

DAVENHAM PARISH COUNCIL

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Ms Antoinette Sandbach
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21st October 2015

Dear Antoinette,

Thank you for meeting with some of Davenham Parish Council on Friday, 9 October, to discuss the recent appeal Rulings on Fountain Lane and Hill Top Farm in Davenham, Cheshire ('the Rulings'). As discussed, we believe that the Rulings have crossed a line that is not only against Government Policy, but also potentially fuels the current 'free for all' amongst developers, with our open countryside and rural communities paying the cost.

In summary, our concerns are that:

- the Rulings are contrary to Localism and Government Policy; and
- the National Planning Policy Framework (NPPF) is too vague and further guidance/clarification is needed.

As explained by comments below, we request:

- The withdrawal/amendment of the 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.

1. Localism and Government Policy

In the foreword to the Localism Act 2011, Greg Clark (now Secretary of State for Communities and Local Government) stated:

"Eight years ago I wrote a book called Total Politics which set out the case for a huge shift in power - from central Whitehall, to local public servants, and from bureaucrats to communities and individuals.

Today, I am proud to be part of a Government putting this vision into practice. We think that the best means of strengthening society is not for central government to try and seize all the power and responsibility for itself. It is to help people and their locally elected representatives to achieve their own ambitions."

Greg Clark also noted in his personal introduction to the NPPF that:

'in recent years, planning has tended to exclude, rather than to include, people and communities. In part, this has been a result of targets being imposed, and decisions taken, by bodies remote from them'.

The Rulings have certainly left the local people in and around Davenham feeling excluded as a result of targets and decisions being made and imposed by bodies remote from them. A Planning Inspector, who was remote to the local community, was appointed and, ultimately, overturned a decision that had the support of the local community and the local authority, Cheshire West and Chester (CWAC). This was despite the Inspector recognising the following:

- a supply of housing land in excess of 5 years;
- a ratified Local Plan by CWAC; and
- significant levels of local opposition.

The above were the tools that should have enabled an element of local decision-making despite the national need for housing land supply. However, the appeal was allowed despite any recognition of the above factors, thereby diminishing local decision-making and Government Policy on Localism. The Inspector would have been better served to act with some form of local representation in his review team to ensure concerns of local people were given sufficient weight.

For further information, a brief explanation is attached, describing how the Ruling on the Fountain Lane site dismissed/ignored all 12 core planning principles of the NPPF (para 17).

The consequence of the Rulings will put an unacceptable burden on public services and infrastructure in Davenham; Section 106 funding schemes being woefully inadequate for communities, such as Davenham, where services are at capacity and new facilities are required to meet the increased demand forced upon us by the Inspector.

2. NPPF is too vague and requires further guidance/clarification

The NPPF, as a policy document, appears to be structurally flawed and difficult to interpret for both local authorities (separate letter to follow from the Planning Dept at CWAC) and lay people. Taken to its logical limit, the requirement for a rolling 5 year supply of housing land will surely lead, ultimately, to the British Countryside being entirely developed.

We believe that the NPPF needs replacing/amending with a more balanced document that recognises the limitations that historic development can place on both the layout in some villages, and the capacity for expansion.

We recommend the following as areas requiring amendment/replacement in the NPPF:

- An emphasis on the requirement for a Neighbourhood Plan, the making of which is so time consuming and complicated, creating a void in planning from which developers can benefit. Once ratified, Neighbourhood Plans also appear to be treated with negligible weight by Inspectors.
- The imposing of targets that are difficult to interpret and understand, and do not allow local people to have a say (e.g. 5 year supply and 20 year targets at a regional level).

- An emphasis on empowering local communities to have their say in the planning system, yet overriding such concerns and objections with an unaccountable system of inspectors.
- The use of terms that are difficult for both Neighbourhood Planning groups and Local Authorities to interpret (e.g. 'severe')
- An emphasis being placed on benefits that are disproportionately weighted to developers, who are not, and cannot, be held accountable for their delivery.

Conclusion

Given the incredulity with which we have read the Rulings, we have lost all confidence in the Planning Inspectorate in its current form and ask that our requests are acted upon.

As a final note, a recent review of the key decisions in 'The Planner' (trade journal for Planning Professionals) highlighted that all those reviewed at appeal were being allowed. While this could be translated as the Government making hard decisions to meet a housing shortage, it could also demonstrate that the Government has lost public confidence in its Planning Policy. Campaign for Rural England's recent report stated that Britain has capacity on Brownfield sites alone for a minimum 976,000 dwellings, so where is the need to destroy our Greenfield? We suggest the Government acts now before earning the reputation as the Government that concreted Britain's Countryside.

Yours sincerely

Katie Mattinson
Chair to Davenham Parish Council

CC:
Nial Casselden (Cheshire West and Chester)
The Planning Inspectorate

The Fountain Lane decision ignores the 12 core planning principles of the NPPF (Para 17) as stated below:

1. The Fountain Lane decision ignores the plan led ethos by giving negligible weight to the ratified CWAC Local Plan.
2. The Fountain Lane scheme fails to enhance and improve the places in which people live their lives, rather it has a detrimental effect.
3. The Fountain Lane decision dismisses CWAC's strategy for land allocation by overriding their policies, particularly as there was in excess of a 5 year supply of housing land.
4. The Fountain Lane scheme is of poor design with unacceptable access arrangements, an alternative solution being expressly dismissed – the layout of the site is a reserved matter in this case.
5. The Fountain Lane decision ignores the intrinsic character and beauty of the countryside, allowing construction on a Greenfield site.
6. The Fountain Lane scheme does not promote a low carbon economy as jobs are not available in the Northwich area and this scheme must rely on commuters travelling by car.
7. The Fountain Lane site is Grade 1 Agricultural Land and the proposed development destroys the natural beauty and increases pollution.
8. The Fountain Lane site is a Greenfield site, approved for development when there are significant reserves of Brownfield sites across the Northwich Urban Area, thereby encouraging Greenfield applications.
9. The Fountain Lane site is for housing only.
10. The green countryside is a heritage asset that will be detrimentally impacted by the Fountain Lane scheme.
11. The Fountain Lane decision actively overrides the CWAC Local Plan for managing growth by encouraging the over-allocation of housing in the Northwich area where jobs are not forthcoming – the Northwich area has exceeded its 20 year target in the first 5 years.
12. Destruction of the countryside overrides the local strategies for improving health, social and cultural wellbeing as the CWAC Local Plans places significant weight on the countryside to deliver this.