

11<sup>th</sup> February 2018

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Dear Mr Yuille,

## **Northwich Neighbourhood Plan Examination (01/RY/NNP)**

Thank you for your recent correspondence seeking further clarification on a number of points in our submitted Neighbourhood Plan. Our responses are below.

### ***Policy RC4 Winnington and Winnington Urban Village***

- 1. Does the new Neighbourhood Shopping Centre referred to in this policy relate to the planned retail centre in Winnington Urban Village for which planning permission (Ref: 17/03239/FUL) was granted recently? Or does it relate to the Neighbourhood Centre to be provided in connection with the development of the Winnington Works site as referred to in paragraph 4.16 of the explanatory text to Policy N3 of the emerging Local Plan? Or does it simply refer to the Winnington Neighbourhood Shopping centre as shown on Fig 43?*

We have identified the existing neighbourhood centre in Winnington as shown in Fig 43. However, our research, which was supported by our consultation, identified a need for a more substantial neighbourhood centre in the Winnington area. It is unlikely there would be sufficient room for expansion at the Fig 43 site to accommodate this.

As described in paragraph 1.1.12, the NNP is a “policy-only” plan, and we have not allocated any land. As such, we have not attempted to “pick a winner” as to where precisely within Winnington a new neighbourhood centre should be developed.

The planned retail centre in Winnington Urban Village (17/03239/FUL) was granted after this policy was written, but if implemented would meet the criteria set out. If the permission is not implemented, a centre in connection with Winnington Works may also be supported under this policy.

In order to clear up the confusion, it would be beneficial to amend policy RC4 and the accompanying explanatory text. We suggest the following amendments:

**RC4     Neighbourhood Shopping Centres**

Northwich's Neighbourhood Shopping Centres (shown in figs 43-48) perform an important function as a focal point for their communities and should be retained. Applications for change of use from retail or business to residential will not be permitted unless the existing use can be demonstrated to be not viable.

#### Winnington ~~and the Urban Village~~

New neighbourhood shopping facilities in addition to the centre identified at Fig 43, comprising convenience foodstore and 6/10 smaller shops along the lines of the successful parade at Kingsmead will be supported in the Winnington area, *provided that they do not have an adverse impact on the vitality and viability of existing centres*. New facilities would need to be centrally located *in the Winnington area* with adequate parking, and have good access for pedestrians and cyclists.

#### Castle

New appropriate development in Castle will be supported and encouraged where it adds to the footfall/safety at night. Opportunities for improved on street and off street car parking will be encouraged.

#### Leftwich

Consideration will be given to the relocation of the Clifton Drive, Leftwich shopping centre to a more prominent location in Leftwich to improve the vitality and viability of the Centre. Conversion of the existing units to residential would be supported under these circumstances.

Objectives: 1, 6

#### Explanatory text

4.2.13 The identified Neighbourhood Shopping Centres are in Winnington, Castle, Greenbank, Station Road, Middlewich Road and Leftwich as shown at Figs 43 to 48.

4.2.14 The Castle Neighbourhood Shopping Centre is a significant and long established retail parade which accommodates convenience shops, specialist retailers, fast food and restaurants.

4.2.15 On Clifton Drive in the middle of the Leftwich estate there is a parade comprising convenience store (in a converted public house) and about 6 other small shops including hairdresser, fast food, pharmacy and cafe with limited parking and prominence.

4.2.16 In the last few years there has been significant new house building in the Winnington area, with more to come. It will therefore become more important that the locality has access to nearby community facilities. This need could be met through the following:

- Winnington Urban Village is a key major housing led mixed-use scheme allocated in the Local Plan (Part One) policy STRAT 5. The houses are under construction and a new neighbourhood centre has been granted permission (17/03239/FUL). The committed scheme would support good accessibility to shops and services that are centrally located for the new residents, contributing to sustainable development.
- Winnington Works: In the light of Tata Chemicals reducing its operations in Winnington, it is highly likely that further industrial land will be released for housing

*development. The creation of a neighbourhood centre for the Winnington Village area is supported through policy HOU4.*

2. *Would the QB please respond to the suggestion by the LPA in its representations on the Plan that Policy RC4 and its explanatory text should refer to the extant planning permission referred to above?*

We would be happy to amend to the explanatory text to refer to this extant planning permission. As mentioned above, at the time the policy was written no application had been made, hence why hitherto it has not been referred.

### **Policy EE1 Employment**

3. *Would the QB please respond to the suggestion by TATA in its representations on the Plan that this policy should include a reference supporting the provision of waste uses as well as employment uses?*

We have consulted CW&C Council to understand the up-to-date position with regards to employment land provision in the Local Plan and the Council's evidence base. In response to your question in relation to Policy EE1 of the Neighbourhood Plan, we would wish to comment that we feel that it is not the place for the policies of our Neighbourhood Plan to address strategic issues such as the allocation of sites for waste management.

In relation to neighbourhood planning, the *Town and Country Planning Act 1990* (as amended by the *Localism Act 2011*) defines mineral extraction and waste as "excluded development", which a neighbourhood plan does not deal with.

Specifically, in relation to the Lostock Works site and waste provision, we feel that this issue is dealt with through the adopted *Local Plan (Part One)* policy ENV8 which safeguards this site for waste uses against alternative developments.

We have also been informed by the Council that the most recent Waste Needs Assessment confirms that there is sufficient capacity in existing and planned waste sites to meet forecast arisings and so there has been no need to identify any further sites for waste management. Existing *Local Plan (Part One)* policy ENV 8 and emerging *Local Plan (Part Two)* policy DM54 would be used to assess any waste proposals on non-safeguarded sites.

In relation to the supporting text to policy EE1 (paragraph 4.3.2) we wish to suggest the following wording changes in order to update the evidence base used by the Council for the selection of the proposed employment land allocations in the Local Plan (Part Two) Publication Draft; to update the proposed sites we list under this paragraph and to provide further information for clarity regarding the proposed employment allocation at Lostock Works.

*4.3.2 The Cheshire West and Chester Employment Land Study (2013) identifies a number of potential sites that may be appropriate for new business and industrial development. Further site assessments have been undertaken by the Council in the Housing and Economic Land Availability Assessment (2017) and the Land Allocations Background Paper (2017) for the Local Plan (Part Two). The largest of these sites in the wider Northwich area are:*

- *Gadbrook Park (3ha) and south west of Gadbrook Park (19ha)*

- *Chapel Street, Wincham (16ha)*
- *Winnington Avenue, Northwich (6ha)*
- *Cheshire Business Park (remaining office area 0.8ha)*
- *Lostock Works (1.7ha)*

*4.3.3 Of these, Cheshire Business Park, Gadbrook Park and employment sites at Wincham are outside the plan area, but nevertheless are likely to be key areas of employment growth. Public transport links to these areas will need to be improved over time. A small area of land remains available for employment development at Lostock Works, where this is compatible with other waste management uses in the area. The waste management uses fall outside the scope of what is covered by the Neighbourhood Plan.*

Section 5.1 References would need to be updated to include:

- CWAC Housing and Economic Land Availability Assessment (2017)
- CWAC Land Allocations Background Paper (2017)

#### **Policy NBE1b The Environmental Setting and Character of Settlements**

- 4. Would the QB please show the positions of the wildlife corridors referred to in this policy on a map? It may be that they could be shown on Fig 89.*

The idea behind corridors is to look at wildlife protection on a landscape scale rather than protecting fragmented sites. All the leading conservation charities now work on this basis and the value of such corridors for the area was recognised in the Nature Conservation Audit undertaken by Vale Royal BC in the early 2000's.

A revised map is attached. The corridors shown in yellow follow the Rivers Dane and Weaver, and Wade Brook. These are mid lines and the corridors recognise that wet meadows, cloughs and other areas of woodland adjacent to the rivers have conservation value. Green lanes and hedgerows adjacent to such corridors add additional conservation value.

Examples of how this approach can prove successful is with the otter, which has returned to the area of the Plan and White-letter Hairstreak butterfly where disease resistant Elm tree planting within the Weaver and Dane corridors has seen it regain territory previously lost following the ravages of Dutch Elm disease.

Please note that this should not be considered a definitive guide to all wildlife corridors in the plan area.

#### **Policy NBE5 Local Green Spaces**

- 5. Paragraph 77 of the Framework states that Local Green Space designation will not be appropriate for most green areas or open spaces and that such a designation should only be used where, amongst other things, the area concerned is local in character and is not an extensive tract of land.*
- 6. It is in this context that the Plan proposes to designate 38 Local Green Spaces of varying size. One site (Dane Valley) is over 100ha; another two sites (Ashtons Flash and Witton Limebeds) have a combined area of over 30 ha; other sites are some 20 ha in extent, either when taken individually (Moss Farm) or when considered jointly (Furey Wood and Tip); two sites (Leftwich Meadows and Carey Park) are over 10ha in size; another three (Verdin Park, Hunt's Lock Castle*

*and Clough Wood) are over 5ha; and ten sites (Jubilee Fields, Saxons Lane Play Area, Vickersway Park, Whalley Road Playing Field, Greenall Road Playing Field, Belmont Road Play Area, Winnington Meadow, Queensgate Allotments, Leftwich Green and Witton Cemetery) are over 1ha.*

7. *While there are no hard and fast rules as to how big a Local Green Space can be, would the QB please provide further evidence as to why it considers these proposed Local Green Spaces are local in character and not extensive tracts of land?*

Taking two areas as an example:

- The Flash and limebed complex at Ashton's Flash and Witton Limebeds forms one of very few inland saltmarsh habitats in the UK. Smaller but significant areas of lime-rich habitat occur at Furey Wood and Tip and Carey Park. These areas all have legacy industrial contamination problems and some underlying stability issues, but all have created areas of habitat where rare flora and fauna survive.
- Leftwich Meadows and the Dane Valley provides wet river meadow habitat and small areas of herb rich mature woodland that in turn provides habitat for county and national biodiversity action plan species. The River Dane is hydromorphologically unusual in that it is one of the few remaining rivers in Cheshire whose flow has been relatively unmodified. These factors give Leftwich Meadows and the Dane Valley particular local significance.

The NPPF does not provide a definition of "local in character" versus "extensive tract of land". However, the LPA's guidance on the matter states that, *"Local Green Spaces are likely to be self-contained with clearly defined edges."*

All of the sites in question meet that criteria, including the Dane Valley (the largest), which is bounded by the neighbourhoods of Leftwich, Witton and Rudheath, the A556 and the Weaver Viaduct. There are a number of walking routes through it, including a public right of way on the east side.

Northwich's access to greenspace for biodiversity, walking and other health-giving attributes is one of the factors that makes Northwich special. The Mersey Forest has recognised this for many years, developing, supporting and promoting, with organisations and individuals, the Northwich Woodlands. Our ability to access this resource has been shown to be highly valued by our communities and its protection and enhancement is high on their list of priorities for the Plan. All of our conurbations have direct access to these green spaces and inevitably if we are to maintain this "on the doorstep" access many inevitably significant in their extent.

The smaller areas are exactly that, they sit within or on the outskirts of communities and provide access to open space of varying types as described in the Plan, such as play areas, allotments or cemetery land. They are local in context and for each community provide facilities that would not otherwise be available to that community.

8. *Would the QB please confirm that the owners of all these sites have been consulted on the proposed designation?*

We believe they have, although:

- Land may have changed ownership since consultation occurred;
- Not all owners responded to the consultation.

*9. One of the proposed Local Green Spaces (Dane Valley) includes within it land on which it has been confirmed development will take place following the grant of outline planning permission for 242 dwellings and the subsequent approval of a reserved matters application for 187 dwellings (See the representations by Ainscough Strategic Land). Planning Policy Guidance (Ref: ID: 37-008-20140306) makes clear that Local Green Space Designation will rarely be appropriate where land has planning permission for development. In the light of this does the QB intend to reconsider the designation of this land?*

The outline planning permission for this site was granted at a time when the Council did not have an up to date local plan in place, and could not demonstrate a five-year housing land supply. It is unlikely permission would have been granted without these circumstances, and the emerging Local Plan (part two) strongly suggests this site would have been included with the rest of the Dane Valley as a key settlement gap.

The picture painted by the representations made by Ainscough Strategic Land would suggest that development is imminent. It is a matter of public record that ASL have struggled to find a house builder to partner with for the site, and submitted their most recent reserved matters application on the same week the outline permission was due to expire.

In designating this land as Local Green Space, we are not attempting to undo or override the outline planning permission that was granted. We are simply saying that should the permission expire, it should not be automatically renewed as the policy circumstances will have changed. Since Local Green Space can only be designated when a plan is being prepared or reviewed, this will be the only opportunity to provide some protection to this area for some time.

If it is your opinion that this cannot be done, we would reconsider the designation of the Dane Valley to exclude the area covered by the extant permission.

*10. Several proposed Local Green Spaces (for example Leftwich Meadows, Carey Park, Furey Wood and Tip) are referred to as Local Nature Reserves. The LPA have indicated that strictly speaking this is not the case and only Clough Wood warrants that designation. Does the QB have any comment on this?*

This is factually correct and an error on our part. Although the local authorities prior to the formation of CW&C (i.e. Vale Royal BC and Cheshire CC) were looking to seek their formal designation as LNRs CW&C did not pursue this as the new authority had other priorities.

However, all these sites have habitat, fauna and flora that warrant protection as described in our answer to question 7.

We suggest amending section 5.4 to make the appropriate corrections.

#### **Policy NBE6 Key Views**

*11. Would the QB please provide more information on the basis for the designation of the Key Views referred to in this policy and identified on Fig 89? It would also assist my site inspection if the positions of the various Key Views could be shown on a larger scale plan.*

All the key views listed and shown are from elevated locations and/or offer expansive views over “open” countryside; inwards giving a panoramic view across the Town centre (40 and 42) and Weaver Valley (41) and the Dane flood plain, and outwards towards the Peak District, Mow Cop (39). This enables the viewing individual to place the Town both in its river confluence setting and its wider context. They are views that cannot be obtained otherwise.

A number of larger scale maps are attached.

### **Policy TRANS 1 Connections to Surrounding Villages**

*12. It is acceptable for policies to be aspirational but they must also be realistic and deliverable. Is there a reasonable prospect of the schemes referred to in this policy being implemented in the Plan period or, as the LPA suggest, is this more an expression of intent rather than a land use policy?*

Clearly the delivery of major infrastructure like this cannot be guaranteed. However, we believe this policy to be both realistic and deliverable within the plan period.

CW&C are in the process of devising a Northwich Transport Strategy, a key part of which is looking at how to resolve the issue of connecting Northwich to the north and west. The Council have undertaken extensive traffic surveys, including origin and destination analyses, and completed their consultation on the various proposed options at the end of December 2017. The options included in this policy were among those consulted upon.

Once this strategy is completed it will be used as a basis for bidding for funding from the Cheshire and Warrington LEP and central government.

Given the likelihood of further significant development in Winnington, it is reasonable to expect that contributions should be made towards whichever solution is taken forward and this policy aims to ensure that happens.

*13. Assuming that this is indeed a realistic policy should it:*

- a) Acknowledge the role that the Canals and Rivers Trust will play in the design and implementation of any scheme as owners of Winnington Swing Bridge, Winnington Navigation and parts of the River Weaver?*
- b) Leave open the option of schemes other than those specified emerging?*
- c) Be clearer as to who will carry out any feasibility/impact assessment?*

Clearly CRT would play a role if a new bridge is constructed crossing the River Weaver Navigation. We would see this as a matter for the highways authority, rather than something that should form part of the planning policy, but we would have no objections to acknowledging this to aid clarity.

The Northwich Transport Strategy consulted on these schemes, as well as a number of others, and we accept the suggestion that it may be better to leave the option of schemes other than those specified emerging. We would propose amending the policy slightly as follows:

*A feasibility/impact assessment and the eventual implementation of either or both **options of these or another suitable option** would be supported.*

In an earlier draft of this policy we suggested that the developer should carry out such a feasibility/impact assessment. We were advised that this would be overly onerous for all but very

substantial developments, and in any case this would likely fall to the highways authority either as part of or following on from the Northwich Transport Strategy. We therefore amended the policy to simply say that such an assessment would be supported and instead steer developers towards contributions towards implementation of the eventual option.

#### **Policy TRANS 7 Speed Restrictions in Residential Areas**

14. Would the QB let me have its comments on whether Policy TRANS 7 is indeed a policy relating to the development and use of land or whether it relates to matters that are the responsibility of the highway authority?

This policy is concerned with the design of new residential developments.

The policy does not require that a developer creates legally enforceable 20mph zones (e.g. by way of a TRO) as we recognise that this is the preserve of the highway authority.

It does require developers to consider how their design can make streets in new developments as safe as possible for pedestrians and cyclists by way of an appropriate design speed.

We consider that this is entirely consistent with the principles in the NPPF of promoting sustainable transport (para 35, bullets 2 and 3), requiring good design (para 56), and promoting healthy communities (para 69).

#### **Response to Representations**

Having reviewed the responses to the representations made, there are a number of factual corrections that should be made many of which have already been covered above. Specifically:

- The factual amendments mentioned in the Mersey Forest's response regarding the change of name of the Northwich Community Woodlands to just "Northwich Woodlands".
- The factual amendments mentioned in CW&C Council's detailed comments.

We have received correspondence from a group of Leftwich residents in response to the representation made by Ainscough Strategic Land. They requested that we provide you with their comments for your consideration.

*We are residents, living in the Leftwich district of Northwich.*

*We are writing to object to the comments on the draft Northwich Neighbourhood Plan, submitted by Mr John Brooks, Planning Director of Ainscough Strategic Land.*

*We are particularly concerned about the contents of Paragraph 5. Mr Brooks writes that the wording in the Neighbourhood Plan regarding the development of the Dane Valley is 'misleading and can only serve to confuse'. He continues on behalf of ASL: 'As owners of the land we can say with absolute certainty that the consent is being progressed and will be implemented and built out in full. Development will commence imminently'.*

*A number of points do not concur with our understanding of the situation. As far as we know and, as verified by documents given by ASL to the Planning Department of CWCCC, Ainscough do not own the land. It seems an exaggeration to assert 'with absolute certainty' that the development of a housing estate on the flood plain of the River Dane will go ahead. Currently, since David Wilson Homes pulled out in the middle of 2017, there is no house builder as part of the project. To say that 'Development will commence imminently' is a*



*further exaggeration. The development is not 'about to happen', not least because if the development goes ahead, a new road will have to be constructed before any houses are built. It is more than four years since Outline Planning Permission was granted by CWACCC's Strategic Planning Committee in November, 2013. The Reserved Matters submitted by Ainscough Strategic Land to the Planning Department in June 2017 required a large range of significant amendments. Seven months later, these have not yet been provided by Ainscough. The final deadline for their re-submission is now the end of February, 2018.*

*Of Mr Brooks' comments as Planning Director, some are inaccurate and most are exaggerations of the current situation. Taken as a whole, we think Mr Brooks' assertions are misleading.*

*It is on the basis of the Comments in Paragraph 5 that Mr Brooks requests that the text of 4.5.32 and 4.5.33 be deleted. He is concerned that readers of the Plan might get 'confused'. These very items which ASL want removed were put into the Neighbourhood Plan by Northwich Town Council. As local residents, we are fully supportive of their inclusion in the document and we object to the proposal from Mr Brooks for the statements to be removed.*

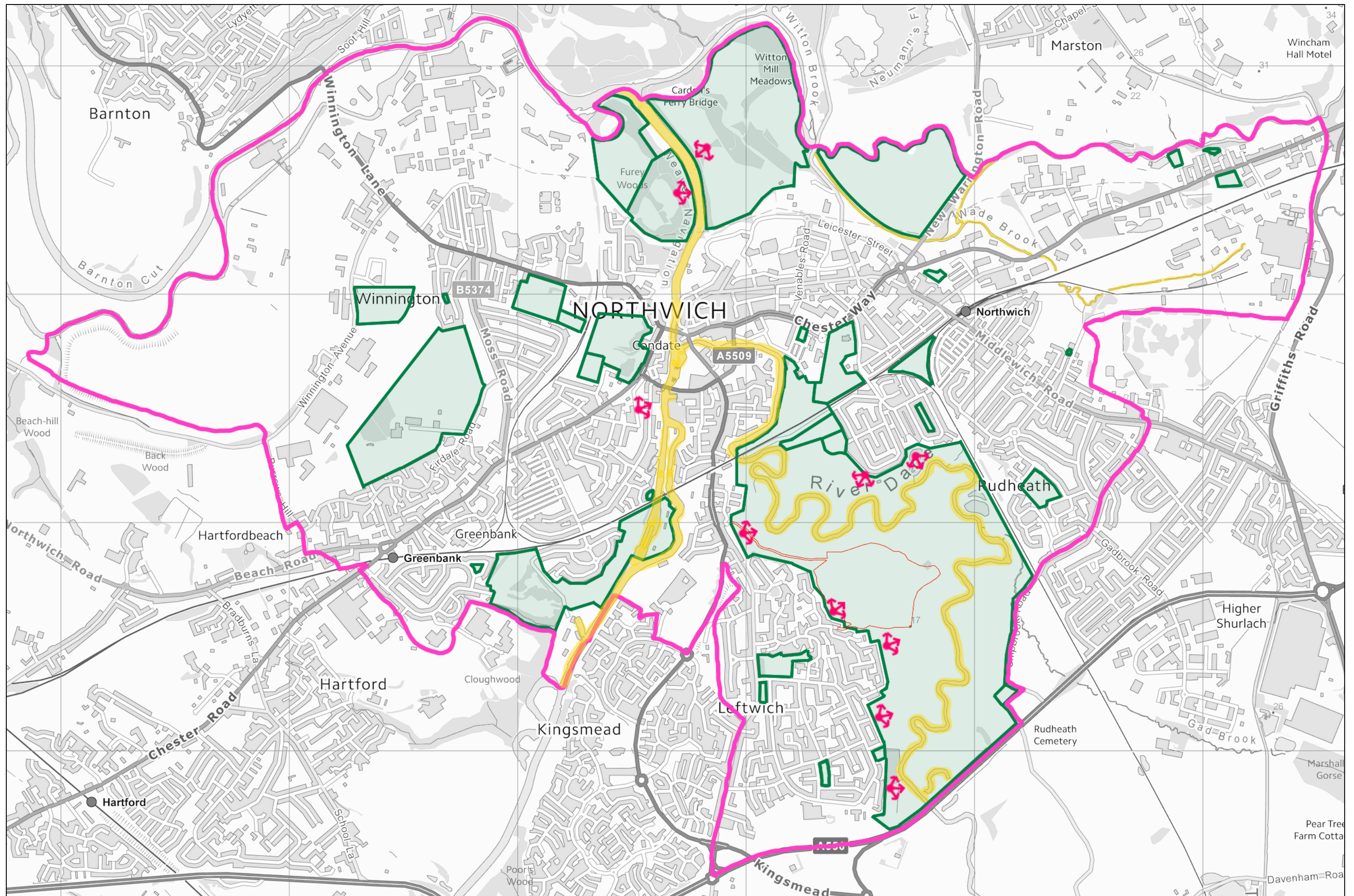
## **Conclusion**

I trust this answers all of your questions, but do not hesitate to get in touch if you require further information or clarification.

Yours sincerely,

Cllr Andrew Cooper











Marked viewing point from Highfield Road. There was a Roman fortress around Beeston Street/Waterloo Road. The viewing point here indicates the Roman's view of the strategically important confluence of the Rivers Weaver and Dane. Access on foot from Waterloo Road or from Castle Street via steps.



Two easily accessible viewing points from (a) footpath at the end of Langley Road connecting to Audlem Drive (off Bollington Ave.); and (b) footpath behind Woodside Terrace (access via Old Hall Road adjacent to primary school / Sure Start centre). Views outwards to Peak District and Mow Cop.