



Dunham on the Hill & Hapsford Parish Council

27th April 2025

Dear Mr Mead,

RE: Dunham Hill and Hapsford Neighbourhood Plan Examination – Response to Initial Questions

Further to your letter dated 17th April 2025, please find below a response to your initial questions from the Parish Council. CWaC Council have provided a separate response to your questions.

Questions asked:

1. Policy DHH1

Question to DHHPC. What is the justification for the designation of LGS 1 as Local Green Space (LGS)? How is the land demonstrably special to the local community? Can LGS 1 be seen from a public right of way? The LGS 1 comments section states that *“It is not an overly large tract of land that residents are keen to preserve and develop further into a space to create an area for tranquil recreation.”* The land is in private ownership. How will this aim be achieved?

2. Policy DHH 3

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.”*

- a. **Question to DHHPC.** What is the justification for this element of the policy which would presume against all forms of development within 15m of a designated Wildlife Corridor?
- b. **Question to DHHPC.** As currently drafted, the focus of the policy appears to be to protect a margin of 15 metres from a Wildlife Corridor and land adjoining it, together with land adjacent to an area of High Distinctiveness Habitat. There appears to be no protection offered by the policy to land within the two types of land themselves. Is that the intention?

3. Policy DHH 4

Question to DHHPC and CWaCC. 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."

The other questions were for CWaC to respond to.

DHH PC response:

1. LGS 1 can be seen by local residents from their gardens and by those visiting St Luke's Church. It's significance to local residents as a green space is that of a continuance as a tract of land that can be preserved to continue promoting the biodiversity of the area and the openness of the space in which it currently sits. The land also has acknowledged has being 'rich in wildlife'; is of historic interest (as part of the setting of the listed Church); and does already (and should in the future if made publicly accessible) offer tranquillity in the layout of its trees and hedges, per the other NPPF §107b tests. Through its designation as a green space, the intention is to make known, to any future developers of the land in which it sits, of the desire for residents for this area to continue as a green space and reduce the possibility of it being built on. It is therefore compatible with the provision made in Policy DHH7 encouraging the redevelopment of the wider

Wheatsheaf PH land parcel of which it forms part. The fact that the LGS and developable area are in the same ownership, and that there are sound planning reasons for requiring the LGS to remain outside the developable area, lead the Parish Council being confident that the policy will be achievable through the approval of a scheme in due course.

2. The statement is intended to protect the wildlife corridor whilst permitting development on the land between the corridors. This is to protect those areas identified by the Cheshire Wildlife Trust in their Protecting and Enhancing Dunham on the Hill and Hapsford's Natural Environment report. The Trust advised in its report that the principle of establishing buffer zones around these biodiversity assets is warranted and good practice and the Parish Council has no reason to disagree with that advice. If the wording was revised to refer to proposals being permitted within the 15-metre buffer provided they safeguard or enhance the wildlife corridor, this would demonstrate to developers the importance of the wildlife corridors whilst permitting some development on land between the corridors, and work within national and local policies and guidance.
3. The Parish Council has sought expert advice on this matter. It notes that PPG §26-008, and NPPF §134 to which that paragraph relates, make a distinction between design codes that form 'part of a plan' (§134) or 'are appended to a neighbourhood plan' (§26-008) on the one hand and codes that are adopted as supplementary planning guidance on the other. In being part of a plan, appended for pragmatism or otherwise, it must follow that the code provisions carry the weight of that plan as an integral part of the policy to which it relates, here DHH4. It accepts that Government should have updated the PPG to make such a clarification as it said it would do some time ago when made aware of this ambiguity on many occasions since 2019. With that in mind, with regard to the proposal in (i) to re-word 'must' to 'should', we feel this would weaken the importance and regard placed on the design code thereby impacting negatively on the quality of development within the parish. The design code was drafted to bring clarity for all concerned in recognising the building and environmental differences present in areas within the parish and to preserve the distinctive nature of each area when new development and/or re-development is proposed. We therefore disagree that the present wording has not had regard to national policy. For the same reason, we disagree that the present wording of §3 of the Design Code requires any modification per the proposal in (ii).

Yours sincerely,

A solid black rectangular box used to redact the signature of Claire Green.

Claire Green

Vice-chair of DH&H Parish Council

Neighbourhood Plan project lead