dwellings or 0.1ha in the Rural Area. The SHMA identifies a particularly significant need for affordable housing in the Rural Area and housing sites in this part of the Borough tend to be smaller than in the urban areas. The Policy is clear that the effect on the viability of housing developments will be taken into account.

180. However, the approach towards the proportion of affordable housing sought lacks sufficient flexibility and does not accurately reflect the evidence base provided by the Viability Study. The Policy also fails to accurately reflect the process of seeking affordable housing provision through negotiation and agreement. It is not justified or effective in these respects. These concerns would be addressed by main modification **MM11**.
181. Policy SOC 2 concerns the provision of affordable housing on rural exception sites. The aims of the policy are justified by evidence on rural housing needs and are consistent with national policy. Rural exception sites provide an important opportunity to contribute to the supply of affordable housing. However, the Policy is insufficiently clear that it applies to Key Service Centres and Local Service Centres and that such sites would not otherwise be appropriate for general housing.
182. There is no evidence to support a specific figure of 30% in terms of the subsidiary element of market housing that may be permitted and it is insufficiently clear that such market housing would need to be essential to the delivery of the affordable housing. The policy also lacks flexibility and does not reflect the NPPF in relation to the range of affordable housing providers that could be involved. Main modification **MM12** would address these matters.
183. The approach towards a mix of housing types set out in Policy SOC 3 is justified by evidence from the SHMA and is consistent with the NPPF. The policy will provide an effective basis for seeking a range of housing types, sizes and tenures.
184. I appreciate the considerable level of concern from some local residents in Chester over the concentration of housing occupied by students, particularly in the Garden Quarter area of the city. The Council is also clearly aware of the significance of the issue and is undertaking work to assess how it may be addressed. It introduced an Article 4 Direction relating to Houses in Multiple Occupation (HMOs) in the Garden Quarter in 2013 and Policies HO16 and HO17 of the Chester District Local Plan are being retained. These deal with HMOs and student accommodation.
185. Policy SOC 3 sets out a positive approach towards new purpose built student accommodation in appropriate, accessible locations. I consider this to be an appropriate and justified approach given the strategic nature of the Plan. Whilst it may be that a more detailed and specific policy approach could be developed, this would be more appropriately dealt with through the Local Plan Part Two and potentially a supplementary planning document. Amendments to Policy SOC 3 are not required in order to make the Plan sound. Furthermore there is no substantive evidence that there are exceptional

circumstances to alter the Green Belt around Chester to make provision for purpose built student accommodation.

186. The Cheshire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment was published in April 2014 and provides evidence on accommodation needs for Cheshire West, Cheshire East, Halton and Warrington. I consider this to provide a robust evidence base for future provision in the Borough. In order for the Plan to be effective and justified by up to date evidence, it is necessary for specific information on accommodation needs to be included and to make it clear that the Council is committed to ensuring that suitable sites are provided to meet at least that level of need.
187. Whilst Policy SOC 4 provides an appropriate basis for the consideration of development proposals and potential site allocations, it does not fully reflect national policy in terms of allowing for development in the Green Belt in very special circumstances. Main modification **MM13** would address the above concerns.
188. Policy SOC 6 sets out a clear and justified commitment to the protection and enhancement of open space, sport and recreation facilities. However, the detailed wording of the policy is not fully consistent with the NPPF. This would be addressed by main modification **MM14**.

Conclusion on Issue 11

189. Subject to main modifications **MM11**, **MM12**, **MM13** and **MM14**, I conclude that the approach towards affordable housing, the mix and type of housing, Gypsy, Traveller and Travelling Showpeople accommodation and open space, sport and recreation is justified, effective and consistent with national policy.

Issue 12 – Whether the approach towards flood risk and water management, landscape, biodiversity and geodiversity, the historic environment, alternative energy supplies, managing waste and minerals supply and safeguarding is justified, effective and consistent with national policy

190. A number of environmental policies are included in the Plan covering a range of issues. The preparation of the Plan has been informed by a Borough wide strategic flood risk assessment and there are more specific area assessments for Northwich Town Centre and Winsford Waterfront where particular issues exist. I am satisfied that Policy ENV 1 and other area based policies in the Plan provide a clear and justified approach to flood risk and water management which is consistent with national policy. Main modification **MM15** is required however to ensure clarity in terms of the guidance available on site specific flood risk assessments in advance of the Local Plan Part Two.
191. Given the strategic nature of the Plan and the role of the Local Plan Part Two in developing more detailed approaches and designations, I consider that Policy ENV 2 sets out an effective and justified approach to the protection and enhancement of the landscape which is consistent with national policy.
192. Policy ENV 4 provides a clear commitment to the protection and enhancement of biodiversity and geodiversity. It is effective, justified and consistent with

national policy.

193. Although in principle Policy ENV 5 is justified in its approach to the historic environment, the detailed wording of the policy lacks sufficient clarity and is not fully consistent with national policy. Main modification **MM16** (as amended in the light of comments) would address these concerns and ensure that the policy is effective and consistent with national policy.
194. Policy ENV 7 provides a positive framework for the development of alternative energy supplies whilst recognising the potential for adverse impacts such as those on the landscape or residential amenity. As a strategic level policy I consider that it is effective and sufficiently detailed subject to main modification **MM17** which would clarify that the effects on biodiversity and the natural and historic environment would also be taken into account. It is justified and consistent with national policy. The assessment of adverse impacts arising from specific proposals depends very much on the particular circumstances in each case. It would be inappropriate to attempt to establish generally applicable stand-off distances between wind turbines and residential property in the policy. This would result in a lack of flexibility and there is no substantive evidence to justify such an approach in any case.
195. Policy ENV 8 sets out a comprehensive approach to planning for the management of waste in the Borough. There is sufficient existing and permitted capacity to accommodate waste needs over the plan period. Main modification **MM18** is required however to ensure that the Plan accurately reflects the most up to date evidence on waste needs and the position in relation to existing and consented sites. It would also provide necessary clarity in respect of monitoring and ensuring sufficient land remains available. The main modification would also provide for the retention of policies within the Cheshire Replacement Waste Local Plan to ensure that a detailed policy framework remains in place to deal with development proposals pending the adoption of the Local Plan Part Two. Subject to this modification Policy ENV 8 is justified, effective and consistent with national policy.
196. The approach to minerals supply and safeguarding set out in Policy ENV 9 is justified and consistent with national policy. It makes a clear commitment to maintaining an adequate landbank of sand and gravel reserves over the plan period and incorporates sufficient flexibility to adapt to changes in circumstances and demands. Main modification **MM19** is required however to provide necessary clarity in relation to the need for a diversity of supply, the identification of mineral safeguarding areas and the role of the Local Plan Part Two in identifying sites and preferred areas for mineral extraction. The main modification would also provide for the retention of policies within the Cheshire Replacement Minerals Local Plan to ensure that a detailed policy framework remains in place to deal with development proposals pending the adoption of the Local Plan Part Two. Given the lack of an existing site in the Borough it is not necessary for Policy ENV 9 to make specific reference to the extraction of silica sand or to make a commitment to a stock of permitted reserves. Subject to main modification **MM19** Policy ENV 9 is justified, effective and consistent with national policy.

Issue 13 – Whether the Plan would be able to be monitored effectively

197. The Plan itself does not contain a monitoring framework. Whilst the separate Monitoring, Implementation and Viability Report (KSD7) set out information regarding monitoring, the Council accepted at the hearings that it would not provide a sufficiently clear and robust basis for monitoring the implementation and delivery of the policies and proposals in the Plan. Main modification **MM20** would introduce a monitoring framework to the Plan setting out clear and relevant indicators and specific, measurable targets. It is required to ensure that the Plan is able to be monitored effectively.

Assessment of Legal Compliance

198. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Plan is identified within the approved LDS (July 2013) which sets out an expected adoption date of August 2014. Although there has been slight slippage in the timetable for the examination and adoption, the Plan's content is compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The updated SCI was adopted in August 2013 and consultation has been compliant with the requirements therein, including the consultation on the proposed main modifications.
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report (December 2013) sets out why AA is not necessary.
National Policy	The Plan complies with national policy except where indicated and modifications are recommended.
Sustainable Community Strategy	Satisfactory regard has been paid to the Sustainable Community Strategy.
Public Sector Equality Duty	The Plan complies with the Duty.
2004 Act (as amended) and 2012 Regulations.	The Plan complies with the Act and the Regulations.

Overall Conclusion and Recommendation

- 199. The Plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.**

200. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Cheshire West and Chester Local Plan (Part One) Strategic Policies satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the NPPF.

Kevin Ward

INSPECTOR

This report is accompanied by the Appendix containing the Main Modifications