

Consultation	Local Plan (Part Two) Land Allocations and Detailed Policies - Preferred Approach
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Cheshire West & Chester Council

Local Plan

Part Two: Land Allocations
and Detailed Policies



**Preferred approach
Consultation**

August – September 2016

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1 Introduction

1.1 The Cheshire West and Chester Local Plan will form part of the statutory development plan for the borough. The Local Plan is being developed in two parts, Part One Strategic Policies and Part Two Land Allocations and Detailed Policies. The Council's aim is to produce a comprehensive planning framework to achieve sustainable development in the borough.

Local Plan (Part One) Strategic Policies

1.2 The Local Plan (Part One) Strategic Policies document was adopted on 29 January 2015 and provides the overall vision, strategic objectives, spatial strategy and strategic policies for the borough to 2030. This includes setting out the level and location of new housing and employment land, as well as the identification of a number of strategic sites.

Local Plan (Part Two) Land Allocations and Detailed Policies

1.3 The Local Plan (Part Two) will set out the non-strategic allocations and detailed policies, following on from the strategic framework set out in the Local Plan (Part One). When adopted, both documents will constitute the statutory development plan for Cheshire West and Chester and will replace all of the retained policies from the former district local plans⁽ⁱ⁾.

1.4 Public consultation on the issues for the Local Plan (Part Two), including requirements for any additional evidence work was carried out between May and June 2014. The development of the Local Plan (Part Two) takes into account responses received from this consultation along with changes made to the Local Plan (Part One) through the examination process, which have implications for the scope of policies to be included in the Local Plan (Part Two).

1.5 This document sets out the Council's preferred approach for the Local Plan (Part Two) and includes draft policies and allocations. This is not a statutory stage, but will be subject to public consultation to give residents and stakeholders the opportunity to comment on the preferred approach, before publication for formal consultation. The Local Development Scheme (approved in January 2016) sets out the timetable for adoption of the Local Plan (Part Two) as follows:

Stage		Timetable
Publication (Regulation 19)	Statutory public consultation (6 weeks) prior to submission of the Local Plan for examination	December 2016
Submission (Regulation 22)	Submission to Secretary of State for examination	April 2017

ⁱ Chester District Local Plan, Ellesmere Port and Neston Borough Local Plan, Vale Royal Borough Local Plan, Cheshire Replacement Minerals Local Plan and Cheshire Replacement Waste Local Plan

Stage		Timetable
Adoption (Regulation 26)	Document adopted and published	February 2018

1.6 The vision and strategic objectives are set out in the Local Plan (Part One) Strategic Policies document, along with the spatial priorities and strategic policies, for the borough. The purpose of the Local Plan (Part Two) is to provide the detailed policies and land allocations required to deliver the overall strategy.

1.7 The amount of housing and employment land needed is clearly identified in Local Plan (Part One) policy STRAT 2 and it is not the role of the Local Plan (Part Two) to include any policies which alter or amend these requirements. The extent of the Green Belt is a strategic matter and is defined in Local Plan (Part One) policy STRAT 9. It is not the purpose of the Local Plan (Part Two) to review the Green Belt boundary or include any policies which alter or amend the boundary in any way.

1.8 Each policy includes alternative options where it has been possible to identify a reasonable alternative approach, or an explanation of why there is no alternative. These alternative options have been fed into the [Sustainability Appraisal](#) process, which has been carried out to test the sustainability of the preferred approach. A [draft Habitats Regulations Assessment](#) has also been prepared to evaluate whether any significant effects of the preferred approach are likely to arise on nearby internationally important wildlife sites.

1.9 The Local Plan (Part Two) is accompanied by a [draft policies map](#) which shows the geographical application of the proposed policies and changes to land use allocations, and a range of supporting [evidence base documents](#).

How to comment

1.10 We would like to receive your views on the preferred approach as set out in this document, and on the [draft policies map](#), [draft Sustainability Appraisal Report](#), and [draft Habitats Regulations Assessment](#).

1.11 This consultation will run for six weeks from **Friday 12 August 2016 to 5pm on Friday 23 September 2016**.

1.12 Comments can be submitted online. You will see one or more questions at the end of each policy section - click "Add comment" where you would like to respond. You will need to login/register to comment.

1.13 If you are unable to submit your comments online, you may send your comments:

- by email to spatialplanning@cheshirewestandchester.gov.uk,
- or by post to Planning Policy Team, Cheshire West and Chester Council, 4 Civic Way, Ellesmere Port, CH65 0BE.

2 Chester

CH1 - Chester settlement area

CH 1

Chester settlement area

The settlement boundary for Chester has been drawn to meet the city's development needs, support urban regeneration, protect the Green Belt and to achieve sustainable development.

Within the defined settlement boundary of Chester as shown on the policies map, planning permission will be granted for development which accords with the Local Plan and is consistent with the following principles aimed at delivering the Local Plan (Part One) policy STRAT 3:

- Protection of the historic core of Chester (and its setting) is a paramount consideration for all development proposals;
- Historic routes and grain in the city centre should be protected and reinstatement achieved where possible;
- Archaeology is recognised as critical environmental capital;
- Protect the strategic open space corridors of the Dukes Drive; the Shropshire Union Canal corridor to the north of Chester; Dee flood plain and the River Dee corridor including the Roodee;
- Development along the inner ring road must provide strong and active frontages, appropriate in scale and height to the wider townscape;
- Development must enhance the character and appearance of principal gateways and routeways into the city;
- Supporting the Chester Cycling Strategy;
- Support mixed-use regeneration proposals set out in policy CH 3;
- A comprehensive approach to the development and delivery of the strategic allocation at Wrexham Road to include: new 1.5 form entry primary school (including community use); community and health facilities; strategic landscaping along the A483 corridor; open space including playing fields and allotments; the provision of necessary highway and public transport infrastructure.

Explanation

2.1 The Chester settlement boundary is defined by the Green Belt, as amended in the Local Plan (Part One), that surrounds the urban area. The level of development proposed for the Chester spatial area through STRAT 3 reflects the importance of the city as a key economic driver for the borough, whilst acknowledging the environmental limitations and constraints of the Green Belt and the city's historic setting.

2.2 The delivery of at least 5,200 dwellings by 2030 will be achieved through the development of land at Wrexham Road which has been released from the Green Belt through policy STRAT 3 of the Local Plan (Part One). This site has been allocated as a strategic site to deliver in the region of 1,300 dwellings. The limited resource of brownfield land within the city will be maximised through supporting mixed use regeneration proposals as detailed in policy CH3 of the Local Plan (Part Two).

2.3 The appearance of development along the radial and inner ring roads, railway corridors, the River Dee and the Shropshire Union Canal is important to the character of the city. The inner ring road corridor and gateway sites have great potential for redevelopment to improve poor quality environments and to enhance existing key sites to improve the image of the city. Development that enhances these routes and gateways through providing strong and active frontages, whilst preserving and enhancing the local character and environment, will be supported.

2.4 Open spaces are fundamental to the fabric, character or setting of individual locations in Chester. The green network of open spaces and corridors is fundamental to maintaining healthy environments and encourages linkages both within the urban area, and beyond into the countryside.

Transport

2.5 The Chester Transport Strategy identifies a number of schemes that will be brought forward by the Council, primarily to improve accessibility to the city centre. The new bus interchange at Gorse Stacks was identified on the policies map in the Local Plan (Part One) and is now under construction. The Chester Western Relief Road and the A56 Hoole Park and Ride scheme were also identified, and are subject to Local Plan (Part Two) policies T 1 and T 2, which defines the safeguarded route and site options on the policies map.

2.6 Further transport infrastructure interventions will undoubtedly come forward before the end of the plan period, which support the Council's aspirations in delivering the Northgate scheme and the Chester One City Plan as set out in Local Plan (Part One) policy STRAT 3, and will be supported subject to policies in the development plan.

Alternative options

No reasonable alternative options have been identified because while policy STRAT 3 in the Local Plan (Part One) sets the over arching strategy for Chester, it is considered necessary to set out the additional locally distinctive detail and criteria required to deliver STRAT 3.

Replaces

- CDLP - ENV12, ENV13

Question 1

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

CH2 - Employment land provision in Chester

CH 2

Employment land provision in Chester

The following sites in Chester, are allocated on the policies map, to meet the strategic development requirement for new employment development:

- A. Remaining parts of Chester Business Park (3ha, Class B1)
- B. Northern Gateway - Chester Business Quarter (2.3ha, Class B1a)
- C. Northern Gateway - Black Diamond Street (0.2ha, Class B1)
- D. Northern Gateway - Hoole Lane, Boughton (0.4ha, Class B1)
- E. Northern Gateway - Garden Lane (0.3ha, Class B1)
- F. Remaining parts of Chester West Employment Park (1.7ha, Class B1, B2, B8)
- G. Bumpers Lane (25ha, Class B1, B2, B8)
- H. Northern Gateway - Hoole Road (0.5ha, Class B1, B8)

Development proposals on the above sites should also satisfy the following criteria;

- Development at Chester Business Park should be in accordance with policy GBC 4;
- Development within the Northern Gateway area of Chester should be in accordance with policy CH 3;
- Proposals should meet specified design guidance for the area and have regard to the principles established in relevant masterplans and development briefs where appropriate.
- Development in the Chester West/Bumpers Lane area should have regard to the indicative route of the Chester Western Relief Road in line with policy T 1 and the design of proposals should facilitate good access points to the Chester Western Relief Road where appropriate.

Sites should be developed in accordance with the specified use class and criteria for each site. To ensure the borough-wide strategic development requirement can be met, these sites will be protected from alternative forms of development.

Explanation

2.7 Local Plan (Part One) policy STRAT 2 - Strategic development - sets out that over the plan period at least 365 ha of land for employment development to meet a range of types and sizes of site, will be delivered, and policy ECON 1 states that the supply will be met through existing planning commitments and new sites allocated for employment use.

2.8 This policy allocates a range of sites within Chester, to cater for the continuing economic growth of the borough and in line with policy STRAT 3 which seeks to protect a range and sizes and types of business needs, employment land and premises from alternative forms of development.

2.9 It does not identify which uses should go to a particular site but sets out a number of criteria which proposals for development on those sites will be judged, and which must be read in conjunction with other Local Plan policies. The site areas identified within the policy relate to the boundary of the proposed allocation. The net developable area and resultant employment floorspace will vary according to site specific characteristics and the mix/type of employment uses proposed.

Alternative options

There are no reasonable alternative options because Local Plan (Part One) policy STRAT 2 states that employment sites will be identified in Local Plan (Part Two) to meet the strategic development requirements. The sites identified are supported through policy STRAT 3 Chester. Due to the limited amount of employment land available in Chester, there are no reasonable alternative sites identified.

Replaces

- CDLP - EC2, URBREN1

Question 2

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

CH3 - Chester regeneration areas

CH 3

Chester regeneration areas

Within the key regeneration areas as identified on the policies map, the following development will be supported where they are in line with relevant design guidance and the following criteria:

1) Chester Northern Gateway

Development proposals should be in line with the relevant site specific policies in the plan, in particular site specific land allocations as detailed in policy CH 2. Proposals that meet the following criteria will be supported in this area:

- Improvements to the level and quality of station car parking;
- High grade office development;
- Provision of a mix of high quality affordable and market housing;
- Higher density development where compatible with conservation / design policies.

2) Commonhall Street

Development should reflect the Commonhall Street Development Brief and support will be given to the following:

- Leisure and tourism related development;
- Affordable and market housing;

Proposals should maintain green space and protect and enhance the historic fabric and townscape.

3) Chester Castle area

Uses within the Castle complex should be sympathetic to the existing buildings, and respect the historical / cultural environment. Development of the buildings and spaces within the Castle complex may include:

- Visitor attractions and tourist accommodation;
- Visual arts / entertainment space

4) Northgate

The redevelopment of the Northgate area (as identified on the policies map) must be in line with policies STRAT 3 and ECON 2 of the Local Plan (Part One). Proposals that include the provision of the following will be supported:

- major leisure and retail uses that encourage active frontages along pedestrian and cycle routes;
- residential development including market, affordable and housing for vulnerable and/or older people.

Development proposals on allocated and unallocated sites in any of the Chester regeneration areas should:

- promote safe walking and cycling routes into and within these areas to ensure their permeability and integration and to minimise the impact of cars;
- create active and vibrant street frontages where appropriate through incorporating active uses at ground floor level and/or high quality landscaping of the public realm;
- unless indicated in other policies, retail development should be small scale and limited to meeting local needs and not detract from the viability of the city centre and services at identified local centres.

2.10 Policy STRAT 3 identifies a number of key sites and broad locations to deliver the over arching development strategy for Chester. In addition, policies STRAT 1 and STRAT 2 promote strong, prosperous and sustainable communities and encourage the use and redevelopment of previously developed land and buildings.

2.11 The Chester Northern Gateway is a key entrance into the city from the suburb of Hoole. Hoole Road links the outer ring road (A41) with the inner ring road at the Hoole Way roundabout (A5268) and Hoole Bridge is a prominent feature of this route. The policy approach to this key corridor is set out in policy T 2. Policy STRAT 3 of the Local Plan (Part One) identifies Chester Business Quarter as a broad location for mixed use development. Sites within this area are identified in policy CH 2.

2.12 A draft development brief for the Commonhall Street area is being prepared which aims to protect and enhance the character of this area through suggested public realm improvements. It also identifies key sites or areas within the brief boundary that could be considered for redevelopment in order to improve the connectivity of the area and support residential and commercial uses.

2.13 The Northgate redevelopment is a key retail and leisure proposal identified in policy STRAT 3 of the Local Plan (Part One). The policy states that the Northgate area (as shown on the policies map) will be a *"comprehensively planned development... for major leisure and retail uses"*. The wider area includes the adjacent theatre site that is currently under construction, and which together with the Northgate redevelopment will enhance the cultural offer of the City whilst providing wider retail and leisure choices.

2.14 The Chester Castle and surrounding area is a key heritage asset that incorporates key buildings such as the Military Museum, County Court, Napier and Colvin House, the Gunsheds, and the parade ground. There are a range of users and owners within the complex and it is important that a comprehensive approach towards the future uses / development of this area is identified at an early stage. The preparation of a development brief for the area is recommended to ensure this approach is taken.

2.15 The policy criteria will encourage high quality development that protects and enhances the city's historic assets. In these areas there should be an emphasis on promoting and facilitating high quality, mixed use development, building upon and wherever possible improving upon existing local physical, social, economic and environmental assets. Respecting the character, needs and distinctiveness of existing communities should be a key aim of each regeneration area.

Alternative options

The alternative option would be not to identify specific regeneration areas or sites. Development proposals would be considered on a case by case basis using general development management policies. This policy could be covered through the Chester spatial area policies, or the historic environment policies.

Replaces

- CDLP - EC14, CU3, URBREN1, URBREN2, Riverside Development Brief, Old Port/Tower Wharf Development Brief

Question 3

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

CH4 - University of Chester

CH 4

University of Chester

Proposals for the development of education related facilities at the University of Chester campus sites, as defined on the policies map, will be supported where there are no significant detrimental impacts on neighbouring uses, residential communities and on the local infrastructure.

The "Glenesk" site, as identified on the policies map, is allocated for potential expansion of the teaching facilities on the Parkgate Campus. The site should be brought forward in a comprehensive manner in the context of a development brief for the site and a strategy for the Parkgate campus as a whole.

Explanation

2.16 The University of Chester is a key educational establishment with dispersed facilities across the city centre and adjacent suburbs. Policy ECON 1 supports initiatives linked to education, and improving access to further / higher education facilities which includes. The provision of student accommodation in Chester is supported through policy Local Plan (Part One) SOC 3.

2.17 The University's 'Parkgate Campus' will continue to be a focus for development which may include additional student, teaching, research and enterprise accommodation, infrastructure and services, and sports and leisure facilities. The loss of greenfield spaces within the site will be weighed against the benefits of development to the wider community. Development and redevelopment opportunities within the main campus site should be fully considered before development proposals for this area will be supported.

2.18 The Kingsway campus will continue to be a focus for Arts and Media teaching, and activity set within the local community. New development should be focused in and around the existing built area of the campus and should not result in the material extension of built development into open areas. Proposals for development and redevelopment could include additional teaching, community, research and enterprise space, infrastructure and services, and sports and leisure facilities. Improvements to access and parking arrangements to realise the full potential of the site will be supported.

2.19 The Riverside campus will continue to be a focus for nursing courses. Any development proposals must consider policy CH 3 and the identified regeneration areas. Education and business related courses are the focus of the Queens Park, Handbridge campus.

2.20 For reference to the University's campus and activities at Thornton Science Park please refer to policy EP 5.

2.21 For proposals relating to the creation of student accommodation please refer to policy DM 16.

Alternative options

No policy for University of Chester

Replaces

- CDLP - CF2

Question 4

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

CH5 - Chester city centre

CH 5

Chester city centre

In line with policy ECON 2 of the Local Plan (Part One), town centre uses will be supported within the city centre boundary for Chester, as identified on the policies map, subject to the following additional criteria:

A1 retail uses should be located within the Primary Shopping Area or the allocated Northgate site, as identified on the policies map, in line with the sequential test set out in ECON 2.

Within the primary shopping frontages, as identified on the policies map, the change of use from retail (class A1) or the extension of existing non A1 uses into adjoining retail premises at ground floor level will not be permitted.

Within the Secondary Shopping Frontages (excluding the Rows), as identified on the policies map, the change of use from retail (A1) to A2, A3, A4, A5, and D2 will be permitted where:

- A shop window and active frontage is retained;
- Ground floor residential development is not included as part of the development;
- The proposed use will not result in a continuous frontage of two or more non-A1 retail units (units are defined as a shop front width of about 6 metres; larger units will be assessed in terms of unit length);
- The use would not prejudice the use of the floors above for residential and other purposes appropriate to the town centre.

Within the historic Rows new development should encourage footfall and must provide interest through active frontages with the retention of historic frontages a priority. The provision of A1, A3 and A4 will be supported and the loss of these uses resisted.

Boughton has been defined as a District Centre (Policy DM 7) and proposals for town centre development should not undermine the vitality and viability of the City Centre.

Residential development in the town centre will be supported, including specialised accommodation, where this supports balanced and mixed communities.

Explanation

2.22 The Local Plan (Part One) through policy ECON 2 recognises Chester as the borough's only sub-regional centre and is a key destination for tourism and leisure. The Retail Study (2016) identifies that there is no quantitative need for additional food retail in the City and that non-food requirements will be met through the Northgate allocation as identified in the Local Plan (Part One). The proposals

in the City centre through new retail and leisure provision should help ensure the City remains competitive as a sub-regional destination and the provision of a new theatre and cinema will improve the City's cultural offer. The City's market will be incorporated into the Northgate proposals and this important local facility will be safeguarded and enhanced.

2.23 In line with ECON 2 of the Local Plan (Part One) the policy aims to protect the vitality and viability of the City and it is important the delivery of the Northgate scheme is not undermined by out of centre developments. The Retail Study (2016) identifies that out of centre competition has undermined the vitality and viability of the City centre through diminishing the centre's market share. Within the primary frontages the aim is to retain A1 retail uses with a more flexible approach in the secondary areas. The Rows are a unique and distinctive element to Chester's retail and tourism experience. It is vitally important they retain continuous active frontages that provide both residents and visitors with a reason to visit the Rows which will help protect their character.

2.24 Alfresco dining and outdoor seating can improve the vitality and viability of centres and support the evening economy. Where compatible with highway safety the Council will support these proposals and will look to review the Chester City supplementary planning document relating to alfresco dining.

Alternative options

There is no reasonable alternative as the Local Plan (Part One) requires the identification of the primary shopping area and primary and secondary frontages.

Replaces

- CDLP - RET2, RET3, RET7

Question 5

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

CH6 - Chester conservation areas

CH 6

Chester conservation areas

In line with policies STRAT 3 and ENV 5 of the Local Plan (Part One), all new development within Chester's conservation areas, as shown on the policies map, will be required to show a very high quality of design and contribute positively to the townscape and the city's setting.

Development proposals within the City Centre and its approaches will only be permitted in line with policies STRAT 3 and ENV 5 of the Local Plan (Part One) and other relevant policies of the Local Plan (Part Two) where:

- it can be demonstrated that they have been sensitively designed, having regard to their location and the immediate character of the area, and including consideration of building height; roof treatment; backs of properties; location of ventilation equipment and plant; fire escapes; service areas;
- it can be demonstrated that Chester's key views, landmarks, gateways and historic skyline will not be adversely affected in line with policy CH 7;
- they will not result in the loss of any historic routes. Proposals which would result in the reinstatement of any historic routes will be permitted, subject to compliance with all other plan policies;
- they show careful attention to spaces between buildings, scale, height, mass and architectural detail, respecting the building lines, building hierarchy and urban grain;
- they use high quality and durable materials appropriate to the building and its setting;
- the proposal, adopts visually appropriate and discreet security fixtures and fittings to minimise their visual impact.

Roof extensions to existing buildings (which may include the installation of conservatories, roof terraces, telecommunications equipment or solar collectors) will not be permitted where the proposal would:

- adversely affect either the architectural character or unity of a building or group of buildings;
- would be visually intrusive or unsightly when seen in longer public or private views from ground or upper levels;
- result in the loss of unusual or historically significant or distinctive roof forms, coverings, constructions or features.

Within the City Centre, proposals for illuminated signage will only be permitted where they relate to night time uses where the level of streetlighting and lighting from the shop window is inadequate for trading purposes.

The Rows

New uses for buildings on The Rows which encourage pedestrian footfall, improve natural surveillance, and support commercial viability will be permitted, subject to compliance with all other plan policies.

Proposals which facilitate access to retail units at both street level and Row level will be looked upon favourably.

Proposals for new or alterations to existing facades of shops or commercial premises within The Rows will only be permitted where it can be demonstrated that the special architectural and historic interest of the premises and the character of the building and wider townscape is protected in accordance with policy DM 9.

Business signage applied to Row beams will only be permitted where the design, location and materials are sympathetic to the character and appearance of The Rows.

Proposals for projecting or hanging signs on street frontage elevations will only be permitted where they relate to businesses at Row level which have no street level frontage; are of appropriate size, design and materials; and are sympathetic to the character and appearance of The Rows.

Waterways

Proposals within the Chester river or canal conservation areas will be required to demonstrate that the development will make a positive contribution to the visual appearance and character of the area and preserve or enhance the setting of the waterway in accordance with the Chester Waterways Strategy, the Chester Characterisation Study and any relevant conservation area appraisals. Development should create a positive connection to the waterside promoting 'active' frontages and enhancing weak frontages.

Explanation

2.25 Policy STRAT 3 and ENV 5 of the Local Plan (Part One) recognise the national and international importance of Chester as a historic walled city and the need to conserve and enhance the character of the city centre and the setting of the city with its impressive and diverse architectural inheritance.

2.26 Chester was a Roman Fortress and town of strategic importance and it still retains much of its defences and Roman street pattern. Its historic environment makes a significant contribution to the economy, employment and tourism of the City. Its unique historic character is of national and international significance and it has notably important historic assets, including:

- Chester Cathedral – Grade I listed, which, developed over the last 1000 years.
- Walls – an excellent example of Roman fortress defences and Medieval town wall.
- Castle – The Castle, including the Agricola Tower is a significant asset in the town.
- Amphitheatre – Well researched and one of a relatively small number in England.

- The Rows – Two storied timber shopping galleries are unique to the town and have origins in the Medieval period.
- Racecourse – The site of the oldest racecourse in Britain.
- St John’s Church – Chester’s first cathedral in the Eleventh Century.

2.27 Through implementation of the policies set out in the Local Plan, the Council seeks to manage change and safeguard the valuable environment of the city. The Council will continue to work with regeneration partners to identify key sites within the City Centre, preparing development briefs where necessary, to promote and facilitate their redevelopment and regeneration with buildings of the highest quality.

2.28 Best practice in conservation allows the city’s conservation areas to develop in a managed way, allowing for appropriately designed and contextual quality new development to enhance the quality of the townscape, historic buildings and spaces, whilst preserving the city’s character. The evolution of the historic cityscape is achieved through striking a careful balance between historic conservation and contemporary design.

2.29 A knowledge and understanding of the local context is necessary in order to achieve high quality new development. This requires a thorough understanding of the City’s physical form; its key approaches; its topography, morphological and historical development; its key unique elements and urban form that gives Chester its character and strong sense of place; its uses; its overall character, architectural quality, materials and detailing and building heights; its buildings of townscape merit and shopfront quality; the nature and quality of its landscape character and public realm. This analysis is found in the Council’s Chester Characterisation Study.

2.30 The choice of building materials is very important. Aesthetic quality, colour, profile, texture, detailing, durability, and weathering are key considerations to ensure that development does not deteriorate in appearance.

2.31 The City’s inner and outer conservation areas are shown on the policies map and in the Chester Characterisation Study 2012. Geographically, the area focuses on the central part of the City and its key approaches. Almost all of the characterisation study area falls within existing conservation areas, either the City Centre conservation areas or one of several surrounding suburban conservation areas.

2.32 The Chester Characterisation Study is a key evidence base document which defines the specific character and critical heritage assets of individual areas of Chester and assesses their importance in the context of the City.

2.33 In respect of The Rows, the Council will accept the following where proposals are in accordance with other policies of the Plan:

- CCTV cameras within The Rows to improve security and safety, and prosecutions for heritage crime;
- The improvement of lighting on The Rows;

- The improvement of accessibility to The Rows;
- The promotion of best practice in the provision of fire safety measures in liaison with the Cheshire Fire Service;

2.34 The Council recognises the strategic importance of the river and canal corridors in Chester and will seek to ensure their protection and enhancement. The Conservation Areas which protect such areas and the Chester Waterways Strategy provide a basis to manage the future of these resources.

2.35 The Council is in the process of consulting upon the designation of the Chester Canal Conservation Area. This designation seeks to protect features of interest identified in the accompanying conservation area appraisal and management plan as well as encouraging enhancement and protection of the canal and its setting.

Alternative options

Not to include a policy which is specific to the Chester conservation areas, relying instead on the general conservation area policy to consider matters of local distinctiveness.

Replaces

- CDLP - ENV39, ENV40, ENV41, ENV42, ENV43, ENV44, ENV50, ENV51

Question 6

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

CH7 - Chester - key views, landmarks and gateways and historic skyline

CH 7

Chester - key views, landmarks and gateways and historic skyline

Development proposals within Chester, which are significantly higher than the general prevailing height of the surrounding townscape will only be permitted where they:

- are of an appropriate design which will not have a disruptive and harmful impact on the city's key gateways;
- would not intrude upon strategic views; landmark buildings, historic townscapes and skyline;
- would not intrude upon the setting of the Walls, the Town Hall, The Rows, the Cathedral, Amphitheatre, Castle Complex or Riverside;
- have an acceptable relationship to the surrounding townscape context in terms of scale, streetscape and built form;
- have an acceptable impact on the skyline, and views from and to locally important views and prospects;
- have an acceptable impact in terms of the setting of, and views to and from, heritage assets;
- are of the highest architectural quality with an appropriate scale, form and silhouette.
- create, where relevant, appropriate stop views and termination of vistas of the highest quality of design
- embody high quality architectural design which would visibly contribute to the character of Chester's unique heritage; and
- enhance the key approaches into Chester by their profile, aspect ratio and choice of facing and glazing materials.

Existing high buildings in Chester shall not set a policy precedent for similar development on adjacent sites and any new high buildings.

The policies map shows the Chester character areas identified through the Chester Characterisation Study. Key views, landmark buildings and gateways are indicated or mapped within the study for each character area. The Characterisation Study must be referred to when considering development proposals within the identified character areas in order to fully assess any impact on key views, landmark buildings, gateways and the historic skyline.

Explanation

2.36 Policy STRAT 3 and ENV 5 of the Local Plan (Part One) recognise that any development within or on the periphery of the city centre or within or on the edge of the urban area should be compatible with the conservation or enhancement of the city centre and the character and setting of the city.

2.37 The Chester Characterisation Study assesses predominant building heights, gateways, key views and vistas. The key views are seen from places that are publicly accessible and well used. Landmark buildings are identified that are important features of Chester, providing an orientation point on the skyline, and enriching the townscape in terms of character, appearance and visual cohesiveness. There are also panoramic views of the river; broad views to the Welsh Hills; views from an urban space of a building or group of buildings within a townscape setting. Development will be assessed for its impact on the key view if it falls within the foreground, middle ground or background of that view.

2.38 Within the key views, landmarks, key gateways, strong frontages and strong nodes are identified and protected that enhance the aesthetic contribution to the view.

2.39 On the whole, Chester city centre is an unacceptable location for tall buildings. The Council will seek to mitigate the impact that high buildings have upon the high quality, historic built environment. Consideration will be given to the removal of tall buildings that do not make a positive contribution and to their replacement by buildings that are lower in scale, height and higher quality design. This is especially the case where buildings adversely impact on key views into the city or key gateways, or on the setting of conservation areas or listed buildings. Historic England issued a guidance note on Tall Buildings and this will be taken into account in the consideration of applications.

Alternative options

Amend criteria to make the policy more or less restrictive or do not include a policy relating specifically to key views, landmarks and gateways and historic skyline, relying instead on policy STRAT 5 and CH 6.

Replaces

- CDLP - ENV8

Question 7

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

3 Ellesmere Port

EP1 - Ellesmere Port settlement area

EP 1

Ellesmere Port settlement area

The settlement boundary for Ellesmere Port has been drawn to meet the town's development needs, support urban regeneration, protect the Green Belt and to achieve sustainable development.

Within the defined settlement boundary of Ellesmere Port (as shown on the policies map) planning permission will be granted for development which accords with the Local Plan and is consistent with the following principles aimed at delivering the Local Plan (Part One) policy STRAT 4:

- Improve links between the town centre, the Waterfront and the Stanlow area;
- Support physical improvements to the gateways, corridors and green spaces within Ellesmere Port including along the M53/Shropshire Union Canal Corridor;
- Support improvements to rail services and accessibility to the railway stations;
- Regeneration of previously developed land for a range of uses, particularly to support new housing development;
- Support regeneration proposals in and around the town centre including mixed use development and a public services hub;
- A comprehensive approach to delivering the strategic allocation at Ledsham Road to include provision of a new primary school; community centre and changing rooms; playing pitches; allotments; local centre; and the provision of necessary highway and public transport infrastructure.

Explanation

3.1 The Ellesmere Port settlement boundary is defined by the Green Belt, as amended in the Local Plan (Part One), that surrounds the urban area. The level of development proposed for the Ellesmere Port spatial area through policy STRAT 4 reflects the potential to deliver substantial economic growth through the availability of significant sites for industrial, manufacturing and distribution purposes. Policy EP 2 sets out the employment land provision in Ellesmere Port.

3.2 The delivery of at least 4,800 dwellings by 2030 will be achieved through the development of land at Ledsham Road, which has been allocated as a strategic site to deliver up to 2,000 dwellings. The policy above sets out some more specific criteria necessary to ensure that this site delivers a high quality urban extension to Ellesmere Port, in line with policy STRAT 4.

3.3 Policy STRAT 4 states that the Council will look to facilitate the development of land for employment uses in the area. Policy ECON 1 seeks to promote competitive town centre environments and bring forward sites to meet a range of town centre uses including commercial, retail, leisure, culture and office uses. Furthermore, the refurbishment and enhancement of existing sites and premises for continued employment use will be supported. ECON 2 encourages improvements to Ellesmere Port when opportunities arise in the town centre.

3.4 The 'Council Plan 2016-2020' and the 'Ellesmere Port Vision: Strategic Regeneration Framework' identify the potential for the development of a 'public services hub' which would bring together a number of public agencies in one location, unlocking wider regeneration opportunities and leading to major public real enhancements. The proposed hub would be developed on a site centred around Civic Way, incorporating the redevelopment of surplus vacated sites clustered at Coronation Road. An indicative boundary for this area is shown on the policies map.

Transport

3.5 Ellesmere Port has the potential to deliver substantial economic growth over the plan period and Part One policy STRAT 4 states that the Council will make provision for transport infrastructure improvements required to unlock the development potential of some sites and identified the New Bridge / A5117 link road on the policies map, as a key scheme to achieve this. Opportunities for freight transport on the rail network or via the Manchester Ship Canal should be maximised and new links to these networks will be encouraged where appropriate.

3.6 Work on the Ellesmere Port Transport Strategy is due to commence in 2017 which will identify if any further transport interventions are required to meet the plan objectives. However, some schemes affecting the strategic road network, that will be delivered in partnership with Highways England will be supported, including the M53 junctions 5 to 11 upgrading to smart motorway including hard shoulder running (due to start by 2021), and improvements to the A550 Welsh Road.

Alternative options

No reasonable alternative options have been identified because while policy STRAT 4 in the Local Plan (Part One) sets the over arching strategy for Ellesmere Port, it is considered necessary to set out the additional locally distinctive detail and criteria required to deliver STRAT 4.

Replaces

- None

Question 8

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

EP2 - Employment land provision in Ellesmere Port

EP 2

Employment land provision in Ellesmere Port

The following sites in Ellesmere Port, are allocated on the policies map, to meet the strategic development requirement for new employment development:

- A. Land at Encirc Glass Ltd (34ha, Class B1, B2, B8)
- B. Stanlow - land to the west of New Bridge Road (20ha, Class B1, B8)
- C. Stanlow - Dutton Green (0.7ha, Class B1, B2, B8)
- D. Hooton Park (24ha, Class B1, B2, B8)
- E. Remaining land at Cheshire Oaks Business Park (west) (1.2ha, Class B1)
- F. Remaining land at Rossmore Road East (3ha, Class B1, B8)

Development proposals on the above sites should also satisfy the following criteria;

- Development within Hooton Park should be in accordance with policy EP 3 Hooton Park
- Development within Stanlow should be in accordance with policy EP 4 Stanlow special policy area
- Development on land adjacent to Encirc Glass Ltd should;
 - Incorporate sufficient flood risk mitigation measures, including adequate surface water discharge methods;
 - Be compatible with surrounding land uses, in particular the amenity of nearby residents;
 - Be compatible with the use of the railway line, and encourage rail based freight movements;
 - Minimise harm to landscape and visual impacts arising from the proposed development; and
 - Not harm sites of nature conservation interest within the vicinity.

Sites should be developed in accordance with the specified use class and criteria for each site. To ensure the borough-wide strategic development requirement can be met, these sites will be protected from alternative forms of development.

Explanation

3.7 Local Plan (Part One) policy STRAT 2 - Strategic development - sets out that over the plan period at least 365 ha of land for employment development to meet a range of types and sizes of site, will be delivered, and policy ECON 1 states that the supply will be met through existing planning commitments and new sites allocated for employment use.

3.8 This policy allocates a range of sites within Ellesmere Port, to cater for the continuing economic growth of the borough and in line with policy STRAT 4 which seeks to maintain a portfolio of employment land and premises within Ellesmere Port and the surrounding area, to meet a range of sizes and types of business needs.

3.9 It does not identify which industrial uses should go to a particular site but sets out a number of criteria which proposals for development on those sites will be judged, and which must be read in conjunction with other Local Plan policies. The site areas identified within the policy relate to the boundary of the proposed allocation. The net developable area and resultant employment floorspace will vary according to site specific characteristics and the mix/type of employment uses proposed.

Alternative options

There are no reasonable alternative options because Local Plan (Part One) policy STRAT 2 states that employment sites will be identified in Local Plan (Part Two) to meet the strategic development requirements. The sites identified are supported through policy STRAT 4 Ellesmere Port and ECON 1.

Replaces

- CDLP - EC2, EC7, EC8
- EPNLP - EMP1, EMP2, EMP3, EMP4, EMP5C, EMP7, EMP8

Question 9

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

EP3 - Hooton Park

EP 3

Hooton Park

Hooton Park is identified on the policies map for employment_use (Use Classes B1, B2 and B8).

Development proposals in this area will be permitted where they are in line with policy STRAT 4 and the following criteria;

1. Traffic and transport measures proposed take account of the requirements generated by the proposed use;
2. The use of freight and non-road facilities is encouraged where possible and the provision should be included in the initial design of the scheme;
3. The listed aircraft hangars are to be retained within the site. Main town centre uses (such as retail, hotels or commercial development) will not be permitted, unless it is ancillary to an appropriate use of the listed aircraft hangars;
4. Development proposals must make a positive contribution to the visual appearance of the M53 corridor. Development should take account of Local Plan (Part One) policy ENV 2, incorporating important landscape features into the design.

Explanation

3.10 The Local Plan (Part One) policy STRAT 4 identifies Hooton Park as an important sub-regional employment location safeguarded for continued ancillary_office, light industrial, industrial and warehousing use. The site is the location of the GM Vauxhall works and as such the Local Plan (Part One) supports the continued prosperity and economic competitiveness of the motor plant. Uses in connection with the automotive or related industries are supported. In addition policy ECON 1 recognises the need to safeguard this area as essential to meeting future economic growth.

3.11 Hooton Park is an important location within the sub-region and falls within the Cheshire Science Corridor Enterprise Zone. Within the Enterprise Zone, this location is identified as being suitable for logistics, advanced manufacturing and environmental technologies. The majority of land within the area is in operational use for GM Vauxhall and suppliers. There is some land within the boundary capable of redevelopment for complementary employment uses, falling within the B use classes. It is located alongside the M53 motorway, with potential for rail and freight access to the north. The development of any surplus land will contribute towards the em

3.12 There is a Local Development Order (LDO) covering part of the site, made under section 61A(2) of the Town and Country Planning Act 1990 (as amended). The LDO grants planning permission, subject to compliance with specific criteria, for new developments, extensions and alterations to existing buildings

in the North Road Industrial Area. This is in addition to changes of use and minor operations as set out in the Order.

3.13 The LDO is in place for a period of 10 years. The Council may exercise its powers to amend or withdraw the LDO at any time. The Local Plan (Part Two) policy will apply to any development that does not fall within the development categories set out in the LDO which requires planning permission and/or in the event of the LDO being reviewed/revoked. The policy is necessary to define the extent of the Hooton Park site on the policies map. The site area defined on the map includes 3 listed hangars associated with the former use of the site as an airfield. These hangars and the adjacent wooded area are of particular local importance and should be retained.

3.14 The industrial history of this particular area has led to a concentration of derelict and neglected land, run-down sites, the proliferation of unsightly uses, and an overall negative visual impression within an area extremely prominent from the M53. The environmental upgrading of the corridor will help to provide more attractive landscapes and create a better image and thereby attract investment into the town including new employment opportunities. Landscaping should be in line with Local Plan (Part One) policy ENV 2.

3.15 The boundary excludes the 'Port Cheshire' site as this has planning permission for a port related development and is covered by other policies within the Plan.

Alternative options

There are no reasonable alternative options because Local Plan (Part One) policy STRAT 4 Ellesmere Port and ECON 1 identify Hooton Park as a key employment location to meet future economic growth in the borough. The policy is necessary to guide new development within this area and define the boundary on the policies map.

Replaces

- EPNLP - EMP3, ENV11

Question 10

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

EP4 - Stanlow special policy area

EP 4

Stanlow special policy area

The Stanlow Special Policy Area is defined on the policies map. The Stanlow oil refinery is of national importance and safeguarded for continued use for petrochemical and related industries. Any new development should not prejudice the continuing operation of the existing refinery. The redevelopment of any vacant, under-used or derelict land that is surplus to requirements of the primary operational use of the site will be encouraged, subject to any security restrictions and the criteria below.

New employment development (class B1, B2, B8 and suitable sui generis uses) will be permitted in this area where the following criteria are met;

1. There should be no harm to sensitive locations in the locality, particularly residential areas, arising from the appearance of the development, or its potential for pollution or noise generation. Sensitive locations include residential areas, commercial centres, areas attracting large numbers of visitors, SSSI, Green Belt, Conservation Areas and historic assets
2. Proposals for 'potentially polluting development' should be compliant with other policies in the plan relating to hazardous installations and the potential pollution / amenity impacts.
3. Proposals for a complementary/synergistic use alongside existing operations should be considered.
4. The proposed development should not conflict with the continuing operation of existing businesses in the Special Policy Area or other Local Plan policies and allocations
5. The use and the design of the buildings proposed should be consistent with their location in a hazard consultation zone, in line with other policies in the plan.
6. The use, design and location of any plant and buildings should have regard to the Areas of Flood Risk identified by the Environment Agency.
7. The traffic and transport requirements generated by the use, including freight and access by employees and visitors, should be satisfactorily accommodated both on the site and by the surrounding transport network. Non-road and public transport facilities should be used whenever possible.
8. If the use, size, nature and proposed location of the development is judged by the Local Planning Authority to be likely to generate significant environmental effects and it falls within the defined categories under the Regulations then an Environmental Assessment will be required.

Outside the operational area of the oil refinery, employment related uses (B1, B2 and/or B8 use classes) will be encouraged. This should meet the above criteria and in addition, the design and appearance of the development should not detract from the visual amenity and has regard to the M53/Shropshire Union Canal corridor.

The use and redevelopment of land within Stanlow will be prioritised for employment development in the Ellesmere Port area, in preference to the release of additional greenfield sites.

Thornton Science Park is within the defined Stanlow boundary. Development proposals in this area should take account of the above criteria and also the additional criteria in policy EP 5 Thornton Science park.

Residential development within the Stanlow boundary will not be permitted.

Explanation

3.16 Local Plan (Part One) policy ECON 1 identifies the Stanlow area as a key employment location that is identified and safeguarded as essential to meeting future economic growth in the borough. The majority of the land within the Stanlow Special Policy Area (SPA) is owned by Essar Oil UK (formerly Shell) and occupied by the UK's second largest oil refinery and other privately-owned petro-chemical industries. Stanlow is a significant area of land that extend approximately 850ha. The area has good access to the surrounding railway, canal and motorway network. The villages of Elton and Ince are to the east of the area, separated by Green Belt land. Further eastwards lies the proposed Ince Park/Protos scheme and Encirc Glass Manufacturing facility.

3.17 The Cheshire West and Chester Local Plan (Part One) Strategic Policies recognises that the Stanlow area in Ellesmere Port is an important location for continued economic growth. Policy STRAT4 states that further assessment of the availability and suitability of employment land for future development in this location will be undertaken through the preparation of the Local Plan (Part Two) Land Allocations and Detailed Policies Plan. Given the nature of existing land uses in this location, the identification of any available land/ sites would be for economic use. The draft policy applies to any vacant or under-used land within this area, that is suitable for redevelopment.

3.18 The Employment Land Study (2009) and Employment Land Study Update (2013) identified the Stanlow area as having a complex employment land supply. There remains demand for general industrial and specialised sectors, due to proximity to the motorway network. A Stanlow Special Policy Area (SPA) Review has been undertaken to provide evidence to inform future policies and proposals in this area.

3.19 The Draft Stanlow SPA Review reviews the extent of land availability and suitability within this area for future employment development. It takes account of development constraints, access restrictions and the operation of existing businesses (excluding Essar's operational land). It has regard to COMAH Regulations, relevant Health and Safety Executive (HSE) advice and any other regulations applicable to pipe lines. It takes account of consultation with key partners, businesses and landowners operating in the area to understand current and future development needs. The Study has been undertaken alongside the Council's Housing and Economic Land Availability Assessment, to inform the employment land policies within Local Plan (Part Two). The recommendations from the Draft Study for are included within this policy.

3.20 The Strategic Flood Risk Assessment (March 2016) identifies areas of Stanlow at risk of flooding (flood zones 2 and 3a). Flooding would occur regularly if there was not a flood alleviation scheme present. The standard of protection should be maintained into the future therefore the SFRA recommends that the area should be considered acceptable for less vulnerable development types. Development will be required to come forward in accordance with other relevant Local Plan policies.

3.21 The extent and distribution of the land available within the Special Policy area means that in general this is the most suitable location within the Plan Area to accommodate hazardous and potentially polluting industry. However not all available land will be suitable for these particular industrial uses.

3.22 The potential environmental impact will be the most significant consideration in deciding the suitability of any particular site within the Special Policy Area for the use proposed. Particular care will also be needed to protect the visual amenity of the surrounding settlements of Ince, Elton and Thornton-le-Moors with, for example, tree planting. The overall impact of any development on land, air or water pollution will be considered regardless of its location.

3.23 The Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 identify two categories of projects - those which must have an environmental assessment and those which can be required to have an environmental assessment if the Local Planning Authority considers that the proposal is likely to generate significant effects on the environment. Oil refineries and the disposal of toxic waste fall into the first category, chemical, food, textile and rubber industries and non-toxic waste disposal fall into the second category.

3.24 Not all of the vacant land within the Stanlow Special Policy Area is appropriate for re-use for development. In some cases, undeveloped land must be retained to create a visual or environmental buffer around existing installations.

Alternative options

There are no reasonable alternative options. Local Plan (Part One) policy STRAT 4 Ellesmere Port states that the Council will assess the availability and suitability of employment land for development within the Stanlow area. Stanlow is identified as a key employment location for future economic growth under policy ECON 1. The policy is necessary to have specific criteria to guide new development in the area, taking account of potential environmental impacts and to define the boundary on the policies map.

Replaces

- CDLP - EC7
- EPNLP - EMP2, REC6

Question 11

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

EP5 - Thornton Science Park

EP 5

Thornton Science Park

Thornton Science Park is defined on the policies map for teaching, research and small enterprise development. Development falling within Use Classes B1(b) and (c) and Class D1 education and ancillary support facilities will be permitted in accordance with Local Plan policies STRAT 4 and ECON 1.

The use, design and location of any buildings should be consistent with their location in a hazard consultation zone.

The traffic and transport requirements generated by the use should be satisfactorily accommodated both on the site and by the surrounding road network. Non-road and public transport facilities should be used whenever possible.

Any development should also protect and enhance the heritage assets within the site, and their setting in line with policies DM 41 and DM 42. The central landscape area is important for the character and quality of the science park and should be retained and enhanced with any development proposals.

Explanation

3.25 Local Plan (Part One) policy ECON 1 identifies the Stanlow area as a key employment location that is identified and safeguarded as essential to meeting future economic growth in the borough. Policy ECON 1 also supports initiatives and accessibility to further/higher education facilities improving links between main employers and a skilled workforce.

3.26 The Thornton Science Park site is located within the Stanlow boundary. It is a 25 ha site for the University of Chester's Faculty of Science and Engineering (formerly the Shell Technology Centre). It provides space for new business start ups for the expansion of businesses operating in the following sectors; energy, environment, engineering, advanced manufacturing, chemicals and automotive. The site is recognised as being important within the sub-region and part of the site is within the Cheshire Science Corridor Enterprise Zone (designated 2015). The Cheshire Science Corridor Enterprise Zone

is being led by the Cheshire and Warrington Local Enterprise Partnership (LEP) and is one of the key strategic development priorities identified in their 2014 Strategic Economic Plan (SEP).

3.27 Within Thornton Science Park, building 50 (the former Thornton Aero Engine Research Laboratory) is a grade II listed building. There are also two adjacent buildings that have a local listing. The protection and enhancement of these historic assets will be encouraged. There is also a central landscaped area within the Science Park which should be retained as part of any future development in the site.

3.28 The Draft Stanlow SPA Review has considered the suitability and availability of land within Stanlow for future development. The Study has involved consultation with existing businesses in the area, including the University of Chester regarding future development aspirations at Thornton Science Park. The policy reflects the use of the site in connection with the University and teaching, and allows for limited ancillary support facilities in connection with the primary use. These should be in line with other relevant policies of the plan, particularly with regard to town centre uses and hazardous installations.

Alternative options

There are no reasonable alternative options. Local Plan (Part One) policy STRAT 4 Ellesmere Port states that the Council will assess the availability and suitability of employment land for development within the Stanlow area. Stanlow is identified as a key employment location for future economic growth under policy ECON 1. The Thornton Research Site was formerly Shell's research laboratories, however has since transferred ownership to the University of Chester. The policy is necessary to take account of changing circumstances including sub-regional economic strategies, to define the boundary for the site on the policies map and to provide criteria against which new development proposals can be assessed.

Replaces

- CDLP - EC7
- EPNLP - EMP2

Question 12

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

EP6 - Ince Park

EP 6

Ince Park

(a) Ince Park (Protos)

Land at Ince Park (Protos) is safeguarded for a multi-modal resource recovery park and energy from waste facility for use in connection with the recycling, recovery and reprocessing of waste materials. Development proposals will be permitted where it is demonstrated that they;

1. meet the requirements of Local Plan (Part One) policies ENV 8, STRAT 4 and ECON 1. The impact of individual development proposals must be assessed in the context of other planned/consented development at Ince Park and must not undermine the safeguarded capacity to meet the borough's waste management needs established in policy ENV 8;
2. make maximum use of freight movements on the Manchester Ship Canal;
3. make maximum use of freight movements through new links to and use of the rail network, particularly to minimise the impact of increased traffic generation on the local road network;
4. minimise and mitigate any adverse impacts on the local environment and local residential amenity, particularly on residents of Ince and Elton;
5. minimise and mitigate adverse impacts on nature conservation within and adjoining the site. The ecological mitigation areas that form part of the consented Resource Recovery Park must be protected and enhanced;
6. undertake landscaping appropriate to the development, and in the context of the wider Ince/ Frodsham marshes area;
7. make provision for public access on the site, where this would not be prejudicial to the industrial operations, rail or other commercial movements on the site and/or to public safety;
8. minimise any flood risk arising from the development both on and off-site.

(b) Land to the east of Ince Park

Land to the east of Ince Park is safeguarded to meet possible long term employment development needs, where justified and appropriate, beyond the Plan period.

Within the Plan period, the future release of this area for employment development will only be considered where all of the following criteria are met;

1. It is demonstrated that the development cannot be satisfactorily accommodated on land within the Stanlow SPA;
2. It is demonstrated that the development cannot be accommodated on other suitable and available previously developed sites within the borough and undeveloped employment land allocations within the Plan;
3. That the development cannot satisfactorily be accommodated within the consented Ince Park (Protos) scheme, and development of Ince Park is completed;
4. The flood risk arising from development both on and off site is acceptable, in line with other policies of the Plan and the Council's most up to date Strategic Flood Risk Assessment;
5. The impacts on nature conservation and ecology are minimised and mitigated in line with other policies of the plan;
6. Takes account of the relevant criteria above relating to (a) Ince Park.
7. A comprehensive masterplanned approach is taken towards any future development in this area.

Explanation

3.29 The Local Plan (Part One) safeguards the Ince Park site for waste related uses under policies ENV 8 Managing Waste, STRAT 4 Ellesmere Port and ECON 1 Economic growth, employment and enterprise. The site has outline planning permission, with some matters reserved, and deemed consent for an energy from waste facility and Resource Recovery Park (RRP).

3.30 The overall Ince Park site extends to 104 ha, with extensive ecological mitigation and sustainable drainage areas incorporated into the overall scheme. The developable area of the site is approximately 50ha and comprises various development plots, including;

- Phase 1 of the scheme comprising: soil treatment facility; WEEE facility/timber recycling plant; bio-ethanol production / biomass facility, resource recovery business centre, commercial and industrial waste transfer station, resource recovery village, soil treatment facility, ecological mitigation areas A and D.
- Phase 2 works and those covered by the deemed consent comprising: canal storage, rail head and rail line, integrated waste management facility, plastics village, water treatment plant, RDF plant, and block making facility.

3.31 It is anticipated that the Ince Park (Protos) scheme will be developed in accordance with the existing permissions and consents. Since the outline consent a number of subsequent planning permissions have been granted and non-material amendments approved. Initial phase 1 infrastructure works (including ecological mitigation) have commenced (as at April 2016). The policy framework is retained to ensure that future phases of development, or any revised planning applications in the area, continue to meet the overall policy objectives for the site established through the Local Plan (Part One) and the safeguarded consent for waste related uses.

3.32 Land to the east of Ince Park is a 40ha greenfield site, historically retained for the limited expansion needs of a specific business operation (now CF Fertilisers) or to meet future needs of the oil and chemical industry. The site has been reviewed through the Employment Land Study Update (2013) and the Draft Housing and Economic Land Availability Assessment (2016). The Strategic Flood Risk Assessment (2016) identifies this area as important for flood storage. It is also identified as a core area within the ecological network across the borough. The Local Plan (Part Two) makes sufficient employment land allocations to meet the borough wide requirement to 2030. The policy needs to be read alongside the Stanlow Special Policy area policy EP 4 and prioritises the redevelopment of any previously developed land in this area, prior to the release of greenfield sites.

3.33 Changes and improved efficiencies within the oil industry mean that the site is no longer required in connection with oil/chemical uses or for expansion land. It is recognised that the site benefits from a unique position on the Manchester Ship Canal and could have the potential to meet long term (beyond the plan period) employment needs for the borough. However, further information is needed to understand the potential impacts of any development on this site individually and cumulatively alongside other developments coming forward locally and in neighbouring areas (flood risk, ecology, transport, accessibility, amenity, landscape and other impacts) and the potential mix and type of uses that could be accommodated in the future. The Council will work with partners to consider and understand the longer term potential for the site.

Alternative options

1. For (a) Ince Park, there are no reasonable alternative options, as the site is identified as a key employment location, safeguarded for waste management needs, through the Local Plan (Part One) policies STRAT 4, ECON 1 and ENV 8.
2. For (b) land to the east of Ince Park, the alternative approach would be not to safeguard the land.

Replaces

- EPNLP - EMP4

Question 13

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

EP7 - Ellesmere Port historic canal port

EP 7

Ellesmere Port historic canal port

The historic canal port and adjacent sites as defined on the policies map, will be promoted as a major tourist facility where tourism development will generally be supported. Within the area development proposals must:

1. Complement and/or enhance the existing uses on site and the adjoining conservation area;
2. Use design and materials appropriate to this sensitive location within and adjacent to the conservation area;
3. Improve links to and from Ellesmere Port, particularly for pedestrians, cyclists and by public transport;
4. Seek to retain and re-use historic buildings and give emphasis to their relationship with the canal and dock basins; and
5. Preserve the urban spaces between buildings and around the large areas of water in the basins and docks.

Explanation

3.34 Local Plan (Part One) policy STRAT 4 supports proposals to enhance the historic canal port as a major tourism facility. Local Plan (Part One) policy ECON 3 supports the expansion of existing tourism assets where this would benefit the local economy and be suitable scale and type for its location. The National Waterways Museum is located at the historic canal port. New development in this area has the potential to bring regeneration benefits and support the vitality of the area, through improved linkages with the town centre. It also has the potential to improve access to the borough's waterways particularly the canal network.

3.35 The Council, working in partnership with the National Waterways Museum and Peel Group, have developed a Waterfront Vision (2011) for the area. This takes account of the regeneration objectives of the Ellesmere Port Vision and Strategic Regeneration Framework (2011). The Waterfront in Ellesmere Port has been identified as an under utilised asset in the overall regeneration of the town. The waterfront area already contains some important and attractive heritage assets – historic docks and dock buildings,

a nationally important collection of historic boats and historic archives – all in a unique setting overlooking the Mersey and the Manchester Ship Canal. The Waterfront Vision aims to enhance the waterfront as a visitor destination, improving footfall and pedestrian routes to the town centre.

3.36 Realising the potential of the town's heritage assets in particular Island Warehouse and Lighthouse will be supported providing the development complements existing uses on site and the adjoining conservation area.

Alternative options

There are no reasonable alternative options because the historic canal port is identified in Local Plan (Part One) policy STRAT 4 Ellesmere Port. The policy is necessary to add additional criteria and to retain the defined boundary on the policies map.

Replaces

- EPNLP - REC9

Question 14

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

4 Northwich

N1 - Northwich settlement area

N 1

Northwich settlement area

The settlement boundary for Northwich has been drawn to meet the town's development needs, support urban regeneration, protect the countryside and to achieve sustainable development.

Within the defined settlement boundary of Northwich as shown on the policies map, planning permission will be granted for development which accords with the Local Plan and is consistent with the following principles aimed at delivering the Local Plan (Part One) policy STRAT 5:

- Safeguard the character and individuality of the settlements that form the wider built up area of Northwich;
- Realise the high potential for regeneration and reuse of previously developed land;
- Prevent the loss of countryside and urban sprawl to the south of Northwich;
- Provide additional land for business and industrial development including logistics/warehousing and distribution; and supporting regeneration proposals set out in policy N 3;
- Support the town's growth as a tourist destination;
- Utilise the town's waterways for recreation and tourism purposes;
- Respect local design policies in Neighbourhood Development Plans.

Explanation

4.1 Northwich settlement area is defined as the town of Northwich and adjacent settlements of Anderton, Barnton, Davenham, Hartford, Lostock Gralam, Lower Marston, Lower Wincham, Rudheath and Weaverham. The level of development proposed for Northwich through policy STRAT5 reflects the potential of previously developed land to meet future housing requirements and supports the significant potential for the regeneration in the town.

4.2 The Green Belt around Northwich will be maintained and the character and individuality of the settlements that form the wider built up area of Northwich safeguarded.

4.3 The emerging Northwich Neighbourhood Plan has a vision for Northwich to become a thriving town where people want to live work and visit. A series of objectives and detailed policies are presented which aim to realise this vision and meet the identified objectives. The policies of the Neighbourhood Plan cover the following topic areas: retail and commercial, employment and education, housing, natural and built environment, transport and infrastructure, health and wellbeing and recreation, tourism and waterways.

4.4 Other Neighbourhood Plans located within the Northwich urban area include Hartford (made June 2016) and the emerging Davenham Neighbourhood Plan. These boundaries form part of the wider defined settlement area of Northwich as shown on the policies map. The policies within these Neighbourhood Plans reflect policy STRAT 5 which seeks to maintain the character and individuality of the settlements surrounding the town centre.

4.5 The policies of the Hartford Neighbourhood Plan seek to meet the following objectives: protecting Hartford's built environment, promoting economic growth and social well-being, protecting Green Belt and the natural environment and ensuring future development within the settlement boundary meets the needs of the community. The emerging Davenham Plan has similar objectives to ensure that development meets the needs of the local community, protects and enhances the built and natural environment and is sustainable environmentally and economically.

Transport

4.6 Northwich will provide a key focus for development in the east of the borough. Local Plan (Part One) policy identifies the key proposals for regenerating Northwich as the schemes at Winnington and Wincham Urban Villages, and the Northwich Riverside regeneration projects in the town centre, and the transport requirements to serve these schemes have or will be secured as part of the grant of planning permission for each of the individual development proposals. The further development of Gadbrook Park for continued employment purposes has been assessed and is covered in policy N 2, which considers the transport infrastructure necessary to bring the site forward.

4.7 The potential redevelopment of the TATA site to the north of Northwich could, however, have significant transport infrastructure implications for this part of the town, coupled with the capacity issues of the Winnington Swing Bridge. While it is considered that this development is not likely to come forward within the plan period, a Transport Strategy for Northwich is currently being developed, which will identify if any future transport infrastructure interventions could be required for the north of Northwich as well as taking into account all of the proposed and potential development that could take place in the town centre.

4.8 Development proposals coming forward in advance of the this piece of work will be required to demonstrate that not only can any additional traffic be accommodated within the existing or proposed highway network, but that satisfactory arrangements can be made to accommodate the additional traffic before the development is brought into use. Planning applications will be considered in line with policies contained within in the development plan in its entirety, consisting of both the Local Plan (Part One) and the Local Plan (Part Two).

Alternative options

No reasonable alternative options have been identified because while policy STRAT 5 in the Local Plan (Part One) sets the over arching strategy for Northwich, it is considered necessary to set out the additional locally distinctive detail and criteria required to deliver STRAT 5.

Replaces

- None

Question 15

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

N2 - Employment land provision in Northwich

N 2

Employment land provision in Northwich

The following sites in Northwich, are allocated on the policies map, to meet the strategic development requirement for new employment developments:

- A. Land at Weaver Navigation/ Runcorn Road (0.9 ha, Class B2)
- B. Land to the south/ west Lostock Gralam Railway Station (1 ha, Class B1)
- C. Land north Leicester Street (1.55 ha, Class B1)
- D. Land on Denton Drive Industrial Estate (0.6 ha, Class B1, B2, B8)
- E. Land at Gadbrook Park (5.8 ha, Class B1, B2, B8)
- F. Land west of King Street (23 ha, Class B8)
- G. Land at Lostock Works House (1.7 ha, Class B1, B2, B8)
- H. Remaining land at Cheshire Business Park (2.6 ha, Class B1)

Development proposals on the land west of King Street should be comprehensively planned and designed to;

- Minimise flood risk and incorporate sufficient flood risk mitigation measures, including adequate surface water discharge methods;
- Minimise harm to nature conservation interests within and adjoining the site, particularly Marshall's Wood Local Wildlife Site and alongside the waterways. Appropriate mitigation measures should be incorporated into the design of the scheme;
- Minimise and mitigate harm to the landscape;
- A Transportation Assessment should be provided to address and mitigate any transport impacts arising from the scheme in line with the most up to date Transport Modelling information for the area;
- Provide satisfactory access to the A530, improve public accessibility and connectivity and incorporate pedestrian/cycle routes.

Sites should developed in accordance with the specified use class and criteria for each site. To ensure the borough-wide strategic development requirement can be met, these sites will be protected from alternative forms of development.

Explanation

4.9 Local Plan (Part One) policy STRAT 2 - Strategic development - sets out that over the plan period at least 365 ha of land for employment development to meet a range of types and sizes of site, will be delivered, and policy ECON 1 states that the supply will be met through existing planning commitments and new sites allocated for employment use.

4.10 This policy allocates a range of sites within Northwich, to cater for the continuing economic growth of the borough and in line with policy STRAT 5 which seeks to provide for at least 30 ha of additional land for business and industrial development.

4.11 It does not identify which uses should go to a particular site but sets out a number of criteria which proposals for development on those sites will be judged, and which must be read in conjunction with other Local Plan policies. The site areas identified within the policy relate to the boundary of the proposed allocation. The net developable area and resultant employment floorspace will vary according to site specific characteristics and the mix/type of employment uses proposed.

Alternative options

1. There are no reasonable alternative options because Local Plan (Part One) policy STRAT 2 states that employment sites will be identified in Local Plan (Part Two) to meet the strategic development requirements. The sites identified are supported through policy STRAT 5 and ECON 1.
2. STRAT 5 makes provision for at least 30ha of additional land for employment development. Alternative sites/options have been submitted and assessed to cover the wider area to the south of Gadbrook Park, considering the potential to create a new link road to address transport impacts on the A556. The options proposed were for mixed use development including up to 600 new homes. The additional sites and options tested, together with reasons for discounting, are set out in the background evidence reports and sustainability appraisal for the Local Plan (Part Two). An alternative site for warehousing/distribution use was also assessed at the Lostock Longwood/former Octel site.

Replaces

- VRLP - E5, E6, E10

Question 16

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

N3 - Northwich regeneration areas

N 3

Northwich regeneration areas

Within the key regeneration areas as identified on the policies map, the following development will be supported where they are in line with relevant design guidance and the following criteria:

1) Weaver Shopping Centre Extension Development Area

- Mixed use development including the potential to relocate and / or improve the market;
- Active frontages along key routes should be supported;
- Development along the River Dane must orientate development to face the river and provide activity along the waterfront incorporating pedestrian & cycle access.

2) Winnington Works (TATA site)

- Mixed use redevelopment including residential, employment and community infrastructure;
- Development should be brought forward in line with an agreed development brief for the whole site to ensure the development is considered comprehensively;
- Traffic and transportation issues are addressed as part of the development brief.

All development proposals should also reflect the heritage and urban design principles identified in other plan policies and the Northwich Neighbourhood Plan.

Explanation

4.12 Policy STRAT 5 of the Local Plan (Part One) identifies a number of key sites and broad locations to deliver the over arching development strategy for Northwich including the two urban villages as well as the delivery of the 'Northwich Riverside'. Policies STRAT 1 and STRAT 2 promote strong, prosperous and sustainable communities and encourage the use and redevelopment of previously developed land and buildings. STRAT 5 and ECON 2 of the Part One plan recognise Barons Quay as the key to delivering the regeneration of the town centre and this scheme is under construction. In addition to Barons Quay there are other emerging regeneration opportunities identified around the town centre and at Winnington.

Weaver Shopping Centre Extension Development Area

4.13 Weaver Shopping Centre - As identified on the policies map this area will be supported for mixed use development including retail, public services and residential provision. The Redevelopment and/or relocation of the markets should be addressed as part of any redevelopment scheme. Consideration should also be given to the operation of the existing bus station and current road access arrangement for the servicing of the new development from Watling Street and Weaver Way. Provision of appropriate

levels of car parking both from loss of existing spaces, proposed new uses and increased demand should be part of any redevelopment proposals.

4.14 Urban design principles should be supported including active frontages to Chester Way/Watling St. Pedestrian access between Watling street and Witton street / Leicester Street junction should be retained. The former County Offices site borders the River Dane and any building on the site should consider allowing for a dual frontage presentation to both Watling Street and Chester way. Additionally the development should maximise the opportunity of the river frontage including aspect and views to and from the River.

Winnington Works (TATA site)

4.15 Redevelopment of this site for a comprehensive mixed use residential, neighbourhood retail and employment development, with commensurate community facilities will be supported subject to meeting infrastructure requirements. As set out in policy DM 19, the consultants study for traveller sites identifies that this large scale redevelopment site has the potential to accommodate traveller pitches. Views are being sought as to the suitability of this proposal.

4.16 Development of this site should address the following issues:

- Transport links for vehicles, cycles and pedestrians connecting Winnington to Northwich Town Centre, and to the wider area.
- The creation of a neighbourhood centre for the Winnington Village area, including convenience retail and community facilities, such as a public house, medical facilities, etc.
- Ensure adequate education provision .
- Mitigate any flood risk.
- Public access to the River Weaver for cyclists and pedestrians, via the creation of landscaped routes along the southern bank.
- The provision of play areas and equipment for children. The siting of facilities such that access is easily obtained from the wider Winnington area will be encouraged.

Alternative options

No reasonable alternative option as regeneration of Northwich is supported through the Local Plan (Part One).

Replaces

- VRLP - GS9A, GS9B, GS9C, GS9D, GS9F, GS9H, GS9I, GS9K, GS9L

Question 17

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

N4 - Northwich town centre

N 4

Northwich town centre

In line with policy ECON 2 of the Local Plan (Part One) town centre uses will be supported within the town centre boundary for Northwich, as identified on the policies map, subject to the following additional criteria:

In line with the sequential test set out in policy ECON 2, proposals for A1 retail uses should be located within the Primary Shopping Area.

Within the primary shopping frontages, as identified on the policies map, the change of use from retail (class A1) or the extension of existing non A1 uses into adjoining retail premises at ground floor level will not be permitted.

Within the Secondary Shopping Frontages as identified on the policies map, the change of use from retail (A1) to A2; A3, A4, A5, and D2 will be permitted where:

- A shop window and active frontage is retained;
- Ground floor residential development is not included as part of the development;
- The proposed use will not result in a continuous frontage of two or more non-A1 retail units (units are defined as a shop front width of about 6 metres; larger units will be assessed in terms of unit length);
- The use would not prejudice the use of the floors above for residential and other purposes appropriate to the town centre.

The Weaver Square area is allocated as a redevelopment area and should be brought forward in line with the policy N 3.

Residential development will be supported subject to the above policy criteria.

Explanation

4.17 Northwich is identified as a strategic centre in the Local Plan (Part One) with the delivery of the Barons Quay development as the key strategic priority. This development will ensure retail and leisure needs are met and provide a boost to this centre that had been subject to declining market share. The Retail Study (2016) recommends that once the Barons Quay development is complete that the impact on trading patterns should be reassessed.

4.18 The policy seeks to protect A1 retail uses in the primary frontages with a more flexible approach in the secondary areas. The Weaver Square shopping area suffers from a high vacancy rate and dated appearance which detracts from the overall vitality of the town centre. This area had previously been safeguarded as a retail-led regeneration scheme and when implemented would be included in the primary shopping area. It is now considered that a much more flexible approach should be taken and a mixed-use scheme, including residential, office and retail, is pursued in this area including consideration of the redevelopment and / or relocation of the markets. Proposals should incorporate active frontages to Chester Way / Watling Street and retain pedestrian links between Watling Street and Witton Street / Leicester Street. The Council is preparing a masterplan for the site which is largely within Council ownership.

Alternative options

There are no reasonable alternatives as the Local Plan (Part One) requires the identification of the primary shopping area and primary and secondary frontages.

Replaces

- Vale Royal Local Plan - STC1, STC2

Question 18

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

N5 - Northwich conservation area

N 5

Northwich conservation area

Development proposals within the Northwich conservation area as identified on the policies map will only be permitted where it can be demonstrated that they have been designed having regard to their location, the immediate character and the setting of the area.

Support will be given to proposals which seek to re-establish the historic grain, with narrower or visually broken up frontages and roofscapes; vertical emphasis; and diversity of form and detail.

Development within the conservation area which would result in the demolition of any timber-framed building containing structural or building techniques designed to reduce the effects of subsidence, will only be permitted where it can be demonstrated that:

- The building does not have intrinsic architectural or historic interest; and
- It makes no positive contribution to the character or appearance of the conservation area.

Proposals which seek to improve existing poor quality shop frontages will be also be positively encouraged.

The Weaver Navigation and River Dane are significant environmental assets in the town. Development proposals alongside or in close proximity to the watercourses must demonstrate that they preserve or enhance the area's setting. Where possible, development should be orientated to positively address the watercourse to improve the relationship between the watercourse and the town centre and to provide animation and activity along the waterfront.

The Council will continue to support the interpretation and regeneration of former historic industrial sites (such as the Lion Salt Works, as identified on the policies map) to promote the understanding and significance of the development of the Northwich area.

Explanation

4.19 Policy ENV 5 of the Local Plan (Part One) outlines the importance of managing development with respect to all heritage assets. Particular to Northwich are the distinctive 'black and white' architecture and the towns industrial heritage.

4.20 The Northwich conservation area covers a significant part of the town and its immediate outskirts, stretching from Barons Quay (on the northern edge of the town centre) in the north to Leftwich in the south; Castle Hill in the west to St. Helen's Church in the east.

4.21 The character of the town centre is dominated by the black and white buildings - predominantly timber framed - constructed as a response to, and result of, subsidence due to salt mining and brine pumping. The design of the town centre's historic shopping streets is very specific to Northwich and involves materials and approaches that are not commonly found elsewhere. This includes moveable buildings constructed of timber framing, brick panelling and supporting metal beams and ties.

4.22 Outside the town centre conservation area, the River is a dominant element within the area, together with associated buildings and structures including locks and weirs, Hayhurst Bridge and the Edwardian pumping station.

4.23 The new supermarket, and marina provide an enhanced area of public space adjacent to the River and bring activity and vibrancy to this part of the conservation area.

4.24 There are several documents that provide detailed design guidance for the buildings and public spaces within Northwich conservation area, focused largely on the town centre. These include:

- Northwich Shop Front Design Guide, November 2014;
- Northwich Management and Maintenance Guide for Historic Buildings, November 2014;
- Northwich Urban Design Guide and Public Realm Strategy, November 2010; and
- Northwich Conservation Area Appraisal, updated 2015 (Draft)
- Northwich Conservation Area Management Plan 2015 (Draft)

4.25 Development proposals in conservation areas outside Northwich Town Centre, will be required to be in line with policy DM 40, and where applicable, a local conservation area appraisal/ management plan or a relevant made Neighbourhood Plan.

Alternative options

No alternative policies have been identified, as it is considered necessary to have a policy which deals with the specific local distinctiveness of the Northwich conservation area, which would not be adequately covered by more generic policies elsewhere in the plan.

Replaces

- VRBC - BE12

Question 19

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

5 Winsford

W1 - Winsford settlement area

W 1

Winsford settlement area

Within the defined settlement boundary of Winsford as shown on the policies map, planning permission will be granted for development which accords with Local Plan (Part One) policy STRAT 6 and the Winsford Neighbourhood Plan and is consistent with the following principles:

- Development of sites allocated in the Neighbourhood Plan in accordance with the principles set out in that plan;
- Development of sites in the Station Quarter in accordance with the principles set out in the Neighbourhood Plan and the Station Quarter Development Brief (March 2016);
- Improvements to the accessibility of the railway station, including additional parking spaces for vehicles and cycles at the station, or dedicated taxi rank facilities;
- Improvements to the quality of open spaces around the town, in particular Town Park, which accord with the principles set out in the Winsford Development Framework and the Winsford Transport Strategy;
- The enhancement of the old High Street area through improvements to public realm, environmental enhancement and improved links to the town centre and waterfront area for pedestrians and cyclists;
- Improvements to the existing network of cycling and walking infrastructure in the town, particularly where they deliver the recommendations in the Winsford Transport Strategy;
- The regeneration and enhancement of the town centre in accordance with the principles in the Winsford Development Framework and the Winsford Transport Strategy and:
 - Involve the redevelopment of part of the Winsford Cross Shopping Centre to provide high quality mixed use development including contemporary retail, leisure, residential and community facilities;
 - Retain key community facilities;
 - Include attractive public realm incorporating public space, with high quality materials, lighting, street furniture and landscaping;
 - Improve gateways into the centre from all directions;
 - Improve the market through refurbishment, replacement or relocation to a more prominent site location;

- Provide good quality parking facilities for vehicles and cyclists that allow for ease of access to the centre and allow for linkages with the wider cycle network;
- Provide improved public transport infrastructure, including a new bus station/interchange in close proximity to the shopping centre with covered waiting areas, layover facilities and new taxi stands;
- Provide improved linkages to the old High Street and Town Park areas for pedestrians and cyclists.

Explanation

5.1 The requirements for future development in Winsford, identified in the Local Plan policy STRAT 6, have been translated into the Winsford Neighbourhood Plan which was made in November 2014. The Neighbourhood Plan allocated sites for residential and employment development to meet the requirement for 3,500 new dwellings and 35ha of additional land for business and employment development.

5.2 The allocations in the Neighbourhood Plan are sufficient to meet the identified need and there is no requirement in the Local Plan (Part Two) to identify any additional land for development in Winsford. This policy therefore supports the delivery of the Neighbourhood Plan proposals, and provides additional detail to reflect recent work on the Winsford Development Framework and Winsford Transport Strategy. Both of these documents identify measures aimed at facilitating the implementation of the Neighbourhood and Local Plan policies.

5.3 The Local Plan (Part One) and the Neighbourhood Plan allocate land at the Station Quarter for development of around 1000 units (775 in the plan period), in accordance with an agreed development brief. The Station Quarter Development Brief was endorsed by the Council in March 2016 and establishes principles for the development of this area. The aim is to ensure that a comprehensive approach to development of these sites is achieved, maximising the community benefits identified in the Neighbourhood Plan.

5.4 Regeneration of the town centre is a key priority of policy STRAT 6 and the Winsford Neighbourhood Plan. The Winsford Development Framework sets out development and design principles for the town centre and surrounding area. The Winsford Transport Strategy has been developed alongside the Development Framework and establishes a package of transport improvements which would support delivery of the proposals set out in the Neighbourhood Plan. The measures proposed in those documents which relate to the town centre are supported in the above policy.

Transport

5.5 Local Plan (Part One) policy STRAT 6 sets out the requirements for the development of Winsford to support the continued regeneration in the town. On 19 November 2014 the Winsford Neighbourhood Plan was made, which included an objective to improve road links to adjacent towns and investigate ways of reducing through traffic in Winsford. Policy T4 that the Council will work with neighbouring

authorities to seek improved access to the M6 motorway, which is reiterated in Local Plan (Part One) policy STRAT 7.

5.6 A Transport Strategy for Winsford has been developed to support the delivery of the Neighbourhood plan, which included a modelling exercise to assess the impact of the proposed development growth in Winsford and Middlewich upon the highway network, which provided information on which junctions would exceed capacity and require mitigation or upgrade to support the growth. Through consultation, 23 transport schemes were identified which were allocated into 11 packages, ranging from small scale operational changes and improvements to more strategic, longer term schemes. The Council will support transport infrastructure proposals coming forward in relation to the schemes identified in the transport strategy.

5.7 Package 3 is focused on improving connectivity for Winsford and proposes exploring options to build a new bypass of Middlewich to improve links between Winsford and the M6 at Junction 18. The bypass could be located to the north east of Winsford and bypass the northern extent of Middlewich, providing a quicker connection to the M6; however other options should also be explored in more detail.

5.8 The recommendation from the strategy is that a formal feasibility study is developed for a bypass of Middlewich, making use of the modelling data and consultation findings in the Winsford Transport Strategy, and include testing the options for a bypass and the development of high level costings. In principle the Council supports the development of a route for a bypass to the north east of Winsford and will be able to identify it on the policies map once the feasibility study and business case are more advanced.

Alternative options

No reasonable alternative options have been identified because while Part One policy STRAT 6 sets the overarching strategy for Winsford, this policy is required to provide the locally distinctive detail and criteria and make the appropriate links to the Winsford Neighbourhood Plan.

Replaces

- None

Question 20

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

W2 - Employment land provision in Winsford

W 2

Employment land provision in Winsford

The following sites in Winsford, are allocated on the policies map, to meet the strategic development requirement for new employment development:

- A. Land at the Brighton Belle PH (1ha, Class B1)
- B. Land West of Road One (9ha, Class B1, B2, B8)
- C. Remaining land at Woodford Park Industrial Estate (1.5ha, Class B1, B2, B8)
- D. Remaining land at Woodford Park Industrial Estate (0.8ha, Class B1, B2, B8)

Employment land provision will be met from the following sites allocated in the Winsford Neighbourhood Plan:

- Site O5 Land to the west of Oakmere Road and north of the existing employment land (11ha, Class B1, B2, B8)
- Site W6 South of Bostock Road (3ha, Class B1, B2 and B8)
- Site W7 Extension to Winsford 1-5 Industrial Estate, east of Road One (27ha, Class B1, B2, B8)

Sites should be developed in accordance with the specified use class and criteria for each site. To ensure the borough-wide strategic development requirement can be met, these sites will be protected from alternative forms of development.

Explanation

5.9 Local Plan (Part One) policy STRAT 2 sets out that over the plan period at least 365 ha of land for employment development to meet a range of types and sizes of site, will be delivered, and policy ECON 1 states that the supply will be met through existing planning commitments and new sites allocated for employment use.

5.10 The Winsford Neighbourhood Plan has been prepared to reflect the strategic policies of the Local Plan (Part One), and identifies employment land allocations to meet the requirement in Local Plan (Part One) for an additional 35 ha of employment land as set out in policy STRAT 6. This policy confirms the range of sites identified and allocates land to cater to meet the need for additional land for business and industrial development in line with policy STRAT 6. The Neighbourhood Plan also encourages mixed use development to assist the regeneration of town centre development sites. Where additional employment provision comes forward on these sites then this will also contribute towards a flexible mix of types and sizes of employment site for Winsford.

5.11 It does not identify which uses should go to a particular site but sets out a number of criteria which proposals for development on those sites will be judged, and which must be read in conjunction with other Local Plan policies. The site areas identified within the policy relate to the boundary of the proposed allocation. The net developable area and resultant employment floorspace will vary according to site specific characteristics and the mix/type of employment uses proposed. Any development proposals should take account of the design requirements of the relevant Neighbourhood Plan policies where appropriate.

Alternative options

There are no reasonable alternative options because Local Plan (Part One) policy STRAT 2 states that employment sites will be identified in Local Plan (Part Two) to meet the strategic development requirements. The sites identified are supported through policy STRAT 6 and ECON 1 and take account of the made Winsford Neighbourhood Plan.

Replaces

- VRLP - E5

Question 21

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

6 Rural area

R1 - Key service centres

R 1

Key service centres

The settlement boundaries for the key service centres have been drawn to reflect the strategy of the Local Plan (Part One) to support an appropriate level of new development in the rural area.

Within the defined settlement boundaries of the Key Service Centres as shown on the policies map, planning permission will be granted for development which accords with the Local Plan and is consistent with the following principles aimed at delivering the Local Plan (Part One) policy STRAT 8.

Where proposals for redevelopment or infill come forward within a key service centre they should be in line with STRAT 8 in terms of scale and design. Where there is a made Neighbourhood Plan local design policies will take precedence.

Neighbourhood plans can promote more development than that set out in the Local Plan (Part One) to meet local housing, economic and social needs.

Explanation

6.1 Policies STRAT 2 and STRAT 8 of the Local Plan (Part One) identify ten rural key service centres (shown below) where an appropriate level of new development will be brought forward to support new homes, economic and social development. The main focus for development in the borough are the four main urban areas and the Local Plan (Part One) seeks to promote regeneration through the use of sustainably located previously developed land; minimise the loss of greenfield land and protect the countryside as a key asset by restricting development to that which requires a countryside location. The rural key service centres are:

- Cuddington and Sandiway
- Farndon
- Frodsham
- Helsby
- Kelsall
- Malpas
- Neston (including Parkgate)
- Tarvin
- Tattenhall
- Tarporley

6.2 Policy STRAT 8 sets out the level of development for new housing for each key service centre. The levels were based on the constraints and opportunities for new development in each centre as well as ensuring the strategic housing need was met. Changes to the supporting text were made through the examination process that summarised the land supply position at the time and that 'there will be little if any need for additional allocations to be made in the rural area'.

6.3 The rural area is required to provide 4,200 new dwellings and the latest monitoring indicates that 2,050 dwellings have been completed and 3,039 units have permission. The approach of the Plan in the rural area aims to strike a balance between allowing for the managed growth of rural settlements whilst taking account of the overall strategy to concentrate most new development in urban areas. Given the supply situation in the rural area and key service centres there is no need to make additional allocations through the Local Plan (Part Two).

6.4 In line with the National Planning Policy Framework whilst Neighbourhood Plans (NPs) should not promote less development in the Local Plan they can promote more. The level of development should not undermine the strategy of the Plan but NPs can allocate greenfield countryside sites on the edge of settlements to meet specific local housing needs and/ or seek community benefit through the provision of community infrastructure. Those settlements that border the Green Belt are more restricted as the overall extent of the Green Belt in the borough is protected through strategic policies. However, opportunities do exist to plan for some more limited forms of development such as rural affordable housing and through Community Right to Build Orders.

Alternative options

No alternative options have been identified because the Local Plan (Part One) requires the identification of settlement boundaries.

Replaces

- CDLP - HO5
- VRLP - GS1

Question 22

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

Question 23

If there is a requirement for additional housing in Tattenhall, how should this be met?

R2 - Local service centres

R 2

Local service centres

The following settlements are identified as Local Service Centres in line with policies STRAT 2 and STRAT 8 of the Local Plan (Part One):

Antrobus	Duddon	Mickle Trafford
Ashton Hayes	Eaton	Moulton
Aldford	Eccleston	No Mans Heath
Burton (nr Ness)	Elton	Norley
Childer Thornton	Great Barrow	Saughall
Christleton	Great Budworth	Tilston
Comberbach	Guilden Sutton	Utkinton
Crowton	Higher Wincham	Waverton
Delamere	Kingsley	Willaston
Dodleston	Little Budworth	

New housing development will be permitted within the settlement boundaries (as identified on the policies map) of Local Service Centres where it constitutes:

- Infill development (1 to 2 dwellings);
- Redevelopment of land;
- Conversion of suitable buildings and sub-division of existing dwellings.

Development should be in accordance with other policies of the Local Plan that relate to these forms of housing development as well as Green Belt policies.

Proposals for new housing development outside but adjacent to Local Service Centre settlement boundaries as identified on the policies map will be permitted where:

- It is for rural exception housing and/ or a community land trust development where supported by the Parish Council;
- It is brought forward through a Neighbourhood Development Order or a Community Right to Build Order;
- It is allocated in a made Neighbourhood Development Plan.

Explanation

6.5 The above approach reflects the overall strategy of the Local Plan (Part One) to guide the majority of development to the most sustainable areas of the borough. The preferred locations are the four major urban areas and within the rural area the ten identified key service centres (see Part One policies STRAT 2 to 8). It is recognised that Local Service Centres have a very limited level of sustainability and are not the most appropriate for significant new development except where it is very limited in scale, meets a rural or other local housing need, or is identified in a made Neighbourhood Plan.

6.6 As set out in policy STRAT 8 of the Local Plan (Part One) there are no housing requirements for Local Service Centres as it is considered the local community is best placed to understand their needs in terms of supporting local services or meeting a specific housing need. Through the identification of 29 Local Service centres this will enable communities through a Neighbourhood Plan to take a holistic approach to meeting their future needs, providing the flexibility to shape their communities in a planned way. Neighbourhood Plans can enable sites to be identified and allocated for housing that will support or enhance local services whilst Plans will also be able to take account of local infrastructure constraints.

6.7 It is important that this policy is read alongside other plan policies in particular policies that relate to development in the countryside and in the Green Belt. Allocations in Neighbourhood Plans should be in conformity with Local Plan (Part One) strategic policies in relation to development appropriate in the Green Belt.

Alternative options

The Local Plan (Part One) outlines the need to identify Local Service Centres and Local Service Centre background paper identifies alternative options.

Replaces

- None

Question 24

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

R3 - Employment land provision in the rural area

R 3

Employment land provision in the rural area

The following sites in the rural area, are allocated on the policies map, to meet the strategic development requirement for new employment development:

- A. Extension to Monument Place Employment Park, Farndon (1.9ha, Class B1)
- B. Land adjacent Mere's Edge, Helsby (3.5ha, Class B1, B2, B8)
- C. Land to the west of Chowley Oak (2.2ha, Class B1)
- D. Remaining land at Hampton Heath Industrial Estate (2.4ha, Class B1 and B8)

Development proposals on the above sites should also satisfy all of the following criteria.

Land at Monument Place employment park Farndon should be comprehensively planned and designed to;

- Be an appropriate scale, type, density and layout and create a logical extension of the existing business park;
- Protect and retain existing landscape features. Proposals should provide an additional landscaping scheme for the site to make positive enhancements to the setting. Additional screening should be provided to the northern boundary with Brewery Lane;
- Minimise and mitigate harm to nature conservation interests within and adjacent to the site;
- Prevent any adverse impact on designated heritage assets in the vicinity. Where possible, incorporate landscape features to improve the setting of historic assets;
- ensure that there is satisfactory and safe access onto the highway network. A transport assessment will be required;
- Service areas associated with employment development should be sensitively located to minimise the visual impact on the area;
- Building materials should be high quality and in-keeping with the rural area.

Land at Chowley Oak (western extension) should be comprehensively planned and designed to;

- Be an appropriate scale, type, density and layout and create a logical extension of the existing business park; Development should utilise the access through the existing business park;
- Provide safe and satisfactory access to the highway network and encourage sustainable modes of travel. Proposals should improve connectivity to public transport along the A41. A transport assessment should be provided;
- Protect the route of the disused railway line and where necessary provide an alternative link in line with policy T 5;
- Retain and enhance existing landscape features, particularly to the site boundaries to minimise the visual impact of new development. The use of locally native species is encouraged. A landscape management plan for the site should be provided;
- Include an appropriate flood risk and sustainable drainage strategy for the site;
- Minimise and mitigate harm to nature conservation interest within or adjoining the site. A scheme for reasonable avoidance measures in relation to the management of protected species should be provided.

Employment land provision will be met from sites allocated in the Neston Neighbourhood Plan at Clayhill Business Park (3.8ha, Class B1, B2, B8).

Sites should be developed in accordance with the specified use class and criteria for each site. To ensure the borough-wide strategic development requirement can be met, these sites will be protected from alternative forms of development.

Explanation

6.8 Local Plan (Part One) policy STRAT 2 sets out that over the plan period at least 365 ha of land for employment development to meet a range of types and sizes of site, will be delivered, and policy ECON 1 states that the supply will be met through existing planning commitments and new sites allocated for employment use.

6.9 This policy allocates a range of sites within the rural area, to cater for the continuing economic growth of the borough and in line with policy STRAT 8 which seeks to provide for at least 10 ha of land for business and industrial development to enable small scale expansion of existing employment sites and new sites within or on the edge of key services centres outside of Green Belt locations.

6.10 The rural area covers a large geographical area and policy STRAT 8 enables the Council to exceed the 10ha requirement where suitable and appropriate, to provide a positive and flexible supply of employment land in the rural area. There are a number of extant planning permissions for employment development in the rural area, for example at URENCO, Capenhurst (where any new development must be in line with policy GBC 4), which combined with other windfall applications will contribute towards the employment land provision in the rural area. In addition, local communities can support economic development in the rural area through relevant policies in Neighbourhood Plans.

6.11 Neighbourhood Plans are prepared to reflect the strategic policies of the Local Plan (Part One). The Neston Neighbourhood Plan identifies a number of vacant sites within the Clayhill Business Park that could be developed for employment uses and includes a specific policy for the site.

6.12 This policy does not identify which uses should go to a particular site but sets out a number of criteria which proposals for development on those sites will be judged, and which must be read in conjunction with other Local Plan policies. The site areas identified within the policy relate to the boundary of the proposed allocation. The net developable area and resultant employment floorspace will vary according to site specific characteristics and the mix/type of employment uses proposed.

Alternative options

There are no reasonable alternative options, Local Plan (Part One) policy STRAT 2 states that employment sites will be identified in Local Plan (Part Two) to meet the strategic development requirements. The sites identified are supported through policy STRAT 8 and ECON 1 and relevant Neighbourhood Development Plans in the rural area.

Replaces

- CDLP - EC2
- EPNLP - EMP1
- VRLP - E5

Question 25

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

R4 - Oulton Park

R 4

Oulton Park

Oulton Park Racing Venue is identified on the policies map for motor sport related development. In addition to the above criteria, development proposals for motor sport development should;

1. not be within 400m of a significant number of dwellings, noise sensitive development or areas valued for their tranquillity;
2. be accompanied by a site management plan.

Explanation

6.13 Local Plan (Part One) policy ECON 3 recognises that there are major sporting and leisure events in the borough that attract a wide range of visitors, including Oulton Park.

6.14 Oulton Park Motor racing Circuit is an important nation leisure and tourist attraction which has existed for over 50 years. It is unique to the area, and is the only RACMSA licensed motor racing facility in the borough. It is important that the site is reserved for motor racing related uses, and that any new built development in the countryside is necessary to the efficient operation of the racetrack. Other criteria in the policy aim to protect the environmental character of the area and the amenities of nearby residents, in particular the village of Little Budworth.

Alternative options

1. Not to have a site-specific policy for Oulton Park race course; consider any future development proposals against the other general development policies of the Plan.
2. To have a specific separate policy relating to motor sport development proposals in the borough.
3. To identify other specific sites / sporting venues where specific development criteria will apply.

Replaces

- VRLP - RT18, RT25

Question 26

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

7 Green Belt and countryside

GBC1 - Sustainable use of land and prudent use of natural resources

GBC 1

Sustainable use of land and prudent use of natural resources

In line with the policy STRAT 1 of the Local Plan (Part One) the re-use and redevelopment of previously developed land will be supported within identified settlements.

Proposals for the redevelopment of previously developed land in the countryside outside of settlements for appropriate uses will be permitted where:

- It does not result in the loss of buildings that contribute to the rural character of an area;
- The design and layout of new buildings fully reflect the rural character of an area and do not 'urbanise' the countryside;
- Residential development must be in line with policies STRAT 1 and STRAT 2 which seeks to locate new housing in sustainable locations;
- Proposals comply with Green Belt policy - STRAT 9 of the Local Plan (Part One);
- Replacement buildings are for the same use unless the alternative use is policy compliant.

In line with policies STRAT 1 and STRAT 9 of the Local Plan (Part One) development on greenfield land outside of settlements will only be permitted where necessary to meet the levels of development for new housing and employment set out in the strategic policies of the Local Plan (Part One).

To maximise the use of land, development must be of an appropriate density whilst fully respecting the character of the surrounding area.

The development of garden land in identified settlements will only be permitted where this does not result in an unacceptable loss of garden land or cause harm to the character of the surrounding area.

Explanation

7.1 The Local Plan (Part One) sets out objectives and policies that seek to achieve a planned approach to sustainable development in the borough. In particular the Plan aims to make the best use of natural and finite resources which includes the use of land. This is reflected in policies STRAT 1 and STRAT 9 of the Local Plan (Part One) as well as through the strategy of the Plan that directs higher levels of development to those areas with a significant brownfield land resources. Policy STRAT 2 of the Local Plan (Part One) sets out the levels of development in the borough and whilst these levels are not maxima the Plan does not support the unnecessary loss of greenfield land and countryside.

7.2 It is clear from monitoring that the Local Plan is on course to exceed the target for new housing of 22,000 dwellings to 2030. It should not be necessary to develop further housing on greenfield or countryside sites unless it can be demonstrated that the development would meet a rural affordable need in line with policies SOC 2 and DM 13. There is still a large supply of potential brownfield land especially in Northwich that has yet to gain permission therefore the focus should now be on the redevelopment of land in the urban areas.

7.3 New development should ensure that it maximises the use of land through achieving densities of development that reflect its location as well as accessibility to transport hubs.

7.4 Garden land is an important resource of open space and should be protected against over development where necessary. The development of some garden land for alternative uses should only take place where there would not be resultant significant loss of open space to the detriment of the amenity of the original dwelling, or the new development.

Alternative options

No reasonable alternative options have been identified because it is considered necessary to have a specific policy to prioritise the use of previously developed land and to protect the borough's greenfield land from unnecessary loss and harm to the countryside.

Replaces

- None

Question 27

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

GBC2 - Rural workers dwellings

GBC 2

Rural workers dwellings

Permanent rural workers dwellings

New permanent rural workers dwellings will only be permitted to support existing agricultural activities on well-established agricultural units where:

- There is a clearly established existing functional need;
- The need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;
- The unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound and have a prospect of remaining so;
- The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the worker(s) concerned;
- The size and siting of the dwelling is commensurate with the established functional requirement and well-related to existing farm buildings or other dwellings;
- The new dwelling is tied (through planning condition) to the farmstead / business under which it operates; and
- Other planning requirements e.g. in relation to access, or impact on the countryside, are satisfied.

A rural workers dwelling must remain as affordable housing and not sold on at full market value.

Temporary rural workers dwellings

Where a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. It should satisfy the criteria for permanent rural workers dwellings stated above.

Explanation

7.5 Within the Green Belt and in the countryside development of new housing is restricted through policy STRAT 9 of the Local Plan (Part One) to that which requires such a location. The rural need relates to operational need relating to animal care and does not apply to other businesses that happen to be located in the rural area. Rural workers dwellings will include those associated with farming,

forestry, and equestrian related activities, and the functional need for a new dwelling in the countryside must be proven as part of the application process.

7.6 New permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable, and a financial test will be necessary to evidence this, and the size of the dwelling which the unit can sustain.

Alternative options

There are no alternatives to a policy which defines/ identifies rural workers dwellings because the Local Plan (Part One) policy STRAT 9 states that the Local Plan (Part Two) will provide additional guidance on the types of development permitted in the countryside.

Replaces

- CDLP - EC23
- EPNBC - GB4

Question 28

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

GBC3 - Replacement dwellings, extensions, alterations and changes of use

GBC 3

Replacement dwellings, extensions, alterations and changes of use

Applications for new housing development, extensions, alterations and changes of use in the countryside and Green Belt will be permitted where they meet the requirements of Local Plan policy STRAT 9 and the specific criteria set out below.

Replacement dwellings

Applications for the replacement of existing dwellings in the countryside and Green Belt will be permitted in line with Local Plan policy STRAT 9 and the following criteria:

1. The new dwelling is not materially larger than the building it replaces;
2. The new dwelling is sited so as to minimise visual impact on the countryside or Green Belt and is not sited outside of the original residential curtilage;
3. The construction, materials and design of the dwelling should be appropriate to the countryside;
4. The existing dwelling is not worthy of retention in terms of local character, architectural or historic merit;
5. Ancillary works and curtilage buildings are sited and are of a scale and design to minimise the impact on the openness and character of the countryside and Green Belt;
6. Existing landscape features (where appropriate) are retained and additional landscaping carried out if necessary;
7. Adequate control over the demolition of the original dwelling, prior to the construction of the replacement dwelling, unless justified by the particular circumstances of the case;

Extensions and alterations

Extensions and alterations to dwellings in the countryside and the Green Belt will be permitted provided that they do not result in development which is a disproportionate addition to the original building. They must be sympathetic to size of the plot, the character and the appearance of the original building.

The design of extensions must be in keeping with the existing dwelling and local character to maintain the local character of the countryside and the Green Belt. Any extension to the property will be considered in the context of previous extensions and alterations and must not result in disproportionate additions to the property.

Conversions or changes of use to residential

Where rural buildings are proposed for conversion or change of use to residential use, proposals will only be permitted if an employment use or mixed-use including employment is neither feasible nor appropriate and it is demonstrated that the building is capable of meeting all of the following criteria:

1. The building is of permanent and substantial construction and it is capable of conversion without major or complete reconstruction;
2. The conversion or change of use of the buildings(s) would not lead to a requirement for additional development in the form of extended curtilages, outbuildings etc which would have a similar detrimental effect on openness and the character of the countryside and Green Belt;
3. The design of any extension to the building is in keeping with its surroundings;
4. The proposal would not have a detrimental impact on the natural beauty and landscape of the countryside and its nature conservation interest;
5. The proposal has satisfactory road access and would not generate levels of traffic flows or use of rural roads in circumstances which would be detrimental to highway safety;
6. The proposal would not be in conflict with existing uses in the locality;
7. The proposal would not have a detrimental effect on the architectural character and importance of the existing building.

Explanation

7.7 To meet the aims of Local Plan policy STRAT 9 it is essential that development does not harm the rural character of the countryside and the Green Belt is protected in line with national policy.

7.8 The replacement of an existing dwelling should lead to an enhancement of the surrounding area and as a guide, the replacement dwelling should not be more than 10% larger than the existing building. The existing dwelling must be of permanent and substantial construction and any ancillary works must not have a harmful impact on the rural character of the countryside or openness of the Green Belt. The Council may control future extensions and alterations to the replacement dwelling through the imposition of conditions.

7.9 Small scale extensions and alterations to existing dwellings should not be detrimental to the character of the countryside or openness of the Green Belt. Without control over size, prominence and design, the character of the countryside or openness of the Green Belt could be harmed. There is a danger of increased suburbanisation and large extensions may be inappropriate simply because of their size. As a guide, extensions or alterations should not increase the size of the original building by more than 30%.

7.10 Local Plan policy STRAT 9 encourages the re-use of rural buildings, particularly for economic purposes, as opposed to residential use. Many buildings in the rural area have already been successfully converted for small scale economic activities such as craft industries, light industrial, offices and tourism-related purposes. Therefore, the Council wishes to support this trend which will also help the

farming industry to diversify into other activities, subject to certain safeguards being met to protect local amenity and the environment.

7.11 In considering proposals for the residential use of rural buildings the Council will investigate the history of the building where it has reasonable cause to believe that an applicant has attempted to abuse the system by constructing a new farm building with the benefit of permitted development rights with the intention of early conversion to another use. When granting permission for the re-use of agricultural buildings within the Green Belt or the countryside the Council will consider the need to withdraw permitted development rights where necessary.

7.12 The alteration, change of use, replacement or extension of existing properties within rural conservation areas will only be supported where it can be demonstrated that this will not adversely affect character, appearance and local distinctiveness in line with policy DM 40.

Alternative options

There are no alternatives to a policy which protects the Green Belt and countryside from inappropriate residential development with regards to extensions, change of use and replacement dwellings.

Replaces

- CDLP - HO8, HO9, HO11, ENV66
- EPNBC - GB5, H6
- VRBC - H8, H9, H10

Question 29

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

GBC4 - Commercial and employment sites in the Green Belt

GBC 4

Commercial and employment sites in the Green Belt

Large scale existing commercial and employment sites located within the Green Belt are identified on the policies map, where the following uses will be permitted:

- A. URENCO, Capenhurst - uranium enrichment and other related activities, scientific and engineering research covered by use classes B1, B2 or B8.
- B. Chester Zoo - zoological purposes.
- C. Countess of Chester - medical and associated purposes.
- D. Chester Business Park - use class B1 offices.
- E. Weaver Park Industrial Estate - B1, B2, B8 or applicable sui generis uses.

Development proposals within the area defined on the policies map, either in the form of infilling or redevelopment, will be permitted in line with Local Plan (Part One) Policy STRAT 9 provided that:

- They do not have a greater impact, and preferably less, than the existing development on the openness of the Green Belt;
- They do not lead to a major increase in the developed proportion of the site;
- They do not exceed the height or occupy a larger part of the site than the existing buildings, unless this benefits visual amenity;
- No open storage will be permitted unless such storage is screened by buildings or landscaping so that it is not visible from outside the site.

In all cases the development must include landscaping with particular attention paid to the boundaries of the site as defined on the policies map, the road and railway frontages within the defined site and the boundaries of the individual plots. Existing trees should be retained in the landscaping scheme.

Explanation

7.13 There are a number of existing large operations which are located in the Green Belt. While Local Plan (Part One) policy STRAT 9 restricts development in the Green Belt and countryside to that which requires a countryside location and cannot be accommodated within identified settlements, it recognises that national policy considers limited infilling or the partial or complete redevelopment of previously developed land in the Green Belt as appropriate, where there is no greater impact on openness.

7.14 It is important that the Local Plan (Part Two) defines the boundaries of these sites and provides additional guidance on the types of uses that will be considered appropriate and criteria that will be taken into account in determining planning applications for development, to guide future development on these site, maintaining appropriate safeguards and taking account of the Green Belt location. The approach takes forward the previous policy frameworks that were applied from the former Local Plan. In all cases there is no evidence that any of the sites Green Belt designation has had a significant effect on their viable operation.

7.15 Local Plan (Part One) policy STRAT 9 recognises that the URENCO complex at Capenhurst was previously identified as a Major Developed Site in the Green Belt. It is separated and clearly distinct from the main urban area of Ellesmere Port and will remain so even after the development of the site at Ledsham Road. Historically, development has been allowed on the site and there is no evidence that its current Green Belt designation has had a significant effect on its viable operation.

7.16 Local Plan (Part One) policy ECON 3 identifies Chester Zoo as a major tourism asset, which supports a range of jobs and economic benefits for the area, where the development of enhanced visitor opportunities will be supported. The site contains significant open areas and is distinct from the main urban area of Chester. Chester Zoo is an important visitor attraction and makes a significant contribution to tourism and conservation at a local, regional and national level. It is also a major source of educational visits and employment for the borough, with around 1,000 employees. Planning permission was granted in 2010 to expand the Zoo as part of the Natural Vision project which provides a masterplan for the redevelopment and expansion of the Zoo to 2024. The boundary of the site has therefore been drawn to recognise the current development taking place in line the masterplan for future expansion and operational improvements to the site. The zoo will be preparing a revised development framework for the site. Development for 'zoological purposes' within the defined boundary may include new animal exhibits and enclosures, car parking and access arrangements and guest/visitor services that are ancillary and related to the Zoo's operational activities.

7.17 Local Plan (Part One) policy STRAT 9 recognises that the Countess of Chester Health Park was previously identified as a Major Developed Site in the Green Belt. The Council will continue to work with the NHS Trust to understand future development needs on the site for medical purposes. This is to ensure that the site remains capable of meeting modern health care needs, whilst respecting the Green Belt location. If necessary and justified, a development brief will be prepared for the site to ensure that a comprehensive approach is taken towards new development within the health park. Any surplus land should be retained for medical or related purposes to ensure that new development would not undermine the long term role of the health park.

7.18 Chester Business Park is a landscaped, high quality employment park within the Green Belt to the south of Chester. Local Plan (Part One) policies STRAT 3 and ECON 1 identify Chester Business Park as being protected for new high quality office development and as a key employment location, essential to meeting the future economic growth of the area. It is important the parkland setting is retained and this is an important consideration in the assessment of proposals for extensions to existing buildings or the development of new buildings.

7.19 Although the Business Park is now substantially developed, due to the limited employment land supply in the Chester area it remains a key location for employment/office provision. The Council's Annual Monitoring Report (2015) identifies there are some remaining undeveloped plots within the site that will continue to contribute towards the employment land provision in Chester and are allocated under policy CH 2.

7.20 Policy STRAT 8 recognises the importance of existing employment sites within or on the edge of key services centres and supports their small scale expansion of a scale and type consistent with the character of their rural location and in line with policy STRAT 9. The Weaver Park Industrial Estate at Frodsham is suitable for small scale, B1, B2 and B8 uses. Other sui generis uses may be acceptable, for example, the Council is currently exploring options for alternative sites for a Household Waste Recycling Centre to serve Frodsham, subject to local Plan policies DM 53 and DM 54 and National Planning Policy for Waste.

Alternative options

There are no reasonable alternative options because the sites identified remain as major sites within the Green Belt and are essential to the economic growth of the borough. As such it is necessary to provide some policy guidance to secure their future viability.

Replaces

- CDLP - EC4, ENV68, ENV69, ENV70, ENV71, ENV72, ENV73, ENV74, Development Brief for the surplus land on the Countess of Chester Health Park
- EPNLP - GB7
- VRLP - E10.1, E10.2, E10.3, E10.4, E10.5, E10.6

Question 30

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

GBC5 - Protection of countryside and landscape

GBC 5

Protection of countryside and landscape

All landscape is protected in line with Local Plan policies STRAT 9 and ENV 2. Where development requires a countryside location, it must:

- Be designed in line with the most up to date landscape guidance;
- Protect landscape features;
- Consider the characteristics of the development site, its relationship with its surroundings, and views into, over and out of the site;
- Be compatible with local character and promote local distinctiveness.

The above will be achieved through appropriate siting, scale, layout, density, design and landscape treatment.

The following areas are designated as Areas of Special County Value (ASCV) on the policies map, for their additional character and scenic value:

- Beeston/Peckforton/Bolesworth
- Delamere/Utkinton
- Eaton Estate/Dee Valley
- Helsby and Frodsham Hills
- Dee Coastal Area
- Willington
- Weaver Valley
- Wych Brook Valley

Development must preserve and enhance landscape character of an ASCV, or the features for which it has been designated. Development which would be likely to damage, directly or indirectly, or contribute to the erosion of features for which an ASCV has been designated, will not be permitted.

Explanation

7.21 The Local Plan (Part One) recognises the importance of the landscape and countryside of Cheshire. This is shown in Strategic Objective 10 which aims to protect the general extent and character of the countryside and North Cheshire Green Belt, and is built upon through policy STRAT 2 that seeks to promote growth whilst protecting the high quality environment of the borough, and policy STRAT9 that specifically relates to countryside. Policy STRAT 9 recognises that all countryside has an inherent value through the characteristic of being countryside and to protect the countryside from unnecessary

loss, and thereby harm, the policy restricts development in the rural area outside of identified settlements to that which requires a rural location.

7.22 The most up-to-date landscape guidance for the borough is *A Landscape Strategy for Cheshire West and Chester Borough 2015* (referred to as the Landscape Strategy). This supersedes all previous Landscape Character Assessments and Landscape Guidance produced by Cheshire County Council (Cheshire Landscape Character Assessment, 2008), Vale Royal Borough Council (Landscape Character Supplementary Planning Document 5, 2007) and Chester City Council (Cheshire District Landscape Assessment and Guidelines, 1998).

7.23 The new Landscape Strategy identifies sixteen different Landscape Character Types across the borough (LCT are generic and share common combinations of geology, topography, vegetation and human influences, e.g. River Valleys). These reflect the unique character of the borough, covering a range of contrasting landscapes: from the prominent sandstone ridge running north-south down the spine of the borough; the flat lowland plain and extensive areas of farmland to the east and west; the heaths, meres, mosses and river valleys adding interest and diversity across the borough; and the marshland, mudflats and saltmarsh of the Mersey and Dee Estuaries to the north and west. These LCT often extend into adjoining areas as part of a wider regional landscape.

7.24 Within these character types 53 separate Landscape Character Areas are identified (LCA are single, discrete geographical areas of the landscape type with a unique 'sense of place', e.g. Lower Weaver Valley). Some of these cover relatively small areas of Cheshire West and Chester and some are located along the borough boundary extending into neighbouring authorities. In each case their distinctive character justifies their separate identification.

7.25 Attached to this guidance is the *Landscape Sensitivity Study and Guidance on Wind and Solar Photovoltaic Developments*. This helps to guide wind and solar photovoltaic energy proposals in the borough to those landscapes which are the least sensitive, and to avoid unacceptable impacts to landscape character.

7.26 NPPF section 109 sets out that Local Plans should 'contribute to and enhance the natural and local environment by protecting and enhancing valued landscape'. The *Cheshire West and Chester Local Plan (Part Two) Local Landscape Designation Review Advisory Position Paper Part 1: Moving Towards a Rationalised Local Landscape Designations Policy Hierarchy in Cheshire West and Chester* sets out that these ASCV remain valued landscapes within CWAC.

7.27 ASCV were initially identified through the former Cheshire County Council Structure Plan process for the combined significance of features of historic, landscape, archaeological and nature conservation value. Review through the evidence base set out above showed that, of these characteristics, only landscape could not be adequately replaced by policy within the Local Plan (Part One). As such, ASCVs have been designated for the following extant landscape reasons:

- Special/distinctive landscape character
- Features of landscape importance
- Quality of landscape features
- Important views and vistas

- Prime examples of traditional landscape patterns
- Opportunity for quiet recreation/tranquillity

Alternative options

There are no realistic alternatives to this policy. Local Plan (Part One) policy STRAT 9 states that the Part Two plan will provide additional guidance on the types of development permitted in the countryside, which this policy aims to do. Policy ENV 2 seeks to protect landscape character and was supported by a landscape character assessment that was carried out in 2009. This has now been updated and identifies a number of areas which are particularly valued. As these areas are not specifically identified in the Part One plan, it is therefore important to protect them through policy in Part Two.

Replaces

- CDLP - ENV22, ENV25
- EPNLP - ENV6, ENV9
- VRLP - NE11, NE13, NE14

Question 31

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

GBC6 - Key settlement gaps

GBC 6

Key settlement gaps

The following areas, as shown on the policies map, are designated as Key Settlement Gaps (KSG):

- Lostock Gralam and Northwich
- Leftwich and Rudheath (Dane Valley)
- Davenham and Leftwich
- Davenham Village and Leftwich Grange (Kingsmead)
- Davenham and Moulton

Within the Key Settlement Gaps, development will be permitted only where it does not harm the separation and identity functions of these areas and meets the requirements of Local Plan policies STRAT 5 and ENV 2.

Explanation

7.28 Local Plan (Part One) policy ENV 2 states that the Local Plan (Part Two) will identify key gaps between settlements, outside of the Green Belt, that serve to protect and maintain their character. This is important for maintaining the distinct and/or remaining separation between a town or village with one or more other settlement, and in doing so, helps to define settlement identity, character, sense of place or historic settlement form.

7.29 Development may be permitted within Key Settlement Gaps where:

- The development would not result in the coalescence of settlements or neighbourhoods previously/ historically separate/ unconnected;
- The development would not result in a significant increase in intervisibility between settlement edges where this has been absent or limited historically, either by the extension of development or the loss of screening features such as woodland;
- The development would not harm the perception of openness previously characterising a separation between settlements or neighbourhoods, including through individual or cumulative impacts of isolated small developments;
- The development would not serve to materially alter any historic form of the settlements such as its relationship to topographical features, open spaces, roads or important buildings.

7.30 Reasons for the designation of sites are set out in the *Cheshire West and Chester Local Plan (Part Two) Local Landscape Designation Review Advisory Position Paper Part 2: Identification of Key Settlement Gaps Outside the Green Belt in Cheshire West and Chester*.

7.31 In line with Local Plan policy STRAT 5, Key Settlement Gaps have only been identified between areas where it is necessary to safeguard the character and individuality of the settlements that form the wider built up area of Northwich, and boundaries have been amended to take account of planning permissions and existing land uses.

Alternative options

There are no alternatives to a policy which identifies key settlement gaps because Local Plan (Part One) policy ENV 2 states that the Local Plan (Part Two) will include the identification of key gaps between settlements. However, the policy identifies 5 key settlement gaps, from 9 potential key settlement gaps as set out in the Local Landscape Policy Review Part 2 (February 2016), in order to maintain Northwich's settlement boundary in line with policy STRAT 5. An alternative option to this approach would be to also include the 4 additional key settlement gaps in the policy, for:

- Kelsall & Willington Corner
- Tarvin and Oscroft
- Tarporley & Tilstone Fearnall
- Ebnal and Malpas

Replaces

- VRLP - NE12

Question 32

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

GBC7 - Jodrell Bank

GBC 7

Jodrell Bank

Within the Jodrell Bank Radio Telescope Consultation Zone, as defined on the policies map, development that would impair the efficiency of the Jodrell Bank Radio Telescope will not be allowed.

Explanation

7.32 The radio telescopes at Jodrell Bank are of international importance for Radio Astronomy. Their value depends upon being able to receive radio emissions from space with a minimum of interference from electrical equipment. Despite technological advances, protection from local sources of interference is still of utmost importance.

7.33 The Town and Country (Jodrell Bank Radio Telescope) Direction 1973 requires the Local Planning Authority to consult with the University of Manchester before granting planning permission on any application for development (subject to the exceptions specified in the schedule).

Alternative options

There is no reasonable alternative because the Council is required to consult the University of Manchester on applications that could impair the Radio Telescope. As such, the Local Plan needs to contain a policy and define the consultation zone on the policies map.

Replaces

7.34 VRLP - BE20

Question 33

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

8 Transport and accessibility

T1 - Chester Western Relief Road

T 1

Chester Western Relief Road

Land is safeguarded, as shown on the policies map, for the construction of the Chester Western Relief Road between A483, Wrexham Road, (north of the junction with the A55) and the A548 Sealand Road (at the junction with Bumpers Lane).

Construction of the relief road will be permitted, provided that:

1. noise mitigation measures are provided where necessary;
2. measures are included to provide a cycling/walking/shared use path as part of the scheme;
3. a structural landscaping scheme is prepared and implemented, which effectively mitigates any adverse visual impacts on the surrounding area.

Explanation

8.1 The Chester Western Relief Road (CWRR) has for some time been identified as a potential measure to mitigate congestion issues in and around Chester city centre and forms an essential element of the Council's transport strategy for Chester. The strategy identified that improvements delivered as part of the Chester One City Plan would impact on traffic flows through the city centre, placing pressure on traffic to find alternative routes. Following a high level assessment (undertaken as part of Phase 1 of the Chester Transport Strategy work), the CWRR was put forward as a potential component in a wider strategy for the city.

8.2 Local Plan (Part One) policy STRAT10, supports improvements to the transport network, including measures identified in the Chester Transport Strategy which includes the Chester Western Relief Road and its safeguarded route.

8.3 The Council considers it very important to improve the environment within the city centre, particularly by reducing conflict between pedestrians and vehicles. The CWRR would remove significant volumes of traffic from the city centre, benefiting the environment in terms of both traffic and air quality. It is required to maintain the overall economic viability of the city in competition with out of town, and other shopping centres and meets the requirements of Part One policy STRAT 10 to develop reliable and efficient transport networks that support sustainable economic growth.

8.4 Although a fully funded programme of delivery, has yet to be established, it is essential that the Council continues to safeguard a potential route for the CWRR while working positively with stakeholders to investigate and identify appropriate means of delivering the future construction of the relief road.

8.5 A technical piece of work to identify the precise alignment for the route is in the process of being commissioned, however the preferred option is anticipated to be a route closely based on the original alignment contained in retained policy TR7 of the former Chester District Local Plan. An initial assessment of the original alignment discounts alternative options for access onto Sealand Road in the form of a new link and instead proposes a roundabout at the junction with Bumpers Lane.

8.6 The policy also includes criteria which seeks to ensure that the relief road can be delivered to ensure that any harmful visual impacts are effectively mitigated or avoided.

Alternative options

No reasonable options were identified because not safeguarding a route will not provide any certainty for a road scheme that would address congestion and air quality issues affecting the city centre nor provide for the sustainable economic growth of Chester, in line with Part One policy STRAT 10. Safeguarding an alternative route is also not possible because no other route options have been identified.

Replaces

- CDLP - TR7

Question 34

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

T2 - A56 Hoole Road Corridor

T 2

A56 Hoole Road Corridor

Land is safeguarded, as shown on the policies map, for the construction of a new Park and Ride site located at the M53/A56 junction to serve the A56 Hoole Road corridor.

Two options are shown:

- A. Option 1 – North West of A56 3.7 ha
- B. Option 2 – South East of A56 6.3 ha

Construction of the Park and Ride site will be permitted, provided that:

1. the scheme has a capacity of at least 500 spaces;
2. measures are included to provide a cycling/ walking/ shared use connections;
3. provision is made for overnight coach parking/layover facilities;
4. a structural landscaping scheme is prepared and implemented, which effectively mitigates any adverse visual impacts on the surrounding area.

Development proposals which enhance the character, appearance and function of the Hoole Road corridor, as shown on the policies map, as a principal gateway and route into Chester will be supported, which in particular:

1. Improve cycle and pedestrian links
2. Enhance bus services
3. Provide improved car parking at Chester station

Explanation

8.7 Chester is served by a ring of four park and ride sites, providing direct access to the city centre by a regular bus service. The existing sites cover many of the main routes into the city centre, intercepting traffic on the edge of the urban area and reducing congestion in the city centre.

8.8 Local Plan (Part One) policy STRAT 10, supports improvements to the transport network, including measures identified in the Chester Transport Strategy which refers to the potential for a fifth park and ride site serving the A56 Hoole Road corridor. The benefits of the scheme are identified as follows:

- To provide a Park and Ride site on the most important approach route from the north and west via the M53 and M56 strategic highway corridors;
- To remove a significant amount of traffic, noise and vehicle emissions on a day-to-day basis from the most congested streets and junctions of the city;

- To provide an important transition point for visitors and tourists to the city during weekdays and weekends; and
 - To help realise the regeneration vision for the city.
- 8.9** Furthermore, policy STRAT 10 also states that 'Parking provision should support the viability of town centres whilst minimising traffic congestion'.
- 8.10** The lack of a park and ride site to serve the M53/M56/A56 corridor has long been recognised and the Chester Transport Strategy reviewed the usage of existing park and ride sites and an assessed the 'gaps' in existing coverage along with examining traffic volumes using the radial corridors towards Chester city centre, concluding that a Park and Ride site serving the A56 Hoole Road corridor offered the strongest performing solution. The assessment was undertaken in the context of a wider review of parking and parking charges across Chester, as well as a renewal of park and ride contracts aimed at improving services and increasing patronage.
- 8.11** A study on 'Park and Ride Serving the A56 Hoole Road Corridor' (May 2015) confirmed that the A56 Hoole Road corridor would potentially benefit most from an additional Park and Ride facility. In order to provide the most convenient access point for vehicles travelling from the M53 and A55 wishing to park at the site and provide the most direct route to buses along the Hoole Road corridor into the city centre, access to the site should be via the section of the A56 between the M53/A55 junction and the junction with the A41 Ring Road.
- 8.12** Two options for a Park and Ride site are presented here for consultation:
- Option 1 – A 3.7 ha site located north west of A56 based on the original allocation contained in retained policy TR7 of the former Chester District Local Plan.
 - Option 2 – A 6.3 ha site located south east of A56 partially owned by the Council
- 8.13** The Chester Coach Strategy (January 2016) identified the lack of secure overnight parking space for coaches as an issue and proposed the use of Park and Ride sites for layover and overnight parking for coaches as a medium term high priority scheme. Coach and driver facilities are likely to include: rest-rooms, coach washing, cleaning facilities and security/barrier systems and should form part of any new Park and Ride site.
- 8.14** The Chester Transport Strategy considers that access to new developments such as the Theatre, Northgate development and planned new Central Business Quarter next to the railway station is fundamental to the future of Chester and the delivery of the One City Plan 2012 – 2027 and an additional Park and Ride site will be required in the medium term, to cater for increased demand arising from these developments.
- 8.15** The A56 Hoole Road corridor represents the key link from the M53 motorway and is heavily used but constrained, leading to congestion should any blockage or other delay occur. Hoole Road Bridge is particularly difficult for cyclists due to its heavy traffic and its narrow width. As such, development proposals that improve the operation of this corridor will be supported, in particular:

- Improvements to pedestrian and cycle links along the A56 Hoole Road corridor and specifically at Hoole Bridge, with the opportunity for a dedicated pedestrian/ cycle bridge sited to provide safer access to the city centre and Railway Station / Chester Business Quarter);
- Provision of bus enhancements and Bus Priority Measures to improve journey time reliability and promote modal shift towards sustainable modes; and
- The creation of improved car parking for Chester station on the site of the former Chester Enterprise Centre in conjunction with other complementary uses and connected to the city centre.

Alternative options

There are no reasonable alternative options. Not safeguarding a park and ride site was discounted because this will not provide any certainty for a future park and ride scheme that would address congestion and air quality issues affecting the A56 Hoole Road corridor nor provide for the sustainable economic growth of Chester. Not identifying an improvement corridor along the A56 was discounted because this would not address congestion, air quality issues and pedestrian and cycle access problems affecting the A56 Hoole Road corridor and Hoole Bridge nor provide for the sustainable economic growth of Chester.

Replaces

- CDLP - TR7

Question 35

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

Question 36

Which option should be followed for the site of a fifth park and ride in Hoole? Are there any other options that should be investigated?

T3 - A54 Winsford Railway Station to Stanthorne

T 3

A54 Winsford Railway Station to Stanthorne

The Council will safeguard land from development, as identified on the policies map, for potential highway improvements between Winsford railway Station and Stanthorne.

Explanation

8.16 Local Plan (Part One) policy STRAT 6 sets out the priorities for Winsford as providing a key focus for development in the east of the borough and supporting the continued regeneration in the town. Key proposals are identified which include providing for business and industrial development to support local employment opportunities and the policy recognises the need to protect and support the expansion of the Winsford Industrial Estate (identified as a Business Improvement District - BID) and Woodford Park Industrial Estates.

8.17 Policy STRAT 10 seeks to provide and develop reliable and efficient transport networks that support sustainable economic growth in the borough and the surrounding area. Improving connectivity between Cheshire West and Chester and the surrounding areas is a goal of the Local Transport Plan, and links with Cheshire East and schemes to improve transport linkages, the A54 - M6 corridor are identified as key priorities which will be supported.

8.18 The Winsford Transport Strategy (2016) identified that improvements to southern links towards Crewe, to facilitate better HGV routes, between the A54 and the A530, could include the need to make capacity improvements to the A54 Middlewich Road /Road One Junction /Clive Green Lane junction in the short to medium term. Furthermore the Transport Strategy identifies the introduction of a truck and HGV layover facility to serve the growth of the Winsford BID 1-5 Industrial Estate as a priority for the town to encourage employment growth and address concerns around lack of suitable HGV parking.

8.19 Former Vale Royal Local Plan retained policy T18 safeguarded land from any other development along a road line between Winsford Railway Station to Stanthorne. The purpose of this policy was to ensure that building could not take place on land which may be the subject of compulsory purchase in the future, in order to achieve the long-term aims of the LTP and remove dangerous bends from the existing road network.

8.20 While a detailed proposal to address the capacity issues at the A54/ Clive Green Lane junction has yet to be designed in detail, it is clear that the road line currently safeguarded under saved policy T18 could form a key component of any junction and/or HGV access improvements. Therefore, it is proposed that the Local Plan (Part Two) will continue to safeguard land, to provide for potential highway and junction capacity improvements on the A54, until a detailed scheme design has been completed.

Alternative options

There are no reasonable alternative options because not maintaining the currently safeguarded road line would not support the highway improvements necessary to provide for the economic growth of Winsford, in line with Part One policies STRAT 6 and STRAT 10.

Replaces

- VRLP - T18

Question 37

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

T4 - Railway stations

T 4

Railway stations

The Council will safeguard land from development, as identified on the policies map, for the expansion and/or improvement of facilities, at the following railway stations:

- Winsford
- Hartford
- Northwich
- Greenbank
- Frodsham
- Helsby
- Lostock Gralam
- Delamere
- Acton Bridge
- Cuddington

Development proposals involving the re-opening of former rail stations, the improvement of rail freight facilities, or the development of transport interchange facilities will be supported. Development which could prejudice the re-opening of other former stations will be refused.

Explanation

8.21 Local Plan (Part One) policy STRAT 10 states that opportunities to improve public transport facilities will be taken wherever possible, through improved services, interchange facilities and parking at railway stations. The Part One policy also commits the Council to safeguarding rail infrastructure including stations, from development which would preclude their future transport use.

8.22 The Council has carried out an initial review of railway station parking provision across the 21 stations within the borough which looked at existing parking stock and highlighted any particular issues concerning capacity, demand, car park quality operation and land ownership.

8.23 The review concluded that there are several stations with car park capacity problems, which will most likely be exacerbated by general background passenger growth as well as specific railway improvements such as electrification, the Halton curve and Northern Hub. Work is currently underway to develop a list of stations where intervention is required and to develop station expansion schemes.

8.24 In addition a borough wide parking strategy is also being developed that will set out the approach to managing the provision of public parking and review the provision of park and ride facilities, parking at stations and the operation of the town centre car parks across the borough.

8.25 Former Vale Royal Local Plan retained policy T5 safeguarded land for development for the expansion and/or improvement of station facilities at: Winsford, Hartford, Northwich, Greenbank, Frodsham, Helsby, Lostock Gralam, Delamere, Action Bridge, Cuddington, Bache, Chester and Hooton.

8.26 It is proposed that the Local Plan (Part Two) will update this policy and continue to safeguard land at a number of stations to provide for improved station facilities, including the provision of additional parking infrastructure. While the outputs from both the borough-wide parking review and the Cheshire West and Chester Station Parking Review are not currently available, the existing safeguarded areas under retained policy T5 will be taken forward for consultation. However, it is anticipated that the final policy is also likely to include land around Bache Chester and Hooton stations.

8.27 The Council seeks to encourage the use of the rail network for both passenger and freight movements, and wishes to work with the train operating companies and Network Rail to provide the best possible facilities in order to encourage the use of more sustainable forms of transport. Cheshire West and Chester has a number of former stations located within its boundaries which could be re-opened for passenger and/or freight services. As such, it is necessary to provide a policy to support their re-opening, which would continue the policy approach taken in retained policy TR11 of the former Chester District Local Plan.

Alternative options

No reasonable alternative options have been identified because this would not support the improvement of parking facilities for passengers at the borough's railway stations, which have been assessed as having capacity issues, and would not be in line with Part One policy STRAT 10 which commits the Council to safeguarding rail infrastructure including stations, from development which would preclude their future transport use.

Replaces

- CDLP - TR11
- VRLP - T4, T5

Question 38

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

T5 - Rail corridors

T 5

Rail corridors

Disused rail corridors and railway lines are safeguarded from development to protect them for possible future transport use, including the following rail corridors/ lines identified on the policies map:

- Mickle Trafford-Shotton
- Helsby/ Mouldsworth
- Railway link adjacent to New Warrington Road
- Tattenhall-Whitchurch

Development will only be permitted if it would not prejudice:

- the future reopening of the line for rail services
- the use of the route of the line as a cycleway, footpath and/or bridleway
- the use of the route as a linear park
- the line's role as a wildlife corridor

Explanation

8.28 Local Plan (Part One) policy STRAT 10 states that current and disused transport corridors, including railway lines, will be safeguarded from development which would preclude their future transport use. In the interim, recreational and other uses may be allowed and this approach also supports other Part One policies such as ECON 3 - Visitor economy, ENV 3 - Green infrastructure, SOC 5 - Health and well-being and SOC 6 - Open space, sport and recreation; all of which seek to provide opportunities to protect and enhance the borough's network of green corridors and recreational routes.

8.29 The Part Two policy reinforces and brings together this approach as set out under a number of Part One strategic policies and specifically identifies the corridors and routes to be safeguarded on the policies map.

8.30 Disused railways provide potential for future transport purposes only if they can be protected as a continuous corridor. It is essential that the opportunity value of such corridors is preserved for the future. Other operational and non-operational railway land needs to be safeguarded for access and other necessary facilities.

Alternative options

There are no reasonable alternatives because not having a policy which identifies which rail corridors that are safeguarded would not provide sufficient detail and certainty on which rail corridors are safeguarded in line with Local Plan (Part One) policies.

Replaces

- CDLP - TR7, TR12, SR14
- VRLP - T4, T6, T7

Question 39

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

T6 - Safeguarded areas around aerodromes

T 6

Safeguarded areas around aerodromes

Within the safeguarded areas, as identified on the policies map, new development will only be permitted where it will not result in a serious safety hazard to aircraft. In considering applications for planning permission the Council will have particular regard to:

- the height and design of the development;
- the likelihood of it creating a bird hazard;
- the likely impact on navigational aids, radio waves and telecommunications systems for the purposes of air traffic control and aircraft movements.

Explanation

8.31 The Civil Aviation Authority has identified safeguarded areas around Liverpool John Lennon and Manchester Airports which cover the north and east of the borough and in relation to Hawarden Aerodrome, which affects the western part of the plan area. The safeguarded areas are neither the responsibility nor the proposal of the Local Planning Authority and safeguard an area of 15km from the Aerodrome Reference Point for general developments and 30-km for windfarms.

8.32 The outer boundary of the aerodrome safeguarded areas are identified on the policies map, however, applicants should consult the Council about the current extent of the safeguarded areas because they are reviewed and amended from time to time by the Civil Aviation Authority.

8.33 In these areas the Council will consult with the Civil Aviation Authority and the airport operator on planning applications for certain types of development, in accordance with guidance set out in Dft/ODPM Circular 1/2003. There is an obligation for Local Planning Authorities to consult safeguarded airports when a planning application for development which has the potential to impact on the safe operation of aircrafts or prejudice the airport's future development.

8.34 Built development involving high structures, buildings which may interfere with radio signals, or development which may create a bird strike hazard may be subject to restrictions. Within these areas planning permission will not be granted for development that would prejudice the safe operation of protected aerodromes or give rise to public safety concerns.

8.35 In applying the policy, the Council will consult the owner/ operator of the airport. Circular 01/2003 identified certain forms of development that will need special scrutiny. This would comprise developments which are over 90 metres in height, are connected with an aviation use, involve wind turbines or are likely to attract large numbers of birds. The Council will also give consideration to the potential for interference with navigational equipment and traffic control systems.

8.36 Large water bodies that are often formed as part of the restoration of a mineral extraction site or quarry can increase the level of bird activity in the vicinity of the Airport and therefore require a detailed assessment to ensure the risk of bird strike is not increased. Similarly this can be the case with certain waste disposal and management facilities, particularly landfill sites.

Alternative options

There are no reasonable alternative options as the identification of official safeguarded areas around aerodromes on the policies map is required by DfT/ ODPM Circular 1/2003, and to replace Vale Royal Borough Local Plan retained policy P9.

Replaces

- VRLP - P9

Question 40

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

9 Infrastructure

INF1 - ICT and telecommunications

INF 1

ICT and telecommunications

The Council will support the provision, expansion and enhancement of electronic communications networks, including telecommunications and high speed broadband.

The Council will encourage developers to make provision for the installation and maintenance of information connection networks, such as superfast broadband, within new developments.

Where possible, new development should be accessed by fibre to the premise (FTTP) technology enabling access to superfast broadband speeds of at least 30 megabits per second (or the most recent Government requirements, if higher). Where this is not viable, adequate ducting should be provided if possible to enable FTTP connection at a later date.

Planning permission will be granted for telecommunication installations and equipment provided that:

1. Numbers of radio and telecommunications masts and the sites for such installations are kept to a minimum, consistent with the efficient operation of the network. As such, mast sharing will be supported and the erection of additional masts will only be supported if the feasibility of sharing an existing mast or erecting antennae on an existing building or other structure has been investigated and demonstrated to be unsuitable;
2. The proposal is sympathetically designed and is camouflaged where appropriate;
3. They do not have an unacceptable adverse impact on the character or appearance of the area or the appearance of any building;
4. The proposal does not have a detrimental impact on the safe and satisfactory functioning of highways;
5. The proposal has special regard to the Green Belt and the natural and historic environment where the quality of the landscape / townscape may be particularly sensitive to the intrusion of communications infrastructure, including conservation areas and listed buildings;
6. All reasonable measures have been taken in respect of siting, design and landscaping to minimise the impact of the development;
7. They do not cause significant and irremediable interference with other electrical equipment, air traffic service, broadcast or telecommunication service, or instrumentation operated in the national interest.

Developments must also meet all relevant criteria set out in Policy DM 1 Development Management. Where planning permission is required for the installation, relocation or replacement of domestic radio masts, aerials and satellite dishes, permission will be granted provided that the development is located to minimise any visual impact, and the scale, form and siting are appropriate to the building and surrounding area. The development must not result in harm to residential amenity.

New buildings must not interfere with broadcast or telecommunications services.

Explanation

9.1 The Local Plan (Part One) policy STRAT 11 states that the Council will support measures to protect, enhance or improve access to existing facilities, services and amenities that contribute to quality of life for residents, businesses and visitors, including access to information communication technologies (ICT).

9.2 High quality communications infrastructure, including broadband access, is essential for developing a sustainable local economy and is important for education and enhances the provision of local community facilities and services. It is also vital for home working and helps to reduce the need to travel and to create more resilient rural communities as it enables more efficient working practices and provision of online facilities and services.

9.3 The Government recognises that reliable broadband internet access is essential for homes throughout the country to benefit from online services, and for UK businesses to compete globally. It aims to achieve a transformation in the country's broadband access, with everyone in the UK able to access broadband speeds of at least 2 megabits per second (Mbps) and 95% of the UK receiving far greater speeds (at least 24Mbps) by 2017.

9.4 Where it is not currently viable to provide superfast broadband, adequate ducting will ensure that developments are 'future-proofed' as connection can be made easily at a later date, without the additional costs of retrofitting. Design of developments could also be undertaken with future broadband installation in mind, for example designing and locating green infrastructure so that this can be used as a location for ducting to prevent the need to dig up roads and other hardstanding areas in the future.

9.5 In February 2016 the Government announced a deal to see fibre based broadband offered to all new developments either for free or as part of a co-funded initiative. It is estimated that more than half of all new build properties can be connected to fibre broadband free of charge to developers.

9.6 The Council will work with relevant partners to support advances in Information Communication Technologies (ICT) including positively promoting the development of ICT embedded sites and premises. This includes the ongoing work through the Connecting Cheshire project. Connecting Cheshire is a partnership between BT and four local authorities (Cheshire East, Cheshire West and Chester, Halton and Warrington). The partnership was established to deliver fibre broadband to areas outside the commercial deployment of fibre broadband.

9.7 With the growth of services such as mobile internet access, demand for new telecommunications infrastructure is continuing to grow. However, telecommunications developments can by their nature potentially have considerable impact upon the visual amenity of the surrounding area and in particular upon high quality landscapes and the built environment. The Council is committed to ensuring that such developments are appropriately designed and sited in accordance with the principle of minimising such impacts.

Alternative options

The only alternative options would be to require that new development must be accessed by fibre to the premise (FTTP) technology enabling access to superfast broadband speeds of at least 30 megabits per second (or the most recent Government requirements, if higher). However, this alternative option has been discounted as this level of provision is not required by Government and by requiring higher standards to be met on all sites, this could make some developments economically unviable, especially those in more remote, rural areas.

Replaces

- CDLP - ENV75
- EPLP - GEN7
- VRLP - BE18

Question 41

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

10 Development Management Policies

General

DM1 - Development management

DM 1

Development management

To safeguard the existing quality of a site's location and its surroundings, and where possible, to improve and enhance the natural environment, proposals for all new development will be permitted where it achieves high standards of design and construction and meets the following criteria:

- It does not cause a significantly detrimental effect on the amenities of people living nearby by reason of overshadowing, overlooking, visual impact, noise and disturbance, odour or in any other material way (ref policies SOC 5 and DM 21 to 23);
- It does not harm the features or areas of particular historic, archaeological, nature conservation, geological, geomorphological or landscape value as identified in policies in the plan (ref policies ENV 2 to 5, GBC 5 and DM 37 to 44);
- It does not have a significant detrimental impact on protected species or biodiversity that cannot be sufficiently mitigated (ref policies ENV 4, DM 38 and DM 39);
- It does not generate a level of traffic sufficient to cause danger or nuisance, or require any major improvement of the road network and parking provision that would create unacceptable public expense (ref policies STRAT 10 and DM 46);
- Where utility services are required, they must be available or capable of being provided without creating an unacceptable impact on economic viability (ref policy STRAT 11);
- It does not prejudice the long term planning of the area or the development strategy of the Local Plan;
- It does not prejudice the development of mineral resources (ref policies ENV 9 and DM 55 to 61);
- It does not increase land, air, noise, light or water pollution to unacceptable levels, and where possible should reduce levels (ref policies SOC 5 and DM 21 to 23);
- It prioritises the redevelopment of previously developed land in sustainable locations, making use of existing suitable buildings and materials where possible, and minimises the loss of greenfield land (ref policies STRAT 1 and GBC 1);
- It does not use the best and most versatile agricultural land, unless there is no other suitable site for the proposed use;
- It does not adversely affect the operation of important recreational and tourist facilities (ref policies ECON 3 and DM10 to 11);

- On sites which have previously been developed, new development proposals should make use of existing suitable building materials wherever possible for appropriate uses in order to re-use recyclable materials and reduce the amount of imported materials (ref policies STRAT 1, ENV 6 and DM 45);
- It takes full account of the local characteristics of the development site, its relationship with its surroundings, views into, over and out of the site. This should be achieved through its siting, scale, layout, density, design and landscape treatment (ref policies SOC 5 and ENV 6);
- It is compatible with the local character and encourages local distinctiveness through use of building materials, architectural detailing, floorspace and boundary treatment. Reference and consideration of Neighbourhood Development Plans and Village Design Statements should be made where relevant;
- It makes adequate provision for amenity and open space (ref policies SOC 6 and DM 25 to 26);
- It actively contributes to the integration of existing, and creation of new, green infrastructure, especially where it will help to mitigate the impacts of climate change;
- It creates direct and integrated routes through the site which provide safe and easy access to existing road and footpath networks, and linking with public transport networks where available (ref policies STRAT 10 and DM 46);
- It ensures that Public Rights of Way are protected where possible, or are temporarily re-routed during development and are then restored or improved;
- It ensures that streets, spaces, parking areas, and cycle and pedestrian routes are overlooked by buildings to allow for natural surveillance and the design and layout of buildings promote community safety and deters vandalism and crime (ref policies SOC 5, ENV 6 and DM 46);
- It incorporates appropriate arrangements for access, servicing and in particular provision should be made for safe vehicular access and egress arrangements and ensures that pedestrians and cyclists have priority over the accommodation of vehicles in the layout of new developments (ref policies STRAT 10 and DM 46);
- It considers the needs of vulnerable and older people (ref policies SOC 5 and ENV 6);
- It retains important trees, hedgerows and other valuable landscape features and takes opportunities to improve the wildlife potential of the site, wherever practicable (ref policies ENV 2, ENV 3 and DM 37 to 39);
- It achieves the highest practicable degree of energy and water efficiency, through building type, layout, orientation and locations (ref policies ENV 6 and DM 45);
- In new residential developments, it should help create mixed and inclusive communities which offer a choice of housing to meet the needs of those in the community (ref policies SOC 3 and DM 14 to 18);
- It incorporates, where possible on-site renewable energy production (ref policies ENV 6, ENV 7 and DM 45);
- It will not increase the risk of flooding, or cause a significant detrimental impact on flow, quantity or quality of surface or groundwater (ref policies ENV 1 and DM 31 to 36);
- It does not cause any unacceptable long-term adverse impacts on soil structure or permeability.

Explanation

10.1 It is intended to provide more detailed guidance to ensure that development management decisions will promote sustainable development that improves and meets the economic, social and environmental objectives of the borough in line with Local Plan (Part One) policy STRAT 1 and the Spatial Vision and Strategic Objectives of the Local Plan.

10.2 Local Plan (Part One) policy ENV 6 states that the Local Plan will promote sustainable, high quality design and construction and that new development should, where appropriate, respect local character and achieve a sense of place through appropriate layout and design, and policy SOC 5 says that development that gives rise to significant adverse impacts on health and quality of life, including residential amenity, will not be allowed.

10.3 Policy ENV 3 expects new development to incorporate new and/or enhanced green infrastructure and encourages the planting of trees and woodlands, particularly in the urban areas and the urban fringe. The creation of new green infrastructure is one way that will help to mitigate the impacts of climate change, along with addressing flood risk and water management, supporting the development of resilient new buildings and promoting energy efficiency and energy generation, in line with the Local Plan's strategic objectives SO 13 to SO 15 and Local Plan policy STRAT 1.

10.4 This policy summarises the key material considerations to be taken into account by the Council and sets out the general principles that the Council will apply when considering proposals for all new development and changes of use and making other decisions under the Town and Country Planning Acts, within the borough. The criteria referred to are amplified and made more specific in the other policies of the Local Plan, and should be read alongside national policy, guidance and other locally adopted supplementary planning documents.

10.5 It is important that the environment of the borough is protected and wherever possible improved. The design of new development proposals should respect and enhance the character and setting of the surrounding area. Successful places have a well-connected, visually interesting and varied network of streets and spaces. The needs of pedestrians and cyclists should be put first by creating direct routes that connect into the existing network.

10.6 Streets and spaces should be well defined and wherever possible be overlooked by the front of buildings to create visual interest and to promote community safety by increasing the natural surveillance. Opportunities to minimise vandalism and increase public safety can often be achieved by close attention to the design and layout of new buildings and public spaces and the associated landscaping. Location, lighting and materials along with careful attention to detail can help reduce the potential for crime.

10.7 Public safety and security and provision for the needs of people vulnerable and older people, including those with mobility, visual and hearing impediments, learning difficulties and long-term illnesses should be considered as an integral part of the initial design of development schemes, buildings and the external environment. Wherever possible, developments should aim to incorporate 'Dementia Friendly' design features in the design and layout of new buildings and development schemes in addition to designing for lifetime needs and full compliance to meet the requirements of the Disability Discrimination Act 2005 (DDA).

10.8 Energy efficiency and self sufficiency should be encouraged in all developments. A requirement for the on-site generation of at least 15% of predicted energy requirements would reflect the United Kingdom's binding target, set out in EU Directive 2009/28/EC, for procuring 15% of its energy consumption from renewable sources by 2020.

10.9 The policy will principally be delivered through the development management process and further guidance on the measures that can be taken to comply with the policy will be included within relevant supplementary planning documents for different types of development and locations. To enable the financial benefits of a scheme to be assessed, full details should be provided in terms of local finance and any other financial benefits, but it will be critical that any financial or community benefits identified, serve a planning purpose and fairly and reasonably relate to the development itself.

Alternative options

The alternative approach would be to rely on other Part One and Two policies to guide the consideration of planning applications, without providing further detailed guidance which cross-references the key policies which should be taken into account.

Replaces

- VRLP - BE1

Question 42

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

Economic

Economic growth, employment and enterprise

DM2 - Redevelopment and refurbishment of employment land and premises

DM 2

Redevelopment and refurbishment of employment land and premises

Development proposals that would result in a loss of employment land or premises (Use Class B1, B2 or B8 or appropriate sui generis uses) will only be permitted where they meet the requirements of Local Plan policy ECON 1 and the following criteria:

- The proposal would not limit the range, quality and quantity of employment land available to meet the strategic development requirements to 2030;
- There is no overall reduction in the employment potential on the site;
- Reasonable attempts must have been made (and evidenced) to let or sell the premises for employment use at a reasonable rate with no tenant or purchaser being found;
- The proposal would lead to physical or environmental improvements to the area for continued employment use;
- The proposed use should be compatible with the location, neighbouring land uses and character of the surrounding area.

Explanation

10.10 Local Policy policy ECON 1 only allows the redevelopment of existing employment sites and premises for non-employment uses where the proposal is compatible with the remaining employment uses in the locality and where it would not limit the range, choice and quality of employment sites available to meet future employment needs.

10.11 This policy adds further detail to policy ECON 1, particularly in relation to the level and type of evidence that is required to justify any loss of employment land where reasonable attempts must have been made to let or sell or premises for employment use at a reasonable rate (a minimum of 12 months marketing evidence will be required).

10.12 This policy has been informed by the Cheshire West and chester Employment Land Study (2009) and the Employment Land Study Update (2013).

10.13 Further detail relating to consideration of other impacts, such as biodiversity, noise, highways etc are covered by other policies in the plan.

Alternative options

No reasonable alternative options have been identified, as it is considered necessary to provide further specific detail and guidance on the implementation of policies ECON 1, STRAT 3, STRAT 4, STRAT 5, STRAT 6 and STRAT 8 especially in relation to the level and type of evidence required to justify any loss of employment land.

Replaces

- CDLP - EC6
- EPNLP - EMP1
- VRLP - E1, E3, E4

Question 43

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM3 - New agricultural buildings

DM 3

New agricultural buildings

Proposals for the erection of agricultural buildings requiring planning permission will be permitted where they meet the requirements of Local Plan policy STRAT 9 and the following criteria:

- the proposed development is satisfactorily sited in relation to existing buildings in order to minimise its impact on the landscape;
- It must be appropriate in scale, design, materials and landscaping so not to harm the character of the countryside;
- adequate provision is made for the disposal of foul and surface water drainage and animal wastes without risk to watercourses;
- adequate provision is made for access and movement of machinery and livestock to avert the intensification or creation of a traffic safety hazard;
- the proposal is sited and is of an appropriate scale and type so as not to cause harm to the living conditions of any nearby existing residential properties.

Explanation

10.14 Policy STRAT 9 of the Local Plan (Part One) allows development that has an operational need for a countryside location, such as for agricultural or forestry operations, providing it is of an appropriate scale and design to not harm the character of the countryside.

10.15 The erection of new farm buildings can have a major impact in the countryside but that impact will be particularly pronounced in prominent locations. Where there is need for new farm buildings and these require planning permission or prior notification, the Council will seek to ensure that their impact on the environment is minimised.

10.16 To ensure that agriculture can continue its essential role as an important and developing industry but with appropriate environmental safeguards to protect the appearance of the countryside and prevent significant harmful impact upon residents' living conditions by reason of noise, loss of light or any other relevant factor which results in a significant reduction in the residents' quality of life. Further detail relating to consideration of other impacts, such as biodiversity, noise, highways etc are covered by other policies in the plan.

10.17 When granting planning permission for new agricultural buildings, the Council will consider the need to withdraw permitted development rights to prevent the conversion of of the building to another use, for a period of 10 years.

Alternative options

No reasonable alternative options have been identified, as it is considered necessary to provide further detail in relation to the criteria which are essential for maintaining the rural character and local distinctiveness of the borough's countryside, in the the implementation of Part One policy STRAT 9.

Replaces

- CDLP - EC22
- EPLP - ENV7
- VRLP - RE3

Question 44

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM4 - Rural diversification

DM 4

Rural diversification

Proposals for the diversification of traditional land based businesses will be supported where they meet the requirements of Local Plan policy STRAT 9 and the following criteria:

1. Applicants will be encouraged to produce farm plans which will outline the present farms profile, present and proposed activities, and its environmental and amenity effects;
2. Any proposal and any subsequent expansion should utilise existing buildings on the holding and be ancillary to the main farm business.
3. Applicants will be required to provide clear evidence that changes of use proposed in agricultural buildings less than 4 years old and erected under permitted development rights, were genuinely used for agricultural purposes.
4. Where it can be shown that no suitable buildings are available, any proposals for new buildings shall be subject to the policies controlling development in the Green Belt and countryside.
5. Any new buildings should be small in scale, relate to existing development and should have no adverse effect on the character, amenity, appearance and landscape quality of the area or on any wildlife habitats;
6. The proposed use would not create an unacceptable impact on the highway network and there is a satisfactory means of vehicular access and parking arrangements. A transport assessment will be required in sensitive locations;
7. The Council will, where necessary, attach conditions to permissions for rural diversification which control the expansion of the enterprise beyond an acceptable level and also to control the nature of the enterprise. Applications for expansion should be of a small scale and the cumulative effect of the expansion along with the existing development will be considered;
8. Proposals should be appropriately landscaped to reduce visual intrusion and where possible should lead to environmental improvements.

Any proposals for retail sales must be limited in scale and be in line with Policy DM 8.

Explanation

10.18 Local Plan (Part One) policy ECON 3 supports agricultural diversification that is of an appropriate scale and type in rural areas, and would support the continued viability of rural businesses. Schemes that allow for the development and diversification of traditional land based businesses (agricultural, forestry and horticulture with an emphasis on food production) will be permitted, subject to meeting the requirements of policy STRAT 9.

10.19 Over recent years the rural part of the plan area has experienced a growth in the working population, whilst during the same period the agricultural workforce has been decreasing. The majority of people living in rural areas are now engaged in other types of employment. Agricultural diversification offers the potential for the re-use of rural buildings and land for a variety of new activities, so as to stimulate the rural economy and provide more varied employment opportunities for rural people, including those formerly employed in agriculture and related sectors.

10.20 The Council wishes to encourage well conceived schemes for the diversification of agricultural land and buildings, provided this is compatible with other policies in the Local Plan, notably those which relate to the protection of the environmental quality of the countryside, the resistance of inappropriate conversions of rural buildings, the maintenance of a high standard of new development and the impact upon the Plan's retailing strategy.

10.21 In considering proposals for rural diversification, consideration will be given to whether the is supported by a business plan or appraisal and involves the re-use of existing buildings or whether any new buildings or structures can be located within or adjacent to an existing group of buildings. The Council will also have regard to whether the proposal would be likely to generate a requirement for further associated development and to the impact upon nearby local services and the nature of employment opportunities created.

Alternative options

No reasonable alternative options have been identified, as it is considered necessary to provide further detail in relation to the criteria which are essential for maintaining the rural character and local distinctiveness of the borough's countryside, in the the implementation of Part One policy STRAT 9.

Replaces

- CDLP - EC21
- VRLP - RE12

Question 45

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM5 - Equestrian development

DM 5

Equestrian development

Proposals for domestic or commercial stables or associated equestrian development will be permitted where they meet the requirements of Local Plan policy STRAT 9 and where development:

- makes best use of existing infrastructure most notably existing vehicular and field access, tracks, bridleways, utilities and buildings;
- respects existing landscape patterns and minimises visual impact, by means of location, scale, appearance and design;
- does not involve the erection of new buildings, or associated features such as hard standing, parking or manure storage sites, which may harm the existing landscape through isolated or scattered development;
- does not harm the character of the area by reason of the cumulative impact when considered with other similar enterprises in the area;
- does not involve the use of construction materials, boundary treatments, floodlighting, siting of areas of hard-standing, new or extended access routes, or other infrastructure related to the equestrian development that would have an adverse impact on the appearance of the landscape.

The development of residential or visitor accommodation in connection with equestrian development will be considered in accordance with other relevant policies of the Local Plan.

Explanation

10.22 Policy STRAT 9 of the Local Plan (Part One) allows development that has an operational need for a countryside location, providing it is of an appropriate scale and design so as not to harm the character of the countryside. Within the Green Belt, development for outdoor sport and recreation will be allowed provided the openness and the purposes of including land in the Green Belt is preserved. Policy ENV 2 states that in terms of the borough's landscape, development should take full account of the characteristics of the development site, its relationship with its surroundings and where appropriate, views into, over and out of the site.

10.23 In order to protect the openness of the countryside, the use of existing buildings is preferred to the erection of new structures for equestrian purposes. Where this is not possible, the scale, siting and finish should be chosen to minimise visual impact and avoid prominent and isolated development

10.24 The Council recognises the role that countryside areas can play in providing opportunities for riding and keeping horses. However, controls are required to prevent harm to the character of the rural area through subdivision of fields and the proliferation of isolated buildings and ancillary features. There

are already a large number of stables and field shelters within the rural areas of the borough and increasing demand for more. If unchecked these developments could spoil the open character of the countryside.

10.25 This policy intends to reduce the visual impact of equestrian development through ensuring that proper attention is given to siting, layout, landscaping, construction materials and design. This is particularly important in areas of landscape sensitivity . Where buildings are unduly prominent from public places, roads or footpaths they will not be allowed. Any development for equestrian purposes will need to comply with the British Horse Society guidelines for the keeping of horses: Stable sizes, pasture acreage and fencing.

10.26 Subdivision of fields has adversely affected the character of the rural area in certain parts of the borough and proposals which involve further subdivision should be avoided. Where fields have already been divided then fences should be of a high quality. Hedges should be planted wherever possible.

Alternative options

Not to include a policy relating specifically to equestrian development, instead relying on the strategic policies of the Local Plan relating to development in the countryside/Green Belt and landscape.

Replaces

- VRBC - RE9

Question 46

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

Town centres

DM6 - Town centres

DM 6

Town centres

In line with policy ECON 2 of the Local Plan (Part One) town centre uses will be supported within the borough's identified town centres as shown on the policies map.

Primary Shopping Areas are identified on the policies map where the provision of A1 retail will be permitted. The loss of A1 retail to other town centre uses will only be permitted where:

- the A1 retail use is no longer viable;
- the proposal would not reduce pedestrian footfall;
- the proposal would maintain an active frontage / ground floor display and not undermine the vitality and viability of the centre;
- for development in Chester and Northwich be in-line with policies CH 5 and N 4.

Trade counters will be supported in line with policy ECON 1 of the Local Plan (Part One) when the A1 floorspace is contained to a maximum of 10%.

Proposals for alfresco dining / outdoor seating will be supported where this would not harm highway safety.

Residential development will be supported in town centres subject to the above policy criteria.

Explanation

10.27 Policy ECON 2 of the Local Plan (Part One) seeks to ensure the local term vitality and viability of the borough's town centres by supporting a town centre first approach to retail, leisure and other main town centre uses. The policy identifies that development should reflect the town centre hierarchy and development should be in accordance with the sequential test and locally defined impact thresholds.

10.28 Primary shopping areas are the areas where retail development is concentrated and the Plan seeks to maintain these areas by supporting new A1 uses and resisting the loss of A1 unless this would support overall vitality and viability of a centre. In line with the recommendations of the Retail Study (2016) primary and secondary frontages have been identified in Chester and Northwich and policies CH 5 and N 4 set out the approach in these areas.

10.29 Trade counters can contribute to the local economy and are usually located within industrial estates. Although there is a danger of a trade counter functioning as a out of centre retail units, which can have implications for the vitality and viability of surrounding centres.

10.30 Alfresco dining and outdoor seating connected to a café can improve the vitality and viability of a town centre as well as contribute to an evening economy. However, not all locations are suitable for outdoor seating. The Council will look to review the Chester City supplementary planning document relating to alfresco dining to apply to all town centres across the borough.

10.31 Residential development is supported within town centres as this enables people to live close to services and jobs as well as supporting the vitality and viability of these areas especially the evening economy.

Alternative options

No alternative option has been identified as the Local Plan (Part One) states that the Local Plan (Part Two) will identify revised primary and secondary shopping areas.

Replaces

- CDLP - RET7
- EPNLP - SHOP1
- VRLP - STC1

Question 47

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM7 - District and local retail centres

DM 7

District and local retail centres

Within the District and Local Retail Centres as defined on the policies map proposals for A1, A2, A3, A4 and A5 will be permitted where:

- It would not lead to a loss of retail A1 which would harm the vitality and viability of the centre;
- There would not be an excessive concentration of non-A1 uses in any shop frontage;
- Development should be consistent with the scale and function of the retail centre and not be of a type or scale that should be located in a town centre identified in policy ECON 2 of the Local Plan (Part One);
- Proposals for A5 uses should be in line with policy DM 20 and policy DM 23.

The loss of units to non-town centre uses and active frontages will not be permitted except for community facilities where they support the needs of local communities and do not harm vitality and viability of the centre.

Parades of shops that have not been identified as retail centres will be protected under policy DM 8.

Explanation

10.32 The defined Local Retail Centres have been identified through the 'Local Retail Study 2015' and the boundaries can be found on the policies map. The Local Plan (Part One) policy ECON 2 sets out the the approach to local centres. The policy confirms that local shops should be retained where viable and new uses that support the day to day needs of the community will be permitted. The strategic objectives of the Local Plan (Part One) SO2 and SO8 supports a vibrant, competitive and diverse local economy and creates a stronger, safer and healthier communities by enabling access to leisure, recreational and community facilities.

10.33 These centres have been identified due to their role and function with in the community and borough. They offer convenience and are important for the day to day needs of the local catchment they serve a reduce the need to travel. Therefore, they are important to protect the units for town centre uses. Parade of shops still have an importance within the smaller community they serve, however, they are neighbourhood significant.

10.34 Retention of town centre uses including retail will be encouraged to ensure the centres continue to be successful. Proposals that include the loss of a town centre will need to demonstrate that there will be no impact on the vitality and viability of the existing centre. Retention of an active frontage when

there is a proposal for loss of retail will ensure a continuing frontage, minimising the impact of the loss of a retail unit in a cluster.

10.35 The District and Local Retail Centres have a unique identity and offer a range of shops and services in various sizes across the borough. Proposals for new retail should reflect the individual character of the centre including size and massing and should not detract from the existing centre.

10.36 Outdoor seating can enhance a centre's vitality and viability as well as contributing to a evening economy. However, Local and District Centres are more likely to be within residential areas and the impacts on residential amenity need to be considered. Not all locations will be appropriate for outdoor seating, considerations will also need to be given to highway impacts. To further guide applications, an alfresco dining Supplementary Planning Document will be prepared.

Alternative options

No alternative option as the Local Plan (Part One) has stated that the Local Plan (Part Two) will identify district and local centres.

Replaces

- CDLP - RET10
- EPNLP - SHOP2, SHOP3
- VRLP - STC1, STC12

Question 48

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM8 - Local shops and farm shops

DM 8

Local shops and farm shops

In line with Local Plan policies STRAT 8 and ECON 2, the change of use of village and neighbourhood shops to non-retailing uses will only be permitted where:

- There is an alternative and equally accessible alternative facility; or
- The shop is no longer viable and reasonable attempts have been made to market the premises including to the local community.

In line with Local Plan policies STRAT 9 and ECON 2, new, or extensions to farm shops will only be permitted where:

- the development is ancillary to, and on the site of, an existing farming operation;
- the proposal would make use of redundant or under-used buildings and the range of goods to be sold is restricted to foodstuffs, plants and rural craft products produced locally;
- the proposal would not undermine the vitality and viability of local shops.

Explanation

10.37 The Local Plan (Part One) in policy ECON 2 sets out the strategy for retail development and protects local shops. These types of uses are important to the local community and change of use needs to demonstrate that the loss of such a facility would not have an impact on the residential amenity. STRAT 8 highlights the importance of these types of uses in the rural community, where there is less access to other shops and services.

10.38 Local shops are important for meeting the day to day needs of a community and the loss of such a facility can be very damaging, especially to members of the community that are less mobile. It is therefore important to protect these uses, especially if this is the only shop in an area.

10.39 Farm shops can serve an important role within a rural area and help meet demand for fresh produce and provide a source of jobs and services. The policy supports diversification of farms where appropriate as they contribute to the rural economy.

10.40 STRAT 9 of the Local Plan (Part One) restricts development to that which requires a countryside location. Farm diversification is supported by the strategy in appropriate locations. In order to protect the countryside, the policy states the conditions that would be appropriate and the type of goods sold to require a countryside location and would benefit the rural economy.

10.41 Other community uses are covered in policy DM 30. Essential shops have been identified in the 'Local Service Centres Methodology 2016', such as a post office and convenience shop in the rural area.

Alternative options

1. To not have a policy to protect shops that have not been defined as a retail centre and rely on other policies in the plan, especially in rural areas that is included in, ECON 2, STRAT 8 and STRAT 9.
2. Not to have the policy and combine the protection of shops with policy R 1 in key service centres policy R 2 for local service centres and ECON 2 for defined local centres. However, suburban areas that have a small neighbourhood centre will not be protected.

Replaces

- CDLP - RET12, RET14
- VRLP - STC16

Question 49

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM9 - Shopfronts

DM 9

Shopfronts

Proposals for new or alterations to existing facades of shops or commercial premises will be expected meet the requirements of Local Plan policies ECON 2, ENV 5 and ENV 6 and to satisfy the following criteria:-

- The design, materials, proportions and colour should relate to the character of the building as an entity and the character of the locality;
- Where designs reflect the traditional character of shop or commercial frontages, they must include historically accurate detailing;
- Any existing features of historic or architectural interest will be retained;
- Where proposals affect listed buildings and conservation areas, they will preserve or enhance their character and appearance and that of their setting.

Proposals for blinds, canopies or awnings will be permitted where they respect the architectural character and features of the building on which it is proposed to install them and the character and appearance of the local area. Proposals which will obscure features of architectural or historic interest or are uncharacteristic of a building's design will not be permitted.

Proposals for shutters and other security measures will be permitted providing a need can be demonstrated and the design does not introduce obtrusive features, fixtures or fittings or harm the character or appearance of the character of the area. Externally located grilles or security shutters will not normally be acceptable on traditional and historic shopfronts, or in conservation areas.

Explanation

10.42 Local Plan policy ECON 2 sets out the approach to retail, leisure and other town centre use development. Policy ENV 5 seeks to protect the borough's unique and significant heritage assets and policy ENV 6 promotes high quality design that respects local character, provides a high quality public realm and ensures safe and secure environments and means of access.

10.43 The Council considers that it is important to encourage retailing and commercial activity and it has long been recognised that economic vitality can be influenced by the quality of the shopping environment, including the design of advertisements, shop fronts, blinds and security shutters.

10.44 The design of shop fronts, blinds, canopies, awnings and security shutters can have a great impact on the character or appearance of an individual building or surrounding area and can detract from it if not carefully considered. This policy therefore seeks to provide a careful balance between the requirements of businesses and the protection of local amenity.

10.45 In considering proposals for the alteration to shop fronts, the Council will take into account whether the building involved is in a conservation area, whether it is a listed building, and whether it has a traditional facade, where a 'shop window' would be inappropriate. To ensure that shopfront design and materials are of a high standard and respect the character of the building concerned and the character and visual amenity of the surrounding area and to ensure that important existing historical and/or architectural features are retained.

10.46 The Chester City conservation area and in particular the Rows are considered to be of international importance and the Council will pay particular regard to preserving and enhancing the character and appearance of that unique environment. Proposals for shop front alterations to meet the requirements of the Disability Discrimination Act 2005 (DDA), which affect a listed building or a conservation area, will be balanced against the requirements of Local Plan policies ENV 5, ENV 6, DM 40 and DM 41.

10.47 Solid metal shutters and external shutters present a bleak and blank appearance to an area when closed, have no architectural merit, and discourage life and activity which help to prevent vandalism and burglaries. Other security measures which do not require obtrusive features on the exterior of buildings are encouraged, such as toughened glass and alarm systems. Proposals for the installation of solid metal shutters, metal shutter boxes, external grilles or other obtrusive features will be unlikely to be acceptable in conservation areas or on listed buildings.

Alternative options

The alternative approach would be to rely on the general development management policy DM 1 and Part One policies to guide the consideration of proposals for shopfront development and alterations. However, this is not considered to provide sufficiently detailed guidance necessary for the sensitive and locally distinctive townscapes in the borough.

Replaces

- CDLP - ENV49, ENV50, ENV51, ENV52, ENV53, ENV54, ENV55
- EPNLP - SHOP6

Question 50

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

Visitor economy

DM10 - Visitor accommodation

DM 10

Visitor accommodation

Proposals for the development of visitor accommodation will be supported where they meet the requirements of Local Plan policy ECON 3 and the following criteria:

1. Within the settlement areas of Chester, Ellesmere Port, Northwich and Winsford, new hotels, guest houses, holiday lets and bed and breakfast visitor accommodation will be appropriate and preference will be given to town centre locations.
2. In Key Service Centres and Local Service Centres in the rural area proposals for hotels, guest houses and bed and breakfast visitor accommodation should be of an appropriate scale, siting, design and materials appropriate to the size of the settlement.
3. In the countryside, proposals for all types of visitor accommodation should meet the requirements of policy STRAT 9 and utilise existing buildings. Proposals for agricultural diversification will be supported, in line with Local Plan policy ECON 3.
4. In the Green Belt, new build visitor accommodation, static caravan and chalet development and proposals for touring caravan and camping sites are inappropriate forms of development.

Proposals for new build hotels and guest houses outside the boundaries of these settlements will not be permitted.

Explanation

10.48 The Local Plan (Part One) policy ECON 3 supports existing and new tourism facilities including visitor accommodation, subject to criteria. This policy adds further detail to this policy, particularly where visitor accommodation will and will not be appropriate. Additional guidance relating to consideration of other impacts, such as biodiversity, noise, highways etc are covered by other policies in the plan.

10.49 Visitor accommodation includes, but is not restricted to; hotels, guest houses, bed and breakfast accommodation, touring and camping sites, static caravans, chalets (including other forms of static accommodation such as Pods, Yurts and Tepees).

10.50 The provision of visitor accommodation (new build, conversion or expansion) will be in line with the settlement hierarchy of Local Plan (Part One) policies STRAT 2 to STRAT 9 and ensure that the type and scale of accommodation is appropriate to the location within the hierarchy.

Alternative options

No reasonable alternative option has been identified as it is considered that a detailed policy is required that provides detailed guidance and specific criteria which take account of the locally distinctive character of Cheshire West and Chester's settlements and the need to protect the rural character of the countryside.

Replaces

- CDLP - EC18
- VRLP - RT9, RT13, RT14

Question 51

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM11 - Touring caravan and camping sites

DM 11

Touring caravan and camping sites

Proposals for touring recreational caravan and camping sites in the countryside should be small scale to limit harm to the countryside and will only be supported where they meet the requirements of Local Plan policy STRAT 9 and the following criteria;

1. Have good accessibility via major roads and public transport
2. Should not be visually intrusive or unacceptably harm the landscape
3. Have appropriate access, layout and landscaping (including screening) within the site
4. Any permanent ancillary buildings should be of a small scale and should blend into the surrounding landscape in terms of their siting, design and the materials used;
5. The site should not detract from the surrounding amenities of the area nor any nearby residential property;
6. The site should be capable of being connected to existing services;
7. The site should provide appropriate facilities.

Explanation

10.51 The Local Plan (Part One) policy ECON 3 states proposals for touring recreational caravan and camping sites in the countryside should be small in scale to limit impact on landscape and utilise or be well related to existing rural buildings, subject to policy STRAT 9 where the proposed development is located in the rural area. Static caravans and chalet developments will not be permitted in the countryside.

10.52 This policy provides criteria to ensure that sites are suitably located in the borough with regard to main transport routes to limit the number of cars with caravans that travel on the minor rural roads, in the interests of highway safety.

10.53 Local Plan (Part One) policy ENV 2 requires that development proposals should protect and where possible enhance landscape character and local distinctiveness, and additional criteria is provided in this policy to ensure that the landscape characteristics are recognised and incorporated into the design of new developments. Appropriate facilities can be defined as a utility block (toilets, showers and drinking water supply).

10.54 In addition to obtaining planning permission new caravan sites must be licensed under Part 1 of the Caravan Sites and Development Act 1960. Additional restrictions or conditions may be placed on the caravan site under the licence.

Alternative options

No reasonable alternative option has been identified as it is considered that a detailed policy is required that provides detailed guidance and specific criteria which take account of the locally distinctive character of Cheshire West and Chester's settlements and the need to protect the rural character of the countryside.

Replaces

- CDLP - EC18
- VRLP - RT13

Question 52

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

Social

Delivering affordable housing

DM12 - Affordable housing

DM 12

Delivering affordable housing

Proposals for residential development should meet the affordable housing requirements set out in policy SOC 1 of the Local Plan (Part One). Where a proposal does not fulfil these requirements, a economic viability assessment must be submitted to justify a departure from the policy.

Affordable housing should, in the first instance be provided on site. Where exceptional circumstances can be demonstrated the Council will consider the following:

- 2nd preference – off-site provision, located within the same spatial area as the approved development, secured through a S106 legal agreement;
- 3rd preference – financial contributions to be used to deliver affordable dwellings within the same spatial area as the approved development

The Council must be satisfied that the proposed size and design of any affordable housing, will meet the specific identified need for that type of affordable housing in that area.

Explanation

10.55 The Council's key housing priorities include maintaining a supply of housing to meet a wide range of housing needs within the community, maximising the provision of affordable housing throughout the borough, including rural areas. Policy SOC 1 of the Local Plan (Part One) seeks to maximise the provision of affordable homes through the provision of up to a 30% target. Affordable homes are an integral part of new developments, and their on site delivery is key to achieving sustainable and mixed communities.

10.56 All applications which require affordable housing, must provide an economic viability assessment which can be made publicly available, to demonstrate that the provision of affordable housing is deliverable. The level of discount applied to Intermediate housing including discount for sale properties, will be determined by the Council, and set at level which is affordable for local people.

10.57 Further details including delivery mechanisms, calculating contributions and level of discount will be provided in supplementary guidance.

Alternative options

There are no alternatives to a policy which identifies the Councils delivery preferences for affordable housing because Local Plan (Part One) policy SOC 1 sets the requirement to provide affordable housing on all qualifying sites.

Replaces

- None

Question 53

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

Rural exception sites

DM13 - Rural exception sites

DM 13

Rural exception sites

In accordance with policy SOC 2 of the Local Plan (Part One), small rural exception sites will be permitted adjacent to Key or Local Service Centres where they meet an identified local housing need.

The need for the development must be clearly demonstrated through an up to date and robust assessment of local housing needs based on either:

- The Council's most up-to-date housing waiting list, or;
- A local needs survey undertaken by the Parish Council

For the purposes of rural exception sites, housing need will relate to those people who have a local connection to the parish in which the development is proposed. Unless defined differently in a Neighbourhood Plan, local connection means people or households who:

- currently live in the parish and have been living there continuously for at least five years; or
- have permanent employment in the parish; or
- have close family members (defined as children, parents, siblings only) who have been residing in the parish continuously for at least five years; or
- people who have previously lived in the parish for a continuous period of at least 10 years.

Rural exception sites will only be permitted where it can be demonstrated that the identified local need cannot otherwise be met on sites within an identified settlement boundary, including on sites for market housing on which an element of affordable housing is required. Sites should be identified following a thorough assessment of alternative sites within and on the edge of the community, in discussion with the local community.

Explanation

10.58 Local Plan (Part One) policy SOC 2 acknowledges the importance of supporting rural communities and where a specific local need is identified this can be achieved through the delivery of new housing on exception sites. It is important that an exception site meets a local need, as countryside and Green Belt are a valuable natural resource and their protection is supported through policies STRAT 8 and STRAT 9 of the Local Plan (Part One).

10.59 Policy R 2 confirms that proposals for new housing development outside but adjacent to Local Service Centre settlement boundaries will only be permitted where it is for rural exception housing to meet an affordable need and/or a community land trust development that is supported by the Parish Council, or it is brought forward through a Neighbourhood Development Order, Community Right to Build Order, or Neighbourhood Plan.

10.60 Rural exception sites may be permitted where there is an identified need for affordable housing that cannot be met through the provision of housing on sites within identified key and local service centres. They must be easily accessible to local services and facilities in the settlement via a safe pedestrian route.

10.61 Sites should be brought forward following close engagement with the local community, and wherever possible through the Neighbourhood Planning process. A Registered Provider partner should be identified at an early stage to deliver and manage the housing. Alternative delivery options may be acceptable but must be agreed in advance with the Council.

10.62 Any local needs survey must be carried out in accordance with a methodology and to a geography which has been agreed in advance by the Council.

10.63 Subject to the needs of the local community, and/or evidence from the Council's housing waiting list, affordable homes should be for rent. In exceptional circumstances other tenures may be permitted for a small proportion of the development, to enable the development to take place. In these circumstances, community support would be required.

10.64 Sites should be modest in scale, proportionate to the size of the existing settlement and be well related to the existing settlement in terms of form and character. The scale of development must reflect the identified need as well as environmental considerations such as the impact on landscape, heritage or natural features. Within the Green Belt, the impact on openness will be taken into account in assessing the appropriate scale of development.

10.65 Schemes should be for 100% affordable housing. A small subsidiary element of market housing may be allowed where it can be demonstrated through an open book viability appraisal that the identified housing need cannot be met without cross subsidy. Unrealistic land values will not be accepted as a justification for cross subsidy.

10.66 The tenure mix of affordable houses should be agreed with the Council's Housing Officer. To ensure that houses remain affordable in perpetuity, staircasing on any shared ownership properties will be capped at 80%.

Alternative options

There are no alternatives to a policy which identifies the qualifying requirements for exception sites, and allocation of dwellings because the Local Plan (Part One) policy SOC 2 supports communities in rural areas in terms of their local needs and aspirations. A policy is needed to ensure that exception sites are meeting a local need.

Replaces

- CDLP - HO7

Question 54

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

Housing mix and type

DM14 - Mix and type of new housing development

DM 14

Mix and type of new housing development

Residential proposals should provide a range of house types and sizes to meet a range of needs and provide a wide choice of homes. New developments must seek to provide the following;

- one and two-bed properties as a proportion of the overall development in accordance with the Council's relevant housing needs assessments;
- single storey dwellings (bungalows);
- serviced self-build plots in accordance with the Council's self-build register.

New dwellings should be capable of adaptation and achieve a minimum of Category 2 (Building Regulations 2010) Access to and use of buildings, Volume 1: Dwellings. The Council will encourage the inclusion of new dwellings meeting Category 3 (wheelchair user dwellings) as part of new developments.

Explanation

10.67 Policy SOC 3 of the Local Plan (Part One) supports mixed, balanced and sustainable communities through providing a range of market and affordable housing that meets identified future needs. The demographic profile of the borough is anticipated to change significantly between 2010 and 2030 as a result of an ageing population. The pressure to provide housing for people aged 65+ will therefore continue to increase throughout the plan period. Providing access to a wide range of housing products that encourage and support independent living (with varying levels of support and care) will support the creation and longevity of mixed sustainable communities.

10.68 The revised technical housing standards include the introduction of optional Building Regulation requirements for access. Policy SOC 4 Housing mix and type, seeks to deliver new housing that considers the range of needs of the communities, including vulnerable and elderly people.

10.69 Policy SOC 5 considers the requirements of different groups of people including the vulnerable, disabled and elderly. In addition, policy ENV 6 promotes sustainable high quality design and construction in all new development. All new homes should therefore be constructed to Part M4 Category 2 of the Building Regulations (2010) standards (Accessible and Adaptable dwellings) which are similar to the previous 'Lifetime Homes' standard. The aim will be to achieve this standard in market and affordable housing. A small number of wheelchair user dwellings as specified under Part M4 (3) may also be needed, depending on tenants' / buyers' needs, determined as part of planning applications as appropriate.

10.70 All developments should provide a range of dwelling sizes, and should not be dominated by large dwellings (5 or more bedrooms) that are unlikely to meet the majority of the borough's housing needs. Smaller dwellings that allow for down sizing as well as first time buyers should be included as part of all new developments to encourage mixed and balanced communities, whilst providing homes for the greatest number of people in need.

10.71 Ensuring that housing design is flexible enough to be easily adapted to meet changing needs over time is a key priority of the Council's Vulnerable and Older People's Accommodation Plan. Basic requirements such as ensuring staircases are straight and power points are provided at the correct level and in the correct locations (such as at the bottom of staircases) should be included in all new developments for future proofing, including dementia friendly design principles. Further information could be included in supplementary guidance where appropriate.

Alternative options

The policy could set out requirements on the proportion of different house types, sizes and tenures to be provided on all developments over a set threshold.

Replaces

- None

Question 55

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM15 - Specialist accommodation

DM 15

Specialist accommodation

Proposals for the development of specialist accommodation to meet the needs of vulnerable and older people within settlement boundaries will be encouraged where the general development principles in policy DM1 are met.

The Council will encourage the development of accessible and adaptable self-contained dwellings, to include bungalows, as part of new residential developments that supports older and vulnerable people to live healthier and more independent lives. This includes the delivery of specialist accommodation; market and affordable housing that is wheelchair accessible; is able to be easily adapted to meet the needs of people with disabilities; and to accommodate changing needs of occupants as they age.

Where there is a local need identified, developments will be required to provide a proportion of dwellings that are built to specified wheelchair accessible standards. Please see policy DM 14 Mix and type for housing standard requirements.

Extra care/ age-restricted

- Communal establishments e.g. care homes
- Self-contained, supported/assisted living – removal of condition where need changes / no market

Proposals for extra care village developments should be well located within close proximity to a range of existing facilities and services in an identified main urban centre or key service centre to ensure integration with existing communities, and reducing the need to travel.

Hostels

Proposals for hostel accommodation should be sympathetically located to provide a suitable location for its residents to access local services and facilities, and to minimise potential conflict or impacts on surrounding uses.

Affordable housing provision will be required in line with policy SOC 1 of the Local Plan (Part One) for all elements of a proposal that would create self-contained dwellings.

Explanation

10.72 Over the next two decades the age profile of residents in the borough is expected to show a significant change with residents above pensionable age (60/ 65 years) increasing from 71,800 in 2010 to 108,000 by 2030. This change in demographics creates a demand for housing to support elderly residents, whilst encouraging independent living through offering a range of age and care related products in addition to nursing and care homes.

10.73 Policies STRAT 1, SOC 3 and SOC 5 seek to deliver sustainable mixed communities that meet the wide range of needs throughout the borough, To ensure that the appropriate level of support is available and accessible to the elderly and vulnerable groups in the community development, especially the creation of “village” style developments should have regard to the proximity of existing communities and facilities to ensure they are accessible by foot as well as public transport where appropriate.

10.74 The Council's draft 'Vulnerable and Older People's Accommodation Plan' (2016 - 2020) states that "poor housing conditions can contribute to physical and mental health problems and people without a home experience some of the worst health inequalities of all". The Plan acknowledges the Council's need to promote the delivery of new homes whilst ensuring that they are "well-designed, of high quality, are sustainable and meet the needs of our diverse population".

10.75 Extra care accommodation can provide either self contained housing or communal living with on-site care, and support a range of facilities that are designed to assist older people to maintain their independence for as long as possible. The level of care provision can be flexible in such developments which means the support available is responsive and adaptable to changing needs as required.

Alternative options

There are no alternatives to a policy that supports the strategy of the Local Plan (Part One) and supplements policies STRAT 1, SOC 3 and SOC 5 in delivering mixed, balanced and sustainable communities that meet the wide range of local needs.

Replaces

- CDLP - HO15

Question 56

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM16 - Student accommodation**DM 16****Student accommodation**

The provision of purpose-built student accommodation will be supported in line with policy SOC 3 of the Local Plan (Part One).

Where sites are allocated for alternative uses (including for other forms of residential development) or are in current residential or employment use, development will only be permitted where:

1. A need for the development of additional purpose built student accommodation can be demonstrated; and
2. The development cannot be accommodated on appropriate alternative sites.

New student accommodation must be located in a settlement boundary and within a reasonable walking distance (approx. 1.6 km) of a university or college campus, or with good accessibility to cycling and public transport routes.

The development must not cause increased harm to the amenity of local residents with regards to increased levels of on-street parking, traffic, noise and waste, taking into account the cumulative impacts of student accommodation in the immediate area. The presence of an unmet need will not be sufficient to override harm.

A management plan must be submitted to support the application to identify and address any impacts arising from the development, and should include mitigation measures to ensure a safe living environment for student occupants and residents in the surrounding area.

Explanation

10.76 Local Plan (Part One) policy SOC 3 supports the provision of specialised student accommodation within Chester in appropriate, accessible locations, convenient for the facilities at the University of Chester which is amplified by the Houses in Multiple Occupation and Student Accommodation Supplementary Planning Document (adopted on 27 April 2016). This policy provides further detail on how the Council will assess planning applications for new student accommodation.

10.77 Purpose built student accommodation is a building specifically designed for occupation by students (either a new building or conversion of an existing building). This type of accommodation can include full- or part-board facilities, self-catering facilities arranged in clusters with some amenities shared, or fully self-contained flats and can be provided by, or on behalf of, an educational establishment or other private / business owner.

10.78 Management plans must set out how it will be implemented and maintained and should cover the following measures:

- appropriate security measures, such as security door and window locks, intercom entry systems, lighting, wardens and CCTV, which can all help to make the local environment safer for occupants and reduce opportunities for crime;
- appropriate soundproofing to address both internal and external noise transmission;
- appropriate supervision and reporting mechanisms such as a resident tutor within the block or a designated helpline available throughout the day and night to deal with inappropriate behaviour or complaints from occupants and local residents;
- appropriate means of storing and dealing with waste;
- appropriate secure cycle storage facilities; and
- an on-site and off-site car parking management plan (including car ownership, parking allocation, servicing and deliveries).

Alternative options

There are no alternatives to a policy which identifies the criteria for assessing proposals for new student accommodation.

Replaces

- CDLP - HO17

Question 57

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM17 - Houses in Multiple Occupation

DM 17

Houses in Multiple Occupation

The change of use from a dwelling to a House in Multiple Occupation (HMO) will be permitted if:

- The additional HMO would not result in a concentration of HMOs within 50 metres of the property exceeding 15% of the total number of dwellings;
- The additional HMO would not result in the sandwiching of an existing terraced family dwelling between HMOs;
- The additional HMO meets the amenity standards set out in the Physical Property Standards - Shared houses / flats document published by Cheshire West and Chester Council in 2012 and any relevant standards set by national housing legislation and guidance;
- The additional HMO will not result in an unacceptable strain on local facilities;
- Appropriate provision is made for secure cycle parking within the curtilage of the property, where there is sufficient space.

Where a proposal is made in a road / street with an existing high level of HMO properties, the change of use of the remaining properties will be permitted where there is no further change to the overall character of the area, and is supported by evidence that there is no reasonable demand for the existing C3 use.

Explanation

10.79 Local Plan (Part One) policy SOC 3 relates to housing mix and type. Amongst other things, the policy says that the Council will support the provision of specialised student accommodation within Chester in appropriate, accessible locations, convenient for the facilities at the University of Chester. The explanation that accompanies the policy notes the high concentration of HMOs present in areas close to the University of Chester, such as the Garden Quarter area and the specific problems that this can lead to. It notes that the effective management of HMOs is vital including, where necessary, implementing Article 4 Directions to require planning permission for the creation of HMOs.

10.80 The city's educational establishments and their students make an important contribution to the economic and cultural life of the city. An economic impact study commissioned by the University of Chester in 2012 estimated that the University added almost £300 million per annum to the local economy at that time. There are approximately 17,000 students currently studying at the University of Chester (including part-time students and postgraduate students) at locations in Cheshire West and Chester and Warrington. Many students also attend other educational establishments such as West Cheshire College.

10.81 The Council will work with students and their education providers to ensure that their accommodation needs are met in a sustainable way and that balanced communities are developed and maintained. The 'Review of the supply of and demand for student accommodation in Chester' was published in January 2015 on behalf of the Council. This document provides an assessment of the demand for student accommodation in Chester and the supply of accommodation to meet that demand.

10.82 In 2013/13 there were a total of 8,442 full-time students studying at a Chester campus (who might therefore potentially wish to live in the city) or living in Chester but studying at another one of the University's campuses outside the city. However, only 62% of these (5,212 students) were actually living in the city. The remainder were living elsewhere in the borough, in areas with good transport links to the city, or further afield.

10.83 Supplementary Planning Document - Houses in Multiple Occupation and Student Accommodation provides additional guidance including a density calculation and potential exceptions to this.

Alternative options

No reasonable alternative options have been identified. The policy is necessary to provide detailed and locally specific guidance to address the issue of HMOs in support of Part One policy SOC 3.

Replaces

- CDLP - HO16
- EPNBC - H5

Question 58

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM18 - Residential annexes

DM 18

Residential annexes

The provision of residential annex accommodation will be permitted where:

- the accommodation is a change of use of an existing curtilage building, relative to the main dwelling house, and would continue to be in the same ownership control; and
- the proposed extension or change of use will not harm the character of the area, the amenities of nearby residents or highway safety.

Explanation

10.84 Policies SOC 3 and SOC 5 of the Local Plan (Part One) promote the delivery of residential accommodation to meet a wide variety of needs. SOC 3 also states that the provision of new housing should meet the long term needs of the older people. Residential annexes provide suitable supported living accommodation that enable older people to remain independent where possible.

10.85 A S106 legal agreement will be required to control the use and occupation of any permitted residential annex. To ensure that such accommodation is required to meet a genuine family need.

10.86 Family size is increasing due to rising house prices, “boomerang children” and the needs of the elderly which results in the need for additional living accommodation associated with an existing dwelling. Where an extension is not possible / appropriate, living space can be increased through the creation of annex or ancillary living accommodation.

10.87 Where the proposed accommodation would involve an extension to an existing dwelling or the conversion of an existing curtilage building, the Council will expect the applicant to enter into a Section 106 Agreement under the provisions of the Town and Country Planning Act 1990 to prevent the severance of the annex from the main dwelling, and/or limiting the occupation of the conversion to the dependent relative(s), the occupation of the main dwelling to the relatives of the dependent(s), and preventing the sub-letting of either property.

10.88 Further details on supported living is provided in policy DM15. Additional information could also be provided in supplementary guidance where appropriate.

Alternative options

Incorporate residential annexes policy in to policy DM 15.

Replaces

- CDLP - HO18

Question 59

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

Gypsy and Traveller and Travelling Showpersons accommodation

DM19 - Gypsy and Traveller and Travelling Showpersons' accommodation

DM 19

Gypsy and Traveller and Travelling Showpersons' accommodation

The Local Plan (Part Two) will allocate land to meet the following needs identified in policy SOC 4 of the Local Plan (Part One):

- 46 permanent Gypsy and Traveller pitches;
- 13 Travelling Showperson plots;
- A Gypsy and Traveller transit site of between 5 to 10 pitches

The criteria in Policy SOC 4 will be used as basis for allocation of sites. The Council will take account of the 'Study to identify potential Gypsy and Traveller, Travelling Showpersons and Transit sites' by consultants White Young Green to aid identification of possible sites and is seeking views on:

- The suitability of sites suggested in the study including the availability of the land for that use;
- Whether there are other sites, including those on the consultant's long-list of sites, that should be allocated.

Explanation

10.89 The Local Plan (Part One) explains that the Council is committed to ensuring that suitable sites are provided to meet at least the level of need identified in the Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA). The Council commissioned consultants WYG to look at potential sites across the borough using the criteria identified in the Part One policy. The study identified a short-list of 26 potential sites (outlined below) of which 14 were identified as unsuitable (red

status) and not recommended to be taken forward. In terms of the remaining sites the recommendations of the study the Council considers that further consultation needs be undertaken with the travelling community, landowners and the public before any allocations are taken forward.

10.90 The sites assessed by the consultants included those put forward by landowners for general residential and employment use as well as land in Council ownership. In terms of land in private ownership no sites were specifically put forward to the Council for use as traveller sites. Since the publication of the study the landowners of sites 3, 5, 9 and 10 (shown below in strikethrough text) have made it clear that these sites will not be made available to meet the housing needs of travellers. As part of the consultation on the Local Plan (Part Two), the Council will contact all other landowners before any formal decisions are made to allocate sites, as well as explore the availability of the Council's own land holdings.

Table 10.1 Potential sites identified in White Young Green study

Ref No	Location	Suggested Type	Study Status ⁽¹⁾
1	Land adjacent to Winnington Leisure Park	Permanent	Amber
2	Land at Stannage Lane, Farndon		Red
3	Land east of Utkinton Road, Tarporley	Permanent	Green
4	Land south of A556, Rudheath		Red
5	Land at former BIGC, Chester Road, Helsby	Permanent or Transit	Amber
6	Ince caravan site, Ellesmere Port		Red
7	Winnington Business Park, Winnington Avenue, Northwich		Red
8	East of Shurlach Road / Chester Road, Lostock Gralam	Transit	Amber
9	Land at Chowley Oak Lane, Tattenhall	Transit	Amber
10	Land at Whitechurch Road, Tushingham cum Grindley	-	Red
11	Land east of King Street, Northwich	Permanent or Transit	Amber
12	Land south east of Gadbrook Park		Red
13	Land at Gorsthills County Primary, Ledsham		Red

Ref No	Location	Suggested Type	Study Status ⁽¹⁾
14	Land at Crookes Lane, Northwich	Permanent or Travelling Showperson	Amber
15	Land at Arderne Golf Course, Tarporley		Red
16	Rode Street works / depot, Tarporley		Red
17	Adj to Hampton Heath Industrial Estate, Malpas		Red
18	Land south of Chester F'ball Club, Bumpers Lane, Chester		Red
19 / 21	Land at Marton Villa Farm, Marton (2 sites)		Red
20	Land at Marton Villa Farm, Clay Lane, Marton	Transit	Green
22	Land at Church Farm, Tarvin		Red
23	Holding No.10, Tarporley Road, Tarvin	Permanent	Amber
24	Land at Marton Villa Farm, Marton	Transit	Amber
25	Meadows Island, Bradford Road, Winsford	Permanent or Travelling Showperson	Amber
26	East A533 Brick Lane, Middlewich		Red

1. **Red** - Site assessed to be unsuitable in relation to the criteria i.e. insurmountable constraints present on the site which would make the development of a traveller site unsuitable. There would be no scope for overcoming the constraints in a realistic time period, or the site would impact upon the surrounding area to an unacceptable level which could not be mitigated against.

Amber - Site considered to be suitable subject to further investigation or the introduction of mitigation measures.

Green - Site considered to be suitable for a Gypsy and Traveller or Travelling Show Persons' site.

10.91 If as a result of the consultation exercise it is clear that none or very few of the short listed sites are available or suitable to meet needs, then the Council will have to explore other options. As part of the consultant's study an initial long list of 89 sites were assessed (please see table 5.1 of the consultant's study) and it may be alternative sites could be brought forward from this long list.

10.92 Respondents to this consultation are encouraged to suggest suitable alternative sites that may have not been considered by the consultants. The consultant's study can be accessed online at <http://consult.cheshirewestandchester.gov.uk/file/3937727>

Alternative options

There are no reasonable alternative options because sites are required to meet needs identified in the Local Plan (Part One).

Replaces

- None

Question 60

Do you have any comments on the suitability of the sites suggested in the WYG study, including the availability of the site(s)?

Question 61

Are there any other sites, including those on the [consultant's long-list of sites](#), that should be taken forward?

Health and well-being

DM20 - Health impacts of new development

DM 20

Health impacts of new development

Major residential and economic development proposals will be expected to take every opportunity to improve the health of residents in line with SOC 5 of the Local Plan (Part One), and will be expected to show the health impacts, including cumulative impacts, of the proposal within the affected community, including:

- How negative impacts will be avoided or effectively mitigated
- How the development will contribute to improved health
- What contribution the development will make to reducing the disparity in healthy life expectancy

Development that, through an assessment process, is considered likely to give rise to adverse effects, or that fails to take reasonable opportunities to improve the health and wellbeing of residents, will not be permitted.

Proposals for hot food takeaways (A5 uses) will:

- not be granted permission if proposed within 400m walk of a secondary school, excluding locations in designated retail centres.
- not be permitted where it is considered that there may be significant adverse impacts on residential amenity in terms of noise, vibrations, odours, traffic disturbance, litter or hours of operation as a result of the proposed premises.

Explanation

10.93 The Local Plan (Part One) sets out in strategic objective SO11 that new development will not have an impact on the amenity and health of residents. Policy SOC 5, the strategic policy for health and wellbeing states the high level strategy for developments which can have health and amenity implications. In order to support the health and wellbeing of our residents, this policy adds detail to what is expected by the Council, to ensure every opportunity has been taken in regards to improving health. Proposals should not have a negative impact on health or residential amenity in line with the Local Plan (Part One).

10.94 The types of assessment that demonstrate the impacts of development on health required by this policy could include a standalone Health Impact Assessment (HIA), through an integrated assessment with an Environmental Impact Assessment (EIA), Sustainability Appraisal (SA), or a suitable agreed alternative.

10.95 Major development has a great opportunity to contribute to improving the borough health and wellbeing. Major development for residential development is considered above 10 dwellings or 0.5 hectares. For all other development it is considered that a floorspace of above 1,000 square meters or a site area of 1 hectare is considered major development.

10.96 By considering the health implications of new development, ensuring no harm will come to, and where possible improve the health of residents, this will contribute to achieving a key priority for Cheshire West and Chester Council. This policy has been developed to reflect the needs of the Councils Joint Strategic Needs Assessment (JSNA) and the Health and Wellbeing Strategy 2015-2020.

10.97 The JSNA shows a number of key health and wellbeing priorities, highlighting specific challenges in:

- The health inequalities facing those living within our most disadvantaged communities;
- An increasing proportion of older people - a large proportion of whom have complex needs;
- The increase in unhealthy lifestyles leading to preventable diseases and early death;
- The need to ensure access to services for vulnerable groups.

10.98 The JSNA also identifies childhood obesity as a growing issue for the borough. 32.3% of 10-11 years olds are an unhealthy weight. Whilst this is better than the average for England, 23.1% of 4-5 year olds are an unhealthy weight, which is higher than the England average. The Health and Wellbeing Strategy identifies reducing excess weight in children as an indicator of meeting key priorities.

10.99 Government guidance encourages the promotion of healthier communities, and identifies managing the location and numbers of hot food takeaways near schools as an appropriate method to help address high childhood obesity rates. Primary school children are unlikely to be leaving school premises at lunchtime, or to be visiting hot food takeaways on the way home from school. As such, restriction of A5 premises to outside a set boundary would only help to reduce the potential number of lunch time and after school trips of secondary school pupils. It is considered that 400m, equivalent to 10 minute walk, should be enough to discourage children walking this distance during lunch and after school.

10.100 The Health and Wellbeing Strategy sets out the strategic framework for improving health and reducing inequalities across the borough. The emphasis in the strategy is on prevention, coordination and integration of care, and sets out the following priorities:

- Every child and young person has the best start in life;
- People have healthier lifestyles;
- Improved mental health, wellbeing and personal resilience;
- Older people live healthier and more independent lives, feel supported and have a good quality of life.

Alternative options

1. Extend the policy to all development
2. No specific policy, but rely on SOC 5 in the Local Plan (Part One). However, SOC 5, as a strategic policy does not have the detail required to ensure the health impacts of new development, including hot food take aways is considered as part of a planning application.

Replaces

- None

Question 62

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM21 - Noise**DM 21****Noise**

Development shall not result in an unacceptable rise in background noise levels as measured as an L90dB(A). Where development likely to produce industrial or commercial noise is proposed adjacent or near to residential areas and/or noise sensitive uses, noise levels measured as a rating level in accordance with BS4142:2014 shall be 5dB(A) or more below the measured background level.

Residential development will be required to meet the following:

- Noise levels within habitable rooms during the day (0700 – 2300 hrs) of 35dB LAeq, 16hrs;
- Noise levels within bedrooms during the night (2300 – 0700 hrs) of 30dB LAeq, 8hrs and where individual noise events should not exceed 45dB LAeq;
- Noise levels within outdoor living areas (excluding balconies) during the daytime and evening (0700 – 2300 hrs) should not exceed 50dB LAeq, 16hrs.*

New development adjacent or near to residential areas or noise sensitive uses, that gives rise to noise that is either intermittent, distinctive, impulsive or tonal in nature will be subject to a correction penalty for the purpose of deriving noise rating level. Where noise gives rise to more than one of these characteristics, the penalties applied are additive.

* except where there is already housing in an existing noisy environment, in such circumstances a revised level of up to 55dB LAeq, 16hrs will be considered on a site by site basis.

Explanation

10.101 The impact of noise is a key consideration for residential amenity as stated in Local Plan (Part One) policy SOC 5, that does not allow impacts on health and quality of life, which includes noise. This policy adds detail to what is considered an unacceptable increase in noise arising from new development. It is important to protect residential and noise sensitive areas to ensure no harm to residential amenity.

10.102 An unacceptable rise will be considered to be anything above 1dB. Whilst it is accepted that the human ear will struggle to discern anything less than a 3dB increase, it is necessary to guard against noise creep and the cumulative impact of development. The targets are taken from the World Health Organisation Guidelines for Community Noise BS8223:2014.

10.103 Noise sensitive uses are considered to be those where a quiet environment is key to the requirements of the use e.g. Residential, Hospitals, Schools, Child Care Nurseries, pre-schools, nursing homes, libraries, etc.

10.104 Internal noise levels could be conditioned on approval. External noise levels will normally need to be demonstrated in principle as part of the application if there is a significant noise source within close proximity. A noise report should be standard for the majority of residential, industrial and possibly commercial developments where noisy external plant is required.

10.105 The correction penalty will be an addition of 3dB(A) for each source of relevant noise that is considered to be disturbing, onto the target set out in the policy. For instance, the policy requires development to be 5dB(A) below the background. A development with one contravention to this policy will be expected to meet a target of 8dB(A) below background, two contraventions would require a target of 11dB(A) to be met.

Alternative options

No reasonable alternative has been identified, as the policy is required to deliver the strategic objectives of the Local Plan (Part One) and provide specific detail to support the implementation of Local Plan policy SOC 5.

Replaces

- CDLP - SR13

Question 63

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM22 - Land contamination and instability

DM 22

Land contamination and instability

Development on land known or suspected to be unstable or contaminated must be supported by an appropriate contamination or ground stability assessment:

- Development on a landfill must clearly demonstrate that the risks from landfill gas and soil contamination can be successfully managed over the life time of the development.
- Development within 50m of a landfill site must be accompanied by a full landfill gas assessment conducted in accordance with current industry best practice guidance and identify the necessary mitigation measures to protect the development from the risks of landfill gas.
- Development on brownfield/ derelict sites shall be accompanied by a Phase 1 desktop study.

In areas of potential land instability, an assessment should be made to ensure that the land is suitable for the proposed development, and that development can be undertaken, occupied and used without risk to people and property resulting from underground conditions. Areas of potential land instability will include those of vulnerable topography or geology, as well as those identified on the policies map with evidence of:

- Brine and salt extraction (either currently, or in the past)
- Past or potential future natural subsidence due to salt erosion
- Coal mining

Explanation

10.106 The Council's objective is to encourage the use of sustainable previously developed land. This is set out in Local Plan (Part One) policy STRAT 1 that confirms the presumption in favour of sustainable development. The policy specifically refers to supporting the enhancement and restoration of degraded and despoiled land and encouraging the use and redevelopment of previously developed land. However, it is important that the reuse of land is suitable and appropriate for development and the intended use. Therefore, this policy sets out criteria which confirms the information required to satisfy the Council that land and the intended use is appropriate and safe.

10.107 The health and wellbeing of residents is paramount and the Council need to be satisfied that contaminated and potentially instable land is safe and not detrimental to residential amenity. This supports policy in the Local Plan (Part One) SOC 5 that will not allow developments that impact health and quality of life.

10.108 Brownfield and derelict sites may be subject to land contamination from previous uses. A Phase 1 desktop study is required to characterise the site in terms of potential contamination and help inform the consideration of additional information that may be required and potential mitigation measures.

10.109 Landfill gas poses a range of high risks, including explosive, subsidence, and toxic, catastrophic events. Landfill gas assessments are recommended in all current industry best practice guidance from organisations including: the Chartered Institute of Environmental Health (CIEH), the National House Building Council (NHBC), and the Construction Industry Research and Information Association (CIRIA). Development on a landfill is likely to require a full landfill gas assessment as part of a wider demonstration that the risks can be effectively managed. Development within 50m will require demonstration of the necessary mitigation as many of the potential problems related to developing on a landfill are removed, or more easily engineered out.

10.110 When a site is located in an affected area, the risk assessment should, if the risk is significant, explore whether standard mitigation can be applied. If this is not the case, assess what further information is required to confirm the development would be safe and meet all other policy objectives. Successful management would ensure that the measures proposed can be shown to be:

- a. In the case of landfill gas - effective for the duration that the landfill would be expected to be active ie gas generation is occurring.
- b. In the case of soil contaminants – permanently breaking any source-pathway-receptor pollutant linkage.

10.111 Northwich has historically been a major area for salt mining and brine extraction. A Land Stabilisation Programme managed by English Partnership for the stabilisation of abandoned salt mines beneath Northwich town centre was completed in 2007. These mines were Penny's Lane, Neumann's Mine, Baron's Quay and Witton Bank. However, there are other areas outside Northwich town centre that may be at risk of subsidence due to rock salt mining and brine extraction.

10.112 The salt and brine deposits around Northwich are also naturally eroded, leading to further concerns over the stability of land.

10.113 There are historic records of coal mines in the Neston area. These are no longer active and are sealed, with the areas around them developed. There are no immediate concerns over the safety of these areas, however new development should be assessed.

Alternative options

The only alternative identified would be to rely on requests for information from Environmental Health as part of the planning application process. However, this is not considered a reasonable approach, as the health and amenity of new and existing residents can best be protected by including these requirements in a policy.

Replaces

- VRLP - GS7

Question 64

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM23 - Air quality

DM 23

Air quality

All development, in line with Local Plan policy SOC 5, will be expected to minimise the generation of air pollutants. Development which:

- Results in a measurable increase in NO₂ or PM₁₀ levels will be expected to offset this increase through mitigation measures. Any such application for development within an Air Quality Management Area shall be accompanied by an environmental damage cost assessment in accordance with the Council approved methodology.
- Requires the installation of a new flue for a biomass boiler or wood burning stove/fire, should ensure that the flue has a discharge height of 1 metre above the eaves height except where an air quality emissions assessment demonstrates that a lower flue height will not result in a loss of residential amenity to neighbouring properties or present a health risk.
- Involves the serving of hot food must provide details of odour control measures, and ensure that odour and noise arising from mitigation measures does not result in a loss of amenity to nearby property and commercial premises.

Explanation

10.114 Air quality is identified as a key indicator in the Cheshire West and Chester Health and Wellbeing Strategy 2015-2020. Poor air quality can be a major cause of ill health, linked to strokes, heart disease, lung cancer, and both chronic and acute respiratory diseases.

10.115 The Local Plan (Part One) strategic objective SO11 ensures that new development does not create an unacceptable impact on amenity and health of residents. Policy SOC 5 is clear that development that has significant adverse impacts on health and residential amenity will not be allowed. This policy adds detail to proposals that could impact upon air quality and what is required by the Council.

10.116 The Council is required to monitor levels airborne of benzene, butadiene, carbon monoxide, lead, nitrogen dioxide (NO₂), particles (PM₁₀), and sulphur dioxide. In areas of identified poor air quality, Air Quality Management Areas (AQMA) are designated. The Council has three AQMA designated for NO₂ from road traffic at:

- Boughton gyratory, in Chester
- Whitby Road/Station Road, in Ellesmere Port
- Fluin Lane/A56 junction, in Frodsham.

10.117 PM₁₀ are emitted when using biomass burners or wood burning stoves/fires. Domestic installations do not need planning permission, unless they require an external stainless steel stack. Discharge of fumes can be poor for any discharge point below the eaves height due to the impact of the building itself. This impact can be magnified in residential areas, particularly where varied topography can lead to varied relative window heights.

10.118 The Council is in the process of producing a Low Emissions Strategy. This will set out the preferred methods for offsetting emissions, and a methodology for environmental damage cost assessment.

10.119 Odours released from hot food preparation can have a particular impact on residential amenity. All odour controls proposed must be in accordance with Defra “Guidance on the Control of Odours and Noise from Commercial Kitchen Exhaust Systems” and shall ensure that odour and noise arising from extract and abatement plant does not result in a loss of amenity to nearby property and commercial premises.

Alternative options

1. Policy that concentrates on AQMA only.
2. To not have a policy and rely on SOC 5 of the Local Plan (Part One). Although, this does not have the detail required to confirm what is required by the Council to ensure no adverse impacts on air quality.
3. Do not include a policy, relying instead on building regulations.

Replaces

- None

144 Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies Preferred Approach - Consultation Version

DM24 - Culture and public art

DM 24

Culture and public art

The demolition or change of use of buildings used or last used for cultural or entertainment purposes will not be permitted unless they are replaced by buildings of equal value.

Proposals for the development of new cultural attractions and supporting facilities, particularly where they contribute to regeneration initiatives, will be supported subject to meeting the requirements of Local Plan (Part One) policies ECON 3, SOC 5 and ECON 2.

The temporary use of vacant buildings for cultural uses will be supported.

Locally distinctive public art that is integrated into town centres and key sites should be provided as part of all major developments.

Explanation

10.120 The NPPF (National Planning Policy Framework) sets out the need to support strong, vibrant and healthy communities, including supporting their social and cultural well-being. The core land use planning principles include the requirement to 'take account of and support strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs'.

10.121 Development will be expected to be aligned with the CWAC Cultural Strategy, and actions plans to be finalised.

10.122 The Local Plan (Part One) policy SOC 5 supports opportunities to widen and strengthen the borough's cultural, sport, recreational and leisure offer. Cultural and entertainment facilities make an important contribution to the social, economic and cultural wellbeing of the borough and are therefore safeguarded and new proposals supported where appropriate. They can contribute to social wellbeing of our residents and contribute to the local economy. Entertainment facilities, such as public houses and cafés in suburban areas, which are on a smaller scale can contribute to a sustainable and inclusive communities.

10.123 ECON 3 supports developments which enhance the existing offer, contribute to the local economy and are of a suitable scale and type for the location. Cultural and entertainment facilities are encouraged within the town centre. Policy ECON 2 includes main town centre uses, many of which could also be defined as entertainment and cultural facilities. This type of development can contribute to an evening economy and boost tourism within the key urban areas. Creation of new facilities that protect, enhance and improve access to existing facilities is supported within policy STRAT 11.

10.124 When considering proposals for demolition or change of use, the Council will take into consideration the role of that facility within the community and existing alternative facilities in the surrounding area.

Culture

10.125 Department for Culture Media and Sport Culture and Sport (DCMS) definition for Culture is generally taken to include the following areas:

- Art galleries and visual arts venues
- Architecture
- Crafts
- Design
- Heritage
- Historic environment
- Museums and galleries
- Libraries
- Archives
- Film
- Broadcasting and media

10.126 The Council's principal role is as a catalyst, giving people the space and support to create cultural vitality, and creating the conditions in which they can succeed. The aim of the policy is to protect existing cultural assets with a view to helping them to adapt to new challenges.

Public art

10.127 High quality public art can enhance public space, create landmarks, strengthen identity, improve legibility, foster civic pride, and establish a sense of place, history and context.

10.128 Developments should consider, from an early stage, the Council's Public Art Strategic Framework, or updated replacement. The current version sets out the following six objectives:

- Public art should be site specific; it ought to be reflective and responsive to the character of the place it is commissioned for; the personality and identity of our city, towns and rural areas are the starting point for an artists' research
- Public art needs to be embedded within a project or development
- Artists should be brought onto a project or design teams at an early stage of the process
- When funded, or part-funded, by CWAC, public art needs to respond to and deliver against CWAC priorities
- Public art projects should utilise creativity in its broadest sense and engage with the local and regional cultural infrastructure where possible
- When commissioning public art we should be mindful of the wider context of creating a high quality public realm, and look to national, regional and local policies and guidance around innovative place-making for support.

Alternative options

No reasonable alternatives have been identified. It is considered that only relying on a combination of Part One policies SOC 5 and ECON 3 and national policy, will not provide sufficient detail and locally specific guidance, which can be taken into account in the development management process.

Replaces

- CDLP - CU1
- VRLP - BE1

Question 65

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

Open space, sport and recreation**DM25 - Open space provision in new development****DM 25****Open space provision in new development**

In line with Local Plan policy SOC 6, new development will be required to provide open space where:

- there are existing deficiencies in quantity, quality or access to open space, or
- the new development will generate additional needs.

Where on-site provision is required, it should be provided in line with the open space standards as set out in the most up-to-date evidence base.

Where on-site provision is deemed impractical, e.g. for small sites, consideration will be given to off-site provision.

Off-site provision, or enhancements to existing open space will be prioritised first in the locality of the development, then by ward or parish.

Explanation

10.129 Local Plan policy SOC 6 seeks to protect, manage and enhance existing open spaces, including those identified on the policies map. The policy also requires development to incorporate or contribute towards the provision of an appropriate level and quality of open space provision, and states that further policy guidance on the factors to be taken into account when providing open space will be set out in the Local Plan (Part Two).

10.130 The emerging *Cheshire West and Chester Open Space Study 2016 - 2030* updates the previous 'Open Space Audit and Assessment of need' (2011) and provides an assessment of needs and deficiencies in open spaces, establishes local provision standards, and creates an up-to-date evidence base which can be maintained to aid implementation of the Local Plan policies and the provision of open space, over the plan period.

10.131 The key recommendations emerging from the draft Open Space Study are:

- All open space should be protected, unless it can be proved it is not required - these are shown on the policies map.
- There are identified shortages of at least one typology of open space in the majority of areas.
- Sites which are critical to avoiding deficiencies, or making existing deficiencies worse should be protected unless suitable alternative provision can be provided.
- New provision will be required as part of new development where there are existing deficiencies or where new development will result in deficiencies.
- Where on-site provision is required, this should be provided in line with the proposed open space standards
- Where on-site provision is deemed impractical, consideration will be given to the opportunities for off-site provision and/or improvements.
- Improvements to existing open space will be considered first in the ward/parish, then across the wider area.

10.132 The proposed standards are for minimum guidance levels of provision and are shown in Table 9.2. Although an area may enjoy a level of provision exceeding the minimum standards, this does not mean that there is a surplus, as all such provision may be well used.

Table 10.2 Summary of open space standards

Typology	Quantity standards (ha/1000 population)	Access standard
Allotments	0.15	720 metres or 15 minute walk
Amenity Green Space	0.60 for analysing existing provision of sites > 0.15 ha	480 metres or 10 minute walk

Typology	Quantity standards (ha/1000 population)	Access standard
Parks and Recreation Grounds	0.5	720 metres or 15 minute walk
Play Space (Children)	0.05	480 metres or 10 minute walk
Play Space (Youth)	0.03	600 metres or 12-13 minute walk
Natural Green Space	1.0 to include natural and amenity green space for new provision	ANGSt and Woodland Trust for analysing existing provision

10.133 Other typologies of open space have been mapped (and are shown on the policies map), but do not have quantity or access standards associated with them because they might not be openly accessible to the public (for example, school playing fields) or their provision is outside the scope of the Open Space Study (for example churchyards and cemeteries).

10.134 Where open space is to be provided on-site the Council will expect the developer to provide the land and either: design and build the provision to the satisfaction of the Council; or make a financial contribution to cover the construction of the provision. Table 9.3 provides a guide to assess which scales of housing development generate a need for facilities in the categories to be provided on-site. For developments of 20 dwellings and above, the amount of amenity green space to be provided is expected include a single site of at least 0.15ha. As accessibility has been calculated as a distance only variable, planning decisions will need to include consideration of road safety, legibility/porosity, and potential barriers when determining applications.

Table 10.3 Requirement for open space, sport and recreation facilities

Type of Provision	1-19 dwellings	20-49 dwellings	50-99 dwellings	100-199 dwellings	200+ dwellings
Allotments	x	x	x	Y	Y
Amenity/ Natural Green Space*	x	Y	Y	Y	Y
Parks and Recreation Grounds	x	x	x	x	Y
Play Space (children)	x	x	Y	Y	Y
Play Space (Youth)	x	x	x	x	Y
KEY:					

Type of Provision	1-19 dwellings	20-49 dwellings	50-99 dwellings	100-199 dwellings	200+ dwellings
<p>Y - on-site provision normally sought</p> <p>x - off-site provision normally required</p>					

10.135 If a development is required to provide open space on-site, developers will be required to maintain the new provision through a management company. It is expected that a management plan for the open space would be submitted and approved by the Council as a planning condition.

10.136 The decision on whether the provision is to be provided on-site, off-site or both depends upon, the scale of the proposed development and the site area; the suitability of a site; the existing provision of facilities within the area; other sites in the area where additional provision is proposed; and existing access to facilities within the area.

Alternative options

No reasonable alternative options have been identified because Local Plan (Part One) policy SOC6 states that further policy guidance on the provision of open space in new developments will be set out in the Local Plan (Part Two) and with the update of the Open Space Study, it is necessary to provide details of how SOC 6 will operate in the light of the latest requirements.

Replaces

- CDLP - ENV17, ENV23, SR1, SR2, SR6, SR7
- EPNLP - ENV8, REC2
- VRLP - RT3

Question 66

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM26 - Provision for sport and recreation**DM 26****Provision for sport and recreation**

To help meet identified needs for sport and recreation, as set out in the most up-to-date evidence, development will be supported that meets the requirements of Local Plan policy SOC 6 and:

- Protects the existing provision of sport and recreation facilities, both outdoor and indoor;
- Enhances the quality and accessibility of existing provision and associated facilities;
- Improves provision and quality of training areas and facilities (both indoor and outdoor), subject to potential impacts on residential amenity;
- Promotes the community use of education sites and facilities;
- Provides for the laying and renewal of grass and artificial pitches.

Explanation

10.137 Local Plan policy SOC 6 seeks to protect, manage and enhance existing sport and recreation facilities, including those identified on the policies map, to improve their quality and accessibility, and require development to incorporate or contribute towards the provision of an appropriate level and quality of sport and recreation provision.

10.138 The National Planning Policy Framework states that 'opportunities for sport and recreation can make an important contribution to the health and well-being of communities'. Policies relating to sports and recreation facilities, and the opportunities for new provision, need to be robust and based on up-to-date assessments of need. The Cheshire West and Chester Playing Pitch Assessment 2015 sets out the provision of recreational pitches across the borough, identifying specific needs, deficits and surpluses of sports and recreational facilities. These deficits and surpluses are assessed as both qualitative and quantitative.

10.139 The information within this assessment has informed the production of the Cheshire West and Chester Playing Pitch Strategy 2015, which sets out strategic recommendations and sport specific recommendations for the following sports:

- Football
- Cricket
- Rugby Union
- Rugby League
- Hockey

10.140 The Playing Pitch Strategy recommends that all currently used playing field sites should be protected and cannot be deemed surplus to requirements because of shortfalls now and in the future. Lapsed, disused, underused and poor quality sites should also be protected from development or replaced as there is a requirement for playing field land to accommodate more pitches to meet the identified shortfalls.

10.141 Where proposed housing development is located within access of a high quality playing pitch, this does not necessarily mean that there is no need for further pitch provision or improvements to existing pitches in that area in order to accommodate additional demand arising from that development. The Playing Pitch Strategy should be used to help determine what impact the new development will have on the demand and capacity of existing sites in the area, and whether there is a need for improvements to increase capacity or if new provision is required.

10.142 The Playing Pitch Strategy will be used to help inform development management decisions that affect existing or new playing fields, pitches and ancillary facilities. All applications will be assessed by the Council on a case by case basis taking into account site specific factors. In addition, Sport England as statutory consultee on planning applications that affect or prejudice the use of playing field will use the strategy to help assess that planning application against their Playing Fields Policy.

10.143 Where new schools and education facilities incorporating new sports pitches are developed, the access and use of these facilities should be fully maximised for community use.

10.144 Other sports sites have been identified through the Cheshire West and Chester Open Space Study 2016. These are:

- Tennis Courts
- Bowling Greens
- Golf courses

Alternative options

No reasonable alternative options have been identified because Local Plan (Part One) policy SOC 6 states that further policy guidance on the provision of open space (including sport and recreation provision) will be set out in the Local Plan (Part Two) and with the revised Playing Pitch Strategy, it is necessary to provide details of how SOC 6 will operate in the light of the latest requirements.

Replaces

- CDLP - SR1
- VRLP - RT2

Question 67

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM27 - Recreational routeways**DM 27****Recreational routeways**

In line with Local Plan policy SOC 6, developments incorporating or adjacent to the following will be expected to protect, and wherever possible, enhance, and extend:

- Public Rights of Way
- Footpaths/bridleways
- Cycle network
- Canals and waterways
- The Whitegate Way
- Winsford Flashes
- The Dane and Weaver Valleys

Explanation

10.145 Local Plan policy SOC 6 seeks to protect, manage and enhance a network of diverse, multi-functional open spaces and to increase accessibility to green corridors and open space, and states that it will be supported by the Local Plan Part Two. This policy, therefore, provides further detail and identifies specific opportunities for improving the existing network of open spaces and increasing accessibility to green corridors, in line with Part One policy SOC 6.

10.146 The routeways identified within the policy are important within the borough for recreation. There are crossovers with accessibility, ecological, and health, and the benefits of the policy on these should be recognised and enhanced. Policy ECON 3 recognises the economic benefit of maintaining a wide network of footpaths, cycleways, bridlepaths, canals that provide excellent leisure and recreational opportunities, and specifically requires that development proposals are assessed against their potential to improve access to rights of way.

10.147 The Council is currently updating its Rights of Way Improvement Plan (ROWIP). This will assess the accessibility of routes, identify opportunities to enhance the network and will identify those Rights of Way that need enhancement and upgrading.

10.148 Furthermore, the emerging Open Space Study includes the consideration of Public Rights of Way across the borough, but with a closer consideration of the four main urban areas and the 10 Key Service Centres. This study highlights areas of poor or restricted provision and access and recommends the enhancement of the rights of way network as a priority for improvement.

Alternative options

The alternative approach would be to rely on the general development management policy DM 1 and Part One policy SOC 6 to identify opportunities for enhancing and improving access to the specific routeways identified in the policy. However, this is not considered to be in line with Part One policy SOC 6 which envisaged that it would be supported by the Local Plan (Part Two) Land Allocations and Detailed Policies Plan.

Replaces

- CDLP - SR14, SR17
- EPNLP - REC7
- VRLP - RT21, RT22, RT23

Question 68

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM28 - Tourism and recreation use at minerals restoration sites**DM 28****Tourism and recreation use at minerals restoration sites**

At restored minerals sites recreational uses of a scale and type appropriate to the location will be permitted. These will be restricted to low-intensity land based activities, non-engine powered water sports and nature conservation. There should be no harm to residential amenity by noise or other disturbance, or to the natural environment.

Appropriate ancillary development to the primary recreational use, such as club houses or boat storage, of an appropriate scale to it's location will be permitted.

The former Fourways Quarry, as identified on the policies map, is allocated for use for non-motorised water sports with ancillary development for a water sports club with changing facilities and a fishing club.

Explanation

10.149 The National Planning Policy Framework (paragraph 143) states that high quality restoration and aftercare of mineral sites should take place. This includes the use of land for agriculture, geodiversity, biodiversity, native woodland, the historic environment and recreation. Sites that have been developed for minerals extraction where provision for restoration has been made through development control procedures, are not considered to be previously developed land in line with NPPF definitions.

10.150 The policy aims to minimise harm to the landscape and natural environment and where appropriate allow for suitable recreational uses. Recreational use does not include holiday homes, tourist accommodation or other built development. However, some limited development that is ancillary to the primary recreational use will be permitted. Low intensity uses include activities such as fishing and walking. This is to minimise environmental damage and to avoid disturbance to nearby residents.

10.151 Ancillary development should not have an unacceptable impact or detract from the primary recreational resource through design or layout. It should be for the use of participants of the primary recreational activity. Examples include car parking, toilets, changing rooms, storage facilities, and other incidental development whose sole purpose is to provide facilities that contribute to the primary use. Ancillary development should not in itself attract additional car journeys to the countryside by non-participants.

10.152 The former Fourways Quarry, Oakmere, is a restored minerals site previously used for industrial sand extraction. The operational use of the quarry ended in 2013 and a restoration scheme has been implemented. Only non-engine powered water sports will be allowed to preserve the nature conservation value of the site. The site should include undisturbed areas of water edge and boundary, areas of open grassland/heath, planted with native species, to support existing butterfly and invertebrate colonies.

Alternative options

No reasonable alternative option has been identified as it is considered that a detailed policy is required that provides guidance and specific criteria which take account of the the need to protect the locally distinctive rural character of the countryside.

Replaces

- CDLP - EC17
- VRLP - RT19.2, RT19.3, MW3

Question 69

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM29 - Waterways and mooring facilities

DM 29

Waterways and mooring facilities

Development proposals affecting the borough's waterways must:

1. Maintain an active frontage and positive connection with the waterway
2. Improve access to and along the canal towpath and river
3. Include environmental improvements
4. Incorporate high standards of design, materials, external appearance and landscaping
5. Retain existing natural features where possible

Additional mooring facilities will only be permitted where the proposals are for the extension of linear or lay-by mooring facilities at existing locations, where pressure from boat numbers is clearly demonstrated and the development would not result in the obstruction of the waterway for other users.

Proposals for mooring facilities in the countryside/ Green Belt which include built development which is not considered to be necessary (such as a hotel, restaurant etc) will not be permitted.

Explanation

10.153 Local Plan (Part One) policy ECON 3 supports development proposals that have the potential to improve access to and use of the borough's waterways in particular the canal network. The borough has a wide network of canals that provide recreational opportunities and the policy supports proposals for development around canals for recreational use for boating, cruising, walking, cycling or angling in areas where canals are underused.

10.154 The waterways in the borough have a wide variety of mooring facilities available, however demand may result in pressure for the expansion of existing facilities and the creation of new ones. The policy provides development guidelines for new mooring facilities to minimise impacts on users (for example, through congestion or obstruction).

Alternative options

No reasonable alternative option has been identified as it is considered that a detailed policy is required that provides guidance and criteria in relation to the locally specific issue of development proposals affecting the borough's waterways network.

Replaces

- CDLP - SR11, SR12
- EPNLP - ENV11
- VRLP - RT20

Question 70

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM30 - Community facilities

DM 30

Community facilities

Proposals for new or improved community facilities and local services within urban areas, key service centres and local service centres will be supported where they are of an appropriate scale to serve the local community and they meet the requirements of policy DM 1.

In line with ECON 2 and STRAT 8 of the Local Plan (Part One), development involving the loss of existing community facilities or local services will not be permitted except where:

- It can be demonstrated that the facility is surplus to the needs of the local community; or
- It can be demonstrated that the facility is not capable of continued use for the existing purpose or of economic and sensitive adaptation to other community uses; and
- There is no demonstrable need for community facilities within the locality which could be accommodated within the existing site or building in an economic and sensitive manner; or
- The loss of the land/property forms part of a larger scheme for the development of community facilities serving the needs of the locality; or
- Compensatory facilities of equivalent community benefit are provided.

Building and land that have been defined by the local authority as an Asset of Community Value (ACV) will be a material consideration in determining planning applications.

Explanation

10.155 This policy relates to community facilities including safeguarding the level of community facilities. There are a wide range of uses that could be considered community facilities. For the purposes of the Local Plan, community facilities are defined as uses such as: education, libraries, social services, fire, police, health, recycling facilities, public houses, churches and community centres. The change of use of a local shops is covered in policy DM 8.

10.156 The Local Plan (Part One) policy STRAT 8 covers the rural areas within the borough and supports the retention and introduction of new shops and community facilities. Policy ECON 2 looks to protect facilities within local retail centres where they are viable and meet the day to day needs of the local community.

10.157 Voluntary, community and parish groups can nominate buildings and land for listing by the local authority as assets of community value (ACV). An asset can be listed if its main use furthers (or has recently furthered) the social well-being or cultural, recreational or sporting interests of the local community and is likely to do so in the future. Examples could include community centres, libraries,

parks, village shops, markets or pubs. ACVs have been identified by the local community as important to their social wellbeing. Therefore, every opportunity to retain such as use should be made.

10.158 Where proposals involve the loss of an existing community facility, the Council will require developers to demonstrate that there is no longer a need for the facility, either now or in the foreseeable future. The possibility of using the premises for any other community facilities for which there is an identified need in the locality should be fully investigated by the applicants and evidence of this provided to the Council.

10.159 New facilities that service the local community will be supported when in appropriate locations and at an appropriate scale for its surroundings. Within new developments, especially residential, this can contribute to the social wellbeing of the community and bringing people together. This supports STRAT 11 in the Local Plan (Part One) to maintain and enhance existing facilities that contribute to the to the quality of life of residents, as well as support the provision of new facilities where appropriate.

Alternative options

To not have a policy and rely on ECON 2 and STRAT 8. Although this covers local retail centres and rural areas.

Replaces

- CDLP - CF3
- VRLP - RT6, STC12

Question 71

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

Environmental

Flood risk and water management

DM31 - Development and flood risk

DM 31

Development and flood risk

In line with policy ENV 1 of the Local Plan (Part One), development in Cheshire West and Chester will follow a borough-wide sequential approach to flood risk management, giving priority to the development of sites with the lowest risk of flooding. The development of sites with a sequentially greater risk of flooding will be considered where essential for regeneration or where necessary to meet the development requirements of the borough.

Development in Flood Zone 3b will not be allowed unless in exceptional circumstances such as for essential infrastructure or where development is water compatible.

Planning permission for sites that are at risk will only be permitted where a site-specific Flood Risk Assessment shows that:

- The effects of climate change have been taken into account;
- There is no loss in floodplain storage resulting from the development;
- The development will not increase flood risk elsewhere;
- There is no adverse effect on the operational functions of any existing flood defence infrastructure;
- Proposed resistance / resilience measures designed to deal with current and future risks are appropriate;
- Appropriate SuDS techniques have been considered and are to be incorporated into the design of the site, where applicable; and
- Whether the development will be safe and pass the Exception Test, if applicable.

Explanation

10.160 Policy ENV 1 of the Local Plan (Part One) seeks to reduce flood risk and avoid inappropriate development in areas at risk of flooding by directing development away from areas at high risk.

10.161 In Cheshire West and Chester there are many different types of flood risk present. Flood risk predominantly arises from fluvial (rivers and watercourses) and tidal (sea and estuarial) sources. Fluvial flooding occurs as a result of the overflowing or breaching of river or stream banks when the flow in the watercourse exceeds the capacity of the river channel to accommodate that flow. Tidal flooding occurs when an exceptionally high tide, often accompanied by a storm tide surge (increases in water level due

to meteorological conditions including atmospheric pressure and wind generated by storms), overtops and/ or breaches the tidal defences along a coastline or tidal estuary.

10.162 It is also becoming increasingly important to consider flood risk from all sources. These include groundwater, (notably springs from limestone, sandstone and chalk aquifers), land drainage (low lying areas and runoff from steeply sloped areas), sewerage, and other artificial sources e.g. reservoirs and canals.

10.163 The Strategic Flood Risk Assessments (SFRA) and the Environment Agency Flood Map for Planning and Surface Water (uFMfSW) show flooding from these sources. Cheshire West and Chester is the designated Lead Local Flood Authority under the provisions of the Flood and Water Management Act and therefore must contribute to the achievement of sustainable development when carrying out flood risk management functions.

10.164 The Council as Lead Local Flood Authority has a duty to deal with enquiries and determine watercourse consents where the altering, removing or replacing of certain flood risk management structures or features that affect flow on ordinary watercourses is required. It also has provisions or powers relating to the enforcement of unconsented works. The Council is currently consulting on a set of draft Land Drainage Byelaws for Cheshire West which will control a range of activities in and around watercourses that may impact on flood risk, and supporting the sustainable development of new sites and the regeneration of existing sites across the borough.

10.165 Planning permission will only be permitted where the National Planning Policy Framework and Flood Risk and Climate Change Planning Practice Guidance and SFRA have been referenced together with appropriate consultation with the Lead Local Flood Authority, the Environment Agency/ Natural Resources Wales and the water companies, where applicable.

10.166 Policy DM 35 seeks to avoid flood risk to people and property where possible, and manage any residual risk through location, layout and design, taking account of the impacts of climate change on changing flood risk as identified in the SFRA. This includes making space for water by directing development to areas at lowest flood risk first, protecting sites required for flood risk management and the use of sustainable drainage systems (SuDS) where applicable.

Alternative options

Not to have a detailed policy to guide development away from areas of flood risk, instead relying on ENV 1, the SFRA and Local Flood Risk Management Strategy for guidance.

Replaces

- CDLP - GE6

Question 72

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM32 - Requirements for a site specific flood risk assessment

DM 32

Requirements for a site specific flood risk assessment

In line with policy ENV 1 of the Local Plan (Part One), the Council will require development at risk of flooding to be accompanied by a site specific Flood Risk Assessment for proposals:

- Within Flood Zone 3a or Flood Zone 2;
- Within Flood Zone 1 but >1 ha in size;
- At risk from surface water;
- Within a Critical Drainage Area and >0.5 ha in size;
- Situated in an area currently benefiting from defences;
- Situated within 20 m of the bank top of a Main River;
- Situated over a culverted watercourse or where development will be required to control or influence the flow of any watercourse.

Explanation

10.167 Policy ENV 1 of the Local Plan (Part One) requires developers to demonstrate through an appropriate Flood Risk Assessment that proposals will not increase flood risk elsewhere, and should seek to reduce the risk of flooding.

10.168 The objectives of a site-specific Flood Risk Assessment are to establish whether a proposed development is likely to be affected by current or future flooding (including effects of climate change) from any source. This should include referencing the Strategic Flood Risk Assessment to establish sources of flooding. Flood Risk Assessments will be used to improve the understanding of flood risk by including an assessment of:

- Whether the development will increase flood risk elsewhere;
- Whether the measures proposed to deal with these effects and risks are appropriate;
- The evidence for the local planning authority to apply (if necessary) the Sequential Test, and;
- Whether the development will be safe and pass the Exception Test, if applicable.

10.169 Climate change will increase flood risk over the lifetime of a development. In making an assessment of the impacts of climate change on flooding from the land and rivers as part of a FRA, the sensitivity ranges shown in the SFRA provide an appropriate precautionary response to the uncertainty about climate change impacts on rainfall intensities and river flow.

10.170 Considering the impacts of climate change within a FRA will have implications for both the type of development that is appropriate according to its vulnerability to flooding and design standards for any SuDS or mitigation schemes proposed. Residential development may not be appropriate without suitable flood mitigation measures or flood resilient or resistant houses. In well-defined floodplains the same climate change allowance could have significant impacts on flood depths influencing building type and design (e.g. finished floor levels).

10.171 The Environment Agency revised the climate change allowances, in February 2016, for use in FRAs and the Council's SFRA was updated accordingly, these and any subsequent revision to the allowances should be used when submitting details within a FRA.

10.172 The Flood Risk Assessment should also address, if required, the sequential and exceptions tests as set out in National Planning Policy, the SFRA and policy DM 31.

10.173 As the Lead Local Flood Authority (LLFA), the Council is responsible for developing, maintaining, applying and monitoring a Local Flood Risk Management Strategy (LFRMS). The Strategy addresses flooding from surface runoff, groundwater and ordinary watercourses. Developers should consult the LFRMS and its supporting documents and be aware of the overall aims of managing and mitigating flood risk in Cheshire West and Chester and the wider implications of any new development on the surrounding area.

Alternative options

Not including local requirements for the content of a Flood Risk Assessment, instead relying on guidance provided within National Planning Policy Framework and the Planning Practice Guidance, the SFRA and the Council's Local Flood Risk Management Strategy.

Replaces

- None

Question 73

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM33 - Sustainable Drainage Systems (SuDS)

DM 33

Sustainable Drainage Systems (SuDS)

In line with policy ENV 1 of the Local Plan (Part One), residential development of 10 dwellings or more and non-residential development of over 1,000 square metres of floorspace or with a site area over 1 hectare, will be required to incorporate SuDS scoping and design.

SuDS must be included within the early stages of the site design in order to incorporate appropriate SuDS within the development and will be required to satisfy technical standards and design requirements in accordance with the Council's SuDS Design Handbook.

Restrictions on surface water runoff from new development should be incorporated into the development planning stage. For brownfield sites, where current infrastructure may be staying in place, then runoff should attempt to mimic that of greenfield rates with betterment of at least 30% as a minimum, unless it can be demonstrated that this is unachievable or hydraulically impractical to do so.

Explanation

10.174 Policy ENV1 of the Local Plan (Part One) requires the drainage of new development to be designed to reduce surface water run-off rates and include the implementation of SuDS.

10.175 Managing surface water discharges from new development is crucial in managing and reducing flood risk to new and existing development downstream. Carefully planned development can also play a role in reducing the amount of properties that are directly at risk from surface water flooding.

10.176 Development has the potential to cause an increase in impermeable area, an associated increase in surface water runoff rates and volumes, and consequently a potential increase in downstream flood risk due to overloading of sewers, watercourses, culverts and other drainage infrastructure.

10.177 Changes to planning legislation give provisions for major applications of ten or more residential units or equivalent commercial development, where the total floor space to be created is 1,000 square metres or more or where the floor area is not yet known, a site area of 1 hectare or more, to require sustainable drainage within the development proposals in accordance with the interim national standards published in April 2015.

10.178 The National Planning Policy Framework continues to reinforce how planning applications that fail to deliver SuDS above conventional drainage techniques could be rejected and sustainable drainage should form part of integrated design secured by detailed planning conditions so that the SuDS to be constructed must be maintained to a minimum level of effectiveness. Maintenance options must clearly identify who will be responsible for SuDS maintenance and funding for maintenance should be

fair for householders and premises occupiers; and, set out a minimum standard to which the sustainable drainage systems must be maintained.

10.179 The runoff destination should always be the first consideration when taking into account design criteria for SuDS including the following possible destinations in order of preference:

- To ground;
- To surface water body;
- To surface water sewer;
- To combined sewer.

10.180 Effects on water quality should also be investigated when considering runoff destination in terms of the potential hazards arising from development and the sensitivity of the runoff destination. Developers should also establish that proposed outfalls are hydraulically capable of accepting the runoff from SuDS.

10.181 It is important to understand the location and capacity of existing drainage to determine what infrastructure could or should be reused in a SuDS scheme. When building on brownfield or pre-developed sites, existing on-site infrastructure should be documented and mapped. It is important to understand the location and capacity of existing drainage to determine what infrastructure could or should be reused in the SuDS scheme.

10.182 The CIRIA has produced a number of guidance documents relating to SuDS that should be consulted alongside the Council's SuDS Handbook (which is currently being produced) which provides guidance on:

- The SuDS approval process
- Design considerations
- The suitability of SuDs within Cheshire West and Chester
- SuDs maintenance.

Alternative options

The alternative option is not to have a local policy on SuDS, relying instead on national planning policy and guidance. This would not allow developers to design SuDs schemes most suitable for sites within Cheshire West and Chester.

Replaces

- None

Question 74

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM34 - Flood water storage and critical drainage areas

DM 34

Flood water storage and critical drainage areas

In line with policy ENV 1 and ENV 3 of the Local Plan (Part One), development within or adjacent to a flood water storage area as defined on the policies map which would have a negative impact on its function will not be permitted.

As the Lead Local Flood Authority (LLFA) the Council in partnership with the Environment Agency may identify additional areas for flood water storage through the Local Flood Risk Strategy. If needed, these additional areas will be safeguarded as part of a review of the Local Plan.

All development in designated Critical Drainage Areas (CDAs) will be required to incorporate measures to alleviate surface water flood risk through the layout and form of the development, including the appropriate application of SuDS to intercept and attenuate overland flow and drained water.

Explanation

10.183 Policy ENV 1 of the Local Plan (Part One) requires the drainage of new development to be designed to reduce surface water run-off rates and include the implementation of SuDS. Policy ENV 3 supports the creation, enhancement, protection and management of a network of high quality multi-functional Green Infrastructure which amongst other benefits can contribute to flood mitigation.

10.184 Under both the Water Resources Act (1991) and Flood and Water Management Act (2010) the Environment Agency and LLFA has permissive powers to manage flood risk. This can involve constructing flood defences or holding flood waters in specific locations, to reduce the risk of flooding elsewhere. One such location is Finchett's Gutter, where there is flood risk due to fluvial/ tidal interaction at the confluence of Finchett's Gutter and the sea. A scheme has been designed that allows Sealand Basin to flood, should the outlet of Finchetts Gutter become constrained at high tides. Maintaining the full, unimpeded capacity for the storage of floodwaters on any site is key, and it is for this reason that a location is designated.

10.185 Designation applies to surface water ponding or runoff pathways, indicated in the Environment Agency's Flood Map for Surface Water (uFMfSW) among other data. Under the FWMA (2010) the LLFA manages a database of all local assets that effect flood risk. Critical Drainage Areas also exists in Flood Zone 1, requiring a flood risk assessment to determine that development will alleviate surface water runoff and flooding at development sites above ground attenuation.

10.186 The SFRA identifies indicative Areas of Critical Drainage (ACDs) across the borough for large sites and for areas where surface water flooding is considered significant. A Formal Critical Drainage Area (CDA) designation, following on from the indicative CDAs proposed in the SFRA can be formally designated and notified to the local authority by the Environment Agency.

10.187 Under the FWMA 2010 the LLFA in collaboration with the EA has permissive powers to manage groundwater, above ground runoff attenuation for flood risk alleviation is always considered preferential to underground storage – in accordance with the latest SuDs treatment train approach (Ciria C753, 2015).

Alternative options

Not to include a policy relating to development in designated Critical Drainage Areas, or flood storage areas, instead rely on policy ENV 1, the SFRA and the Council's Local Flood Risk Management Strategy for guidance.

Replaces

- None

Question 75

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM35 - Reducing flood risk through site layout, design and phasing

DM 35

Reducing flood risk through site layout, design and phasing

Policy ENV 1 of the Local Plan Plan (Part One) seeks to manage flood risk associated with or caused by development.

Where appropriate, applicants will be required to provide schemes to reduce flood risk on individual sites through flood resilient design and on site flood risk management measures.

Structures and other features that help to reduce the risk of flooding or mitigate its impacts will be protected. Their loss, alteration or replacement will only be permitted where there would be no increase in flood risk.

Consideration should be given to the type and detailed design of uses proposed at a particular location, and to consider the implications for the wider area and locations downstream.

Where appropriate, the Council may request that phasing of development should be carried out to avoid any cumulative impacts of flood risk.

Explanation

10.188 Policy ENV 1 of the Local Plan (Part One) requires developers to demonstrate, through an appropriate Flood Risk Assessment (FRA) at the planning application stage, that development proposals will not increase flood risk on site or elsewhere, and should seek to reduce the risk of flooding. New development will be required to include or contribute to flood mitigation, compensation and/or protection measures, where necessary, to manage flood risk associated with or caused by the development.

10.189 The SFRA identifies a number of sites where a review of the site layout and / or design at the development planning stage is recommended in order for development to proceed. For these sites, a Level 2 SFRA or site-specific Flood Risk Assessment would be required to inform on site layout and design.

10.190 Any site layout and design should take account of the 8 metre easement buffer along watercourses where development is not permitted. This easement buffer is recommended by the Environment Agency to allow ease of access to watercourses for maintenance works. Any site redesign, where Flood Zone 3a is included within the site footprint, should allow water to flow naturally or be stored in times of flood through application of suitable SuDS.

10.191 Using a phased approach to development, should ensure that any sites at risk of causing flooding to other sites are developed first in order to ensure flood storage measures are in place before other sites are developed, thus ensuring a sustainable approach to site development. It may be possible

that flood mitigation measures put in place at sites upstream could alleviate flooding at downstream or nearby sites.

Alternative options

Not to include specific requirements for site layout, design and phasing, instead relying on guidance provided within the SFRA and Local Flood Risk Management Strategy to guide development on sites at risk of flooding.

Replaces

- None

Question 76

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM36 - Water quality, supply and treatment

DM 36

Water quality, supply and treatment

In line with policy ENV 1 and SOC 5 of the Local Plan (Part One), development proposals will be required to demonstrate that it does not cause unacceptable deterioration to water quality or have an unacceptable impact on water quantity (including drinking water supplies) by:

- protecting surface water and groundwater through suitable pollution prevention measures;
- using opportunities to improve water quality where possible;
- optimising water efficiency;
- ensuring development is located at a sufficient distance from existing wastewater treatment works to allow adequate odour dispersion, or takes appropriate odour control measures;
- ensuring water supply, surface water drainage and wastewater infrastructure to service new development are provided and connect to the nearest point of adequate capacity (*The discharge of surface water to combined drainage systems will be regulated in accordance with requirements set by the relevant utility provider*).

The Local Planning Authority will support the development or expansion of water supply, surface water drainage and wastewater treatment facilities where they are needed to serve existing or new development or in the interests of securing long term supply, provided that the need for such facilities is consistent with other policies such as the development strategy, flood risk, contamination and protection of the natural and built environment.

Explanation

10.192 Policy ENV 1 of the Local Plan (Part One), seeks to ensure that development proposals comply with the Water Framework Directive in relation to water quality. Proposals within areas of infrastructure capacity and/or water supply constraint should demonstrate that there is adequate wastewater infrastructure and water supply capacity to serve the development or adequate provision can be made available. Policy SOC 5, also seeks to ensure that development which gives rise to significant adverse impacts on water will not be allowed.

10.193 Adequate water supply, surface water and foul water drainage, and sewage treatment capacity must be available to serve all new development. This is in addition to the supply and infrastructure capacity for existing development.

10.194 Shortages and gaps in capacity may affect the timing, delivery and design of development. Water supplies are limited; sewerage capacity varies locally.

10.195 Large scale schemes may have a major impact on infrastructure capacity, whereas smaller schemes can cumulatively have the same effect. All developers are therefore encouraged to liaise with the relevant water supply company as early as possible before submitting a planning application to establish:

- The water supply infrastructure demand of the development both on and off site and whether this can be met;
- the wastewater infrastructure demand of the development both on and off site and whether this can be met; and
- the surface water drainage requirements and flood risk of the development both on and off site.

10.196 In some circumstances a study may be required to ascertain whether the proposed development would lead to an unacceptable overloading of existing infrastructure. Where there is an identified capacity problem, the Council may require the developer to fund appropriate improvements, which must be completed prior to occupation of the development.

Alternative options

Not to include a policy relating to water supply, instead relying on the relevant utility provider to provide advice and guidance for developers when proposing development within the borough.

Replaces

- None

Question 77

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

Landscape, green infrastructure, biodiversity and geodiversity

DM37 - Trees, woodland and hedgerows

DM 37

Trees, woodland, and hedgerows

New development should ensure that existing trees, woodlands, traditional orchards, and hedgerows are conserved, enhanced and managed. The Council will expect that all significant healthy trees, woodlands, traditional orchards, and hedgerows are integrated into development proposals. Where possible significant trees should be incorporated within public open space.

Where integration is not possible, then development should:

- Plant new trees, woodlands and hedgerows within the site, or where this can be demonstrated to not be feasible contribute to off-site provision
- Include replacement replanting at a ratio of at least two trees for each tree lost. Replacements should be of heavy/ extra heavy standard, however, in special circumstances where significant and prominent trees are to be removed, large specimen trees may be required.

Development affecting all existing and new woodlands should:

- Support proposals which assist in the positive use of woodlands
- Promote sustainable management to deliver multiple benefits
- Support the aims and policies of the Mersey Forest Plan, where relevant

A tree survey and arboricultural impact assessment to BS5837:2012 standard will be expected to be submitted with planning applications where existing trees are affected by the proposed development.

Explanation

10.197 Local Plan policy ENV 3 supports the creation, enhancement, protection and management of a network of green infrastructure, and states that one of the ways that this will be achieved is by increased planting of trees and woodland. This policy is required to provide detailed guidance on considering proposals which have the potential to affect existing trees, woodland and hedgerows and to guide the integration of planting within new development.

10.198 Where development may affect existing trees the Council will normally expect the submission of a detailed tree survey and arboricultural impact assessment. The survey and protective measures should comply with industry best practise (BS5837) and be undertaken by a suitably qualified arboriculturist.

10.199 Many trees in the borough are already protected by Tree Preservation Orders (TPO) or by merit of their location in a Conservation Area. As such it is an offence to cause wilful damage to any protected tree, or to fell, top or lop one without prior consent from the Local Planning Authority. Many of the borough's rural hedgerows are species rich and/or remnants of historic boundaries and are protected under the hedgerows regulations (1997). It may be an offence to remove a hedgerow without consent. Where rural hedgerows are to be removed a detailed hedgerow survey including details of historic importance should be submitted as part of the planning process.

10.200 The Mersey Forest is one of England's Community Forests, and was established in 1991. It covers 1,370km² of Merseyside and North Cheshire. It is a partnership currently comprising the core partners of 7 local authorities (Cheshire West and Chester, Halton, Knowsley, Liverpool, Sefton, St Helens, Warrington), Natural England, the Forestry Commission, and the Environment Agency, along with a wider partnership of landowners, businesses and local communities. Our status as a Mersey Forest partner reinforces the Council's commitment to the protection, increase and management of trees as part of a cross boundary initiative.

10.201 Paragraph 92 of the National Planning Policy Framework sets out that an approved Community Forest plan can be a material consideration for preparing development plans, and deciding planning applications. The updated Mersey Forest Plan *More From Trees* was approved in 2014, and as such, the policies within it should be considered as a material consideration in planning applications within the Mersey Forest boundaries. Set out in this plan is the target to bring woodland cover up to 20%, with the indicative woodland cover target ranging from 10% to 40% across the borough. A broad guide to planting for sub areas across the borough is also provided.

Alternative options

The alternative approach would be to rely on the general development management policy DM 1 and Part One policy ENV 3 to guide the consideration of proposals that affect trees, woodlands and hedgerows and where tree planting is required within new development. However, this is not considered to provide sufficiently detailed or locally distinctive guidance, nor take into account the Mersey Forest Plan.

Replaces

- CDLP - ENV21
- EPNLP - ENV9, ENV10
- VRLP - NE7, NE8, NE9

Question 78

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM38 - Ecological network

DM 38

Ecological network

In line with Local Plan policy ENV 4, new development will only be permitted where it protects, conserves, restores and enhances the components of the ecological network for the borough and meets the following criteria:

Development within Core Areas, or Corridors and Stepping Stones will be expected to either:

- Increase the size of core areas, and/ or;
- Increase the quality and quantity of priority habitat, and/ or;
- Create new priority habitat that can act as stepping stones or corridors.

Development within Restoration Areas will be supported that meets the above criteria and/or increases the structural connectivity between stepping stones.

Development within Sustainable Land Use Areas will be expected to enhance the wider environment by actively contributing to the integration and creation of appropriate green infrastructure and habitats within a development.

Explanation

10.202 Local Plan policy ENV 3 supports the creation, enhancement, protection and management of a network of green infrastructure that surround, pass through and link the borough's settlements and landscapes. Policy ENV 4 states that the Local Plan will safeguard and enhance biodiversity and geodiversity and seeks to strengthen the resilience of the borough's biodiversity by linking up areas of high value habitat to create ecological 'stepping stones' and wildlife corridors.

10.203 Core Areas contain concentrations of habitats that are rare or important because of the wildlife they support and areas of irreplaceable natural habitat such as ancient woodland, glacial meres and peatlands that are impossible to re-create. They include protected wildlife sites Special Areas of Conservation (SAC), Special Protection Areas (SPA), Ramsar sites, Sites of Special Scientific Interest (SSSI), Local Nature Reserves (LNR), Local Wildlife Sites (LWSs) and UK priority habitats. Buffer zones are incorporated into the Core Areas and protect the individual sites and habitats from external adverse impacts such as pollution and disturbance.

10.204 Corridors and Stepping Stones enable mobile species to move between core areas and the wider landscape. Connectivity does not necessarily mean linear continuous habitats. They could be in the form of a number of small sites acting as stepping stones and could include non-statutory sites and priority habitats outside core areas, as well as more recognisable watercourses and canals. They include SSSI (geological), Wildlife Trust sites outside Core Areas, National Inventory of Woodland and

Trees, rivers, canals, English Woodland Grant Scheme new planting and 'Natural' green infrastructure typologies.

10.205 Restoration Areas are designed to enhance connectivity, resilience and the functioning of the ecological network. Sustainable Land Use Areas are those within the wider landscape, focused on the sustainable use of natural resources and appropriate economic activities which assist in the delivery of ecosystem services.

10.206 The Council is producing an ecological network map for the borough, with supporting text which incorporates existing protected sites and priority habitats and identifies areas to restore and buffer the network. The ecological network will assist in the provision of ecosystem services that are essential for sustainable development, including water management, carbon capture and access to nature with associated recreational and health benefits.

10.207 The draft ecological network is shown in Figure 9.1.

Figure 10.1 CWaC Draft Ecological Network



Alternative options

No reasonable alternative options have been identified because Local Plan policy ENV 4 states that sites or features of biodiversity and geodiversity importance will be identified and safeguarded, including ecological 'stepping stones' and wildlife corridors. Furthermore, National Planning Policy Framework states that planning policies should plan for biodiversity at a landscape scale and across local authority boundaries and identify and map components of ecological networks. As such, it is considered necessary to identify the specific components of the ecological network and provide locally specific guidance and criteria on how they will be safeguarded.

Replaces

- CHLP - ENV30
- VRLP - NE2

Question 79

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM39 - Biodiversity and geodiversity in new development

DM 39

Biodiversity and geodiversity in new development

In line with Local Plan policy ENV 4, new development will only be permitted where it does not result in any net loss of natural assets, seeks to provide net gains and meets the following criteria:

Development likely to have an impact on protected sites, protected/priority species, habitats or geological sites should be accompanied by an Ecological Assessment that:

- Identifies the features of ecological/geological value on and within the vicinity of the site;
- Evaluates the value and extent of the features;
- Assesses the likely expected impact of the development of the features of biodiversity or geodiversity interest taking into account the mitigation hierarchy;
- Identifies the net losses and gains for biodiversity;
- Evaluates the options to enhance the value of the features and contribute towards the borough's ecological network.

Development that could have an individual or in combination effect on a European Site or its supporting habitat, within or outside the borough, must provide sufficient information to enable compliance with the Habitats Regulations.

Development should, commensurate with the site's status and proposals:

- Aim to deliver a net gain in biodiversity by designing in wildlife and by ensuring that significant harm is avoided, or, if unavoidable, follows the mitigation hierarchy;
- Reverse habitat fragmentation and species isolation by creating new wildlife habitats, restoring degraded habitats and/or creating new wildlife corridors;
- Include a management plan for invasive species, if applicable;
- Utilise appropriate native species in landscaping schemes.

Explanation

10.208 Local Plan policy ENV 4 safeguards and enhances biodiversity and geodiversity through the identification and protection of sites and/or features of international, national and local importance, which are shown on the policies map. New development should not result in any net loss of natural assets and should seek to provide net gains. This policy provides further detailed guidance on the implementation of Local Plan policy ENV4, particularly in relation to the consideration of development proposals and information that must be provided alongside planning applications.

10.209 The Natural Environment and Rural Communities Act (NERC) 2006 places a duty on every public authority, in exercising its functions, to have regard, so as far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

10.210 Where development has the potential to impact on protected sites, habitats or species (directly or indirectly) the Council will require the submission of a detailed ecological assessment. The survey and protective measures should comply with industry best practice (BS42020), Natural England Standing Advice and industry guidance and be undertaken by a suitably qualified and competent ecologist.

10.211 The presence of a protected species is a material consideration in deciding a planning application which if carried out would likely to result in harm to that species or its habitat (ODPM Circular 06/2005). The presence or otherwise of protected species and the extent that they may be affected by the proposed development should be therefore established before planning permission is granted and surveys will be expected to be submitted where there is a reasonable likelihood of the species being present and affected by the development.

10.212 Planning applications containing semi-natural habitat should include a no net loss assessment, such as a biodiversity metric calculation, in order to identify the quantity of biodiversity loss/gain.

10.213 Compensation for habitat loss will need to be like for like and either be delivered on site or off-site, using planning conditions, planning obligations and/or biodiversity offsetting mechanisms. Compensatory measures underpinning no net loss will be expected to be adequately protected, monitored and managed over agreed timescales. The possibility of using compensation/offsetting measures strategically (e.g. pooling compensation/offsetting obligations linked to several different projects) in order to optimise the outcomes for biodiversity and ecosystem services may be considered, subject to Community Infrastructure Levy (CIL) pooling regulations.

10.214 The Council has updated its record of Local Wildlife Sites through commissioned surveys. These are non-statutory sites with 'substantive nature conservation value' including species and habitats identified under the NERC Act. The sites have been assessed against criteria-based selection guidelines produced for the Cheshire region to produce an up to date record of sites. Additional sites may be subsequently identified and protected by policy once proposed for designation. Further boundaries of existing sites may be altered/reduced/extended subject to rolling reviews.

10.215 In addition to habitats and species sites can also be designated for their geological interest and are known as Regionally Important Geological Sites (RIGS).

10.216 The mitigation hierarchy (avoid, minimise, mitigate, compensate) should be followed when considering all new development. Avoidance of damage will always be the Council's preferred option, with compensation only acceptable as a last resort.

Alternative options

No reasonable alternative options have been identified because Local Plan policy ENV 4 states that sites or features of biodiversity and geodiversity importance will be identified and safeguarded. As such, it is considered necessary to provide locally specific guidance and criteria on how they will be safeguarded and what needs to be submitted alongside planning applications for new development.

Replaces

- CDLP - ENV27, ENV28, ENV29
- EPNLP - ENV5
- VRLP - NE1

Question 80

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

Historic environment

DM40 - Development in conservation areas

DM 40

Development in conservation areas

In line with policy ENV 5 of the Local Plan (Part One), development within or affecting the setting of conservation areas, as identified on the policies map, will be expected to achieve a high quality of design, making a positive relationship between the proposed and existing context by taking account of:

- a. Topography, landscape setting and natural features;
- b. Existing townscapes, local landmarks, views and skylines;
- c. The architecture of surrounding buildings;
- d. The need to retain trees;
- e. The quality and nature of materials, both traditional and modern;
- f. Established layout and spatial character;
- g. The scale, height, bulk and massing of adjacent townscape;
- h. Architectural, historical and archaeological features and their settings; and
- i. The need to retain historic boundary and surface treatments.

Development within or affecting the setting of conservation areas will be permitted where it preserves or enhances character or appearance and maintains local distinctiveness, subject to compliance with all other plan policies. Development proposals which will not be permitted includes the following:-

- a. Demolition of non-listed buildings which make a positive contribution to the character or appearance of conservation areas, other than in exceptional circumstances. Where consent for demolition is granted, conditions will be attached to ensure no demolition shall take place until a scheme for redevelopment has been approved and a contract for the works has been made;
- b. The erection of buildings and structures which are unsympathetic in design, scale, mass and use of materials;
- c. Alterations and extensions which are unsympathetic in design, scale, mass and use of materials;
- d. The erection or extension of buildings and structures which will obstruct important views within, or views in or out of conservation areas.

Development proposals within rural conservation areas will also be required to have regard to:

- The local dominant building materials, methods of construction, features and detailing;
- Minimising and mitigating the loss of hedgerows, trees and other landscape features.

Applicants will be expected to submit a Heritage Statement for all applications which affect heritage assets, including as a minimum, a description of their significance and the impact which proposals may have upon this.

Explanation

10.217 Policy ENV 5 of the Local Plan (Part One), seeks to protect the borough's unique and significant heritage assets and seeks to safeguard or enhance the character and setting of areas of acknowledged significance such as conservation areas.

10.218 The boundaries of existing conservation areas will continue to be reviewed and the Council will consider the designation of new conservation areas in accordance with consistent standards. Designation should be accompanied by an assessment which clearly identifies the character of the area and its special architectural or historic interest. The reasons for designating a conservation area are key to the future protection and enhancement of the area.

10.219 Conservation Area Appraisals and Management Plans will continue to be produced to define the significance of the conservation areas and set out best practise on the management of these areas. In addition, the use of Article 4 (2) Directions will be reviewed to provide additional conservation management.

10.220 The Council will, as appropriate, seek support and funding from all available sources (eg Townscape Heritage Initiatives, etc) for the repair and improvement of the historic environment.

Alternative options

No reasonable alternatives identified. Giving no special status to the built environment beyond that required by legislation would mean that there would be no focus on heritage as a means of developing a distinctive identity for Cheshire West and Chester.

Replaces

- CDLP - ENV35, ENV36, ENV37, ENV38, ENV39, ENV40, ENV41, ENV42, ENV43
- EPNLP - ENV13
- VRBC - BE10, BE11, BE23

Question 81

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM41 - Listed buildings

DM 41

Listed buildings

In line with Policy ENV 5 of the Local Plan (Part One), development proposals will be required to safeguard or enhance listed buildings.

Development proposals will not be permitted which would:

- harm the significance of a listed building and its setting;
- result in the demolition of a listed building or structure, or any features of special architectural or historic landscape interest.

This will also apply to any curtilage of the listed building.

The alteration or extension of a listed building, or of those within the curtilage of a listed building, will only be permitted if it can be demonstrated that the proposals would not have a detrimental impact on the significance, character, structure, scale, design, appearance or setting of the building.

Proposals for the change of use of listed buildings from that for which they were originally designed will only be permitted where:-

- The proposed use would preserve the architectural or historic character (including the structural and external fabric, interior layout plan form, and detailing) and significance of the building;
- The proposed use is necessary to ensure the long-term preservation of the buildings; and
- The proposed use would not require associated development which would adversely affect the environmental setting of the building.

Development within or affecting the setting of listed buildings will be expected to achieve a high quality of design, making a positive relationship between the proposed and existing context by taking account of:-

- Topography, landscape setting and natural features;
- Existing townscapes, local landmarks, views and skylines;
- The architecture of surrounding buildings;
- The need to retain trees;
- The quality and nature of materials, both traditional and modern;
- Established layout and spatial character;

- The scale, height, bulk and massing of adjacent townscape;
- Architectural, historical and archaeological features and their settings; and
- The need to retain historic boundary and surface treatments.

All applications for proposals to listed buildings must be accompanied by a Heritage Statement which clearly identifies, as a minimum, the significance of the building; the proposed works of alteration; any loss of historic fabric; and the affect on the character and appearance which the proposed works will have. A copy of this statement should also be submitted to the Local Authority's Historic Environment Record.

Explanation

10.221 Policy ENV 5 of the Local Plan (Part One) seeks to ensure that development proposals protect, preserve and wherever possible enhance designated listed buildings. Development will be required to respect and respond positively to designated heritage assets and their setting, avoiding loss or harm to their significance.

10.222 Heritage assets are irreplaceable. All development should therefore have regard to the effect on heritage assets and their setting.

10.223 The setting of a heritage asset includes adjacent development and the wider surroundings. This may relate to landscaping, trees, open spaces and other features which add to the significance of the site or structure.

Alternative options

No reasonable alternatives identified. Giving no special status to the built environment beyond that required by legislation would mean that there would be no focus on heritage as a means of developing a distinctive identity for Cheshire West and Chester.

Replaces

- CDLP - ENV45, ENV46
- EPNLP - ENV15
- VRLP - BE5, BE6, BE7, BE8, BE9

Question 82

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM42 - Non-listed buildings and structures of architectural and historic interest

DM 42

Non-listed buildings and structures of architectural and historic interest

Policy ENV 5 of the Local Plan (Part One), seeks to safeguard or enhance non-designated heritage assets.

Development proposals affecting a locally listed building, structure or landscape which fails to have regard to their special qualities of architectural or historic interest, their features of interest or their settings will not be permitted. In considering proposals which may affect locally important buildings and structures, the Council will have regard to the following:-

- The contribution which the buildings, structures or landscapes make to local distinctiveness; local townscape; or rural character; and
- The conservation of interesting or unusual features; architectural detail; materials; construction; or historic interest.

It is recognised that not all buildings, structures or landscapes of significance are captured on either the national lists or local lists and these are termed undesignated heritage assets. Where the significance of these buildings, structures or landscapes can be demonstrated, the above policy consideration should be applied.

Explanation

10.224 Policy ENV 5 of the Local Plan (Part One), seeks to protect the borough's unique and significant heritage assets, both designated and non-designated and their settings. Often Neighbourhood Plans and Village Design Statements identify local heritage assets as the communities who prepare these documents are best placed to understand the local features of heritage value and the special character which makes their village or town distinctive.

10.225 Some buildings, structures and landscapes within the borough, whilst not of national significance, are valued for their contribution to the local scene; as good examples of local architectural styles; or for their local historic association. The Council will seek to identify such assets on a 'Local List'.

10.226 The Local List for Cheshire West and Chester is held on the Historic Environment Record and will be reviewed from time. These buildings are usually considered 'non-designated heritage assets' under the National Planning Policy Framework. The inclusion of a building on the list is a material consideration in the determination of planning applications.

Alternative options

No reasonable alternatives identified. Giving no special status to the built environment beyond that required by legislation would mean that there would be no focus on heritage as a means of developing a distinctive identity for Cheshire West and Chester.

Replaces

- CDLP - ENV47
- EPNLP - ENV16
- VRBLP - BE22

Question 83

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM43 - Registered landscapes**DM 43****Registered landscapes****Parks and Gardens**

In line with policy Policy ENV 5 of the Local Plan (Part One), development proposals which will adversely affect the appearance, historic characteristics, integrity, setting and key views of historic parks and gardens identified on the national register and / or within the Local Plan will be refused.

Development proposals which enhance the significance of the park and garden will be encouraged.

Battlefields

Development proposals which will adversely affect the historic significance, appearance, integrity and setting of battlefields identified on the national register will be refused.

Proposals for new development should not fragment or erode historic landscapes, and, where development is considered acceptable in or on the perimeter of these areas, it will be discrete in its form, massing and visibility.

In considering proposals which may affect those historic landscapes identified on national registers or within the Local Plan, and their settings, the Authority will have regard to the following:-

- a. The preservation of character, appearance and historic significance;
- b. The prevention of sub-division;
- c. The conservation of features of architectural, archaeological and historic interest; and
- d. The recording of such features.

Development proposals which will affect an historic landscape (registered or otherwise) will be expected to accord with other landscape policies.

Explanation

10.227 Policy ENV 5 of the Local Plan (Part One) seeks to protect the borough's unique and significant heritage assets which include registered landscapes.

10.228 Cheshire West and Chester has a number of designed landscapes, parks and gardens and important historic battlefields. Not only are these areas of significant historic importance but they also now provide the setting for a number of historic buildings and high quality open spaces.

10.229 The effect of development on such sites or their setting will be a material consideration in the determination of any planning applications.

10.230 Historic Parks and Gardens and Historic Battlefields on the historic environment record are identified on the policies map.

Alternative options

No reasonable alternatives identified. Giving no special status to heritage assets than that required by legislation would mean that there would be no focus on heritage as a means of developing a distinctive identity for Cheshire West and Chester.

Replaces

- CDLP - ENV48
- VRLP - BE15

Question 84

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM44 - Archaeology

DM 44

Archaeology

Development proposals affecting archaeological heritage assets which meet the requirements of ENV5 of the Local Plan (Part One) will be supported.

Decisions will need to take into account the significance of the heritage asset and the scale of any loss or harm.

For sites of known or potential archaeological interest, applications must be accompanied by an appropriate assessment of the archaeological impact of the development. A field evaluation prior to the determination of the planning application may also be required.

Where necessary to secure the protection of the heritage asset or a programme of archaeological mitigation, conditions will be attached to permissions. These may include requirements for detailed agreement on ground impacts and programmes of archaeological investigation, building recording, reporting and archiving.

For development proposals within Chester, the Chester Archaeological Plan must be consulted which defines Areas of Archaeological Importance and the Primary and Secondary archaeological character zones.

Explanation

10.231 Policy ENV 5 of the Local Plan (Part One) seeks to protect the borough's unique and significant heritage assets. Heritage assets are defined through the policy as a building, monument, site, place, structure, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Specifically, the policy seeks to ensure that development in Chester protects and enhances the city's unique archaeological and historic character.

10.232 Archaeological remains are a valuable but fragile part of our heritage, and once destroyed they can never be replaced. Such remains include not just finds but also traces of buildings, layers of soil and entire landscapes. Maintaining this resource is an important part of the Council's commitment to conservation.

10.233 Depending on the nature of the proposed development, it may be appropriate for pre-determination archaeological work to be carried out (such as desk based archaeological assessment or a programme of field evaluation) and the results submitted as a report in support of a planning application.

10.234 The report will assist in establishing the significance of any heritage assets and help define whether any further archaeological mitigation is required. Any further mitigation, which is likely to be secured by condition, may consist of detailed proposals to secure the preservation in situ of significant archaeological deposits or, if this is not possible further fieldwork.

10.235 This may range from a formal programme of excavation in the case of significant deposits to a watching brief in the case of remains of lesser importance.

10.236 The Cheshire Archaeology Planning Advisory Service (APAS) can provide specifications for archaeological work, monitor archaeological fieldwork and post-excavation programmes and advise on the discharge of archaeological conditions.

10.237 The Chester Archaeological Plan summarises the approach that the Council will take in determining applications that may affect heritage assets in Chester. The significance of the archaeological resource in Chester is outlined and guidance is provided for developers and applicants on the role of archaeology in the planning and development management process. See: http://www.cheshirearchaeology.org.uk/?page_id=165

Alternative options

No reasonable alternatives identified. Giving no special status and protection to heritage assets and archaeology other than that required by legislation would mean that there would be no focus on heritage as a means of developing a distinctive identity for Cheshire West and Chester.

Replaces

- CDLP - ENV32, ENV33, ENV34
- EPNLP - ENV17
- VRLP - BE13, BE14

Question 85

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

High quality design and sustainable construction

DM45 - Sustainable construction

DM 45

Sustainable construction

In line with Local Plan policy ENV 6, new developments must achieve the highest level of energy and water efficiency that is practical and viable.

All new development proposals should submit a sustainability statement demonstrating how the sustainability objectives below have been addressed during the design and construction processes:

1. Demonstrate how energy requirements have been reduced;
2. Utilise renewable and low carbon energy technologies to produce required energy on-site;
3. Look at ways to make sustainability improvements to the existing building when adding improvements or extensions;
4. Minimise the amount of carbon emitted throughout the implementation and construction process and ensure any existing embedded carbon on-site is retained;
5. Connect to existing combined heat and power (CHP) and District Heating/Cooling networks, or contribute to their future development. Wherever possible, major development should incorporate measures to enable connections to a district heat network in the future.

Proposals for new residential development will be expected to meet the tighter national water efficiency standard of 110 litres/ person/ day.

Proposals for new non-domestic buildings will be expected to achieve BREEAM Excellent where technically and financially viable.

Explanation

10.238 The objectives of mitigating and adapting to climate change, promoting energy efficiency and ensuring high quality sustainable design is embedded throughout the Local Plan (Part One). Policy STRAT 1 already requires developments to “Mitigate and adapt to the effects of climate change, ensuring development makes the best use of opportunities for renewable energy use and generation”.

10.239 Policy ENV 6 of the Local Plan (Part One) includes relevant measures that new developments should, where appropriate: make the best use of high quality materials; incorporate energy efficiency measures and provide for renewable energy generation either on site or through carbon offsetting measures; mitigate and adapt to the predicted effects of climate change; meet applicable nationally described standards for design and construction.

10.240 The Government originally set targets to ensure all new homes are zero carbon by 2016 and 2019 for new non-domestic buildings. In addition, the Energy Performance of Buildings Directive (EU Directive 2010/31/EU) requires all new buildings to be nearly zero-energy by the end of 2020.

10.241 Improvements in resource efficiency to meet this target will be made further through Part L Building Regulations. Progress towards 'zero carbon' development will be made through progressive tightening of the Building Regulations. Over time these changes are replacing the energy related elements of the Code for Sustainable Homes standards (with the Code for Sustainable homes already withdrawn) and the Building Research Establishment Environmental Assessment Method (BREEAM) standards for non-domestic buildings.

10.242 The Council has a major role in ensuring that all new homes are built to high levels of water efficiency. The Council's Water Cycle Strategy recommended that it is appropriate for new housing to be built to meet water consumption levels as defined by level 3/4 of the CSH (105 l/h/d) as a minimum. This level is not regarded as excessive or unachievable and under this policy. All new homes already have to meet the mandatory national standard set out in the Building Regulations (of 125 litres/ person/ day). However, where there is a clear local need, local planning authorities can set out Local Plan policies requiring new dwellings to meet the tighter Building Regulations optional requirement of 110 litres/ person/ day. The Council considers it is justified to require the tighter water efficiency standard to go some way towards meeting the recommendations from the Water Cycle Study.

10.243 Consideration of sustainable design and construction issues should take place at the earliest possible stage in the development process. This will provide the greatest opportunities for a well designed and constructed development and at the same time enable costs to be minimised. Therefore the developer should consider sustainable construction issues in pre-application discussions with the Council.

10.244 A sustainability statement will be expected to accompany all new development proposals for one or more dwellings, or buildings with a floor space of 100 square metres or more. The sustainability statement, which can form part of the design and access statement and in particular should take account should take account of the sun when designing site layouts and individual buildings, including natural ventilation and facilitate the micro-generation of renewable energy; and consider the the sustainable construction techniques, energy and water conservation and the improvement of the energy efficiency of existing buildings.

10.245 Legislation, policy and technology is continually changing in this area. Therefore the Council will review and update this policy and any associated guidance as and when required.

Alternative options

To have a policy that requires only the application of tighter water efficiency standards and does not ask developers to consider the application of wider energy efficiency design measures in their proposals. This was not considered a reasonable alternative, because it would not address one of the Local Plan's key objectives to mitigate and adapt to climate change. While the overall approach is embedded throughout the Part One plan in STRAT 1 and ENV6, this approach would not allow the development management process to shape locally distinctive design solution, without this policy.

Replaces

- None

Question 86

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM46 - Parking and access

DM 46

Parking and access

In order to ensure that appropriate provision is made for parking and access, development proposals will be supported which meet the requirements of Local Plan policy STRAT 10 and which:

- provide parking in accordance with relevant standards and the needs of the development, for cars and other vehicles as necessary, including cycles;
- allow for access to, and movement within, the site in a safe and effective manner, having regard to the requirements of the emergency services and service providers, including sufficient manoeuvring and standing space for the appropriate number and size of vehicles likely to serve the development at any one time;
- make provision for access to the site in accordance with any highway requirements on the grounds of safety, including the provision of gateways, visibility splays, access to adopted highways and accompanying signage that may be required;
- are designed to incorporate measures to assist access to and around the site by pedestrians, cyclists and to meet the needs of people with disabilities.

The Council will encourage improved parking facilities for residents and their visitors in older housing areas and to serve railway stations, where a clear need for such facilities can be demonstrated. Redevelopment of existing public car parks will be permitted only where adequate alternative provision is available or capable of being provided.

Proposals for developments that provide coach parking/facilities, in line with the Council's latest adopted strategy will be supported.

Explanation

10.246 One of the aims of the Local Plan is to reduce the reliance on the private car and the availability of car parking can have a major influence on the choice of means of transport. On street car parking can cause danger to highway safety and nuisance to other road users and local residents.

10.247 Local Plan (Part One) policy STRAT 10 states that new developments will be expected to provide adequate levels of car and cycle parking in accordance with the Council's parking standards, and that parking provision should support the viability of town centres whilst minimising traffic congestions.

10.248 The Council is currently developing a borough-wide parking strategy including a review of whether current parking infrastructure is adequate and which will identify where additional provision is required, and make recommendations for parking standards for new development to be included in a

new supplementary planning document, taking into account saved policies in the Local Plan relating to Chester and the former Regional Spatial Strategy parking guidance as a starting point.

10.249 The Part Two policy expands on the Council's expectation that parking will be provided in new developments in line with the parking standards set out in the forthcoming supplementary planning document, but clarifies that the standards will be applied across the whole of the borough on a zonal basis. More rigorous parking standards will be defined for Chester City Centre, with a second less strict standard applied in town centres where there is a concentration of services and increased number of travel options, and the final zone covers the remainder of the borough. These zones apply to both residential and non-residential parking standards and will be identified on the policies map.

10.250 Where a zone boundary is defined by a road, this indicates that the policy covers all developments taking access from that road, whether or not the site itself is included within the defined area. Where it is proposed that the standard is not met, the Council will need to be satisfied that any shortfall can be readily accommodated in nearby off-street parking without leading to a reduction of residential amenity in the surrounding area, or through access by other more sustainable modes. If it is evident that such accessibility is not sufficient to accommodate such under provision, then the onus will be on the developer to ensure that, through appropriate arrangements with the Council, this shortfall is addressed.

10.251 Measures to encourage cycling as a healthy and environmentally friendly alternative to the private car will be unsuccessful if cyclists do not have secure and convenient parking available at their destination. The Council expect secure cycle parking provided to be in accordance with the standards set out supplementary planning document. Cycle parking within new developments should provide sufficient space for the secure parking of bicycles and the Council will also encourage the provision of showers and changing rooms in all new employment developments as an integral part of staff travel plans

10.252 New developments should include provision for electric vehicle parking spaces and charging points and guidance will also be provided in the supplementary planning document. Other modern and efficient parking solutions, such as parking platforms and racking systems, will also be encouraged.

10.253 Some older residential areas in the borough do not have adequate off street car parking provision, or station car parking is at capacity, leading to such problems as vehicles blocking highways or parking on grassed areas. In such cases, improved off-street car parking facilities will help improve environmental conditions in the residential area concerned. Any such provision, however, must be balanced against the strong protection of amenity and open space in residential areas.

10.254 The Chester Coach Strategy (January 2016) identified the lack of coach parking facilities and secure overnight parking space for coaches at Little Roodee coach park as an issue and proposed additional rest-room, coach washing and cleaning facilities as a medium term priority.

10.255 It is essential that all new public highways are designed to operate safely and efficiently. New developments should incorporate measures to encourage alternative means of transport to the private car and provide for safe and attractive routes to and within the site for all road users. These could

include: footways, pedestrian crossings, cycleways, secure cycle parking, cycle crossings, and convenient routes for buses, bus stops, bus shelters and traffic calming measures.

10.256 Further guidance and more detailed requirements will be set out in site development briefs and supplementary planning documents where appropriate. Additional priority will be given to the introduction of traffic calming schemes near to schools and on pedestrian and cycle routes.

10.257 To ensure that servicing vehicles do not become a safety hazard, an obstruction to vehicle or pedestrian movement or a visual nuisance. Operational space should be included for the access, turning and standing of emergency and service vehicles. Developers will be required to ensure that operational space is not used for general parking.

10.258 Commercial vehicles can cause disturbance and nuisance in residential areas and commercial firms will be required to make provision for storage/parking of their own goods vehicles. The Council will use its powers to restrict access of commercial vehicles, where this would be detrimental to residential areas and will use its highway powers to control traffic movements of heavy goods vehicles to and from industrial and warehousing premises.

Alternative options

There are no reasonable alternatives because a more detailed policy is required to support the forthcoming parking standards supplementary planning document.

Replaces

- CDLP - ENV10, TR6, TR13, TR14, TR17, TR20, TR21
- EPNLP - TRANS6
- VRLP - T13

Question 87

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM47 - New or extension to hazardous installations**DM 47****New or extension to hazardous installations**

In line with Local Plan policies SOC 5 and ENV 6, hazardous substances consent or development which either creates new hazardous installations or extends existing hazardous installations will only be permitted where it does not:

- Create or increase risk to the general public to threshold levels outside the boundaries of the site, or
- Significantly restrict the type of development on the surrounding land.

Applications for underground hazardous waste storage or containment facility will be permitted providing it is demonstrated this is the most sustainable option and the methods and technologies used would be the most appropriate, that ground stability would not be affected and that mineral reserves, which are both workable and economically viable, would not be sterilised.

Explanation

10.259 One of the Local Plan (Part One)'s strategic objectives seeks to ensure that new development does not create an unacceptable impact, either individually or cumulatively, on the amenity and health of residents. Policy SOC 5 states that development that gives rise to significant adverse impacts on health and quality of life will not be allowed, and policy ENV 6 encourages development to promote safe and secure environments.

10.260 The borough has concentrations of hazardous installations, namely to the east of Ellesmere Port and to the east of Northwich. Stanlow is a large site east of Ellesmere Port which contains a high number of hazardous operators, including Essar and within the borough at Capenhurst is a nuclear site operated by Urenco. There are also a number of hazardous pipelines that run through the borough.

10.261 The purpose of this policy is to control the development of hazardous installations to avoid increasing the number of people at risk from hazardous installations and to avoid the intentions of Local Plan (Part One) strategic policy ECON 1, which supports existing business and encourages business growth, being frustrated by the creation of new risks which may then preclude the development of land surrounding a hazardous installation.

10.262 The Council is required to consult the Health and Safety Executive (HSE) and other statutory consultees on planning applications which involve either the creation of hazardous installations or development in the vicinity of existing installations which is likely to increase the number of people at risk. The HSE, as a statutory consultee, will advise the Council on planning applications for hazardous substance consent or development within the consultation zone of a hazardous installation. "Threshold

levels of risk" are those which are sufficient for the HSE to advise against the development concerned, being granted planning permission.

10.263 If the opportunity arises, the Council will welcome the relocation of hazardous installations away from centres of population. Not only would this lessen the risk of accident to the general public but also reduce the problems of potential blight. Such relocations will only be acceptable if they do not create new problems or an accumulation of installations which amount to a greater hazard than previously existed in the area.

10.264 Generally, consent is required for the presence of hazardous substances on, over or under land unless below the thresholds listed in the Planning (Hazardous Substances) (Amendment) (England) Regulations 2009 as amended by the Planning (Hazardous Substances) (Amendment) (England) Regulations 2010.

Alternative options

No reasonable alternatives to this policy have been identified because given the presence of hazardous installations in proximity to urban and regeneration areas in the borough, a detailed policy to enable the consideration of planning applications is considered necessary.

Replaces

- CDLP - ENV60
- VRLP - HAZ3, EMP2

Question 88

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM48 - Development in the vicinity of hazardous installations

DM 48

Development in the vicinity of hazardous installations

In line with Local Plan policies SOC 5 and ENV 6, development in the vicinity of:

- Hazardous installations, or
- Proposed new installations for which planning permission or hazardous substances consent has been given

Development will not be permitted if this would result in a significant increase in the numbers of the public being subjected to threshold levels of risk.

Exceptions to this policy may be considered in existing built-up areas or where there is an existing commitment to development, in order to achieve a balance between the need for investment and regeneration within the existing urban areas and the degree of risk involved.

Explanation

10.265 One of the Local Plan (Part One)'s strategic objectives seeks to ensure that new development does not create an unacceptable impact, either individually or cumulatively, on the amenity and health of residents. Policy SOC 5 states that development that gives rise to significant adverse impacts on health and quality of life will not be allowed, and policy ENV 6 encourages development to promote safe and secure environments, while policy ECON 1 aims to support existing businesses and encourage business growth.

10.266 The Council is required to consult the HSE and other statutory consultees on planning applications within a consultation zone surrounding a hazardous installation. The consultation zone is defined by the HSE considering the processes and storage of substances on site and an assessment of the level of risk. The borough has concentrations of hazardous installations with consultation zones which cover significant parts of the borough's settlement areas. For example, currently about half of the town of Ellesmere Port is included in a consultation zone.

10.267 The Council has to consider that within these zones, persistent refusals of planning permission because of the proximity to hazardous installations may lead to blight, a consequent lack of investment and a downward spiral of decay. The purpose of this policy is to avoid increasing the number of people at risk from hazardous installations but adopting a more flexible approach to development within the vicinity of hazardous installations that balances the need for investment and regeneration within the zones, against the degree of risk involved.

10.268 Development near to hazardous installations which would put members of the public at threshold levels of risk will normally be prevented. However, if under the exceptional circumstances outlined above, development in the vicinity of hazardous installations is permitted, the Council will require that all practicable measures be taken to mitigate risks by, for example, careful building design and the preparation of emergency procedures.

10.269 The HSE publish hazard consultation zones (and the Office for Nuclear Regulation publish consultation distances) around each of the hazardous installation in the borough and as a statutory consultee, will advise the Council on planning applications for development within the consultation zone of a hazardous installation. "Threshold levels of risk" are those which are sufficient for the HSE to advise against the development concerned, being granted planning permission. These zones are based upon an assessment of the degree of risk at each installation. Their extent is influenced by a number of factors including the nature and levels of the hazardous substance permitted at the site and the process involved. Since these hazard consultation zones are likely to change during the plan period, the Council does not consider it to be appropriate to show them on the policies map.

Alternative options

No reasonable alternatives have been identified because given the presence of hazardous installations in proximity to urban and regeneration areas in the borough, a detailed policy to enable the consideration of planning applications is considered necessary.

Replaces

- CDLP - ENV61

Question 89

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM49 - Advertisements

DM 49

Advertisements

Proposals for advertisement consent will only be permitted which meet the requirements of Local Plan policy ENV 6, and the following criteria:

- the advertisements are sensitively designed and located having regard to the character of the building on which they are to be displayed and/or the general characteristics of the locality;
- the size, scale, materials, colour scheme and any means of illumination are appropriate having regard to the character of the building on which they are to be displayed and/ or the general characteristics of the locality;
- the cumulative impact of the advertisements would not be detrimental to the character of the building on which they are to be displayed and/or the general characteristics of the locality; and
- the advertisements are not visually prominent in their landscape/ townscape setting and do not create a detrimental impact on visual amenity or a danger to public safety.

Proposals for the illumination of advertisements and signs will only be permitted provided that:

- the means of illumination reflects the character of the building on which they are to be displayed and the immediate surroundings;
- the proposed illumination is unobtrusive and discreet in its form; and
- it is of a quality which enhances the advertisement display.

Signs which are situated in advance of the business being advertised will only be considered acceptable if it can be demonstrated that they would not have a detrimental effect upon the amenity of the locality.

Applications for advertisements within Areas of Special Advertisement Control, as shown on the policies map, should respect the special character of the area and maintain its amenity value.

Explanation

10.270 Local Plan policy ENV 6 requires development to respect local character, provide a high quality public realm, be sympathetic to heritage and landscape assets and make the best use of high quality materials. Advertisements are not specifically covered in the Part One plan and it is therefore necessary to provide a policy to maintain the unique local distinctiveness and character of the borough's urban and rural environment.

10.271 Insensitive advertising can detract from the appearance of individual buildings or the general characteristics of the locality. Advertisements which are poorly designed and sited, whether on buildings or free standing, can appear as incongruous and obtrusive features.

10.272 To prevent inappropriate displays, the Council will seek to ensure that advertisements are of an appropriate scale and size, are well designed and are sympathetic to both the building on which they are to be displayed and the general characteristics of the locality. Standardised or corporate displays that have no regard to the character of the building on which they are to be displayed or the general characteristics of the locality will be unlikely to be acceptable.

10.273 Inappropriate proposals that would have a detrimental cumulative impact will not be permitted.

10.274 Applications for advertisement consent should provide a sufficient level of information to allow the Council to reach an informed decision about the likely impacts of the proposal. Proposals for development which incorporate advertising should clearly show the likely impact of associated advertising at an early stage, preferably as part of an initial planning application.

10.275 The Council will pay special attention to the quality and appropriateness of advertisement displays in respect of listed buildings and conservation areas (see also policies CH 6, N 5 and DM 40 to 44).

10.276 The Council wishes to encourage the use of unobtrusive and discreet means of illumination in the interests of amenity and public safety. Advertisements consisting of moving signs, moving messages or intermittent lighting are considered to be harmful to the interests of amenity and public safety and will not be permitted.

10.277 In respect of illuminated advertisements on listed buildings or in conservation areas, the Council will only grant consent if it can be demonstrated that the proposal would preserve or enhance the character or appearance of the building or area. The Council will pay special attention to the quality and appropriateness of illumination in respect of conservation areas and listed buildings. Standardised solutions such as the use of internally illuminated box advertisement are unlikely to be acceptable in conservation areas or on listed buildings.

10.278 There can be pressure for advance signs, particularly as a result of the advertising needs of rural businesses, or in the urban area where intricate street patterns and narrow pavements may inhibit standard advertising practices. Wherever practical, businesses in the same general location, or in bypassed communities, will be encouraged to combine their essential advertising needs so as to avoid a proliferation of advance signs.

10.279 The borough has a designated Area of Special Advertisement Control, to protect the countryside. Applications for advertisements within this area will additionally have to demonstrate that the how the proposal respects the special rural character of the area and maintains its amenity value.

10.280 The Council will look to review the Chester City supplementary planning document relating to advertisements and banners.

Alternative options

There is no reasonable alternative because not having a policy relating to advertisements would not provide sufficient guidance for considering applications for advertisement consent which responds to the locally distinctive Cheshire West and Chester context.

Replaces

- CDLP - ENV49, ENV50, ENV51, ENV52
- VRLP - BE16, BE17

Question 90

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

Alternative energy supplies

DM50 - Oil and gas development

DM 50

Oil and gas development

Proposals for exploration of hydrocarbons will only be permitted if exploration is for an agreed, temporary length of time.

Proposals for the production of hydrocarbons will only be supported where it has been demonstrated that the further works and the surface facilities required to manage the output from the well(s), including facilities for the utilisation of energy, where relevant, accord with the plan policies.

Proposals for hydraulic fracturing will only be permitted below 1200 metres in specified groundwater areas (source protection zone 1).

Proposals for oil and gas development (exploration, appraisal and production) will only be supported where:

- Above ground activity has been directed to the least environmentally-sensitive location.
- They are sensitively located within the landscape and do not have a significant long-term detrimental impact on the landscape. This should take account of the landscape character assessment.
- The proposal is appropriately screened from public view and would not have an unacceptable impact on visual amenity.
- It can be ensured that any unavoidable dust and particle emissions are controlled, mitigated or removed at source and will not have a detrimental impact on residential amenity.
- It can be ensured that any unavoidable noise and vibration is controlled, mitigated or removed at source so that proposed noise and vibration levels are acceptable and will not have a significant detrimental impact on residential amenity or biodiversity. Appropriate noise limits should be established for extraction in proximity to noise sensitive properties.
- Illumination levels and siting and design of lighting are acceptable and do not cause a detrimental impact on residential amenity, wildlife or highway safety.
- Environmentally preferable alternatives to road travel are considered and used where possible to transport materials to and from the site.
- The proposal is appropriately screened from public view.
- The proposal will not result in damage or interruption to statutory utilities or pipelines.
- Well pads and associated plant, buildings and other structures are designed and located within the site to minimise visual intrusion, adequately and harmoniously screened from sensitive locations; appropriately finished and coloured to assimilate into their surroundings; and will be removed from the site at the cessation of oil or gas extraction.

- That sufficient water resources are available and the proposal will not have a detrimental impact on flow, quantity or quality of surface or groundwater.
- The proposals will not result in an increase in risk of subsidence.
- It can be demonstrated that greenhouse gases associated with fugitive emissions will not lead to unacceptable adverse environmental impacts.
- The potential for heat recovery is assessed and waste heat is utilised where possible.
- The cumulative impact on local communities and the environment with existing or proposed development of a similar kind in the same or adjoining areas is considered acceptable.
- Where proposals for hydrocarbon development coincide with areas containing other underground mineral resources, evidence must be provided to demonstrate that their potential for future exploitation will not be unreasonably affected.

All applications for hydrocarbon development will be accompanied with details of how the site would be restored to a high quality and appropriate afteruse once the development is no longer required.

The formation and organisation of regular site liaison committees is required. Operators should liaise with local communities when preparing new proposals and throughout the period of working and restoration of oil and gas sites.

Explanation

10.281 Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material, and since minerals are a finite natural resource, and can only be worked where they are found, it is important to make the best use of them to secure their long-term conservation.

10.282 Policy ENV 7 of the Local Plan (Part One) states that proposals to exploit the borough's alternative hydrocarbon resources will be supported in accordance with a set out criteria contained within that policy and all other policies within the Local Plan.

10.283 The oil and gas policy includes both conventional sources and unconventional sources. Unconventional shale oil and gas is that which comes from sources such as shale or coal seams, which act as the reservoirs. Ways of extracting this oil and gas include hydraulic fracturing, coal bed methane extraction and underground coal gasification.

10.284 Shale gas is found in impermeable shale rock and is trapped inside the rock. Fracking is shale gas extraction using hydraulic fracturing. This involves drilling into the ground both vertically and horizontally to reach the shale rock area. A mixture of water, sand and chemicals is pumped into the well to fracture the shale rock to enable the gas to be released. Coal bed methane extraction involves removing methane directly from the coal seam. The water contained in the coal seam is removed to reduce the pressure on the coal, enabling the gas to be collected. Underground coal gasification involves drilling injection wells which are used to supply air and oxygen to ignite and fuel the underground combustion process. The product gasses are then brought to the surface.

10.285 The Onshore Hydraulic Fracturing (Protected Area) Regulations 2016 define the protected areas in which hydraulic fracturing will be prohibited. The regulations ensure that the process of hydraulic fracturing can only take place below 1200 metres in specified groundwater areas (source protection zones 1), National Parks, Areas of Outstanding Natural Beauty and World Heritage Sites.

10.286 Extraction of unconventional shale oil and gas involves three main stages: exploration, appraisal and production. The exploration stage involves seismic surveys to understand the geological structure in the area, although they do not prove the existence of the mineral resources. Exploratory drilling is then used to determine whether hydrocarbons are present and this is a short-term but intensive activity. The appraisal (pre-production) stage may involve further seismic work or drilling to establish whether the deposit can be economically exploited. It is usually a relatively short-term activity, typically between six months and two years. The production stage involves the long term production of oil or gas commercially. In most cases the initial seismic survey work can be completed under permitted development rights, but apart from this, planning permission is required for each phase of hydrocarbon extraction.

10.287 Central Government is generally supportive of unconventional shale oil and gas development and has stated that it can enhance our energy security, provide economic growth and be an important part of our transition to a low carbon future. Paragraph 44 of the National Planning Policy Framework states that local planning authorities should give great weight to the benefits of the mineral extraction, including to the economy.

10.288 Policy ENV 7 of the Local Plan (Part One) Strategic Policies states that “proposals to exploit the borough’s alternative hydrocarbon resources will be supported in accordance with the above criteria and all other policies within the Local Plan”.

10.289 The Oil and Gas Authority (an executive agency sponsored by the Department for Energy and Climate Change) issue Petroleum Exploration and Development Licences (PEDL). PEDL grant exclusive rights to search, bore for, and get, petroleum in specific ordnance survey blocks once other permissions and approvals are in place. PEDL’s cover the various stages of the full development cycle of oil and gas exploration, appraisal; production and decommissioning of the wells. A PEDL licence grants no automatic permission for drilling or facilities siting and construction.

10.290 PEDLs are valid for a sequence of terms and can be summarised as follows:

- The initial term for a licence is usually an exploration period and is usually set for a period of six years.
- The second term is intended for appraisal and is set for five years.
- The third term is intended for production and is set at 20 years.

10.291 Each licence expires automatically at the end of each term, unless the licensee has completed the working programme agreed with the Oil and Gas Authority. A licence will expire at the end of a second term unless the Secretary of State approves a development plan.

10.292 Several PEDLs have been granted or offered within Cheshire West and Chester and are shown on the policies map. 12 blocks were licensed as at May 2016 and an additional six were offered for award in December 2015. The PEDL blocks cover the majority of borough, except for the south east portion to east of Tattenhall and Malpas.

10.293 A supplementary planning document relating to oil and gas development is currently being prepared. This will provide additional detail and guidance relating to oil and gas developments, in accordance with the existing Local Plan (Part One) policy and proposed Local Plan (Part Two) policy.

Alternative options

No reasonable alternatives have been identified. Not providing a policy relating to oil and gas developments was discounted because national planning guidance, as set out in the Framework, identifies that policy makers must plan for mineral extraction and must understand the extent of the potential resource and take account of the opportunities for its use. A more restrictive policy relating to oil and gas developments was discounted as Local Plans which impose oil and gas policies that appear to be purely ones of restraint will be treated as silent or out of date and would be accorded little weight by the Secretary of State at appeal (even if such a policy was approved by an Inspector at Examination, which is unlikely).

Replaces

- CRMLP - Policy 48

Question 91

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM51 - Wind energy

DM 51

Wind energy

Proposals for wind energy will be supported where they meet the requirements of Local Plan policy ENV 7 and the following criteria:

- Proposals are for small-medium sized turbines (up to 50m high tower), located as single units or in small groups (less than 7 units). Proposals for large groups of turbines are unlikely to be acceptable anywhere in the borough due to the sensitivity of the landscape to this scale of development; and
- Where proposals involve larger turbines (over 50m high tower), either in single units or small groups of turbines, they should be located within an 'area of least constraint' (as defined within the Low Carbon and Renewable Energy Study); and
- The impacts on key landscape characteristics are considered to be acceptable. Proposals should have regard to the Landscape Sensitivity Study and should wherever possible be of a scale and type where landscape sensitivity has been identified as being low/moderate or moderate. Applications in areas which have been identified as being of high landscape sensitivity for the scale of development proposed will not be supported;
- In all cases, applications should be supported by a landscape appraisal or, in the case of development requiring Environmental Impact Assessment, a Landscape and Visual Impact Assessment, the scope of which should be agreed at the outset with the Council. Any cumulative impacts of renewable schemes should be carefully considered as part of this assessment.
- In order to minimise the impact on the landscape, proposals for wind turbines and associated development should have regard to the General Design Guidance Principles for Wind Energy set out in the Landscape Sensitivity Study.
- The local planning authority is satisfied that there would be no unacceptable impacts on aircraft safety.

In accordance with national planning policy guidance, proposals for wind turbines should be subject to pre-application public consultation and the impacts identified by local communities fully addressed as part of the application.

Proposals must have regard to any relevant policies in neighbourhood development plans which set out the community's views relating to wind development.

Details of arrangements for the construction, operation, decommissioning and restoration of the site should be provided as part of the application. In larger developments, arrangements should be made for working with local communities to address any concerns throughout the life of the development.

Explanation

10.294 Policy ENV 7 of the Local Plan (Part One) supports the provision of renewable energy proposals, subject to criteria. This policy adds further detail to this policy, particularly in relation to landscape impacts. Further detail relating to consideration of other impacts, such as biodiversity, noise, highways etc are covered by other policies in the plan.

10.295 The policy has regard to national planning policy which highlights the responsibility of communities to contribute towards the move to a low carbon future, and the need to have a positive strategy to promote energy from renewable and low carbon sources.

10.296 This policy has been informed by the Cheshire West and Chester Low Carbon and Renewable Energy Study (2012) and the Landscape Sensitivity Study (2016). The Low Carbon and Renewable Energy Study provided an assessment of the potential for renewable energy generation in the borough, identifying 'areas of least constraint' for large and medium scale wind development. These are areas which could be technically suitable for such wind development, taking into account wind speeds and the presence of constraints such as transport corridors, buildings, inland waters, airports and airfields and sites of historic interest and nature conservation. The Landscape Sensitivity Study was prepared alongside the borough Landscape Strategy, and provides an analysis of the potential impact of wind development on the landscape. The study identifies areas where the sensitivity of the landscape to wind development is likely to be greatest and areas where impacts may be more moderate. Together, these studies (and any updates to them) provide useful guidance for preparing and considering proposals for wind development, and should be read alongside this policy.

10.297 The Landscape Sensitivity Study concluded that, due to the scale and nature of the landscape in the area, any further proposals for large scale wind farms (over approximately 13 turbines) are unlikely to be acceptable anywhere in the borough. The greatest potential is likely to be for single or small groups of turbines that are small or small-medium (up to 50m) in height, located within a particular part of the borough rather than being scattered throughout the borough.

10.298 Proposals for small or medium turbines (up to approximately 50m in height) in single free standing units or small groups may be acceptable in areas where landscape sensitivity has been identified as being low-moderate or moderate (no areas of low sensitivity have been identified). However in all areas, there will be characteristics in the landscape which are sensitive to wind energy development and applicants should demonstrate how impacts, including cumulative impacts, would be minimised through siting, layout and design.

10.299 Detailed guidance for applicants on the location of wind energy can be found in the Landscape Sensitivity Study.

10.300 Wind turbines have the potential to create certain problems for aviation. In addition to their potential for presenting a physical obstacle to air navigation, wind turbines can affect signals radiated from and received by aeronautical systems. The rotating blades create electromagnetic disturbance, which can degrade the performance of these systems and cause incorrect information to be received. The amount of interference depends on the number of wind turbines, on a wind turbine's size, construction

materials and location and on the shape of its blades. The most significant impacts are likely to arise in connection with large turbines, but smaller installations can also have impacts and need to be assessed.

10.301 For the purposes of wind turbine development, the entire borough falls within a consultation area for civil aerodromes. Applicants are encouraged to initiate consultations with aerodrome operators prior to the submission of planning applications. Where consultations with the relevant operators identify the that there may be unacceptable impacts on aircraft safety then proposals will not be supported.

10.302 Proposals for wind turbines in the Green Belt will constitute inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

Alternative options

The alternative option is not to have a policy on wind energy and to rely on the provisions of Local Plan policy ENV 7 which is supportive of renewable energy development subject to criteria. However, this would not enable the particular recommendations of the Low Carbon Study and the Landscape Sensitivity Study to be incorporated into policy. Given the particular issues raised by wind energy development in terms of their landscape impact, a separate policy is considered to be useful.

Replaces

- VRLP - BE21

Question 92

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM52 - Solar energy

DM 52

Solar energy

Proposals for solar energy will be supported where they meet the requirements of Local Plan policy ENV 7 and the following additional criteria:

- Proposals for solar energy development should be sited on previously developed land wherever possible. Proposals for solar developments on existing industrial or derelict land which directly supply electricity users will be supported;
- Where it is clearly demonstrated that there are no suitable sites on previously developed land and development is proposed on agricultural land, the best and most versatile land should be avoided in favour of lesser quality land. Disturbance to agricultural land should be minimised, and proposals should demonstrate how the site can be reinstated to its previous use and condition once the operational lifespan of the development has been reached. Wherever possible, land around the structures should be continued to be used for livestock grazing or other agricultural use;
- Proposals should be of a scale and type where landscape sensitivity has been identified as being low/moderate or moderate; and the impacts on key landscape characteristics are considered to be acceptable, having regard to the Landscape Sensitivity Study.
- Applications should be supported by a landscape appraisal or, in the case of development requiring Environmental Impact Assessment, a Landscape and Visual Impact Assessment, the scope of which should be agreed at the outset with the Council. Any cumulative impacts of renewable schemes should be carefully considered as part of this assessment. Applicants should demonstrate how any adverse impacts on the landscape would be mitigated through layout, siting and design. Wherever possible, hedgerows, trees, field patterns and strong boundary features should be used to mitigate the visual impact of solar energy developments. Associated development such as access roads, security fencing, lighting and any buildings should be designed so as to minimise its visual impact.

Explanation

10.303 Policy ENV 7 of the Local Plan (Part One) supports the provision of renewable energy proposals, subject to criteria. This policy adds further detail to this policy, particularly in relation to landscape impacts. Further detail relating to consideration of other impacts, such as biodiversity, noise, highways etc are covered by other policies in the plan.

10.304 The policy has regard to national planning policy which highlights the responsibility of communities to contribute towards the move to a low carbon future, and the need to have a positive strategy to promote energy from renewable and low carbon sources.

10.305 This policy has been informed by the Cheshire West and Chester Landscape Sensitivity Study (2016) which has provided an assessment of the sensitivity of the borough's landscape to accommodate solar energy development. It has identified areas, based on Landscape Character Areas, which would be sensitive to this type of development to varying degrees. The study concludes that landscape character significantly limits the potential for medium or large sized solar farms (6ha-25ha and above) within the borough. The greatest potential in the borough is for very small or small solar farms (less than 6ha) located in areas of lesser landscape sensitivity (low/medium or medium sensitivity). To be supported, such proposals would need to be in scale with the landscape, in particular field patterns of hedgerows, trees and other human-scale landscape features.

10.306 Strong boundary features can also mitigate the visual impact of smaller solar arrays by helping to screen them. However, there is still the potential for even small scale solar farms to cause significant adverse effects to key landscape characteristics. Applicants will be expected to demonstrate how any such impacts will be reduced, avoided or mitigated. In order to minimise the impact of development on the landscape, proposals for solar energy should follow the general design principles for ground mounted solar PV development contained in the CWaC Sensitivity Study.

10.307 Proposals for solar farms in the Green Belt will constitute inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

Alternative options

The alternative option is not to have a policy on solar energy and to rely on the general support for renewable energy in Local Plan policy ENV 7. However this would not enable the particular issues raised by the Landscape Sensitivity Study to be incorporated into policy.

Replaces

- None

Question 93

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

Managing waste

DM53 - Requirements for proposals for development of waste management facilities

DM 53

Requirements for proposals for development of waste management facilities

Proposals for new waste management facilities and alterations or additions to existing facilities will be required to demonstrate how they meet the requirements set out in Local Plan (Part One) policy ENV 8 and the following principles:

- The locational criteria set out in the National Planning Policy for Waste (Appendix B) or any revisions to this document;
- The desirability of locating facilities on existing industrial or degraded areas, close to existing waste management facilities and with good access to the highway network;
- Minimising potential adverse impacts on human health and the ecology of the area;
- Proposed development should be located on areas of lower environmental quality wherever possible, avoiding high quality agricultural land and having regard to the need to protect soil quality;
- Proposals should avoid adverse impacts on hydro-geological, hydrological and soil permeability characteristics
- Wherever possible, schemes should make use of more sustainable modes of transport (in accordance with Local Plan policy STRAT 10), for the importation and exportation of material;
- Proposals for biomass plants and other facilities which produce heat only and combined heat and power should wherever possible be located close to existing or potential users of heat outputs. Where possible schemes should align with existing or potential district heating networks;
- Farm scale anaerobic digestion plants will be supported, particularly where they allow for sharing of facilities between linked farms and the energy provided is primarily used on the farm unit.

Proposals for waste management facilities should provide information on the type and source of the waste being managed, including the distance travelled. In assessing proposals for waste management facilities, the Council will have regard to the desirability of managing waste close to its source.

Proposals for waste management facilities will be required to set out arrangements for the management of the facility, including hours of operation. Measures for monitoring of the facility should be set out within the application.

Proposals for larger waste management schemes will be encouraged to make arrangements for regular site liaison committees involving members of the local community, which should operate throughout the development, operation and where applicable, decommissioning of the site.

Explanation

10.308 Policy ENV 8 of the Local Plan (Part One) provides for sufficient waste facilities to meet predicted waste requirements for the borough up to 2030.

10.309 Waste management facilities have the potential to impact on the setting, character and environment of the site and local area. They may also impact on the amenity and quality of life of local communities. Planning applications for new waste management facilities or alterations to existing facilities will therefore be required to identify potential short, medium and long term direct and indirect impacts on the site and surrounding area. Measures to mitigate and reduce those impacts should be identified as part of the application.

10.310 Clear and robust information should be provided as part of the application relating to the management and monitoring of the site, including in larger schemes, measures to work with local communities to address any concerns throughout the development and implementation of the scheme.

Alternative options

1. Not to have a separate policy on waste development and rely on other development management policies to address the impacts arising from this type of development. However although many of the impacts of waste development will be similar to other industrial development, it is important that development accords with the requirements of ENV 8 and that adequate information and arrangements are put in place to enable the full impacts of the proposal to be fully assessed. A separate policy is therefore felt to be justified.
2. Include a separate policy on biomass development. A separate policy on biomass could be included in the section of the plan on renewable energy, recognising that some of the inputs may come from new rather than waste materials. Criteria for biomass plants have been included in the policy on waste because the largest proportion of inputs to biomass plants tend to be waste materials, however this could be dealt with in a different way in the plan.

Replaces

- CWLP - Policy 12, Policy 33

Question 94

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM54 - Sites for replacement household waste recycling facilities

DM 54

Sites for replacement household waste recycling facilities

Land at Bumpers Lane, Chester is allocated for a replacement household waste recycling facility, as shown on the policies map.

Explanation

10.311 The potential need for replacement Household Waste Recycling Centres (HWRC) at Chester, Frodsham and Tattenhall is identified in the Local Plan (Part One) policy ENV8. Following a review of the Council's Household Waste Recycling Centre service contract in 2016, improvements to the service are being implemented. This includes investment into the development of a new facility at Chester, on land adjacent to the existing household waste recycling facility. This larger facility will provide increased capacity for materials and vehicles so that the facility can better serve its catchment area, with a new facility for small traders to dispose of their waste on the site of the existing HWRC.

10.312 The existing sites at Tattenhall and Frodsham are small and, whilst the current arrangements involve the facilities being retained, there is a longer term aspiration to replace them with more modern, larger facilities. The Council is currently exploring options for alternative sites for replacement facilities for the Tattenhall and Frodsham HWRC. The options being considered are existing employment sites in locations which would serve the existing catchment areas and which meet the locational criteria in the National Planning Policy for Waste. If appropriate alternative sites are identified they will be allocated in the publication version of the Local Plan (Part Two).

Alternative options

1. The search for replacement sites for HWRCs focuses on existing employment areas, which serve the existing catchments of Chester, Frodsham and the rural south area. In Chester, the Bumpers Lane employment area is an appropriate location for this use. The proposed site has an existing planning consent for a waste use and would enable a larger facility to be provided, overcoming some of the existing access issues. The site is owned by the Council, making its delivery more achievable. A planning application for this proposal is expected shortly. No reasonable alternatives have been identified for replacement HWRCs in Chester.
2. Alternative sites are currently being explored for Tattenhall and Frodsham HWRCs. If suitable alternative sites cannot be identified, then proposals will be assessed in light of policy DM 53.

Replaces

- None

Question 95

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

Question 96

Are there any suitable sites for new HWRCs (Household Waste Recycling Centres) in the Frodsham area and the rural area around Tattenhall?

Minerals supply and safeguarding

DM55 - Future sand and gravel working

DM 55

Future sand and gravel working

In line with Policy ENV 9 in the Local Plan (Part One), Cheshire West and Chester Council will maintain a minimum seven year landbank for aggregate land-won sand and gravel through the extraction of remaining permitted reserves at the following existing sites:

- Cheshire Sands, Oakmere (formerly Station Road, Delamere and Crown Farm quarries)
- Forest Hill, Sandiway
- Cobden Farm, Oakmere
- Town Farm, Kingsley

Planning permission will be granted to extend a site subject to the extension area only being worked following cessation of mineral working within the previously permitted areas unless it has been demonstrated that there are operational reasons why this is not practicable.

In addition to the sites listed above, any additional reserves required to maintain the landbank for sand and gravel will only be permitted from the preferred area for sand and gravel or area of search for sand and gravel identified on the policies map unless exceptional circumstances prevail.

The preferred area for sand and gravel would provide an extension to Forest Hill, Sandiway. It includes the area put forward and assessed through the Minerals Call for Sites and an additional extension put forward at the end of the Minerals Call for Sites consultation.

Proposals for new sites within the area of search will only be supported where it has been demonstrated that permitted reserves or allocated extensions to existing sites listed above cannot meet the required level of provision to maintain the landbank.

Explanation

10.313 The Local Plan (Part One) Policy ENV 9 Minerals supply and safeguarding states that Cheshire West and Chester will make provision for the adequate, steady and sustainable supply of sand and gravel. This will be achieved by maintaining a minimum seven year landbank for aggregate land-won sand and gravel, making provision for a steady and adequate supply over the Plan period in line with national policy and Local Aggregate Assessments. It also states that specific sites and preferred areas will be identified within the Local Plan (Part Two) for the future extraction of aggregate land-won sand and gravel as either extensions to existing sites or new sites.

10.314 Cheshire West and Chester is a key supplier of high quality sand and gravel to markets within and beyond the North West.

10.315 The National Planning Policy Framework (NPPF) requires all Mineral Planning Authorities to plan for and maintain a minimum seven year landbank for aggregate land-won sand and gravel. Sub-national guidelines, apportioned by the North West Aggregate Working Party require Cheshire West and Chester to contribute 0.8mt of aggregate land-won sand and gravel per annum to meet demand between 2005-2020. As set out in Policy ENV 9 'Minerals supply and safeguarding' of the Local Plan (Part One), this apportionment has been rolled forward to the end of the Plan period to calculate a minimum requirement of 16 million tonnes for the period 2010-2030. This requirement will be reviewed annually in light of the results of the Local Aggregate Assessment and any revised sub-national apportionment figures being established, having regard to the environmental acceptability of any changes.

10.316 The results of the annual aggregate monitoring and responses from operators within the borough indicate that there are sufficient reserves within existing sites with planning permission to provide at least a seven year landbank for aggregate land-won sand and gravel. This is the case based on the annual apportionment figure of 0.80 million tonnes and also based on ten year average sales. Unfortunately, due to the low number of operators of minerals sites in the area, there are confidentiality issues with releasing information about reserves and sales, so detailed figures cannot be provided.

10.317 Within the preferred area for sand and gravel planning permission would still be required for minerals extraction on this site. Due to the characteristics of the site and surroundings the proposal would need to prevent or provide sufficient mitigation measures to avoid any potential significant negative impacts, such as impacts on protected biodiversity sites and the historic environment.

10.318 The Recycled Aggregate Survey Outcomes Report (December 2012) involved a survey and sites visits of recycling sites within Cheshire West and Chester in order to establish levels of aggregate recycling. The results from the survey and site visits indicated that there is no evidence to substantiate the national assumption that the level of recycling is taking place in Cheshire West and Chester to the level required to meet the new targets. The majority of transfer stations are small in scale and operate as bulking stations and whilst some waste streams are segregated, they are not a ready source of recycled aggregates. Even when waste of a suitable composition is delivered to the transfer stations, it is unlikely to be of sufficient volumes to justify fixed plant to separate and screen into individual sizes. The material is more likely to be moved to another site outside of the Cheshire West and Chester area where economies of scale allow crushing and screening plant to be installed.

10.319 There is some evidence that where large demolition contracts are being undertaken then the waste is more likely to be crushed on site and either used on site or moved off site for further processing out of the Cheshire West and Chester area. As such, due to the current lack of evidence, we are unable to take account of a specific level of contribution of substitute or secondary and recycled materials and mineral waste would make to the supply of materials. However, support for the use of secondary and recycled mineral resources is set out in Policy ENV 9 of the Local Plan (Part One).

10.320 The new extension was identified through a process involving a call for sites and assessment of the submitted sites. The proposed site was identified as suitable and with no unacceptable impacts that cannot be mitigated. This site will be allocated for minerals uses, but a planning application will still be required and the proposal will need to be assessed against relevant planning policies.

10.321 Areas of search are areas where knowledge of mineral resources are less certain, within which planning permission may be granted, especially if there is a potential shortfall in supply.

10.322 There is no requirement for crushed rock provision within Cheshire West and Chester.

Alternative options

No reasonable alternatives have been identified as a minimum seven year landbank must be maintained, so it would not be possible to identify fewer sites as this would not meet the requirement. Apart from the proposed extension to Forest Hill described in the policy above, no additional sites were submitted as part of the Minerals Call for Sites that met the essential and exclusionary criteria and could be taken forward as allocations or preferred areas.

Replaces

- CRMLP - Policy 47

Question 97

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM56 - Mineral Safeguarding Areas - prior extraction of minerals

DM 56

Mineral Safeguarding Areas - prior extraction of minerals

Minerals Safeguarding Areas (MSA) were identified in the Local Plan (Part One) on the policies map. In line with Policy ENV 9 in the Local Plan (Part One), Minerals Safeguarding Areas will safeguard Cheshire West and Chester's extent of finite natural resources from incompatible development. Within a Mineral Safeguarding Area (MSA), as shown on the policies map, non-mineral development will only be permitted if:

1. the applicant can demonstrate that the due to the quantity or quality of the mineral it is no longer of any value or potential value; or
2. the mineral can be extracted satisfactorily prior to the incompatible development taking place; or
3. the incompatible development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed and does not permanently sterilise the mineral; or
4. there is an overriding need for the incompatible development and the material planning benefits of the non-mineral development would outweigh the material planning benefits of the underlying or adjacent material; or
5. the development comprises one of the exempt types of development listed in the explanation.

Explanation

10.323 The Local Plan (Part One) Policy ENV 9 states that the Council will safeguard the extent of finite natural resources by delineating Minerals Safeguarding areas for sand and gravel, salt and shallow coal, as shown on the policies map.

10.324 The main purpose of MSAs is to protect a mineral resource for the long term for future generations. A MSA is not a proposed area of extraction and does not mean that mineral extraction proposals will be permitted within the area.

10.325 There is normally no need to create mineral safeguarding areas specifically for the extraction of hydrocarbons given the depth of the resource, the ability to utilise directional drilling and the small surface area requirement of well pads.

10.326 Other development proposals in MSAs will not normally be permitted where they might constrain potential future use for these purposes. This is to ensure that known locations of specific mineral resources of local and national importance are not needlessly sterilised by non-mineral development.

10.327 The MSAs were set within the Local Plan (Part One), based on British Geological Survey information. They have been identified for sand and gravel, salt and shallow coal. They are identified on the policies map.

10.328 No MSAs are required in respect of:

- Hard rock – no hard rock resources within Cheshire West and Chester.
- Building stone – no MSA can currently be delineated, although the extent of the possible outcrop has been shown on the policies map.
- Silica sand – no deposits of silica sand within Cheshire West and Chester according to British Geological Society data. However, it should be noted that a site has been put forward for silica sand as part of the Minerals Call for Sites.
- Deep coal and coal bed methane – no MSA required but Petroleum Exploration Development Licences (PEDL) will be shown on the policies map.
- Brick clay – no MSA required.
- Peat – no MSA required as there are no current workings of peat in Cheshire West and Chester and national policy severely restricts any further working of peat, so additional safeguarding is not required.

10.329 An informal, targeted consultation on safeguarding of minerals and minerals infrastructure was undertaken in 2011 and the results of the consultation have informed the MSAs.

10.330 The boundaries of the MSAs are those indicated on the BGS Mineral Resource Maps, with no additional buffer zones. The consultation responses showed a mix of views on the need for additional buffer zones, but the majority who suggested they were necessary were doing so on grounds other than mineral safeguarding. Whilst it is accepted that some minerals due to their geological configuration (steeply dipping strata) need additional buffer zones beyond the outcrop, this situation does not present itself in Cheshire West and Chester and therefore no buffer zones are proposed.

10.331 Types of development exempt from safeguarding:

- applications for householder development;
- applications for alterations and extensions to existing buildings and for change of use of existing development, unless intensifying activity on site;
- applications that are in accordance with the development plan where the plan took account of the prevention of unnecessary mineral sterilisation and determined that prior extraction should not be considered when development applications came forward;
- applications for advertisement, listed building or conservation area consent;
- applications for reserved matters including subsequent applications after outline consent has been granted;
- prior notifications (telecoms, forestry, agriculture, demolition);
- Certificates of Lawfulness of Existing Use or Development (CLEUD) and Certificates of Lawfulness of Proposed Use or Development (CLOPUD);

- applications for works to trees; or
- development types already specified as exempt from the need for consideration on safeguarding grounds.

Alternative options

No alternative options have been identified as the Local Plan (Part One) identifies MSAs on the policies map and states that they will be safeguarded from incompatible development. Policy DM 56 explains how this will be done. Without this policy, insufficient detail would be provided on how to assess whether development within MSAs should be permitted.

Replaces

- None

Question 98

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM57 - Proposals for minerals working

DM 57

Proposals for minerals working

Proposals for minerals development will only be supported if:

- They are sensitively located within the landscape and do not have a significant long-term detrimental impact on the landscape. This should take account of the landscape character assessment and proposed restoration.
- The proposal is appropriately screened from public view and would not have an unacceptable impact on visual amenity.
- It can be ensured that any unavoidable dust and particle emissions are controlled, mitigated or removed at source and will not have a detrimental impact on residential amenity.
- It can be ensured that any unavoidable noise and vibration is controlled, mitigated or removed at source so that proposed noise and vibration levels are acceptable and will not have a significant detrimental impact on residential amenity or biodiversity. Appropriate noise limits should be established for extraction in proximity to noise sensitive properties.
- Illumination levels and siting and design of lighting are acceptable and do not cause a detrimental impact on residential amenity, wildlife or highway safety.
- Environmentally preferable alternatives to road travel are considered and used where possible to transport materials to and from the site.
- The proposal does not result in problems with tip- or quarry-slopes stability.
- The proposal will not result in damage or interruption to statutory utilities or pipelines.
- Any plant or buildings:
 - are designed and located within the site to minimise visual intrusion;
 - are adequately and harmoniously screened from sensitive locations;
 - are appropriately finished and coloured to assimilate into their surroundings;
 - will be removed from the site at the cessation of mineral extraction unless there are overriding advantages in retention in connection with a related extraction proposal and the primary use is directly associated with the mineral extraction at the site.

Developments must also meet all relevant criteria set out in Policy DM 1.

The formation and organisation of regular site liaison committees is required. Mineral operators should liaise with local communities when preparing new proposals and throughout the period of working and restoration of minerals sites.

Explanation

10.332 Policy SOC 5 of the Local Plan (Part One) states that development that gives rise to significant adverse impacts on health and quality of life, including residential amenity, will not be allowed. The criteria above provide additional details regarding the criteria that are relevant to proposals for minerals working.

10.333 It is recognised that mineral working and extraction are potentially destructive and have an impact on the land and surrounding areas. However to ensure that mineral operations are sympathetically worked and restored to the highest standard, it is important that the local authority's requirements and standards are clearly identified and accessible to interested parties.

10.334 Early identification of potential issues provides the opportunity to devise solutions which would otherwise become more costly or difficult to implement later.

10.335 All mineral workings create some visual impact and if not carefully designed can be intrusive. The degree of impact is dependent upon the size and nature of the operation, the nature of the local landscape and the location of the working within the landscape. The Council will encourage the use of the natural landform and natural landscape features to help screen developments as far as practical and will look to minimise the impact of mineral operations on the landscape and landscape features which are of value. Such features may include mature trees and hedgerows as well as ancient woodlands. However, it is considered that all trees and hedgerows play an important factor in the landscape of Cheshire. Where natural features are inadequate, additional landscape screening in the form of tree/hedgerow planting and/or screen mound formation should be utilised to ameliorate the visual impact.

Alternative options

No reasonable alternatives options have been identified. The option to rely on policy DM 1 only has been discounted as this would not provide specific criteria relating to proposals for minerals working and could result in new minerals developments causing negative impacts.

Replaces

- CRMLP - Policies 9, 15, 16, 17, 28, 43

Question 99

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM58 - Restoration of minerals sites

DM 58

Restoration of minerals sites

Local Plan policy ENV 9 requires all proposals for minerals development to include high quality restoration and aftercare proposals in keeping with surrounding land uses. In accordance with this, proposals for the working and restoration of minerals sites, including the review of restoration strategies / plans will only be supported where it has been demonstrated that high quality restoration and aftercare will be undertaken. Proposals for restoration and aftercare must be sufficiently comprehensive, detailed, practicable and achievable within the proposed timescales and where relevant:

1. the land affected at any one time would be minimised by including phased working and by restoration at the earliest possible opportunity;
2. the amount of imported backfill would be the minimum necessary to achieve the satisfactory restoration of the site;
3. the long term potential of best and most versatile agricultural land would be safeguarded and the soil resources and geodiversity would be conserved;
4. the flood risk would not be increased and opportunities to reduce flooding would be maximised;
5. net gains in biodiversity would be achieved;
6. proposals include planting of native woodland, where suitable;
7. the restoration is sympathetic to and informed by landscape character and the historic environment;
8. the aftercare provision would be sufficient to secure high quality and sustainable restoration of the site; and
9. opportunities to increase the provision of public access, public open space and recreational facilities would be maximised.

Developments must also meet all relevant criteria set out in Policy DM 1.

Explanation

10.336 Policy ENV 9 in the Local Plan (Part One) requires all proposals for minerals development to include high quality restoration and aftercare proposals in keeping with surrounding land uses. The policy above sets out more detailed requirements.

10.337 It is important that on completion the restoration of a site makes a positive contribution to the landscape and environment. Such contributions may result from the planting of trees, hedges or the continuation of an avenue of trees, the sculpturing of the land to complement surrounding landform or additional land for nature conservation or amenity uses.

10.338 Similarly, the restoration of a mineral site can offer opportunities to facilitate links in the local footpath network or add to and strengthen an adjacent woodland. Opportunities can also arise to allow the linking of a chain of separate habitats so that corridors or networks of habitats may be created.

Alternative options

No reasonable alternative options have been identified. The potential option of relying on policy DM 1 only has been discounted as this would not provide specific criteria relating to restoration of minerals sites and could result in negative impacts or prevent achievement of the potential level of benefit of restoration of minerals sites.

Replaces

- None

Question 100

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

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DM59 - Salt and brine working

DM 59

Salt and brine working

In line with Policy ENV 9, provision will be made for a steady and sustainable supply of salt and brine. To do this, salt will continue to be provided from:

- The existing operations at Winsford Rock Salt Mine – which currently has a mine capacity of around 2.25 million tonnes per year.
- Controlled brine pumping at the Holford Brinefields.

Any proven additional requirements for salt extraction during the plan period will, subject to planning permission, be met from within the preferred area for rock salt extraction at Winsford Rock Salt Mine, as shown on the policies map.

Any proven additional requirements for salt extraction in the form of brine, during the plan period will, subject to planning permission, be met from within the preferred areas for controlled brine extraction at Holford Brinefield A, B, C and D, as shown on the policies map.

Any proposals involving production or use of brine and salt must ensure sustainable use of this resource.

Explanation

10.339 Salt is a nationally significant resource which occurs in its solid form as rock salt or in solution form as brine, both are present in extensive areas underlying the borough.

10.340 Policy ENV 9 of Local Plan (Part One) identifies that Cheshire West and Chester will make provision for the adequate, steady and sustainable supply of salt and brine.

10.341 The preferred areas at Winsford Rock Salt Mine and Holford Brinefields were put forward and assessed through the Minerals Call for Sites. Within the preferred areas a planning application would still be required. Within the rock salt preferred area, the potential for impacts on Delamere sand aquifer and ground water and other nearby protected sties would need to be taken into account and avoided or mitigated sufficiently.

Alternative options

No reasonable alternative options have been identified as an adequate, steady and sustainable supply of salt and brine must be provided in accordance with policy ENV 9 of the Local Plan (Part One). Apart from the sites at Winsford Rock Salt Mine and Holford Brinefield A, B, C and D, no additional sites were submitted as part of the Minerals Call for Sites that met the essential and exclusionary criteria and could be taken forward as allocations or preferred areas.

Replaces

- CRMLP - Policy 51, Policy 52

Question 101

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM60 - Industrial sand proposals

DM 60

Industrial sand proposals

Proposals for silica sand extraction will be permitted provided that:

- There is a demonstrable need for silica sand of a specific quality and quantity that will be met by the proposal; and
- The proposal will contribute to maintaining a stock of permitted reserves of at least 10 years for individual sites and 15 years for site where significant new capital is required, to support the level of actual and proposed investment required for new or existing plant and equipment; and
- The proposal complies with policy DM 57 - Proposals for minerals working.

Explanation

10.342 The Framework identifies that silica sand is of local and national importance and is necessary to meet society's needs. It requires the provision of a steady and adequate supply of industrial minerals – for at least 10 years for individual silica sand sites and at least 15 years for silica sand sites where

significant new capital is required. The required stock of permitted reserves for each silica sand site should be based on the average of previous 10 years sales. The calculations should have regard to the quality of sand and the use to which the material is put.

10.343 The British Geological Society minerals data does not show any provision of industrial silica sand within Cheshire West and Chester, which is why the Local Plan (Part One) does not set out a requirement to allocate industrial silica sand sites. However, as part of the Minerals Call for Sites, a site at Newplatt, Rudheath Lodge, Knutsford Road, Cranage was put forward. This site is partly within Cheshire West and Chester and partly within Cheshire East. Any planning application received for this site would need to be considered in light of the policy on industrial sand proposals as set out above.

Alternative options

The alternative to the general policy set out in DM 60 would identify a safeguarded preferred area for silica sand. Only one site was put forward for silica sand through the Minerals Call for Sites, this is a site at Newplatt, Rudheath Lodge, Cranage. This site could potentially be identified as a preferred area for silica sand.

Replaces

- None

Question 102

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

DM61 - Minerals infrastructure

DM 61

Minerals infrastructure

Local Plan policy ENV 9 requires safeguarding of Cheshire West and Chester's extent of finite natural resources and associated infrastructure from incompatible development. In line with Policy ENV 9, significant infrastructure that supports the supply of minerals in Cheshire West and Chester will be safeguarded against development that would adversely affect operations at an existing mineral site and the use of associated mineral infrastructure by creating incompatible land uses nearby.

Mineral infrastructure safeguarded sites are identified in the table below:

Facility type	Site	Planning status	Operator
Rail sidings	Freight terminal Ellesmere Port	Operational	Quality Freight Ltd
	Resource Recovery Park Ince	Planned/ non-operational	
	Lostock works rail sidings	Non-operational former mineral sidings	
Wharves	Resource Recovery Park Ince	Planned/ non-operational	
	Manisty wharf (Port Bridgewater) Ellesmere Port	Operational	Quality Freight Ltd
Asphalt plant	Stanlow	Operational	Cemex
	Brook Lane Industrial Estate Middlewich	Operational	Tarmac
	Wincham Lane Northwich	Operational	Aggregate Industries
	Hobb Hill Malpas	Operational	Quarry Plant Surfacing
Concrete batching plant	Deakins Lane Winsford	Operational	Hanson

Facility type	Site	Planning status	Operator
	Sealand Trading Estate Chester	Operational	Hanson
	Bridges Road Ellesmere Port	Operational	Hanson
	Liverpool Road, Chester	Operational	Aggregate Industries
	Wharton Industrial Estate Winsford	Operational	Cemex
	Tattenhall Road Tattenhall	Operational	T G Group

Where there are mineral infrastructure sites used for mineral processing, handling, and transportation; non-mineral development should not be permitted unless it has been demonstrated that:

1. the non-mineral development would not unduly restrict the use of the mineral infrastructure site; or
2. the material planning benefits of the non-mineral development would outweigh the material planning benefits of the mineral infrastructure site; or,
3. the mineral infrastructure can be relocated; or
4. alternative capacity can be provided elsewhere.

Explanation

10.344 Policy ENV 9 in the Local Plan (Part One) states that existing and potential sites for minerals infrastructure will be safeguarded, but does not identify sites.

10.345 An informal, targeted consultation on safeguarding of minerals and minerals infrastructure was undertaken in 2011 and the results of the consultation have informed the identification of mineral infrastructure.

Alternative options

Identify potential future sites for minerals infrastructure - the results of the informal, targeted consultation undertaken in 2011 are included within the list. An additional study could be undertaken to identify additional existing and future sites to update the work completed in 2011. The additional sites identified could then be added to the list.

Replaces

- None

Question 103

Do you agree with this approach? If you do not agree please say why and explain what alternative approach should be followed.

11 Additional questions

Question 104

Do you have any other comments on the preferred approach or [policies map](#)?

Question 105

Do you have any other comments on the [supporting evidence base](#), including the [draft Sustainability Appraisal](#) and [draft Habitat Regulations Assessment](#)?

Accessing Cheshire West and Chester Council information and services

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Tel: 0300 123 8 123 **Textphone:** 18001 01606 867 670

email: equalities@cheshirewestandchester.gov.uk

web: www.cheshirewestandchester.gov.uk