

Mr A Mead
C/o Intelligent Plans and
Examinations Ltd
3, Princes Street
Bath
BA1 1HL

our reference NP048

your ref:
01/AM/DHHNP

please ask for: Catherine Morgetroyd

Dear Mr Mead,

Cheshire West and Chester – Response to Examiner’s Initial Questions Dunham on the Hill and Hapsford Neighbourhood Plan Examination

Further to your letter dated 17 April 2025, please find below a response from the Council to your initial questions. Dunham on the Hill and Hapsford Parish Council have provided a separate response to your questions.

Please see below the CWaC response to the following questions:

1. The LGS are delineated on three Policy Inset maps at pages 28, 29 and 30 of the Plan. Are the maps sufficiently detailed for development management purposes?
2. Policy DHH 3 states that “Development proposals on land that lies within a 15-metre buffer of a designated Wildlife Corridor, as shown on Map 1, will be resisted”
c) It seems to me that the first clause of the policy, which is quoted above, does not have regard to national policy or guidance nor does it generally conform with any strategic policy in the Cheshire West and Chester Local Plan (Parts One and Two). Does the Council have any comments?
3. The Planning Practice Guidance (PPG) refers in the ‘Design: process and tools’ section to Design Codes being “adopted as a supplementary planning document or appended to a Neighbourhood Plan...” [Reference ID: 26-008-20191001]. In my opinion, it can’t be the case that a Design Code (a technical document) gains statutory development plan status in itself by virtue of being “appended” to a Neighbourhood Plan. Similarly, SPDs do not form part of the statutory development plan for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004.
Therefore, I would welcome comments from both Councils on my following suggested redrafts of (i) Policy DHH4 and (ii) the third paragraph of page 9 of the Design Appraisal and Code:



- (i) Policy DHH 4 “Development proposals should have regard to the Dunham and Hapsford Design Appraisal and Code, as appended, as a separate document, to the Neighbourhood Plan.”
 - (ii) The Dunham and Hapsford Design Appraisal and Code (page 9; paragraph 3) “The Design Code supplements proposed Policy DHH 4 of the Neighbourhood Plan and therefore will be a material consideration in decision making once the Plan is adopted (‘made’) by the local planning authority, Cheshire West and Chester Council. That Council will then determine planning applications for all types of development in accordance with this policy and other relevant policies in the Plan and at the county level unless material considerations indicate otherwise. In practice, this means that applicants should demonstrate their proposals have responded to the Appraisal and accord with the Code unless they can justify a sound reason why some other factor is more important.
4. Could the Council please provide the Regulation 15 submission date of the Plan?

The other questions are for Dunham on the Hill and Hapsford Parish Council only.

CWaC response:

1. The maps are sufficiently detailed for development management purposes, but there seems to be a problem with the resolution of the map on page 28 and it loses clarity when you zoom in and it is difficult to see the boundaries and wording of the key. The maps on pages 29 and 30 are fine and don’t have issues with resolution.
2. The first clause of the policy is more restrictive than the requirements set out in national policy and guidance. It is also more restrictive than policies ENV 4 (Local Plan Part One) and DM 44 (Local Plan Part Two). Employment allocation R 3.B ‘Land adjacent to Mere’s Edge, Helsby’ in the Local Plan (Part Two) appears to be within 15 metres of the Wildlife Corridor and if the first clause of the policy prevented employment development in this location it would not be in general conformity with the Local Plan. If the wording of the first clause was amended to refer to development proposals within the 15 metre buffer zone being permitted as long as they safeguard or enhance the Wildlife Corridor, this would be in general conformity with ENV 4 and DM 44 and would not prevent employment development on allocated site R 3.B.
3. i) In relation to the proposed re-wording of Policy DHH 4 to state “Development proposals should have regard to the Dunham and Hapsford Design Appraisal and Code, as appended, as a separate document, to the Neighbourhood Plan.” We believe that this would weaken the policy and could reduce the impact of the Design Appraisal and Code on the quality of development in the Dunham on the Hill and Hapsford area. We would suggest alternative wording such as “Development proposals will be supported provided they accord with the Dunham and Hapsford Design Appraisal and Code, where applicable. The Design Appraisal and Code is appended as a separate document to the Neighbourhood Plan”
- ii) Agree with the proposed text.

4. The final versions of the Regulation 15 stage Neighbourhood Plan and supporting documents were received by CWaC on 4 February 2025.

Yours sincerely



Catherine Morgetroyd

Principal Planning Officer (Planning Policy)