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Re: Examination of the Moston Neighbourhood Development Plan

Dear Wendy,

Further to your letter of 8th October, please see overleaf the Council's response to your questions intended for the Local Planning Authority.

Our response will be published to our website and shared with the Qualifying Body.

Should you have any further queries or require further explanation on any issues contained in our response, please do contact us directly.



Tom Evans
Neighbourhood Planning Manager
Cheshire East Council

Examiners Questions and CEC Response

1. Can CEC clarify whether there is a typing error in the first paragraph to section 4 of the SEA Screening Report, where there appears to be a missing 'not' (given the conclusion to 4.0 says '*The assessment therefore concludes that the MNDP is unlikely to have a significant effect on the environment or on designated sites and therefore HRA and SEA are not required*') ?

CEC confirm there is a typing error. The word 'not' should be included in the second sentence of the first paragraph of section 4 to read:

*'It introduces criteria based policies (which are yet to be finalised) that address local issues but which do **not** alter the status of land to a degree which would have a significant effect on the environment.'*

2. In relation to LGG1:
 - Can CEC please provide a copy of the Cheshire East Neighbourhood Plan guidance on Local Green Gaps?

A copy of this guidance is appended to this correspondence

- Can CEC clarify whether their comment on LGG1 is confined to proposed Gap 1 or whether CEC considers that the entire policy is not justified? If the comment relates to the entire policy, can the reasons why Gap 2 and Gap 3 are not supported be provided?

The CEC commentary on LGG1 is confined to proposed Gap 1 only.

- With regard to the Middlewich Eastern Bypass, I note that it is within the Infrastructure Delivery Plan and underpinned by Local Plan policy, but can CEC further clarify the status of this project? For example, what date is commencement of the project to be expected, does it require the compulsory purchase of land and how is the project to be funded?

The scheme has recently been subject to a preferred option consultation during April 2018. Originally the anticipated schedule was to submit a planning application in the summer of 2018, begin construction two years later in summer 2020 and open the road in 2021. However the planning application is yet to be submitted and therefore the final route of the scheme is yet to be formally established. Acquisition by agreement will be pursued however it is understood that CPO may be necessary and this process is likely to be instigated in parallel alongside a series of land negotiations. The project is funded through DfT grant of £46.78m and local contributions of £11.7m.

- How much of Gap 1 would need to be safeguarded for the proposed route of the Middlewich Eastern Bypass? Could the area which needs to be safeguarded be shown on the MNP and dealt with through some wording in the MNP without the deletion of Gap 1?

Given the final route is yet to be formally agreed and therefore the extent of land required for construction is also not established, it is not possible with acceptable certainty to outline an area which should be safeguarded for development at this stage. To protect the delivery of this key infrastructure project the Council's position is that Gap 1 should be deleted from the neighbourhood plan and therefore any

conflicts with the aims of strategic policies in the Local Plan Strategy and Infrastructure Delivery Plan are avoided.

3. Can CEC confirm that the reference to HOU3 in their suggested amendments should be to HOU2?

Yes, the reference to HOU3 should be to HOU2.

Local Green Gaps – Draft Guidance

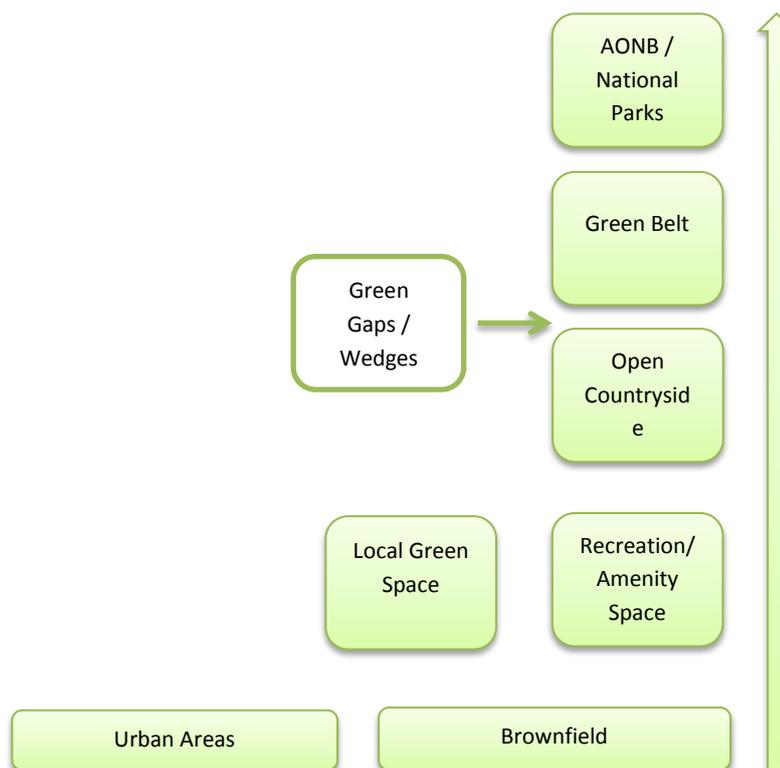
Policy Context

Planning policy is host to a suite of well understood restrictive policies which seek to control development in specific circumstances. Green Gaps sit within this hierarchy and are normally applied in locations where specific circumstances exist that justify the need for a policy more restrictive than general Open Countryside policies, but where the application of Green Belt is not in place or would not be appropriate in the longer term.

There are many variable terms for 'green gaps' – areas of separation, green wedges, strategic breaks, settlement gaps and they all amount to the same thing, a policy to maintain the openness of land.

Whilst the NPPF makes no direct reference to 'green gaps' its core principles do recognise the importance of the countryside, the natural environment and the character of different areas, all of which are supported by the application of some form of green gap policy, be it strategic or local.

Whilst not the subject of national citation, such policies are nevertheless commonly found in Local Plans throughout the country and are generally accepted as a tool to be applied in specific circumstances.



Local Policy Context

The Cheshire East Local Plan Strategy (CELPS) seeks to control development through a similar hierarchy as outlined above. A Settlement Hierarchy establishes the quantum of growth to be distributed at locations around the borough and policies are brought into effect which either identify acceptable locations for development through site allocations and settlement boundaries, or to varying degrees restrict development outside of these locations.

The key restrictive policies in the CELPS are:

- Green Belt (PG3);
- Open Countryside (PG6);
- Strategic Green Gaps (PG5)

Although generally restrictive, each policy sets out what is considered appropriate development in these locations and the exceptions where development may be allowed.

Strategic Green Gap

The Strategic Green Gap is layered over the Open Countryside (PG6) policy in specified locations around the south of Crewe, with a very distinct intent. This is a more restrictive policy than PG6 in terms of the type and scale of development it allows, and performs a very specific role to provide enduring and long term protection in response to significant development pressures arising at Crewe, and prevent coalescence and the loss of settlement identity.

The broad extent of the Green Gap at Crewe is established by the CELPS with the detailed boundaries under review as part two of the on-going work to prepare the Site Allocations and Development Policies Document (SADPD - part two of the Local Plan). As well as establishing the detailed boundaries of the Strategic Green Gap, this document will set out a framework which neighbourhood plans may use to establish Local Green Gaps in appropriate circumstances. It is envisaged that the implementation of any Local Green Gaps will align to the approach which underpins the Strategic Green Gap policy to:

- a) Provide long-term protection against coalescence;
- b) Protect the setting and separate identity of settlements; and
- c) Retain the existing settlement pattern by maintaining the openness of land.

What is a Green Gap?

The primary function of a 'green gap' is normally to prevent the coalescence of settlements and by doing so to protect the character of an area, and the identity of settlements in it (including their settlement form/pattern) by maintaining the general openness of land. The application of Green Gap policy may give rise to additional secondary benefits such as protection of locally distinct landscapes, retention of recreation assets, protection for biodiversity and green infrastructure assets, the preservation of heritage settings and the retention of a positive urban form. However it is important to recognise that such benefits are:

- a) secondary to the reasons that Green Gap policy should be applied; and
- b) should such secondary issues exist, other policy tools are available to provide specific protect for them

When should Green Gaps be applied?

By definition, a green gap is a space between two or more things and in the case of CELPS policy PG5 those things are settlements. In considering how Local Green Gaps could apply in a neighbourhood planning context this principle should be continued and a Local Green Gap should only apply to an open space between settlements.

It should also only be applied where local growth and development pressures are significant to the extent that Open Countryside policies are not reasonably considered to offer sufficient long-term protection to the character of an area and the harm likely to arise in the future to that character is through the coalescence of settlements. Green Gaps could be applied where:

- A significant degree of development pressure exists or can reasonably be expected to arise in the future
- Settlements are in relative proximity to one another
- The distance between settlements forms an important feature of their character, and the character of the wider area
- There is a risk of settlements coalescing
- Open Countryside policies or other planning policies do not provide sufficient protection for the specific circumstances of the local area and its special characteristics

When should Green Gaps not be applied?

The secondary benefits of Green Gaps policies are important however in and of themselves, are not usually sufficient to justify the application of a more restrictive policy than could be achieved using other mechanisms.

Therefore Green Gaps should not be applied in the absence of significant local growth and development or in locations where additional development is unlikely to give rise to coalescence which would harm the character of the area.

To ensure the policy is not undermined, its application should be used sparingly only in those circumstances which genuinely require more restriction than Open Countryside.

Determining whether a Local Green Gap is appropriate:

When assessing whether a Local Green Gap might be appropriate to apply, it is necessary to ask some questions of the local circumstances:

- Are there unusually high levels of local growth?
- Are unusual high levels of local growth likely in the future?
- How close are existing settlements to one another and is there a reasonable risk that they would merge?
- To what extent is the character of the area defined by its openness?
- To what extent is the character of the settlement defined by its openness?

Determining if a Local Green Gap would be appropriate is not an exact science and requires the exercise of planning judgement. It is therefore important to clearly and fully set out the local circumstances when assessing whether the policy should be applied.

If the area being considered should be left undeveloped for other reasons it will be important to understand what those reasons are and whether there is an alternative policy approach that might be more appropriate. For example if the area is a habitat for biodiversity then investigating the designation of a local wildlife site may be more appropriate. Some alternative options are set out over-leaf.

Other options: Green Wedges / Local Green Space

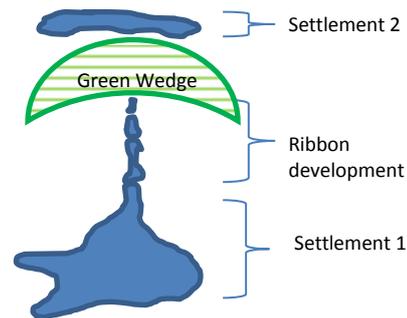
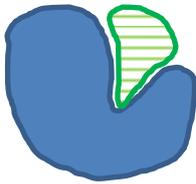
Where the circumstances to support a Local Green Gap are not present and a settlement has an urban form which is particularly beneficial, it is worth considering using other

mechanisms to preserve those features that contribute positively to sustainable development.

Green Wedges:

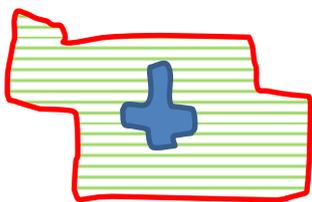
where a settlement is not subject to high levels of development pressure in the surrounding area there may still be elements of a settlement pattern that create gaps/wedges/ fingers of green in an otherwise urbanised environment. Preserving such an urban form may be positive in itself to provide easy access into the countryside or a recreation area, and therefore create a positive effect on health and well-being, the landscape and biodiversity.

Similarly there may be instances where the transition between the centre and periphery of a settlement gives rise to more dispersed buildings at the settlement edge. Over time this may have given rise to ribbon development extending along the transport network and narrowing the undeveloped gap between one settlement and another. If an open and undeveloped space between such settlements is found to be valuable in terms of the character of each, then it may be appropriate to consider additional restrictive policies beyond those in place.



Local Green Space:

Local Green Space is intended to be used for small areas of land that are special for an identified reason. This is a very restrictive policy and once designated as such, the land concerned should be treated like Green Belt. To be applied successfully Local Green Space



must satisfy three criteria to be:

- Reasonably close to the community
- Demonstrably special
- Not an extensive tract of land

This type of policy can be used to protect a wide range of facilities such as local amenity space, local wildlife sites or the setting of a heritage asset. As with Local Green Gap policies, Green Wedges and Local Green Space should be used sparingly and only applied where there is a clear and demonstrable need for them. Such policies may be most appropriately applied alongside the allocation of development sites where there is therefore a more pressing need to protect remaining open land which has a special significance. However such policies are applied it is essential to demonstrate why the particular circumstances are such that Open Countryside policy is not sufficient to offer the necessary protection from development and why the land concerned is especially valuable.

Establishing Boundaries:

Inevitably, Local Green Gaps have a spatial dimension to them i.e., lines need to be drawn on a map to set out exactly where the policy will apply. The boundaries to the policy should be drawn accurately, should be drawn to the nearest hard boundary on the ground (a road, rail line or river for example) and should only include land that is **necessary** to achieve the aims of the policy.

When drawing such boundaries more than one option will be available therefore it is important to set out why you have chosen your preferred approach and why other options were not appropriate. Don't forget – you are seeking to explain to an examiner why you have chosen this particular option so it's important that your boundaries are not drawn arbitrarily, that other options have been explored and that your final choice is fully justified and reasonable. To achieve this, and so that it's easy for the examiner and others to follow your thinking process, it's helpful to work to a methodology which is set out in your supporting analysis of the issues.

This section sets out a basic approach to understanding and categorising the type of boundaries that you may have to use in defining the extent of your local green gap policy and is rooted in the NPPF. It may help to underpin a methodology employed in developing your policy. The key paragraphs of the NPPF are:

NPPF, para 85:

84 When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development.

85 When defining boundaries, local planning authorities should:

- *ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;*
- *not include land which it is unnecessary to keep permanently open;*
- *where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;*
- *make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;*
- *satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and*
- ***define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.***

The NPPF suggests defining boundaries using physical features that are recognisable and permanent. Whilst this approach is related specifically to Green Belt, in the absence of any specific guidance on establishing boundaries for local green gaps, the same principles are suitable to apply here. The tables below identify three types of boundary and (strong, moderate and weak) and use a grading system from 1-5 to rank the effectiveness of each type of boundary within the category:

Boundary type	Boundary	Boundary grading	Reasons for grading
Strong Boundary	Motorway	1	Strong identifiable boundary with strong permanence
Strong Boundary	Main road (A roads, B roads and unclassified roads)	1	Strong identifiable boundary with strong permanence
Strong Boundary	Railway line (in use)	1	Strong identifiable boundary with strong permanence

Strong Boundary	Residential, employment or other development with strong established boundaries	2	Site specific however should provide strong identifiable boundary with strong permanence
Strong Boundary	Rivers, streams and canals	3	Site specific however should provide strong identifiable boundary and have a substantial degree of permanence
Strong Boundary	Protected woodland (TPO) and ancient woodland	3	Designations provide statutory protection and a substantial degree of permanence
Strong Boundary	Protected hedges	4	Designations provide statutory protection and a substantial degree of permanence; hedges have a less identifiable boundary than woodland
Strong Boundary	Prominent topography	5	Site specific however topography should have prominent physical features
Moderate Boundary	Minor road (e.g. single track or unmetalled road) or byway open to all traffic	6	Road should provide a moderate boundary with moderate degree of permanence.
Moderate Boundary	Residential, employment or other development with intermediate established boundaries	7	Intermediate built form comprises imprecise or softer boundaries which may not restricted growth within the Green Belt.
Moderate Boundary	Private Road (maintained)	8	Site specific however there may be a clearly defined boundary with a substantial degree of permanence if the road is maintained
Moderate Boundary	Field boundaries	8	Site specific however identifiable boundary with strong permanence if marked by physical feature such as fence, hedge, tree line or wall
Moderate Boundary	Prominent public footpath, public bridleway or restricted byway (i.e. clearly defined and accompanied by other physical features such as hedge, stone wall, watercourse, line of trees)	8	Site specific however there may be a clearly defined boundary with a substantial degree of permanence
Moderate Boundary	Disused railway lines (where in cutting or on raised embankment)	9	Physical feature would provide an identifiable boundary
Moderate Boundary	Line of protected trees (TPO)	9	Physical feature would provide an identifiable boundary and protection would provide a degree

			of permanence.
Moderate Boundary	Non protected woodlands	10	Tree line of mature trees would provide an identifiable boundary
Moderate Boundary	Brook (where wooded or with steep sides)	10	Physical feature would provide an identifiable boundary
Weak Boundary	Residential, employment or other development with weak or intermediate established boundaries	11	Irregular, inconsistent or intermediate built form comprises imprecise or softer boundaries which may not restricted growth within the Green Belt
Weak Boundary	Other public footpath, public bridleway or restricted byway that is not clearly defined as a physical feature or is unaccompanied by other physical features	12	Lack of physical features represents a weak boundary
Weak Boundary	Disused railway line (where level with surrounding area)	12	Lack of physical features to define the boundary would result in a weak boundary
Weak Boundary	Open space boundaries	13	Site specific however likely to have inconsistent boundary
Weak Boundary	Private road (unmaintained)	13	
Weak Boundary	Non-protected hedges	14	Non-protected hedgerows lack permanence in comparison to protected hedgerows; if hedge is intermittent or less mature this creates a weak boundary
Weak Boundary	Line of non-protected trees	14	Non-protected trees lack permanence in comparison to protected trees; if trees are intermittent or less mature this creates a weak boundary
Weak Boundary	Brooks (non-wooded and level with surroundings)	15	Weak boundary due to weak physical features
Weak Boundary	Culverted watercourses	15	Weak boundary due to weak physical features
Weak Boundary	Field boundaries	15	Site specific however if the field boundary is form a weak boundary if physical features are lacking
Weak Boundary	Power lines	15	Weak boundary

Using the guidance on what constitutes a strong to weak boundary above, the parcels of land you identify for consideration should be tested to understand whether the extent of their boundaries is appropriate for the purposes of a Green Gap policy.

It is important to note that there needs to be a degree of professional judgement applied when defining parcels. This is because where features occur together, they may constitute a stronger boundary than they would alone.

Therefore, whilst there may be no hard and fast right answer to the questions being asked of your choices, it is important to present a reasonable justification for such choices were made.

Examples from outside CE:

Adur:

Local Green Gaps between the settlements of Lancing/ Sompting–Worthing, and Lancing/Shoreham-by-Sea will be protected in order to retain the separate identities and character of these settlements. Within these areas any development permitted must be consistent with other policies of this plan, and must not (individually or cumulatively) lead to the coalescence of settlements³ .



Chesterfield:

Strategic Gaps and Green Wedges Strategic gaps give distinct identity to different areas, prevent neighbouring settlements from merging into one another, and maintain open space. Green Wedges provide access to the countryside from urban areas. The open character of Strategic Gaps will be protected from development between:

- Brimington and Tapton
- Ringwood and Hollingwood
- Lowgates / Netherthorpe and Woodthorpe / Mastin Moor
- Woodthorpe and Markham Vale
- Old Whittington and New Whittington
- Brimington North Green Wedges provide access to the countryside from urban areas.

Green Wedges will be protected from development at:

- Walton River Hipper Corridor
- Birdholme / Hasland River Rother Corridor
- Hasland and Spital
- Holme Hall and Newbold Green

The broad locations of Strategic Gaps and Green Wedges are identified on the Key Diagram and will be defined in detail in the Local Plan: Sites and Boundaries. The boundaries will be based on an assessment of the character of the proposed Green Wedge or Strategic Gap and its contribution to: the setting and identity of the borough and its urban areas; landscape character, habitat and biodiversity; access to countryside and recreation; the ability to connect areas of green infrastructure; and the impact that development would have on the function of the Green Wedge or Strategic Gap.

Should work on Regeneration Priority areas show the need, Strategic Gaps or Green Wedges will also be defined in the Local Plan: Sites and Boundaries

Chesterfield Borough - Core Strategy Key Diagram

