



Cheshire West and Chester Local Plan (Part Two) – Schedule of Main Modifications

Representations on behalf of the Eaton Estate

Consultee ID: 242290

1.0 Introduction

- 1.1 The Eaton Estate has sought to play an active and positive role towards the development of policies within the Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies ("Part Two Local Plan"), in order to seek the adoption of a planning policy regime that allows the Eaton Estate to continue to develop its communities and support the sustainable growth of Chester.
- 1.2 The Eaton Estate has responded in writing at every stage of consultation in connection with the Part Two Local Plan, and attended a number of Examination Hearing sessions, expressing support where justified and seeking positive policy amendments where necessary.
- 1.3 The following response to the proposed Main Modifications is consistent with the Eaton Estate's previous representations and, where further changes or clarifications are sought, this is done so in order to support sustainable and managed growth in the Borough.

2.0 Comments on Main Modifications

Reference MM1 – Policy CH 1 - Chester Settlement Area

- 2.1 The proposed modification to paragraph 2.8 of the supporting text to Policy CH 1 reflects the amendments sought by the Eaton Estate in previous representations (Matter 8 Hearing Statement), which highlighted that clarification was required within the Part Two Local Plan to clearly explain what is defined as "*the historic core of Chester*". The Eaton Estate therefore supports Main Modification MM1 in this respect.
- 2.2 Notwithstanding the above, the Eaton Estate objects to the failure of the proposed Main Modifications to address the lack of evidence to support the extent of strategic open space designated by Policy CH 1 at *B. The Dukes Drive woodland to the south of Chester*. The



Eaton Estate's Matter 8 Hearing Statement, and previous representations to the Publication Version of the Part Two Local Plan, clearly sets out why the extent of the proposed designation is not justified, and these matters were elaborated upon orally at the Hearing Session. The Eaton Estate maintains that Policy CH 1 is not sound on this basis and is unsatisfied by the Council's failure to either provide further robust evidence to justify the designation, or amend the extent of the designation accordingly.

Reference MM2 – Policy CH 2 – Chester regeneration areas

- 2.3 The Eaton Estate supports the proposed Main Modification to the wording of Policy CH 2 to confirm that the policy relates to the key regeneration areas in Chester, thereby avoiding repetition of other policies that will guide development in the City Centre.
- 2.4 The Eaton Estate remains frustrated by and objects to the failure of the Part Two Local Plan to propose a sufficient quantum of land release for employment development through Policy CH 3 *Employment Land Provision in Chester*. At the Examination (Matter 8), the Council failed to address concerns expressed by the Eaton Estate, and acknowledged by the Inspector, in relation to its reliance on vacant floorspace in the city. The Council could not point the Inspector to any assessment of the quality of that floor space and its ability to be of a satisfactory type and mix of floor space to meet the modern requirements and deliver economic growth. Furthermore, the Council's response to the effect that land in other settlements could be made available to meet additional employment land requirements is inconsistent with strategic growth policies for the Borough, STRAT 2 and STRAT 3 of the Part One Local Plan. The Eaton Estate maintains that the proposal by the Council to allocate only 7.8ha of new employment land to serve the city's economy is not adequately positive nor is it justified to reflect Chester's role as the principal settlement and key economic driver for the Borough (paragraph 2.2 Part Two Local Plan).

Reference MM26 – Policy R 1 – Rural Area

- 2.5 Main Modification MM26 seeks to address concerns raised by the Eaton Estate and other parties, as well as the Inspector, at the Examination in relation to the restrictive nature of Policy R 1 as drafted in the Submission version of the Part Two Local Plan. As drafted, the three qualifying criteria for permitting, in principle, housing development in Local Service Centres were not consistent with Policy STRAT 8 of the Part One Local Plan or the National



EATON ESTATE

Planning Policy Framework (NPPF). The proposal by the Council to remove the three very restrictive qualifying criteria in question is supported by the Eaton Estate.

- 2.6 Notwithstanding the support given to this Main Modification, there is some concern that by removing qualifying criteria completely from Policy R 1 leaves a lack of certainty as to what development *will* be acceptable in principle within Local Service Centres.
- 2.7 The Eaton Estate now interprets the policy position in relation to new housing development within Local Service Centres as permitting, in principle, housing development provided that it is appropriate in scale and design to conserve the settlement's character and setting, and reflects the availability of services, facilities and public transport. This reflects the wording of Policy STRAT 8 of the Part One Local Plan. Should the Council not intend Policy R 1 to be interpreted in this way, then a further Modification of the text may be necessary.

Other matters in relation to Policy R 1

Local Service Centre Selection Methodology

- 2.8 During the Examination, the Eaton Estate and a number of other parties, sought to raise with the Inspector a number of concerns over the methodology adopted and interpreted by the Council in selecting the Local Service Centres listed under Policy R 1. Unfortunately, this matter was overlooked at the Examination to the frustrations of those parties involved, who were seeking to assist the process in a positive manner by ensuring that the justification of Policy R 1 was sound. The Eaton Estate maintains that the Council has failed to adequately justify its selection of Local Service Centres and has misapplied its own methodology, as evidenced in the Eaton Estate's Hearing Statements and earlier representations. Particular concern relates to the lack of justification for the failure to designate Saighton and Churton as Local Service Centres, following the conclusions of the Council's 2015 Local Service Centre Background Paper to the effect that these settlements qualified for such designation. As things stand, therefore, the Eaton Estate maintains that Policy R 1 is unsound due to the failure of the Part Two Local Plan to adequately justify the selected Local Service Centres and failure to be consistent with the Part One Local Plan (STRAT 8) by not seeking to adequately meet the development needs of the Rural Area.



Local Service Centre Settlement Boundaries

2.9 During the Matter 12 Hearing Session the Eaton Estate highlighted its concerns over the Council's approach to the selection of settlement boundaries for the Local Service Centres; in particular for Aldford, Eccleston and Waverton, and the lack of any justification for the boundaries shown within the *Local Plan (Part Two) Land Allocations and Detailed Policies – Policies Map Changes* (document ref: SD2). This is due to the fact, as described to the Inspector at the Examination, that the chosen boundaries ignored a number of built-up areas of these villages, resulting in settlement boundaries that provided very little opportunities for the sustainable growth of these villages in order to meet their development needs throughout the Plan period. In response, the Inspector requested that the Council provided further justification for the chosen boundaries of certain settlements in follow-up to the Examination Hearing Sessions.

2.10 Alongside the Main Modifications consultation document, the Council has published a document entitled *Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies – Amendments to the 'Policies Map Changes'*. There is no reference on the Council's website as to whether interested parties can comment on the content of this document; however, on the basis that it has been published on the Council's Consultation Portal, this should be the case. The Policies Map Changes document states (second paragraph):

"The policies map is not defined in statute as a development plan document and so the Inspector does not have the power to recommend main modifications to it."

2.11 The Council has therefore rejected the Inspector's request for providing further justification for the chosen settlement boundaries on the basis that the Policies Map is not a development plan document that is being examined for soundness alongside the Part Two Local Plan. The Council did not put forward this position at the Examination and it is entirely contrary to the Plan led system.

2.12 The Eaton Estate is concerned by the implications of the Council's position on this matter. The consequence of this approach is that whilst the Inspector is examining the soundness of the Part Two Local Plan policies, she is not examining the soundness of where the Council chooses to apply those policies. The Council can not pick and choose at will where its Local



EATON ESTATE

Plan policies apply without the need to provide adequate justification through the examination process, where the justification for settlement or designation boundaries can be properly scrutinised.

- 2.13 The opinion of the Eaton Estate, therefore, is that the Council will be unable to give weight to the Policies Map in decision making because it has not been tested for soundness.
- 2.14 This is particularly the case where the Council has introduced entirely new designations to the Policies Map through the Part Two Local Plan, namely settlement boundaries for the Key and Local Service Centres in the former Chester Local Plan area.
- 2.15 The Eaton Estate requests that the Council and the Inspector give very serious and urgent consideration to this position and provide clarity to those involved in the Local Plan process, as to the current and future status of the Policies Map in decision making.