

By Email:
neighbourhoodplanning@cheshirewestandchester.gov.uk

Email: [REDACTED]
Twitter: @NHSPProperty
www.property.nhs.uk

Date: 23rd February 2021

Dear Sir/Madam,

Upton-by-Chester & District Neighbourhood Plan: Regulation 15 Submission consultation

Thank you for the opportunity to comment on the above document. The following comments are submitted by NHS Property Services (NHSPS).

Foreword

NHSPS manages, maintains and improves NHS properties and facilities, working in partnership with NHS organisations to create safe, efficient, sustainable and modern healthcare and working environments. NHSPS has a clear mandate to provide a quality service to its tenants and minimise the cost of the NHS estate to those organisations using it. Any savings made are passed back to the NHS.

Our Representation

As per our previous response on the Upton-by-Chester & District Neighbourhood Plan – Pre-submission Consultation (25/03/21) we will reiterate that the NHS requires flexibility in its estate. In particular, we reassert the need to prevent restrictive policies and designations that might hinder our ability promptly and efficiently respond to the needs of the population as they arise; and therefore, cannot support Policy PC3 of the Upton-by-Chester & District Neighbourhood Plan in this respect as it is not justified, consistent with national policy or positively prepared.

Policy PC3 (Landscape and Recreational Spaces) suggests the designation of the former cricket pitch at the frontage of the 1829 Building on the Countess of Chester Health Park (as shown on figure 8.4) as Local Green Space. The policy also states that ‘*Development of Local Green Space is not permitted except in very special circumstances. Any development that is considered an exception or very special circumstances should consider the potential for alternative sites to be used instead that are not identified as Local Green Spaces.*’

The National Planning Policy Framework (NPPF) 2021 - which is the preeminent national policy - provides the following paragraphs of particular weight regarding flexibility with making effective use of land in the plan making process and open space, which should be complied with:

Paragraph 101 - Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated and be capable of enduring beyond the end of the plan period.

Paragraph 122 - Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability.

Paragraph 123 - Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. Part b of this paragraph in the NPPF also refers to making more effective use of sites that provide community services such as schools and hospitals.

Paragraph 92(b) - Planning policies should ‘take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community’.

Paragraph 85 - The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Paragraph 142 - Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously developed and/or is well-served by public transport.

In addition to the aforementioned national policy, adopted Policies GBC1 and GBC1.B of the 2019 Cheshire West and Chester Local Plan Part Two: Strategic Policies confirms that development for medical and associated uses within the Countess of Chester Health Park (which includes the former cricket pitch at the frontage of the 1829 Building on the Countess of Chester Health Park site) will be supported. Moreover, Policy GBC1.B indicates that residential development directly related to uses on the health park could be acceptable stating that “*other forms of residential development may be supported where it can be demonstrated that the land is surplus to medical requirements, and the development would support operational improvements to the Health Park*”.

The wider Countess of Chester Hospital and Health Park site (which includes the former cricket grounds) is a heavily developed, self-contained institutional site and is agreed by the local authority to be previously developed land – indeed is allocated as a commercial site within the greenbelt and is in a sustainable location with direct access to local services immediately adjoining the existing built area of Bache. Additionally, the former cricket site has been periodically utilised for healthcare purposes due to its proximity to the Hospital, considering this Policy LC3 should adopt a more flexible approach to enable NHSPS to effectively utilise the site.

As drafted, it is felt that Policy LC3 does not provide an effective framework for the delivery of healthcare. Given that there have been no changes made to the submission version of the Neighbourhood Plan, we still believe that there has been no consideration of estate rationalisation programmes carried out by public service providers has been made.

In terms of the tests of soundness with regards to the proposed designation of NHSPS’ site as Local Green Space, Policy LC3 fails because:

- The necessity of strategic estates planning for public service providers, such as the NHS, has been properly taken into account when selecting the most appropriate strategy and, therefore, the plan is **not justified**.
- National policy requires that plans ensure the delivery of facilities and services for the community, as such, on the basis that the policy would limit the NHS’s ability to meet healthcare needs, the plan is **not consistent with national policy**.
- Given that the development and disposal of unneeded and unsuitable properties is a key component of the NHS’s, and therefore also the government’s, strategy for meeting ongoing healthcare requirements, the plan is **not positively prepared**.

The Neighbourhood Plan can be made sound through the exclusion of ‘the former cricket pitch at the frontage of the 1829 Building on the Countess of Chester Health Park’ as Local Green Space designation under Policy PC3.

In addition to which, we would suggest the following additional wording (in blue italics) be included in Policy PC3 to make the policy more robust:

“Development of Local Green Space is not permitted except in very special circumstances or *in the case of development proposals which arises from an NHS Service modernisation strategy following a wider public service estate rationalisation programme*.

Any development that is considered an exception or very special circumstances should consider the potential for alternative sites to be used instead that are not identified as Local Green Spaces, *unless able to demonstrate that the site is surplus to requirements.*"

These changes would directly address the soundness issues outline above; they would ensure that the NHS is able to effectively manage its estate, disposing of unneeded and unsuitable properties where necessary, to enable healthcare needs to be met.

We therefore urge that the suggested amendments to the Policy PC3 within the Upton-by-Chester & District Neighbourhood Plan are taken forward ahead the adoption of the Plan. It is imperative that planning policies are positively prepared, in recognition of their statutory duty to help finance improved healthcare services and facilities through effective estate management.

We would again also encourage the inclusion of the following wording, in blue italics below, in relation to Policy LSF2 (Change of use or redevelopment of facilities for community services)

'Upton-by-Chester District Parish Council will work with the Clinical Commissioning Group and NHS bodies to understand the relationship growth has with their services and what this means for preparing a development strategy.'

This would be in accordance with Paragraph 13 of the NPPF which states *'Neighbourhood Plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.'*

Summary

NHSPS endorse the continued support for wider public health outcomes, pertaining the aim to better integrate health and social care services including wider community health services and maximise positive contribution to health and wellbeing. We believe that net health gains should be a strategic target for the planning system, and therefore be considered as a requirement in all strategic plans.

An essential element of supporting the wider transformation of NHS services and the health estate is to ensure that NHS sites are not strategically constrained by restrictive local planning policies. NHSPS therefore, welcomes policies that are not unduly restrictive but instead allow flexibility within the NHS estate.

NHSPS thanks Upton-by-Chester District Parish Council for the opportunity to comment on the Neighbourhood Plan and hope our comments relating to amended Policy P3 in the context of healthcare requirements are considered constructive and helpful.

For the reasons identified above, we recommend that amendments to the Policy PC3 and Policy LSF2 are taken forward prior to the Neighbourhood Plan being adopted to ensure policies are not overly onerous and that NHSPS as part of the wider NHS body are able to retain the flexibility required to effectively manage our portfolio in line with any future demands.

With all this in mind, we look forward to reviewing future iterations of the plan and receiving confirmation that these representations have been received; and we would like to continue to engage with Upton-by-Chester District Parish Council in the future and look forward to hearing to engaging further with you to contribute towards the Neighbourhood Plan.

Yours sincerely

Ari Akinyemi
Town Planner – NHS Property Services Ltd