

CWaC feedback and agreed actions

Original comments by Catherine Morgetroyd of CWaC Spatial Planning team are in Blue

Responses by Ian Dossett on behalf of Ashton Hayes Neighbourhood Planning Team are in Red

09/12/15 email

Hi Ian

I've been going through the Ashton Hayes Neighbourhood Plan this morning to do the SEA and HRA Screening. As I've been through the policies, I have identified quite a few questions / comments which may result in changes to the policies. As such, I think it is probably best if I send my comments to you first so you can let me know if you want to make any amendments to the policies, so I can then ensure that the screening report is correct.

Generally it seems like a very well-written and set out document and most of the policies are fine, I just have a few comments:

1. Throughout the document there is a need to refer to Green Belt more, as it has such an important restriction on development within Ashton Hayes. **Page 5 Replaced Green Belt reference by fuller explanation . P12 added in sentence to say need for any development to address all policies as appropriate.** You have covered it in paragraph 4.2.1, but it should also be mentioned in policy E1. Currently the policy appears to support all development if it meets the criteria – so it seems more permissive than the Local Plan policy STRAT9 and this could be said not to comply with the Local Plan policy as it stands and it could also have implications for the SEA / HRA screening. If some more information is added about the construction of new buildings in Green Belt being considered inappropriate etc, so it is made clear that the criteria just relate to those developments that would be permitted within Green Belt, then I think it would be fine. **P13.Added in extra criteria to explicitly state compliance with Green Belt policies**
2. E2 – would it be worth splitting this into three policies – one on Local Green Spaces, one on new developments including enhancement of biodiversity etc and one on enhancing access / providing pedestrian and cycle routes. **P15. Propose to leave as one policy as areas have more than one value e.g. Andrews Wood or along Gongar Brook are Sites of Open Space Value, Important for nature conservation and have recreational value. Also simpler and avoids repetition**
3. E2 – there could potentially be conflict between enhancing access / providing pedestrian and cycle routes and habitats / wildlife due to disruption. This would need to be raised in the SEA / HRA screening, unless you can add some sort of caveat to say enhancing access except through important habitats / wildlife areas where disturbance should be avoided, or something similar.**P16 added in extension to criteria saying should not be any adverse impact on wildlife**
4. It is likely that Ashton Hayes will become a Local Service Centre within the Local Plan (Part Two). Are you happy with this? **No as we believe scoring is incorrect for the village** If so, this should be mentioned, particularly in the housing policies as it will have an impact on the level of housing that would be supported in the area, however, the Green Belt designation would still prevent most development. **As yet we have not been advised of the Local Service Centre assignment or its possible impacts. However it should be noted that recent planning approvals are for more houses than is needed within the area. P.24. have added a paragraph to highlight this possible change**

5. E3 – Again, the implications of Green Belt need to be explained more clearly as this may impact on what renewable energy developments are permitted and how they are designed etc. **P18. Extra paragraph added to stress that green belt and that land based renewable facilities would be proposed under Rural Exception Site policy**
6. E3 – Why up to 20% only – would there be a problem if it went beyond this? Wouldn't above 20% be ok as long as proposals meet the criteria? **P 18 Yes as would exceed the village aspirations an use green belt land unnecessarily. Remember this is in addition to household permitted installations P20. Added in reference to Evidence base for the explanation of why 20%**
7. E3 – Is this a renewable energy generation policy rather than carbon reduction, as if energy requirements increase, **P18 left heading of section as Carbon Reduction, added in a reference to point to Housing policy re buildings energy efficiency and changed title of policy E3 to Renewable Energy**
8. E3 – What would happen if schemes were put forward privately, not through AHCE – how would they be dealt with? Should there be one policy for provision of renewable energy by AHCE and one setting criteria for assessing renewable energy schemes? **P18 added the word 'community' in to the policy to be clear that relates only to community schemes. Any other private schemes are not supported by the policy.**
9. E4 – How would the requirement to avoid people being exposed to pollution levels higher than existing background levels be assessed? Wouldn't this mean that any scheme resulting in additional vehicular traffic or emissions wouldn't comply? **P22 changed the word 'avoid' in the policy to 'Minimise'. Developments should therefore use Best Endeavours to comply with the criteria as far as possible. Many of the criteria seek opportunities to reduce reduce pollution overall. It is assumed that the Environment Agency will continue to monitor the background pollution levels.**
10. E4 – Light pollution – does lighting have to be LED? What about other types? **P22 should be LED as fit with village Carbon reduction aspirations, do not contain mercury pollutants and they are the low maintenance cost and lowest support energy option, are economic and readily available Should it say no detrimental impact of lighting beyond the area, rather than not visible beyond the area to be lit, as the lit area is likely to be visible? Yes P22 words amended**
11. H1 – The need and market housing points are already covered in Policy SOC2 in the Local Plan, so could be removed? **P24 The background needs were included here as the vast majority of residents are not aware of any of the issues or even that SOC 2 exists. They need the background to inform them for consultation and the eventual referendum There is an identified higher proportion of elderly people in the Ashton Hayes area, but I'm not sure whether you should say that all market housing should be appropriate for the needs of the elderly – it may be better to say that a significant proportion should be? P25 the proposed 'significant proportion' wording seems more appropriate as otherwise scheme may lock out older middle aged residents of the village who are not yet quite elderly**
12. H1 – What is meant by the applicant working in partnership with the community? How would you assess if they aren't doing this? **P25 changed to 'working in an agreed partnership with the community' then this can be agreed what this means at the time with the community**
13. H2 – There is quite a bit of overlap with policy E1 – do you need the first part of policy H2, or is it sufficiently covered by policy E1? **P28 true to a point but it is considered that it makes it much easier for the readers and users of the document to understand the issues, the policy and its implications. Changing this would invalidate our last survey where these policies were presented in this type of form**
14. H3 – Again, there is overlap with E1. **P30 Ditto**
15. H3 – The paragraph about should not be imitation retro style and in a small number of cases, contemporary design supported – what type of design do you want? This is worded that you don't want a pastiche or contemporary design. **P30 CATHERINE DISCUSS**

16. C1 – Does the reference to listing sites or buildings as Assets of Community Value need to be within the policy? This would not be used when assessing applications? P32 I would assume that the Planners would check to see if any submission was for a building on the list of assets of Community Value else they could approve a change/ redevelopment plan against the community wishes. Also this is a major issue for the community and showing the PC/CWaC policy and approach for dealing with such things is valued by the residents.
17. C1 – Refers to resisting loss of community facilities – what if a business closes and there is no likelihood of re-use? P32 It is 'resist' for the reason that it allows the circumstances to be assessed and reasonable judgements made by the community representatives. It may close and everyone agrees that there is no sensible way forward. However an owner of something of community value may insist that it is no longer viable but the community wishes to take it on and run it differently such that their different method of operation makes it viable
18. C1 – New community facilities – again, Green Belt restrictions are relevant. P33 added in new criteria referring to Green Belt restrictions under identification of sites
19. BE1 – Again, Green Belt restrictions are relevant. P37 added in new criteria referring to Green Belt restrictions under identification of sites
20. BE1 – Does this mean conversion of redundant buildings to mixed use rather than entirely residential? P36 added in 'or mixed'
21. BE2 – Again, Green Belt restrictions are relevant. P 38 added in new criteria referring to Green Belt restrictions under identification of sites
22. BE2 – Village sustainability ethos and agenda – this could refer to the relevant policies. P38 what is suggested that is consistent with other policies? STRAT 9 is referred to in the Evidence base although few residents will have ever heard of it **CATHERINE PLEASE ADVISE**
23. T1 – There is an issue with developer contributions as you now can't pool more than 5 contributions for the same type of infrastructure. Section 106s also need to be directly related to developments. Also, if we progress with the Community Infrastructure Levy, depending on what we list on the Regulation 123 list, we may just get CIL contributions for certain types of infrastructure rather than S106s. As such, it may be better to take this text out of the policy and just keep this as a community aim / spending priority? **CATHERINE PLEASE ADVISE ALAN?**

Apologies for what looks like a long list of comments. They are mainly questions or suggestions for minor changes, but I would like to get this resolved before finalising the SEA and HRA screening so that the screening does not need to change

16/12/15 email

Hi Ian

I have had a quick look through your suggested amendments and they all look fine. The only very minor comment I have is whether policy E1 should say Green Belt and Rural Exception Sites policies (rather than Green Belt to Rural...). **Agreed correction** The text you have added regarding the Local Service Centre issue seems a sensible approach at this stage, as the outcome of the Local Service Centres review has not yet been decided.

Where you have explained reasons why you want to keep the current approach, that's all fine too.

I'm hoping to be in the office all day tomorrow, so I'm happy to speak to you about the policies you wanted to discuss (H3, BE2, T1)

Kind regards

Catherine

17/12/15 Telephone CM & IGD conversation re above queries

15. H3 P. 31 Removed the words 'contemporary' as otherwise can be read as not allowing modern developments, which was not the intent

22. BE2 P.38 Add in references to other policies to illustrate what is meant by sustainability

23. T1 P.40 Agreed to add in words where possible to policy and added an extra caveat to reflect uncertainty as to how these mechanisms will operate in future

17/12/15 email

Hi Ian

Further to our telephone conversation this morning, I can confirm that I am happy with the suggested amendments we discussed to the Neighbourhood Plan.

I will update the Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening document to take account of the updated Neighbourhood Plan. Please send a copy of the updated Neighbourhood Plan to me by Wednesday next week.

The screening document will say that in my view, a full Sustainability Appraisal of the Neighbourhood Plan is not required as it will not have significant environmental effects above and beyond the impact of the Local Plan. I will send the screening document out to the statutory consultees (Natural England, Environment Agency and Historic England) next Wednesday and they will be given 5 weeks to respond with any comments.

I think that it would be unlikely that these statutory consultees would state that a Sustainability Appraisal would be required, but there is a small risk that this could happen. If you proceed with your Regulation 14 consultation before the responses are received from the statutory consultees, there is a risk (although this probably only a small risk) that they could say that a Sustainability Appraisal does need to be undertaken. If a Sustainability Appraisal is required, you would need to do a formal appraisal of all the policies in the plan and write a report on this. The aim of this is for any potential sustainability issues to be identified and mitigated where possible. The Sustainability Appraisal report and updated Neighbourhood Plan would then need to be consulted on again (I understand that if this was required you would like to incorporate it with the general responses to comments made on the initial consultation) before you formally submit your final Neighbourhood Plan and supporting documents to the local authority (Submission stage).

I hope this makes sense and if you need any more information, just let me know.

Kind regards

Catherine

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21/12/15 Ashton Hayes NP team further amendments to comments and previous changes

- C1 Page 34 has been amended to “they comply as appropriate with building design and location policies E1 and H3 in so far as these are relevant”.
- BE1 Page 37 has been amended to include ‘Where constructed they must comply as appropriate with building design and location policies H2 and H3 in so far as these are relevant’.
- T1 Page 40 the criteria re CWaC looking at funding mechanisms has been reworded and placed under the Key Issue heading as ‘CWaC are currently reviewing the mechanisms by which developer contributions can be sought to improve infrastructure e.g. via Section 106’s or Community Infrastructure Levies’.