

Cheshire West & Chester Council

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Date: 16 July 2024

Dear Mr Mead,

Cheshire West and Chester - Response to Examiner's Initial Questions

Frodsham Neighbourhood Development Plan

Further to your letter dated 4 July 2024, please find below a response from the Council (CWaCC) to your initial questions which also includes responses to some of the questions directed to Frodsham Neighbourhood Plan Group (FTC).

1. Date of submission to CWaCC.

a. Question to FTC. Please could the date of the submission of the FNP to CWaCC be confirmed?

As confirmed by FTC in their response, the date of submission of the Frodsham Neighbourhood Plan and associated documents was 28th March 2024.

2. Habitats Regulations Assessment (2023)

a. Question to FTC. I refer to paragraphs 7.12, 8.4 and 8.5 of the Habitats Regulations Assessment and the comments by CWaCC in the Regulation 16 consultation response. Please explain how the changes recommended by the Appropriate Assessment have been incorporated into the FNP?

CWaCC acknowledge that the HRA (2023) (paragraph 7.12) stated that the Neighbourhood Plan should add a caveat to the housing allocations policy to state that residential development will only be supported if the developer commits to providing homeowner packs to new residents identifying the disturbance sensitivity of using the Mersey Estuary and Frodsham Marsh.



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The Environmental Report (Sept 2023) (paragraph 9.17) also acknowledges the identified recreational pressures on the Mersey Estuary and the potential adverse effects in terms of biodiversity. The Environmental Report does state however that policy EDVE2 acknowledges these issues and the policy states that development will need to demonstrate that environmental impacts have been addressed, and that no adverse effects upon the function or ecological value of Frodsham Marshes occurs.

CWaCC would suggest that the following bullet points of policy EDVE2 address the potential recreational pressures on the Mersey Estuary and seeks to mitigate them in line with the recommendations in the HRA:

- *Will not result in adverse impacts on the ecological value and function of Frodsham Marshes;*
- *Demonstrate that potential effects on biodiversity, noise and environmental impacts have been explored and avoidance and mitigation measures employed.*

It is also suggested that the specific caveat recommended in the HRA to provide homeowner packs to new residents identifying the disturbance sensitivity of using the Mersey Estuary and Frodsham Marsh is added under policy H1: Location of Housing Development to provide an additional mitigation measure. We agree with the following wording suggested by FTC in their response:

“In the interest of biodiversity and protection of the habitats on Frodsham Marshes, developers will be encouraged to provide a Homeowners Pack to include information about the sensitive environment on the Marshes and alternative areas of greenspace which can be used for recreation”.

3. Fig 3.2

- a. **Question to CWaCC. Does the Council consider that Fig 3.2 showing the identified sites for residential development is adequate for development management purposes, or is the Interactive Local Plan, which includes made neighbourhood plans, intended as the appropriate map base?**

As our Reg 16 comments set out, we consider that Fig 3.2 does not provide sufficient detail for development management purposes. Neighbourhood Plan allocations are not shown on the Council's interactive mapping, therefore we would agree with the Examiner's suggestion below to incorporate larger scale maps as insets within the Plan showing their exact delineation.

- b. **Question to FTC. Although the background papers reveal the identified sites for residential development in greater detail than on Fig 3.2, I consider that the Plan should incorporate larger scale maps, perhaps as Insets, showing their exact delineation. Does the Council have any comments?**

See CWaCC's response to question 3a above.

4. Housing Allocations

- a. **Question to FTC. The Plan states that the housing requirement for Frodsham under the adopted Local Plan (Part One) is for at least 250 dwellings to be delivered between 2010 and 2030. The Plan also states (page 14) that the CWaCC Monitoring Report 2021/2022 indicates 191 dwellings have been completed and a further 27 dwellings have extant planning permission. The resulting “shortfall” is 32 dwellings. Is this the current position?**

Please refer to the response made by FTC which sets out the current position in relation to the housing completions and planning commitments in Frodsham. The figures provided are from the latest published Annual Monitoring Report 2023 (which covers the period 1 April 2022 to 31 March 2023). The AMR can be viewed via the following link:

<https://consult.cheshirewestandchester.gov.uk/kse/folder/75217>

- b. **Question to FTC. In noting the Regulations 14 and 16 comments by CWaCC about the suggested housing densities in the Plan allocations, if the densities were to be reduced to those in the Housing and Economic Land Availability Assessment (25 – 30 dwellings per hectare), would the housing requirement of 250 dwellings still be met?**

Please see the response made by FTC to this question which sets out the position if the HELAA densities were to be applied.

- c. **Question to CWaCC. What evidence is there that a housing density of 50 – 75 units/ha for the 0.84ha site on land at Frodsham Health Centre (Site S/01) would be inappropriate?**

CWaCC's previous comments on the density of the Health Centre site (Site S/01) was in relation to the proposed density being inappropriate for a housing scheme on the site rather than the proposed flatted/apartment scheme. The policy text now makes it explicit that the scheme should be for flats/apartments in the submission version of the Plan (site S/01 Land at Frodsham Health Centre, Princeway Frodsham).

CWaCC would comment that a housing density of 50-75 units/ha is appropriate for a flatted/apartment scheme in this location subject to the design principles set out in this policy (Site S/01) and policy H2 of the Neighbourhood Plan (Housing Layout and Design).

In addition, the explanation to policy SOC3 of the Local Plan (Part One) (paragraph 7.23) acknowledges that *"neighbourhood planning can be an excellent tool for undertaking local need surveys and for determining the specific requirements and needs of a community, determining levels and types of need and demand, **and detailing specific design or density requirements for housing developments**"* (our emphasis).

5. Affordable Housing

- a. **Question to FTC. Has the Council any comments on the point raised by CWaCC about whether the Local Connection test should be for first occupation only?**

CWaCC's Housing Policy Officer has advised that the local connection test can be applied in perpetuity so long as a cascade approach is adopted. CWaCC is satisfied that policy H4 does apply the cascade approach in the last paragraph and the current wording in bullet point two of policy H4 to include 'in perpetuity' is appropriate.

6. Heritage Assets

- a. **Question to FTC and CWaCC. The second bullet point of Policy H6 considers both designated and non-designated heritage assets and, in seeking to preserve or enhance non-designated heritage assets, fails to take into account the balancing exercise advised in the National Planning Policy Framework, Paragraph 209. Therefore, in order to meet the Basic Conditions, I am considering recommending removing non-designated heritage assets from the second bullet point and**

introducing a further bullet point to consider non-designated heritage assets separately. Do the Councils have any comments?

CWaCC agree with the Examiner's suggestion that in order to meet the Basic Conditions, the policy should be amended to remove non-designated heritage assets from the second bullet point and introduce a further bullet point to consider non-designated heritage assets separately.

7. Local Green Space

- a. Question to FTC. I assume that Fig 5.2 is an error and that it should be corrected to Fig 5.1 (unless Fig 5.1 has been omitted from the Plan). If so, the remaining enumeration of the Figures in Section 5 would require correction.**

CWaCC consider that the figures in section 5 are set out as follows and that fig 5.2 is not included in error:

Fig 5.1 Local Green Spaces – table and matrix (page 37 and 38)

Fig 5.2 Local Green Space Locations Summary (page 43)

Fig 5.3 Local Green Space Locations North (page 44)

Fig 5.4 Local Green Space Locations South (page 47)

8. Policy GSRL4

- a. Question to CWaCC. On page 8 of the Regulation 16 comments from CWaCC, a suggestion is made about the removal or amendment of wording in Policy GSRL4. Please could this be clarified and a form of words suggested? I assume it is not a repeat of the point about Frodsham Marshes on page 7.**

CWaCC's comments on page 8 of the Regulation 16 comments were intended to be a repeat of the point about Frodsham Marshes on page 7 and a repeat of the comments and suggested amendments to policy EDVE2.

Either removing the words 'on the marshes' from GSRL4 or addition of the following wording is suggested (see suggested amendments/deletion in red below):

5.9 Policy GSRL4: Creating New Green / Open Spaces

Policy intention: To encourage developments that create or develop additional green community/recreational spaces.

Policy: In accordance with other relevant policies in the Neighbourhood Plan, development will be supported where they:

- Restore and renovate historic buildings for local business and community use
- Develop sustainable leisure facilities/activities along the water courses of the River Weaver, Weaver Navigation, Frodsham Quayside/River Side, ~~and the marshes;~~
- Will not result in adverse impacts on the ecological value and function of Frodsham Marshes.

Explanation of Policy & Community Views

More protection for Frodsham Marshes has resonated with residents for many years. It is already regarded as a significant and unique bird sanctuary with local groups recording species and habitats within this designated area, the Local Wildlife Site. The site attracts large numbers of NW based amateur birdwatchers and ornithological societies across the UK. Planning consent was given in October 2012 for the building of a Wind Farm on Frodsham Marshes. This consent was subject to conditions relating to a Habitat Creation and Management Plan (HCMP) which was only achieved by consistent pressure from the RSPB, and members of CAWOS (Cheshire and Wirral Ornithological Society). Re using empty properties e.g the Goods Shed, Brook House and redundant bank buildings was a key issue identified in feedback. Local opposition to demolition of the Goods Shed resulted in the demolition order being withdrawn in September 2019

It is suggested that these amendments will ensure the objectives of the supporting text to policy GSRL4 to protect the Frodsham Marshes are met. The amendments suggested would also ensure that policy GSRL4 is consistent with policy EDVE2 which states that tourism and visitor development will only be supported where they 'will not result in adverse impacts on the ecological value and function of Frodsham Marshes'.

9. Policy CA4

- a. **Question to FTC. Policy CA4 refers to a list of schemes in Section 6.8.1 which should be addressed through the Community Infrastructure Levy (CIL). The Regulation 16 comments by CWaCC state that the list does not have approval from a highways point of view and has not been checked for viability or deliverability. Therefore, without questioning the inclusion of the list in the Plan or any individual project, it seems to me that the policy should be qualified as being aspirational and subject to later scrutiny when the opportunity arises for the implementation of any specific scheme. Has the Town Council any comments?**

CWaCC would agree with the Examiner's suggestion to include the list of infrastructure schemes as aspirational and subject to later scrutiny.

Yours sincerely



Charlotte Aspinall – Senior Planning Officer (Planning Policy)