

Dear Ms Burden,

Thank you for the letter.

The answers to your questions have been agreed by the Qualifying Body and have been underlined. As requested in question 2 , a plan has been produced to identify the area to which the representation refers and is attached.

Yours Sincerely

Dave Nixon
Moston Parish Council
11th October 2018

INDEPENDENT EXAMINATION OF THE MOSTON NEIGHBOURHOOD PLAN
EXAMINER: Wendy Burden BA (Hons) DipTP MRTPI

Mr Dave Nixon
Moston Parish Council

Mr Tom Evans
Cheshire East Council

Examination Ref: 02/WB/MNP

8 October 2018

Dear Mr Nixon and Mr Evans

MOSTON NEIGHBOURHOOD PLAN EXAMINATION – EXAMINER’S QUESTIONS

Further to my letter of the 3 October 2018, I have identified the following matters on which clarification from the Qualifying Body (QB) and Cheshire East Council (CEC) would assist me in my examination of the Moston Neighbourhood Plan (MNP). May I request the submission of responses by 23 October 2018? An earlier response would, however, be most welcome.

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*’)?
2. In relation to LGG1:
 - Can CEC please provide a copy of the Cheshire East Neighbourhood Plan guidance on Local Green Gaps?
 - Can the QB confirm that the Regulation 16 comment NP-13 relates to the proposed GAP 1 and provide a plan which identifies the area to which the representation refers?

We can confirm Comment NP-13 relates to the proposed GAP1

The area of particular concern mentioned in the comment NP-13 is identified on the attached plan and runs North Westerly from Bradwall Road (The entrance to H.W.Martin) to Tetton Bridge Cottage on the North Side of Booth Lane as far as the Sandbach to Northwich Railway Line.

It is accepted by the Steering Group an error of wording occurred when writing the Policy for LGG1 The policy should have read

Figure F is land on the North Side of Booth Lane, Moston (A533) between Tetton Bridge Cottage/New Farm, Tetton Lane and the junction with Bradwall Road (Formerly the entrance to Air Products) It is the strip of land from Booth Lane back to the railway line but **excludes** land set aside for the preferred route of The Middlewich Eastern Bypass. It will prevent the coalescence of Moston and Middlewich and retain the open rural setting and separate identity of the parish. This strip of land was identified by Moston residents in Regulation 14 Consultation as land which should preserve its open countryside status and gives access to Moston Footpath 6 which leads to Bradwall Footpath 9.

- 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?
 - 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?
 - 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?
3. Can CEC confirm that the reference to HOU3 in their suggested amendments should be to HOU2?
4. In relation to LCD1, how would the QB secure the restoration of land with a temporary planning consent to its original use as in clause M?

There are 2 temporary planning consents in Moston both of which have conditions imposed by the Planning Inspectorate to restore the land to its original condition at the end of the period for which planning permission was granted for the use.

Land on the south side of Dragons Lane, Moston (now known as Meadowview Park)
Appeal Ref. APP/R0660/A/12/2187885. CEC Ref 12/0971C

Thimswarra Farm, Dragons Lane, Moston
Appeal Ref. APP/R0660/A/12/2173171. CEC Ref. 11/3548C

In this case, The use of land as a caravan site shall be discontinued and the relevant part of the land, other than the approved stable block, septic tank and hardstanding, restored to its former condition on or before the expiry of this permission.

In both cases further temporary permission has been granted by Cheshire East Southern Planning Committee until 13th February 2021 with the same conditions attached.

5. Planning Practice Guidance is clear that whilst Local Green Space (LGS) need not be in public ownership, the QB should contact land owners at an early stage about proposals to designate any part of their land as LGS. Can the QB provide a clear audit trail of attempts at identification and communication with the landowner of the proposed LGS at Oakwood Lane Corner?

Initially attempts to find the land owner were done verbally by speaking to residents who live close to the land and residents who have lived in Moston for a long period of time. There was a hedge around the land which was removed by the local council in the 70's to aid visibility around the corner. This gave rise by older residents the land may have been owned by Cheshire County Council. On 1st April 2009 Cheshire East Council was formed and became a unitary authority taking over land within its area which had previously been owned by Cheshire County Council. Checks done by Cheshire East Officers indicate the land is not under the ownership of the council. A number of land registry searches were carried but to no avail and included Moston House, Land adjoining Moston House Farm, Land Lying to the South East of Moston House Farm and Oakwood Farm.

In the interests of transparency, may I prevail upon you to ensure a copy of this letter, and any responses to the questions I have raised, are placed on the parish council and local authority's websites.

Thank you in advance for your assistance.

Your sincerely

Wendy Burden

Examiner