

INDEPENDENT EXAMINATION OF THE WILMSLOW NEIGHBOURHOOD PLAN

EXAMINER: Wendy Burden BA (Hons) DipTP MRTPI

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Cheshire East Council

Examination Ref: 02/WB/WNP

26 April 2019

Dear Mr Jackson, Mr Donohue and Mr Evans

WILMSLOW NEIGHBOURHOOD PLAN EXAMINATION

Further to my letter of the 15 April 2019, I have identified a number of matters on which clarification from the Qualifying Body (QB) and Cheshire East Council (CEC) would assist me in my examination of the Wilmslow Neighbourhood Plan (WNP). May I request the submission of responses to my questions below **within three weeks** of the date of this letter, although an earlier response would be most welcome.

- 1** In the submitted Basic Conditions Statement there appears to be some text missing from the second column in the table under 1a. Can that please be corrected by providing any missing text?
- 2** CEC has suggested, that the use of the term “strategic” in the WNP may cause confusion. To ensure that the distinction between the context for the Cheshire East Local Plan Strategy (CELPS) and that of the Neighbourhood Plan is clear, which of the labels suggested by CEC¹ would be preferred by the QB?
- 3** Policy SP1: Can CEC and the QB please consider and provide their views on the following:
 - Is Policy SP1 intended to apply to all new development?
 - In so far as the Policy would seek to require new development to exceed the national technical standards² for housing, can the QB provide evidence to demonstrate that there is a need for this level of construction or performance in Wilmslow, and that the impact of such requirements on viability have been assessed?
 - To what extent does Policy SP1 repeat the provisions of policies in the CELPS?
- 4** Policy SP2: Can CEC and the QB please consider and provide their views on the following:
 - To what extent does Policy SP2 repeat the provisions of policies in the CELPS?

¹ These are set out on page 67 of the summary of Regulation 16 Consultation Responses.

² See the Written Ministerial Statement to Parliament March 2015.

- Is there any reference in Government Policy or Guidance to “Green Biophilic Points”, and what justification is there for requiring measures which exceed those which may be necessary to mitigate a development?
- 5 For the QB: Paragraph 7.13 – is there an omission of “to” after “discharge”?
 - 6 Policy SP3: Can CEC and the QB please consider and provide their views on the following:
 - To what extent are the provisions sought in Policy SP3 already covered in national policy and in the policies of the CELPS?
 - 7 Policy NE1 and Proposals Map 3: In the CELPS, Policy PG3 identifies sites allocated for development and sites to be safeguarded for development which are located within the WNP area. Through the adoption of the CELPS these sites have been removed from the Green Belt. To what extent does the CEC and QB consider that:
 - The CELPS sites should be shown on Proposals Map 3 as part of the urban area with the Green Belt amended to accord with the CELPS.
 - It is appropriate for applications for the development of the CELPS sites to take into account the guidance for development which applies to the site where it lies within the area of the Wilmslow Landscape Character Assessment.
 - 8 Policy NE3 and Appendix 4: Does the QB intend that the routes for the Green Links required in Policy NE3 and identified in Appendix 4 should be indicative rather than prescriptive?
 - 9 Policy NE4: Can CEC and the QB please consider and provide their views as to whether the second paragraph of the policy accords with paragraph 56 of the National Planning Policy Framework (NPPF)?
 - 10 Policy NE5: Can CEC and the QB please consider and provide their views as to whether the third paragraph of the policy accords with national policy, which makes no requirement for development to demonstrate a net gain in biodiversity?
 - 11 Policy NE6: Can CEC and the QB please consider and provide their views as to whether the policy has due regard to national policy in particular NPPF paragraphs 53, 68, 118d, and 122-123.
 - 12 Policy TH1: Can the QB please consider and provide their views as to whether it would be appropriate to add to the list of bullet points: Lees Lane B5358?
 - 13 Policies TH2 and TH3: Can CEC and the QB please consider and provide their views as to whether the policies should make reference to the Historic Environment Record in order to meet the Basic Conditions test?
 - 14 Appendix 6: Can the QB please consider and provide their views on the comments set out in the 20 March 2019 submission by Historic England as to the accuracy of the list in the appendix.

- 15** Policy TH4: Can CEC and the QB please consider and provide their views as to whether the policy as worded is justified in accordance with paragraphs 126 and 127 of the NPPF?
- 16** Policy TA1: Can CEC and the QB please consider and provide their views as to whether the reference to the 6 Cs Design Guide is necessary in the policy, and whether this policy repeats the provisions set out in the CELPS? Can the QB please provide their views on the revision to the policy suggested by CEC in their March 2019 representations?
- 17** Policy TA2: Can CEC and the QB please consider and provide their views on the following:
- Do the provisions of this policy repeat those covered by policies in the CELPS including Policies CO1 and CO4?
 - If the policy is to be retained, would it be appropriate to include B5258 Lees Lane and Bedlells Lane/Hawthorn Street as areas of significant traffic flow and congestion?
- 18** Policy TA4: This policy refers to Policy H4 which I understand to have been deleted from the WNP as submitted. Can CEC and the QB please consider and provide their views as to
- Whether the sentence which makes reference to Policy H4 should be deleted?
 - Would the requirement in the second paragraph of the policy be in conflict with paragraph 56 of the NPPF?
- 19** Policy TA5: Can CEC and the QB please consider and provide their views as to whether the fourth bullet point of the policy is consistent with paragraph 56 of the NPPF?
- 20** Policy CR3, Proposals Map 1 and Appendix 9: Can the QB please add the following information to an amended Appendix 9 for each of the sites proposed to be Local Green Space (LGS):
- The current use of the site (eg playing fields, allotments, park).
 - Any existing designation (eg Green Belt, Conservation Area, Nature Reserve).
 - The area of the site in hectares.
 - Whether the landowner was informed prior to the proposed designation and whether any comment was received in response.
- In addition, is there a document which sets out in more detail how the judgement was made on each of the criteria identified in Appendix 9?
- (Please note that I may have further questions relating to the LGS once the additional information is provided)
- 21** Policy CR4: Can CEC and the QB please consider and provide their views as to whether the provisions set out in the third paragraph relating to playing fields, together with the 3 bullet points, are covered by CELPS Policy SC3 and NPPF paragraph 97?
- 22** Policy H1: Can CEC and the QB please consider and provide their views on the following:
- Are the first two paragraphs necessary since these matters are covered in national and local plan policy?

- With regard to paragraph 3 and the listed criteria, to what extent are these covered in CELPS Policy SE2 and the CEC Design Guide?
- 23** Policy H2: Can CEC and the QB please consider and provide their views on the following:
- To what extent are the criteria listed in the policy adequately covered in CELPS Policies SE1, SD2, and SE13?
 - Is the second paragraph of the policy adequately covered in CELPS Policy SE1?
 - Is there any national policy advice or locally based evidence to support the requirement in paragraph 3 for the subdivision of larger properties to retain their scale, mass and appearance?
- 24** Policy H3: Can CEC and the QB please consider and provide their views on the following:
- To what extent is the matter of housing mix as listed in the policy covered in the CELPS and in national policy?
 - Is it appropriate to rely on the latest Cheshire East Housing Need Audit, and is it clear where the document can be accessed?
 - Is it intended that all the housing types as listed should be included in a residential development or are they intended as examples of the types of property which could be included in a housing scheme?
 - Is it necessary to refer in the last two paragraphs to affordable housing when this is dealt with in CELPS Policy SC5?
- 25** Policy TC3: Can CEC and the QB please consider and provide their views on the following:
- To what extent would the types of development listed in the policy fall within the provisions for prior approval of the change of use from Use Class B1(a) to Use Class C3?
- 26** Policy TC4: Can the QB please consider and provide their views on the following:
- In the second paragraph of the policy, should the reference to non-retail uses be A2-A5?
- 27** Policy TC6: Can CEC and the QB please consider and provide their views on the following:
- Is the restriction on change of use of ground floor retail use to residential use too restrictive and contrary to paragraph 85a) and f) in the NPPF?
 - To what extent are the listed criteria in the policy covered by the policies of the CELPS?
- 28** Policy PR1: Can CEC and the QB please consider and provide their views as to whether the management of traffic speeds and the introduction of weight limitations as identified in the last paragraph of the policy are land use matters?
- 29** Key sites KS2 – 7: Can CEC and the QB please consider and provide their views on the following:
- To what extent is there a reasonable prospect that the identified sites will come forward for development in the period of the WNP?
 - Would the key sites proposals meet the Basic Conditions if there is no prospect of their delivery within the period of the WNP?

In the interests of transparency, may I request that you ensure a copy of this letter, and any responses to the questions which I have raised, are placed on the Town Council's and local authority's websites.

Thank you in advance for your assistance.

Your sincerely

Wendy Burden

Examiner