

The Tarvin Village Settlement Boundary *(Report from Councillor Lush)*

1. Background

- 1.1 Currently no settlement boundary for Tarvin village exists. Since 2011 Tarvin Parish Council (PC) has wanted to have a settlement boundary defined for Tarvin village, because it wanted to ensure that the scope for any future housing development was clearly defined.
- 1.2 Looking at Tarvin village, the A54 and A51 were natural boundaries to the north, south and west. On the east side the boundary was formed by Church Street and Tarporley Road.
- 1.3 The PC's view was that this area was most sustainable for housing development at some future date, provided the infrastructure could support it.
- 1.4 By defining an eastern settlement boundary the PC also wished to safeguard the open countryside between Oscroft and Tarvin. This has always been a very important factor in the PC's thinking.

2. Current Situation

- 2.1 In the draft Local Plan (Part 2) published by Cheshire West and Chester Council (CWaC) in 2016, a Tarvin village settlement boundary was proposed (see Appendix 1). The boundary is drawn very tightly around the existing developed area of the village. The settlement gap between Oscroft and Tarvin is also identified as being important.
- 2.2 In responding to the draft Local Plan the PC reiterated its previous view that the eastern settlement boundary for Tarvin village should broadly follow the line of public footpath 18 from the back of Church Farm south to the white lane north of Brown Heath Farm, and then west to Tarporley Road (shown in red on Appendix 1).
- 2.3 The Neighbourhood Plan Steering Group (NPSG), working on behalf of the PC, has taken the view that in the plan period 2010 – 2030 the settlement boundary should be as proposed by CWaC in the draft Local Plan. This is because the NPSG has been advised by CWaC Planning that, if the settlement boundary were to be amended in line with the PC's view, the additional land would be assumed to be immediately available for development. Given that Tarvin has already met its minimum target for new housing for the period 2010 – 2030, that CWaC has not proposed any increase in that target, that the community has clearly stated its view that there should be no further significant housing development at this point in time, and that the community infrastructure (including road capacity, parking and health facilities) is not currently capable of meeting the impact of significant new housing, for all of these reasons the NPSG believes the eastern settlement boundary should follow the line of Church Street and Tarporley Road.
- 2.4 However, the NPSG, recognising that there is already pressure to build on this area now, believes that looking beyond 2030 the PC view on the settlement boundary is appropriate, although for there to be any development the infrastructure deficiencies would have had to be overcome.

3. Can the different views on the settlement boundary be reconciled?

- 3.1 Both parties agree that in the long term public footpath 18 should become the settlement boundary. The disagreement, if indeed there is one, is over the timing. The NPSG believes that when the Local Plan (Part 2) is adopted (presumably in late 2017 or early 2018) the boundary should follow the line of Church

Street and Tarporley Road. The PC has not specifically said when it believes its preferred boundary should be adopted but the implication in its response to the draft Local Plan (Part 2) is that this should happen now.

3.2 If the PC wished to change its mind, there will be a further 6-week consultation on the publication plan - probably in the second half of 2017 - prior to its submission to the Secretary of State.

4. Proposed gypsy and traveller site

4.1 In June 2016 White Young Green (WYG), consultants employed by CWaC, identified a potential gypsy and traveller site on land at Tarporley Road. The site which is owned by CWaC is precisely in the area the NPSG considers would be appropriate for future housing development beyond 2030 as well as more immediately for recreation provision. The NPSG has never consulted the public on the proposal but is aware of significant public reaction against it. No decision has been made and it is unlikely that any will be made before the end of 2017. The draft Neighbourhood Plan takes no view on the proposal, although it notes the clear public view. However, it notes that development proposals for gypsy and traveller sites will respect the policy and guidance contained in the NPPF (DCLG, March 2012), NPPG (DCLG, online), 'Planning Policy for Traveller Sites' (DCLG, August 2015), CWaC Local Plan (Part 1) Policy SOC4 (January 2015) and CWaC Local Plan (Part 2) Policy DM19 (Autumn 2016). In particular, proposals should not give rise to adverse effects on the local environment or population, including on amenity, noise, waste, landscape, visual amenity, heritage, biodiversity, traffic, flooding, drainage and local infrastructure and services.

4.2 In its response to the Local Plan (Part 2) the PC objected to the proposed gypsy and traveller site for a number of well-argued reasons. It also noted, in responding to the proposed settlement boundary, that adopting the PC view of the boundary would seem to rule out a gypsy and traveller site, because among the criteria used by the consultants to select sites was that no site would be recommended if it were within a settlement boundary.

4.3 The NPSG has noted that criteria can be changed. There is now a working group of CWaC members set up to revisit the whole issue.

4.4 The key question is whether a gypsy and traveller site would be more likely to become a reality if it were within or outside the settlement boundary

4.5 The NPSG took advice from CWaC Planning on this and the answer was as follows:

“Planning policy would presume against development outside of the settlement boundary other than for the uses allowed for in policy STRAT9 (which would not include a traveller site). So the simple answer would be that, if the settlement boundary was drawn tightly and excluded the suggested site, it would be less likely to be granted planning permission should an application come forward. On the other hand, if the settlement boundary was drawn as the PC suggested then any application for a traveller site (on the land suggested in the WYG Study) would fall within the village and development could be more likely to be acceptable (subject to other relevant policies and material planning considerations).

However, there are some other issues to think about:

Firstly, through the preparation of the Local Plan (Part Two), further investigation will be made into options for potential gypsy and traveller sites, including the site at Tarvin, in light of responses to consultation and other relevant information. This issue will be considered by the Local Plan Working Group, whose work will feed into the identification of specific sites in the ‘publication’ version of the local plan. If the publication plan were to propose allocating the site at Tarvin, then we would expect that the settlement boundary would be re-drawn to include that site. This would be subject to approval by CWaC and a six week consultation process, followed by a ‘submission plan’ to be submitted to the Secretary of State for

examination. There would not be certainty on any proposed allocation until the plan is adopted, but the weight given to policies in the plan in decision making would increase as plan preparation progresses.

This could result in a conflict between the emerging neighbourhood plan and local plan. If it were argued that the provision of a traveller site was required to meet a strategic policy requirement, then the neighbourhood plan would need to reflect that position (or at least not conflict with it) if it were to meet the 'basic conditions'."

4.6 In January 2017 the PC sought independent planning advice on this matter from Strutt Parker. The key paragraphs are in section 3 of the report.

4.7 It can be argued that where the boundary is or is not drawn does not alter the impact of a gypsy and traveller site. All the impacts of a site as they would affect local infrastructure, the amenity of nearby residents, demand for local services etc. would be the same irrespective of a line on a map.

4.8 It is also true that CWaC could over-ride whatever settlement boundary exists in order to deliver a strategic priority such as a gypsy and traveller site.

5. Conclusion

5.1 The NPSG and the PC need to come to an agreed view on the settlement boundary. The NPSG has established a clear position which it will not change. It believes the PC should adopt its view, based on

- a) the arguments the NPSG uses to justify its position (para 2.3)
- b) the advice from CWaC Planners (paras 2.3 & 4.5)
- c) the advice of Strutt Parker (para. 4.6 S and P document)
- d) the ongoing follow-up work by the CWaC working party on gypsy and traveller sites, which may result in a change of criteria for selecting sites
- e) the fact that the PC has never argued for immediate housing development on the land in question; indeed it has recently objected to a proposal by the developers Gladman for 65 houses on land east of Tarporley Road

5.2 The PC could change its view on the settlement boundary now, and formally notify CWaC when the Local Plan (Part 2) comes back for consultation later this year