

INDEPENDENT EXAMINATION OF THE DUNHAM ON THE HILL AND HAPSFORD

NEIGHBOURHOOD DEVELOPMENT PLAN

EXAMINER: Andrew Mead BSc (Hons) MRTPI MIQ

Examination Ref: 01/AM/DHHNP

Claire Green
Vice-chair of Dunham on the Hill and Hapsford Parish Council
& Neighbourhood Plan Project Lead

Catherine Morgetroyd
Cheshire West and Chester Council

Via email

17 April 2025

Dear Ms Green and Ms Morgetroyd

Following the submission of the Dunham on the Hill and Hapsford Neighbourhood Development Plan (the Plan) for examination, I would like to clarify several initial procedural matters. I also have a number of questions for Dunham on the Hill and Hapsford Parish Council (DHHPC) and Cheshire West and Chester Council (CWaCC), to which I would like to receive a written response(s) by **Thursday 1 May 2025**, if possible.

1. Examination Documentation

I can confirm that I am satisfied that I have received the draft Plan and accompanying documentation, including the Basic Conditions Statement; the Consultation Statement; Strategic Environmental Assessment, Habitats Regulations Assessment and Marine Plan Screening Determination for Dunham on the Hill and Hapsford Neighbourhood Plan; and the Regulation 16 representations, to enable me to undertake the examination.

2. Site Visit

I will aim to carry out a site visit to the neighbourhood plan area during week commencing 14 April 2025. The site visit will assist in my assessment of the draft Plan, including the issues identified in the representations.

The visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process.

I may have some additional questions, following my site visit, which I will set out in writing should I require any further clarification.

3. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

4. Further Clarification

From my initial assessment of the Plan and supporting documents, I have identified a number of matters where I require some additional information from DHHPC and CWaCC.

I have four questions seeking further clarification, which I have set out in the Annex to this letter. I would be grateful if you can seek to provide a written response(s) by **Thursday 1 May 2025**.

5. Examination Timetable

As you will be aware, the intention is to examine the Plan (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within around 6 weeks of submission of the draft Plan. However, as I have raised a number of questions, I must provide you with sufficient opportunity to reply. Consequentially, and dependent on when you are in a position to respond, the examination timetable may be extended. Please be assured that I will aim to mitigate any delay, should it arise, as far as is practicable. The IPe office team will seek to keep you updated on the anticipated delivery date of the draft report.

If you have any process questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure that a copy of this letter is placed on the DHHPC and CWaCC websites.

Thank you in advance for your assistance.

Yours sincerely

Andy Mead

Examiner

ANNEX

From my initial reading of the Dunham on the Hill and Hapsford Neighbourhood Development Plan, the supporting evidence and the representations that have been made to the Plan, I have the following four questions for DHHPC and CWaCC. I have requested the submission of responses by **Thursday 1 May 2025**, although an earlier response would be much appreciated. All of the points set out below flow from the requirement to satisfy the Basic Conditions.

Specific questions of clarification to the Councils are listed below, but I am happy to receive comments from either Council on any of the questions which are not directed at them in the first instance.

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?

Question to CWaCC. 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

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?
- c. **Question to CWaCC.** 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. 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.”

4. Question to CWaCC.

Could the Council please provide the Regulation 15 submission date of the Plan?