

## Planning Policy

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Date: 18/03/2022

Mr A Mead  
C/o Intelligent Plans and  
Examinations Ltd  
3 Princess Street  
Bath  
BA1 1 HL

Dear Mr Mead,

## Cheshire West and Chester - Response to Examiner's Initial Questions Upton-by-Chester and District Neighbourhood Development Plan

Further to your letter dated 4 March 2022, please find below a response from the Council to your initial questions.

### Question 5 – I note that the date of the consultation of statutory consultees on the SEA Screening and HRA Screening was 30/9/20. Please could I be informed of the dates of the individual responses?

Consultation on the original SEA and HRA Screening Opinion was undertaken on 30/09/20 (Historic England, Natural England, Environment Agency, CADW and Natural Resources Wales). Natural Resources Wales were also consulted on 02/10/20 as the original email bounced back. Responses were received as follows:

Statutory consultee	Date of response	Response
Environment Agency	06/10/20	Note and acknowledge the Council's screening decision and have no further comments to make.
Natural England	21/10/20	Made general comments on neighbourhood planning and confirmed that there are unlikely to be significant environmental effects from the proposed plan. Agreed with the screening opinion's conclusions that the Upton Neighbourhood Plan

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		would not be likely to result in a significant effect on any European Site, either alone or in combination and therefore no further assessment work would be required.
Historic England	26/10/20	Identified the numbers of Listed Buildings, Scheduled Monuments and Conservation Areas within the Neighbourhood Plan area and gave advice on this. Confirmed that the draft plan appears to propose no site allocations or policies that would have significant environmental effects upon the historic environment. Historic England concur with the conclusion that it is unlikely that there will be any significant environmental effects arising from the Neighbourhood Plan. Agreed that the preparation of a Strategic Environmental Assessment is not required.
CADW	03/11/20	Confirmed that the Neighbourhood Plan will have no impact on any designated heritage assets in Wales and therefore they will not comment further on this matter.
Natural Resources Wales	03/11/20	Identified that the possible effects in relation to water quality associated with discharge of wastewater from new developments might require further consideration. Stated that other than that, as far as Natura 2000 sites in Wales are concerned, it is unlikely that there will be significant environmental effects from the proposed plan.

**Question 6 – It seems to me that within the area of the Plan, land is either inside the Chester settlement area or, if outside, it is in the Green Belt. Is that correct?**

Yes, that is correct. The land within the Neighbourhood Area is all either within the Chester settlement area or within the Green Belt.

**Question 7 – Proposed Local Green Space (LGS) 2 is within the Green Belt, but it is also within the area covered by Cheshire West and Chester Local Plan (Part Two) Policies GBC1 and GBC 1.B (Countess of Chester Health Park), which is a major developed site in the Green Belt. Is that correct?**

Yes, that is correct. LGS 2 in front of the 1829 Building at the Countess of Chester Health Park is within the Green Belt and is also covered by policies GBC1 and GBC1.B. As such, the wider GBC1.B site (including LGS 2) is identified as a commercial site in the Green Belt.

The explanatory text to policy STRAT 9 in the Local Plan (Part One) identified that the Countess of Chester Health Park is identified as a major developed site in the Green Belt.

**Question 8 – Policy DM19 of the Local Plan (Part Two) considers proposals for residential development. The policy contains three sub-headings: Identified Settlements; Countryside; Green Belt. Assuming the built-up area of the Plan is within the Chester settlement area, is Upton-by-Chester an Identified Settlement to which Policy DM19 would apply?**

The main built-up area of the Plan is within the Chester settlement area (excluding the Countess of Chester Health Park and Dale Barracks). Chester settlement area does form one of the identified settlements and as such, Policy DM19 would apply. Upton-by-Chester is not an identified settlement in its own right but does form part of the Chester settlement area. The glossary within the Local Plan (Part Two) states that identified settlements are “the named urban settlements, key service centres, and local service centres only, as set out in the Local Plan (Part One) policies STRAT 3 to STRAT 8 and Local Plan (Part Two) policy R 1 and their corresponding boundaries as identified on the policies map.”

**Question 9 – Policy H1 of the Plan states that “*small-scale housing development will be supported in principle, provided that it is environmentally sustainable*”. Should I assume that this element of Policy H1 is subject to Green Belt constraints as indicated in Local Plan (Part Two) Policy DM19?**

Any development within the Green Belt part of the Upton-by-Chester and District neighbourhood area would be subject to Green Belt constraints as indicated in Local Plan (Part Two) Policy DM 19. However, CWaC consider that the implications of Green Belt constraints are not completely clear in policy H1 as it is currently written. In our Reg 16 stage response, we suggested that several policies within the plan (including policy H1) could be interpreted that development would be supported in any part of the Upton neighbourhood area. We consider that it should be made clear within the neighbourhood plan that part of the neighbourhood area is covered by Green Belt and countryside and this is protected by policy STRAT 9 and national Green Belt policy. As such within the Green Belt part of the neighbourhood area, inappropriate development will not be approved except in very special circumstances. We suggested that this information could be added to section 5.2 Green Belt in the neighbourhood plan. Additional information relating to Green Belt restrictions could also be added into policy H1 if required.

**Question 10 – Should either Council choose, I would welcome any comments on the questions not directed to them in the first instance.**

We are aware of the Parish Council’s proposed response to questions 1-4 and we have no further comments in response to those questions.

Yours sincerely



Catherine Morgetroyd – Principal Planning Officer, Planning Policy