

**Local Plan (Part Two) Land Allocations and
Detailed Policies examination**

MATTER 2

The scale and distribution of development

August 2018



Cheshire West
and Chester

Matter 2: The scale and distribution of development

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Matter 2: The scale and distribution of development**1. Issue 1: Scale of development****Questions****Q1. What is the policy context provided by the Local Plan Part One in terms of the overall scale of development required?**

- 1.1 The Local Plan (Part One) sets out the spatial strategy and strategic planning policies for the borough to 2030. The Local Plan (Part One) was adopted in January 2015 having been found sound subject to main modifications at examination. As required by NPPF the Local Plan (Part One) demonstrated a clear understanding of housing needs and the need for land or floorspace for economic development. The Local Plan (Part Two) allocates sites to meet the development requirements set out in the Local Plan (Part One) as well as more detailed policies to guide and control development.

Q2. What are the specific requirements for housing, employment, minerals, waste and retail etc.?

- 1.2 The specific development requirements for the borough are set out in the Local Plan (Part One) as follows:
- 1.3 **Policy STRAT 2 Strategic Development** - over the period 2010 to 2030 the Plan will deliver at least 22,000 new dwellings and 365 hectares of land for employment development to meet a range of types and sizes of site. Housing requirements to meet the 22,000 dwellings are set out for Chester (STRAT 3), Ellesmere Port (STRAT 4) Northwich (STRAT 5), Winsford (STRAT 6) and as well as the ten rural key service centres (STRAT 8). Employment land requirements were not identified for each spatial area in Part One but through policies in Part One the aim is to ensure a balanced provision of sizes and types of employment borough wide. The evidence through Part One identified that in certain areas specific additional provision was required as follows – Northwich 30 hectares, Winsford 35 hectares and the rural area 10 hectares. These requirements are set out in the relevant strategic policies listed above and further detail is provided in the Council's response to Matter 5.
- 1.4 **Policy ECON 2 Town Centres** – the policy identifies the borough's retail hierarchy and the requirements for retail food and non-food floorspace for each town centre are set out in Table 6.1. ECON 2 identifies two major retail and leisure proposals in Chester and Northwich and a new food store in Winsford to meet identified need. The policy text (6.10) acknowledges it is very difficult to forecast retail requirements and that the figures in Table 6.1 do not take account of commitments and the retail study should be reviewed periodically. A new retail study was completed in 2016 (EB013) and taking account of forecast need, commitments and recently completed developments the study recommended no additional allocations to those identified in the Local Plan (Part One) were needed.
- 1.5 **Policy ENV 8 Managing Waste** – sets out the strategy for waste management in the borough, and seeks to ensure that there is sufficient land to meet waste requirements identified in the Waste Needs Assessment (WNA) 2012. ENV 8 sets

out in Table 8.2, capacity, consented capacity and any need for additional waste facilities. The only waste need identified was 'landfill – non-hazardous' post 2024. The situation regarding landfill is being kept under review at both a borough and regional level. As stated in para 8.78 of the explanatory text to ENV 8, less waste is now being landfilled. Gowry landfill site has been filling less quickly than anticipated, and has recently had an extension of time until 2022. There is also an extant planning permission for landfill with a capacity for 2.3m tonnes (following clay extraction) at Kinderton Lodge, which is not yet operational. It was not considered necessary to identify additional sites for landfill in the Local Plan (Part One) and that this situation is unchanged.

- 1.6 **Policy ENV 9 Minerals Supply and Safeguarding** – the policy text makes a clear commitment to maintaining an adequate landbank of sand and gravel reserves and that the Local Plan (Part Two) will identify specific sites and preferred areas. New allocations are required for aggregate sand and gravel to help to meet the total requirement of 21.6 million tonnes for the plan period (including provision of a seven year landbank at the end of the plan period). Policy ENV 9 identifies that the Borough will make provision for the adequate, steady and sustainable supply of salt and brine, but does not identify specific requirement figures, as this is not required by the Framework or guidance. As such, there are no specific requirements for allocations for salt or brine. During preparation of the Local Plan (Part One), silica sand was not included as it was not shown on British Geological Survey minerals data, as explained in paragraph 9.65 of the Local Plan (Part Two), as such the Local Plan (Part One) does not set out a requirement to allocate industrial silica sand sites.

Q3. Is the scale of development proposed in the Local Plan Part Two consistent with this?

- 1.7 The basis for allocations in the Local Plan (Part Two) is to ensure the strategic requirements set out in the Local Plan (Part One) are met and the Council believe the scale of development proposed in the submitted plan is consistent with this aim. The Council has only allocated sites where there is a need established through the strategic plan and taking account of Neighbourhood Plan allocations, completions and commitments. Further detail is provided in subsequent matters.

2. Issue 2: Spatial strategy

Questions

Q1. What is the overall spatial strategy for Cheshire West and Chester and the approach of the Local Plan Part One towards the distribution of development within Chester, Ellesmere Port, Northwich, Winsford and the rural area?

- 2.1 The overall spatial strategy for the borough is set out in the Local Plan (Part One). In particular policy STRAT 2 identifies the settlement hierarchy for the borough and seeks to locate the majority of new development in Chester, Ellesmere Port, Northwich and Winsford. These are the largest settlements in the borough and locating the majority of new development in these areas supports sustainable development. Development requirements for these areas are set out in policies STRAT 3 to 6 of Part One and summarised in Table 2.2 of the Land Allocations Background Paper 2017 (EB046).
- 2.2 Based on the evidence in the 2013 Retail Study Update, Local Plan (Part One) policy ECON 2 establishes the borough's town centre hierarchy. Two key service centres (Neston and Frodsham) are identified as town centres in the hierarchy although no specific retail need is identified. At the lowest end of the hierarchy are district and local centres that will include a range of small shops of a local nature serving a local catchment. In rural areas large villages may perform the role of a local centre¹. Local (retail) Centres have been identified through Local Plan (Part Two) policy DM 15, including key service centres. Local Plan (Part One) policy ECON 2 recognises that neighbourhood plans are well placed to highlight the roles of these centres and in meeting the day to day needs of the local community.
- 2.3 Beyond the four main urban areas the Local Plan (Part One) seeks to focus development in the rural area in the ten key service centres identified in Local Plan (Part One) policy STRAT 2. STRAT 8 sets out that the level of new development in key service centres is based on sustainability considerations, opportunities for further development and constraints, and recognises that the 10 ha of land for business and industrial development will enable expansion of existing employment sites or provision of new sites in the rural area.
- 2.4 STRAT 2 also identifies that an appropriate level of development can come forward in smaller rural settlements that have an adequate level of facilities and access to public transport. The policy states that these 'local service centres' will be identified in Part Two. Paragraph 5.67 of policy STRAT 8 recognises that LSCs could accommodate some small scale development but that no levels of development will be imposed. STRAT 8 reiterates this and that the local community is best placed to understand needs such as using Neighbourhood Plans or Community Right to Build Orders to meet a specific housing need. STRAT 9 in paragraph 5.73 sets out that beyond identified settlement boundaries for the four urban areas, key service centres and local service centres these areas will be classed as countryside and subject to the policy requirements of STRAT 9. Essentially STRAT 9 allows development in the countryside where it requires a countryside location.

¹ This is the definition in the 2013 Retail Study Update (Interim).

- 2.5 Although not a settlement in Cheshire West and Chester Local Plan (Part One) policy STRAT 7 states the Council will continue to work closely and effectively with Cheshire East to plan for sustainable development in and around the town of Middlewich. As set out in the Land Allocations Background Paper and the Duty to Co-operate Statement (SD8) the Council has engaged with Cheshire East and they have not requested any land be allocated in Cheshire West to meet requirements in Middlewich.
- Q2. What is the policy context provided for the distribution of development in the borough? Would the Local Plan Part Two accord with it?**
- 2.6 See response above in relation to the policy context. The Local Plan (Part Two) seeks to ensure the needs identified in the Local Plan (Part One) are met and therefore reflects the spatial strategy set out in Local Plan (Part One).

3. Issue 3: Site allocations

Questions

Q1. What is required in terms of new allocations for housing, employment, minerals and waste?

- 3.1 **Housing** – The total level of housing completions in the borough between 2010 and 2017 has exceeded the comparative requirement for this period by over 900 units, and the housing land monitor 2016-2017 (EB042) identifies a supply in excess of the total borough requirement. The Council were considerate of this position when preparing the Local Plan (Part Two), and the latest updates of the housing land monitor (CWC003), and the annual monitoring (CWC004) report confirm that completions continue to exceed requirement (please see table 6.1, HLM 2017-2018). In the first eight years of the Plan almost 50% of the requirement has been achieved through net completions (10,992 dwellings) and a further 10,306 units benefit from extant planning permission.
- 3.2 The level of housing anticipated to be delivered in the rural area outside of the key service centres will significantly exceed the housing requirement of 1,900 dwellings. The housing land monitor 2017-2018 (CWC003) recorded that 79% of this requirement has already been met, and the level of extant planning permissions could deliver in excess of 900 additional homes above the Local Plan (Part One) requirement. The Land Allocations Background Paper 2017 (EB046), which was prepared on the basis of the data in the housing land monitor 2016-2017 (EB042), sets out the approach to identifying site allocations. The methodology includes an analysis of completions, strategic site and neighbourhood plan allocations, and future developable commitments. Section 2 and Table 2.3 of EB046 explain the outstanding requirement for 242 dwellings in Northwich (see para 2.41, EB046) and 43 dwellings in Tattenhall (see paragraph 2.51, EB046). There is also a small residual requirement in Tarvin, and Cuddington and Sandiway, and the approach to meeting the requirement in these circumstances is set out in EB046. The Local Plan (Part Two) therefore proposes new housing allocations in Northwich and in Tattenhall to meet the identified residual requirements.
- 3.3 **Employment** – Table 2.8 in EB046 identifies that there is a residual requirement of 113 hectares of employment land, as at 1st April 2017, taking account of completions, commitments and Neighbourhood Plan allocations. The allocation of land takes account of specific requirements identified in the Local Plan (Part One) including a need for 30 hectares of land for employment land in Northwich, at least 35 hectares in Winsford and 10 hectares in the rural area. Further detail is provided in the response to all subsequent Matters dealing with the approach to employment allocations.
- 3.4 **Waste** - The Waste Needs Assessment 2012 demonstrated that there was sufficient capacity within existing and planned waste facilities to meet the predicted waste arisings for the three main waste streams (Local authority collected waste; commercial and industrial waste and construction, demolition and excavation waste. Subsequent updates of the Waste Needs Assessment (EB090), most recently the 2016 WNA, have re-confirmed this position. To ensure that sufficient capacity

remains in place during the plan period, policy ENV 8 safeguards sites with planning permission for waste development at Ince Park (Protos), Lostock Works and Kinderton Lodge, and other operational waste sites listed in the WNA, against loss to other uses. Whilst additional waste allocations are not required, Local Plan (Part One) policy ENV 8 recognises that proposals for sustainable waste management facilities may come forward over the plan period. Local Plan (Part Two) policy DM 54 Waste Management Facilities aims to guide proposals which meet the requirements of Local Plan (Part One) policy ENV 8 to the most appropriate locations and to ensure that their impacts are acceptable.

- 3.5 Local Plan (Part One) policy ENV 8 includes a specific requirement for replacement household waste recycling centres (HWRC) for Chester, Frodsham and Tattenhall, to be met through the Local Plan (Part Two). Chapter 3 of (EB046) sets out how this requirement has been addressed in relation to Frodsham and Tattenhall. A replacement HWRC has been developed in Chester and is now operational. See Matter 6 for further detail.
- 3.6 **Minerals** – Local Plan (Part Two) policy M 1 identifies that the requirement will be achieved through the continued provision of sand and gravel from the permitted reserves at four existing site; the allocation at Forest Hill; two Preferred Areas; and the identification of an Area of Search. The four existing sites are safeguarded against non-mineral development within policy M 1.
- 3.7 At April 2017, taking account of permitted reserves, the total remaining requirement was for 11.798 million tonnes of sand and gravel. There was a planning application at Cobden Farm involving around 25,000 tonnes of additional sand and gravel, but at that time a decision had not yet been made on the application.
- 3.8 The remaining requirement is partly met through the allocation and Preferred Areas and the explanation to policy M 1 identifies the approximate amount of sand that could be extracted, where known. The remaining requirement will be met from the Area of Search, which covers a large area between Delamere, Northwich and Winsford.
- 3.9 As explained in the response to matter 2, issue 1, question 2, there are no specific requirement figures for salt and brine. Local Plan (Part Two) policy M 6 identifies that salt and brine will continue to be provided from the existing operations at Winsford Rock Salt Mine and controlled brine pumping at the Holford Brinefields and that these sites will be safeguarded. Proven additional requirements will be met from the Preferred Areas.
- 3.10 The response to Matter 2 explains why the Local Plan (Part One) does not set out a requirement to allocate industrial sand sites. However, the allocation of a site at Rudheath Lodge will help to make provision for the adequate, steady and sustainable supply of sand as set out in Local Plan (Part One) policy ENV 9. There are no existing commitments within CWaC for industrial silica sand. However, there is a current planning application at Rudheath Lodge, which is partly within CWaC and partly within Cheshire East. Identical applications have been submitted to both Cheshire East Council and CWaC for their own determination of land within each respective authority's jurisdiction (application number 17/03104/MIN in Cheshire

West). The Cheshire West and Chester application has not yet been determined. The Cheshire East application has been considered by planning committee, but as a departure it may be called-in for determination by the Secretary of State. This may depend upon the decision made on the Cheshire West and Chester application.

Q2. How have existing commitments and other sources of development land been taken into account?

3.11 As set out in the Land Allocations Background Paper (EB046), when assessing the need to make allocations, existing planning commitments, strategic site allocations, key employment locations, regeneration sites, and neighbourhood plan allocations were taken into account. The latest monitoring exercise has updated the planning and development status of all relevant sites. Site forecasting data has been used to calculate a robust developable land supply which has then be used to inform the level of residual development requirement(s) and therefore the remaining land allocations required in each spatial area. The methodology for carrying out the annual housing land monitor, including the process of forecasting delivery, is set out in the Council's Housing Land Monitoring reports. The Council reviews employment land provision annually through the annual monitoring report.

3.12 The submitted plan has sought to avoid duplicating policies/allocations in made Neighbourhood Plans². These have been taken into account through site assessments in the HELAA and Land Allocations Paper. In Winsford, Neston and Kelsall Neighbourhood Plans allocations are made to meet the Local Plan (Part One) requirements for housing and/or employment and are identified within the overall land provision.

Q3. Is the approach towards site allocations consistent with the policy context provided by the Local Plan Part One

3.13 Yes for the reasons set out above.

² [PPG - Paragraph: 013 Reference ID: 12-013-2070728](#)

4. Issue 4: Local Service Centres (LSCs)

Questions

Q1. Is the approach towards the definition of settlement boundaries, of Key Service Centres (KSCs) and identification and definition of LSCs consistent with the policy context provided by the Local Plan Part One?

- 4.1 STRAT 9 of the Local Plan (Part One) establishes that settlement boundaries will be identified in the Part Two plan and that where there is a need to accommodate development on the edge of a settlement then the boundary will be drawn to reflect this³
- 4.2 **Key Service Centres** – The Inspector through the Local Plan (Part One) acknowledged in main modifications (introduction of para 5.69 in Part One) that in the rural area there is only a very limited amount of additional housing to be provided and little if any need for additional allocations. Therefore the Council has followed the approach to defining settlement boundaries as set out in Matter 7. The Council has become aware of drafting errors in relation to the settlement boundary at Malpas and further detail is provided in Matter 12.
- 4.3 **Local Service Centres** – STRAT 2 of the Local Plan was modified by the Inspector as it was deemed to be insufficiently clear with regard to the identification of LSCs. Wording was introduced to the policy to make it clear that LSCs will be identified in the Part Two plan and that these rural settlements should have ‘adequate services and facilities and access to public transport’. The Council prepared a Local Service Centre Methodology (EB060) to identify LSCs in line with the Local Plan (Part One). This paper outlines how accessibility to public transport has been taken into account and what services a settlement should have to be designated as a local service centre. As set out in Local Plan (Part One) there are no development requirements for LSCs, therefore it has not been necessary to allocate land and settlement boundaries have been drawn in line with the approach set out in paragraph 4.1 above. See also Matter 12 and Matter 7.

³ This text was inserted through a main modification.

5. Issue 5: Traveller and travelling show persons' accommodation

Questions

- Q1. Paragraph 7.26 of the Local Plan Part One indicates that sites to meet the needs of gypsy and traveller and travelling show persons' accommodation in accordance with policy SOC4 will be allocated in the Local Plan Part Two. The Council has advised that a transit site has already come forward outside the submitted plan and that work is progressing to identify additional sites in accordance with need, based on the Government's amended definition of 'Traveller'. To deal with any outstanding requirement, it intends to produce a Traveller Development Plan Document to allocate sites, in accordance with the Local Development Scheme. That document, although delayed, is progressing. In light of this is any alteration to the submitted plan required?**
- 5.1 The supporting text to Local Plan (Part One) policy SOC4 (paragraphs 7.25 and 7.26) references the Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) 2014. This GTAA was considered through the Part One examination and the Inspector considered this work provided a robust evidence base for future provision in the borough. The Council acknowledges that the intention was to plan to meet the need in the GTAA 2014 through the allocation of sites in Local Plan (Part Two).
- 5.2 The sub-regional Gypsy and Traveller partnership determined a new GTAA would be required to take account of a significant change to national policy⁴ and ensure consistency with national policy. This issue was addressed by the Council in response to the Inspector's initial question in relation to the Traveller DPD (ref CWC006). The GTAA finalised in 2018 will form a key part of the evidence base for the Traveller DPD although the Council expects the GTAA to be challenged through the examination process for the Traveller DPD. For clarity, in relation to the transit site, it should be noted that although the Council Cabinet has resolved to take forward a site in Ellesmere Port this will require planning permission to be granted. An application is expected to be submitted before the end of the year.
- 5.3 The Council's approved Local Development Scheme (KSD004) sets out the scope of the Traveller DPD and timetable for preparation. The Council does not consider any alteration to the submitted Part Two plan is required.

⁴ Planning Policy for Traveller Sites 2015