

DAVENHAM PARISH COUNCIL

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22nd October

Dear residents

As I'm sure you are now aware, Cheshire West and Chester Council (CWAC) have had a response from their QC who has decided that there are no legal grounds to challenge the Planning approval for development at Fountain Lane. This is a devastating blow to our village that I'm sure will have further repercussions, not just here but in villages throughout the country.

It appears that this was a landmark case with a fairly unexpected outcome. Essentially, it came down to a disagreement with the weight that the Inspector attached to various material considerations, particularly the CWAC Local Plan, the actual harm likely to be caused by the development and the benefits. Whilst there is strong disagreement with the Inspector's conclusions in this regard, Inspectors are entirely at liberty to make those judgments. Whilst the CWAC Planning Team referred to the Davenham Neighbourhood Plan, and how it could help to protect us in the future, it is clear that it is unlikely to have had any bearing on this case. A draft of the Neighbourhood Plan was submitted to the Inspector before the hearing but, as with his disregard of the CWAC Local Plan, he gave little or no weight to the Davenham Neighbourhood Plan in his decision.

That said, Davenham Parish Council (DPC) has continued to work on the Neighbourhood Plan with a view to getting it out for Statutory Consultation over the coming weeks. Many volunteer hours have gone into the Plan over the last 3 years, and much has been learnt along the way. The Plan itself is a legal document, therefore needs to be written as such. As I'm sure you can imagine, it was a huge challenge to consolidate all the wishes of the community (gathered through numerous surveys and public meetings), consider which are relevant to be included in a Neighbourhood Plan (which should only consider Land use issues), then translate all of those into legal policies robust enough to stand up in lengthy hearings against very highly paid Developer appointed Barristers. In fact members of the Parish Council attended the Fountain Lane hearing every day, along with many concerned residents, and witnessed just how easily a Barrister can attempt to tear apart a Local Plan policy.

In addition to this, DPC met with CWAC Planning before the QC decision had been made. We shared the views of our residents with them, gave them a tour of the Village and took them to the Fountain Lane site. CWAC strongly believed that they had followed all procedures correctly and therefore stood behind their initial decision to reject this application. They were as hopeful of a

legal challenge as we were and have been very supportive of our cause in this instance. We will continue to keep those channels of communication open with them.

DPC have also met with our MP, Antoinette Sandbach, to discuss these specific cases and the wider implications of recent planning policies. As a result of this meeting, and the final decision by the QC, we have sent a letter to Ms Sandbach asking for:

- The withdrawal/amendment of the National Planning Policy Framework (NPPF) to clarify Policy that puts the safeguarding of local assets, infrastructure and planning at a local level.
- An enquiry into whether the Planning Inspectorate, as it currently works, is fit for purpose, especially when considering the Localism Act.

Our request is based on a number of core planning principles that were ignored in the Fountain Lane case. A full copy of the letter can be seen on the Parish Council website.

We are some way off the beginning of houses on the Fountain Lane site. The outline planning permission still has to be sold on to a Developer; they then have to apply for full planning permission. DPC will continue to work with CWAC Planning to ensure that, should the development go ahead, it is completed with the least negative impact on the village. Before building work starts, it is our intention to set up a working group made up of residents, Parish Councillors, the Developers and any other interested parties to establish open lines of communication. This will hopefully ensure that areas of concern are discussed and resolved before they become an issue.

In closing, I would like to take this opportunity to thank everybody who took the time to write to CWAC, attend meetings or just generally keep people up to date. You all fought a valiant battle and I only wish the outcome had been worthy of the effort put in. Until the next battle.

I remain, yours faithfully

Katie Mattinson
Chairman
Davenham Parish Council
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