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Jonathan Clarke

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Dear sir/madam

## **CW&C – FIRST STAGE CONSULTATION ON NEW LOCAL PLAN EVIDENCE BASE**

**CPRE (formerly the Campaign to Protect Rural England), Cheshire Branch**, is pleased to have this opportunity to participate in early engagement on the development of a new Local Plan for Cheshire West and Chester.

Our comments on the initial evidence base documents relating to: the Land Availability Assessment and Call for Sites, the Places Background Paper and the Employment Area Survey are offered below.

### **LAND AVAILABILITY ASSESSMENT AND CALL FOR SITES**

#### **Land Availability Assessment – Stage 1 draft**

The Stage 1 land availability assessment relies primarily on the call for sites. This is anything but a robust process. More emphasis needs to be placed on bringing forward sites from the brownfield register, encouraging owners of previously developed land to come forward, re-assessing already designated land – particularly employment sites, (see our comments under ‘Employment Areas Survey’) and developing master plans for town centres. Many peripheral failing retail areas have the potential to be converted to housing.

#### **Methodology & assumptions**

Cheshire West and Chester Council prides itself on its ‘Communities in Action’ work which is aimed at “empowering local people to come together to take responsibility for the things that affect their community” (<https://www.cheshirewestandchester.gov.uk/your-council/how-we-work/communities-in-action>). However, CPRE notes that the Council’s earliest direct engagement in this Local Plan process appears to have been exclusively with the Housing and Economic Partnership Group (HEPG).

HEPG does not currently include community organisations, nor representation from Civic Trusts, environmental or religious organisations, NGOs such as Age Concern or the NHS. The group membership appears to consist entirely of bodies with an interest in bringing forward land for development (para. 1.2 of ‘Context’, page 2). This being the case, it is unsurprising that this group is proposing that any new land use assessment should not exclude Green Belt (para. 1.2 under ‘Issues Raised’ on page 3). We also note a vague and sweeping reference in the same paragraph to “making adjoining sites available”, ie. to land in local authority ownership. This without any qualifying statement about impacts on the environment or communities or about mitigation.

It is to be earnestly hoped that this special pleading from a group which, patently, one way or another, would stand to gain from opening up more land for development is not given any weight. Land is a finite resource and decisions on how it should be allocated in the Local Plan should not be determined or swayed by such a special interest group, which has demonstrated from its early comments that it has no interest in protecting the countryside for its own sake, meeting carbon targets or taking climate change or communities into consideration.

We note that, in order to temper their approach and give the appearance of balance, the HEPG list references to the delivery of small dwellings and the importance of aligning town centre development with the needs of an ageing population (aims that CPRE can support). However, the group goes on to promote rural exception sites without making any counter balancing statement about environmental harm, sprawl, the climate emergency or air quality.

The last bullet in this section is something of a puzzle. It says “Consider including Cheshire Association of Local Councils as a consultee”. What does this mean? HEPG do not appear to be suggesting that ChALC becomes a member of their group. ChALC could, if it so desired, contribute to any open consultations just as any individual Town or Parish Councils can. This being the case, it is very unclear why ChALC have been picked out for a special mention here other than possibly wishing to give the impression that the group encompasses an inclusive agenda.

CPRE notes the ‘Responses to issues raised’ (by HEPG) on page 4 and the Council’s commitment to abide by the National Planning Policy Framework and the NPPG for land availability. However, there is no commitment mentioned here to abide by the new legislation requiring that plans for new housing, commercial and infrastructure developments be ‘nature positive’, ie. that they deliver 10% biodiversity net gain. CW&C need to publish their local nature recovery strategy to sit alongside the emerging Local Plan as required by the Environment Act 2021. In addition, CW&C needs to progress its Design Code – a feature which the government now expects all local authorities to adopt.

### **PLACES BACKGROUND PAPER 2023**

CPRE are pleased to note that the ‘places’ criteria being taken into consideration by Cheshire West and Chester Council includes agricultural land classifications. However, the criteria listed makes no specific reference to ancient woodland or ancient hedgerows – unless these are included in ‘green infrastructure’ – and it says nothing about air quality being a feature that is taken into consideration. It is also notable that there is no indication of how much Green Belt has been lost since the extant Local Plan was adopted.

### **EMPLOYMENT AREAS SURVEY**

CPRE commends Cheshire West and Chester for having carried out a survey of established employment areas in order to “inform future planning policies on employment land (for retention, refurbishment or release for alternative uses)” (para. 4.1, page 6).

With the recent significant growth in home working, it is apparent that there needs to be serious reassessment of the amount of employment space allocated in Local Plans in future. (This is recognised in para. 8.4). Many existing sites have the potential to be converted to different uses. It is good that CW&C recognises this fact. Re-allocating employment sites, or parts of employment sites, especially where they have the potential to become housing areas, will take the pressure off previously undeveloped land. Note the specific references to the National Planning Policy Framework (NPPF) and to the latest brownfield initiatives by the Department for Levelling Up, Housing & Communities (DLUC) on the next page of this submission.

## **THE NATIONAL PLANNING POLICY FRAMEWORK APPROACH TO GREEN BELT, BROWNFIELD LAND & HOUSING NUMBERS - AND DLUHC's LATEST INTERVENTION**

Local Plans that have not yet reached Regulation 19 stage or been submitted for examination will be tested henceforth against the new National Planning Policy Framework (NPPF). This state of affairs applies to Cheshire West and Chester which is at the very earliest stage of a Local Plan renewal process.

The revised NPPF, published in December 2023, was accompanied by a written ministerial statement which confirmed that the government's objective was: *"to make the best use of previously developed land and locate more homes in our larger towns and cities where development can help to reduce the need to travel and contribute to productivity, regeneration and levelling up"*. Paragraph 62 of the new NPPF now requires the 20 largest urban areas in England (none in Cheshire West and Chester or Cheshire East) to deliver a 35% 'uplift' on top of their objectively assessed needs (OAN).

Importantly, the new NPPF states: *"there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated"* (para.145). Speaking about the NPPF in December, Michael Gove, the Levelling Up Secretary, said: *"Local authorities have the comfort of knowing that they need not re-draw the Green Belt or sacrifice protected landscapes to meet housing numbers"*. Only *"where exceptional circumstances are fully evidenced and justified"* should Local Planning Authorities (LPAs) choose to review and alter Green Belt boundaries. Paragraph 146 says: *"Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development"*. In other words, LPAs at an early stage in plan preparation, are required to – in effect – conduct a cost and benefit analysis of exceptional circumstances.

Alongside this more robust approach to protecting Green Belt, the revised NPPF also now states clearly that the standard method for calculating housing need should be treated as *"an advisory starting point for establishing a housing requirement for the area"* and not a target. The accompanying ministerial statement clarifies this further. It says: *"the standard method for assessing Local Housing Need ensures that plan-making is informed by an unconstrained assessment of the number of homes needed"*. This means that the standard method is not set in stone and it opens the way for a more flexible interpretation of housing numbers to be tested through the examination process. Consequently, CPRE urges CW&C to evolve a new Local Plan which makes best use of previously developed land (including land currently designated for employment and retail use) and not to review its Green Belt boundaries.

CPRE would also point to the most recent government announcements and interventions on the subject of brownfield development – some just directed at the 20 largest cities and towns, which will be made to follow a 'brownfield presumption' – and some directed at all LPAs. On February 13<sup>th</sup> 2024, DLUHC opened a consultation on 'Strengthening planning policy for brownfield development'. The accompanying press release explained that legislation was laid in parliament that day that will extend permitted development rights so that commercial buildings (shops, offices and other buildings) of any size will have the freedom to be converted into new homes. In the release, Michael Gove says: *"Today marks another important step forward in our long term approach housing, taking a brownfield first approach to deliver thousands of new homes where people want to live and work without concreting over the countryside. Our new brownfield presumption will tackle under delivery in our key towns and cities – where new homes are most needed to support jobs and drive growth"*.

## LOCAL TRANSPORT FUND ALLOCATIONS

On February 26<sup>th</sup> this year the Department for Transport (DfT) announced a series of additional Local Transport Fund Allocations – to be awarded to named Local Transport Authorities for them to spend on transport interventions of their choosing (within imposed criteria) over a seven year period from 2025/6 to 2031/2. This being funding that has been re-allocated to the North and Midlands from the HS2 ‘pot’.

Cheshire West and Chester are to benefit by an additional £168.399m over that period (£24.07m p.a.) in addition to the £13.790m (£1.970m p.a.) they would have received under their current allocation. In other words, overlapping into the period of the next Local Plan (the previous one running until 2030), CW&C will have a total of £182.189m to disburse on transport-related projects. The criteria set by the DfT is that the funding must be used in line with the following three priorities:

- drive better connectivity within our towns, suburbs and cities
- drive better connectivity between our towns and cities
- improve everyday local journeys for people

Further guidance on the scope of the LTF money, which won't be awarded until next year, is promised. Whether or not the guidance specifically re-iterates the over-arching need for all Local Planning Authorities to meet the national climate change commitments remains to be seen, but the fact of the matter is that the UK government has signed up to them. And many Local Authorities, including CW&C, resolved to do even better. When CW&C declared a climate emergency in 2019 and produced a climate emergency response plan, it recognised the need to act in line with worldwide agreements on climate change, (reaching net zero by 2045), but set its own target to be carbon neutral by 2030. If CW&C is to meet this target, it is essential that it produces a Local Plan and a Local Transport Plan which both have climate change awareness at their heart. Sustainable transport policies are essential, focusing on integrating land use and transport planning – as required by the NPPF – in order to reduce the need to travel. Chapter 9 of the NPPF ('Promoting Sustainable Transport') opens with the following:

- “108. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:*
- a) the potential impacts of development on transport networks can be addressed;*
  - b) opportunities from existing or proposed transport infrastructure, and charging transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*
  - c) opportunities to promote walking, cycling and public transport use are identified and pursued;*
  - d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*
  - e) patterns of movement, street, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.*
- 109. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health”.*

Work on revising the Local Plan and the Local Transport Plan needs to be well co-ordinated. Both should be evolving the most environmentally friendly plans possible. Amongst other things, this means using the new transport funds for sustainable transport interventions such as carbon-free bus services and improving access to railway stations and walking and cycling facilities including safe routes to school.

Yours faithfully,

**Lillian Burns,**

Planning Volunteer on behalf of CPRE Cheshire Branch