

EXTRA SHEET

Are the plan's policies clear and unambiguous and do they reflect the community's aspirations?

The following comments are related to establishing more clarity and the ability to withstand close legal examination, for instance at planning appeals. To conform to basic conditions the Plan has to conform to the NPPF requirement that policies have to be "clear".

General Comments

Recommend a Glossary explaining technical terms, legislation and acronyms. The glossary in the NPPF is a useful reference.

Recommend each paragraph is numbered throughout the document to make it easier for readers to reference specific issues

The following comments are based on the headings and paragraph numbers used in the Plan

Executive Summary - good idea

Introduction – It would be a good idea in the introduction to mention the document also contains a separate chapter on aspirations, which technically are not planning matters but are legitimately included in the interests of completeness.

1.1 Construction issues as proposed have to be aspirations rather than planning matters, so it would be more appropriate if this reference were excluded from the Objectives.

1.3 Avoid use of hyperbole such as numerous, suggest "a number."

2.1.1-2.1.2 Reference in a footnote where the stats have come from.

2.2.4 Refer to the evidence regarding concerns of traffic congestion e.g. “in our surveys”

2.3 3rd para. Delete “Any”, suggest “Most”

3.3 “hand delivered to the Parish”, Need to clarify whether this means to all properties?

4. 1st para – not sure “intangible” is appropriate as it hints at no character ?

Figure 4.2 colours in the key are not very distinct, difficult to interpret.

5.1 Confirm the settlement boundary is defined in the Local Plan

5.3 1st para add “preserves and” before “enhances” , as in terms of the legislation that it was the requirement is in Conservation Areas.

Article 8 should be Article 4 and this should be referenced in relation to the “The 1995 Town and Country Planning (General Permitted Development) Order”

5.4 Briefly explain what “retained policies” are. Perhaps best in a footnote ?

5.4.1 –Explain in which document this designation is made.

5.5.2 Clarify this is a reference to existing Local plan policy

5.6 Clarify which Plan has STRAT 8.

6.5 Refers to safe construction issues which are not planning matters and cannot be controlled by policies in Neighbourhood Plans. Advise to transfer all references to safe construction to the “Aspirations” chapter. In the case of large imposing developments carried out over long periods or specific cases where there is a very significant evidenced problem, it is possible to control delivery

routes and times of construction work to protect local amenities. You could have a policy on these aspects of construction but you need to make it clear it only relates to large-scale development or that with clear potential to create significant problems.

9 also derived from “various studies”

VC1 It is not possible to justify an absolute limit of 25 , there needs to be an element of flexibility. This is essentially about design and avoiding ‘bland suburban type estates’. I suggest a more flexible policy might be as follows :

The character of new housing developments should reflect the organic growth of Davenham to date and not result in large ‘estate’ type areas of similar appearance. Instead, new developments should contribute to creating sociable and inclusive neighborhood’s that respond to the village character and strengthen the existing community.

New residential development should therefore ideally be delivered as schemes with a maximum of 25 houses. Where a scheme exceeds this number then different areas of distinct and discernible character, each no larger than 25 homes, must be designed into the scheme.

VC2- Cannot say absolutely no development as STRAT 9 of the CWAC LP and the NPPF para.89 allows certain development appropriate to a rural (Green Belt) area. Therefore suggest delete this as a policy but refer to the national (NPPF) and local (STRAT 9) policies as supporting text. You could have a policy (see para77 of NPPF) applying to the Local Green Spaces identified in fig. 5.5 where extra protection is justified

VC3- Why a separate policy for the centre? No apparent justification. It isn’t defined on a map. The policy is very generic and does not really add anything to local plan and national policies.

I suggest criteria based design policy for whole of the Plan area, which covers VC3,4,5, and 6.e.g.Developemnt proposals will be assessed in relation to the following criteria. The criteria you have refereed to in the policies is acceptable

VC6 needs tightening up to ensure replacement dwellings in the open countryside are limited to a similar size to that existing. This protects the sensitive open countryside from insensitive large-scale houses, which are intrusive in the landscape.

HL 1- by itself it doesn't really add anything to existing Local Plan policies STRAT 8 & 9. However it is important to set out the strategic policies STRAT 8 & 9 as supporting text for policy HL2

HL2- It is confusing as it indicates if there are no brownfield sites available in the open countryside then it is acceptable to develop greenfield sites. This is wrong as STRAT 8 & 9 prohibits development of greenfield sites in the open countryside. The policy needs to refer only to the area within Davenham settlement boundary.

S & LN1 - The Community Infrastructure Levy (CIL) is close to being implemented by CWAC so this policy will be superseded by the terms of the CIL payments for infrastructure payments. I recommend liaison with the Council on this but it is likely that CIL will supersede the need for this policy. Furthermore the government policy to limit the threshold for payments of this nature to 10 or more dwellings, has been suspended by a legal challenge. However the government is seeking to reinstate in a responsive High Court challenge. I mention this as background to your discussion with the Council.

S & LN 2 - There needs to be more flexibility over time so more appropriate wording is "Housing proposals should reflect the latest housing need assessment for the Parish." The assessment element needs to be widened to the Parish although affordable housing will probably be provided in the village apart from

potential exception sites (ref : para. 89 of the NPPF). You may wish to refer to the detail of the current assessment in the supporting text. Also, you may wish to consider with the Council a programme for the review of housing needs assessments and how this could be carried out .

S &LN 4 – The Code for S H has been abandoned by the government in a ministerial statement of 25/3/15. This policy needs to be removed

BS1- The ministerial statement states that Neighbourhood Plans cannot control; these technical requirements, which are now a requirement of the Building Regulations

9.5 Don't understand why you have included this. It is not a policy and does not inform another policy ? Agriculture is not normally regarded as commercial development.

L&PA 1- This policy is acceptable and appendix 6 is good guidance. Need to specify a target for the amount of green space e.g. 10 % of site area, to give the policy more clarity. In the supporting text you need to say where appropriate green lanes will be encouraged and clarify that dwelling garden areas(curtilages) are not classed as green space in terms of this policy. The policy should also include a reference to the 'need to agree the terms of the maintenance" of the land in order that it remains visually acceptable. This can be done but setting up trusts or maintenance agreements under section 106 of the Planning Act 1990.

L&PA3- should include need to extend existing footpath network where possible.

W1- Explain in the supporting text the national policy basis of the mitigation hierarchy para. 118 of national planning policy guidance

G1- policy needs to relate to all development as I dwelling could create issues. You could usefully relate the policy to the particular sensitivity of the traffic routes identified in figure 4.4.

G2 – It is not possible to apply general cost benefit analyses to all cases Each planning decision should be on its merits with reference to national and local policies and the weight given to various policies will vary with each site.

G3 In accordance with government guidance, ref :National Planning Policy Guidance Paragraph: 003 Reference ID: 17b-003-20140306 it is only possible to monitor and enforce matters specified in planning permissions in a discretionary manner. Penalties for non-compliance are subject to the civil courts jurisdiction .

In the Aspirations chapter include the reference to construction safety.

Appendix 7 – include a reference to “saved policies” after Cheshire and West and Chester Local Plan, part 1

-include a reference to the Vale Royal Borough Local Plan