

Planning Policy

4, Civic Way
Ellesmere Port, CH65 0BE

Mr A Mead
C/o Intelligent Plans and
Examinations Ltd
3, Princes Street
Bath
BA1 1HL

Tel: 0300123 8 123

Our ref: NP 0059
Your ref: 01/AM/DNP

Please ask for: Charlotte Aspinall
Email:
charlotte.aspinall@cheshirewestandchester.gov.uk
Web: www.cheshirewestandchester.gov.uk

Date: 13 January 2021

Dear Mr Mead,

Cheshire West and Chester – Response to Examiner’s Initial Questions Darnhall Neighbourhood Plan Examination

Further to your letter dated 14th December 2020, please find below a response from the Council to your initial questions. Darnhall Parish Council will provide a response to their questions under a separate cover.

1. Policy CE1

- a) **CWaCC suggests the protection of ancient woodland is strengthened in the policy. Does CWaCC have any proposed additions to or rephrasing of the policy to achieve that aim?**

The Council would suggest the following form of wording to address the importance of protecting ancient woodland in the Neighbourhood Plan Area and to incorporate our previous suggested amendments at the Regulation 16 stage:

Policy CE1 – Biodiversity

Development will be supported where there is a net gain of biodiversity resources **and where it enhances the borough’s ecological network.**

The habitats and the wildlife corridor network shown at Figures B and C, **along with**



~~the ancient woodlands~~ and local wildlife sites shown at ~~Figures C~~ at Figure D, shall be protected from new development unless it can be demonstrated that the benefits of development clearly outweigh the impact it is assessed to have on the site and the wider network of sites. ***Ancient Woodlands are recognised for their irreplaceability and rarity. In line with policy ENV4 and DM 45 of the Local Plan, these habitats as shown at Figure E will be protected from loss or damage.***

New developments shall demonstrate a net gain in biodiversity using appropriate evaluation methods and avoidance/ mitigation strategies. Compensatory measures (for example biodiversity offsetting) will be required where a net loss of biodiversity is demonstrated.

- b) **The policy refers to Figures B and C in the Plan. CWaCC indicates that these plans have been superseded by the Ecological Network for Cheshire West and Chester (July 2016). The document is also referenced at paragraph 1.9 in the Local Plan (Part Two). Does the suggestion from CWaCC mean there should not be replacement maps in the DNP and to rely instead on the CWaCC Interactive Local Plan Map? Alternatively, are there replacement maps which may be used in the DNP and, if so, please could an internet link be provided to them?**

Relevant wildlife policies in the Neighbourhood Plan should refer to the CWAC ecological networks.

- Figure B - The terminology of habitat distinctiveness is not one usually used in policy/legislation, we would recommend using either ecological networks or reference to priority habitats to align with other Local Plan policies and the CWAC ecological network. As such we would suggest deletion of Figure B. A replacement map (Figure B) is provided below which shows Local Plan (Part Two) policy DM44 and the ecological network for the Neighbourhood Area.
- Figure C –aligns with the wildlife corridors in the CWAC eco-network as shown on the interactive map and suggested replacement map in Figure B above. This could remain within the NDP to show the network within the Neighbourhood Area, to show local detail and complement the Local Plan interactive map/DM 44. Suggest removing the word 'indicative' from the map title.
- Figure D – aligns with the LWS designations on the Local Plan mapping. As above, Figure D could remain within the NDP to show the sites within the Neighbourhood Area and to show local detail and complement the Local Plan interactive map.

An internet link to the local plan interactive map which shows Local Plan (Part Two) policy DM44 alongside other Local Plan policies (which shows the ecological network) could be included in para 13.18 alongside the Ecological Network evidence report as below:

http://consult.cheshirewestandchester.gov.uk/portal/cwc_ldf/cw_lp_part_two/sub/partt_wosub (document EB030).

<https://maps.cheshirewestandchester.gov.uk/cwac/localplan>

- c) **The same questions arise for the map at Appendix 3, which CWaCC suggests is now out of date being replaced by the Ecological Network referred to above. Is a replacement map proposed, or should the Interactive Local Plan Map be used?**

We have provided a replacement map of the ecological network for the Neighbourhood Plan Area (Figure B) which we suggest should replace Map 2 of Appendix 3. This replacement map shows the CWAC Ecological Network as covered by Local Plan (Part Two) policy DM 44 for the Neighbourhood Area. This is also shown on the CWAC Local Plan interactive map, alongside other local plan policies.

- d) **Are there similar issues with the maps at Figures D and E? Should they be replaced by a reference to the Ecological Network?**

Figure D as above - aligns with the LWS designations on the Local Plan mapping and therefore could remain within the NDP to show the sites within the Neighbourhood Area and to show local detail and complement the Local Plan interactive map.

Figure E – aligns with the Local Plan GIS mapping of the Ancient Woodlands, therefore this map can remain within the NDP to show the designations relevant to the Neighbourhood Plan Area.

2. Policy CE2

Should the reference to Figure C be replaced by a reference to the Ecological Network or an alternative map?

See comments above. Map C aligns with our ecological network Local Plan mapping and therefore can remain in the NDP.

4. Policy CE5

- a) **Question to CWaCC. CWaCC suggests that reference should be made to the Upper Weaver Valley Area of Special Landscape Value (ASCV) in Policy CE5. Additionally, reference is made to the Upper Weaver Valley as an ASCV in paragraph 13.15 of the DNP. However, Policy GBC5 of the Local Plan (Part Two) merely refers to the Weaver Valley in the ASCV list. Which is the correct description? If the Weaver Valley ASCV designation is included in Policy CE5, does CWaCC wish to suggest an appropriate addition to the policy? Is the Weaver Valley ASCV as shown on the map at Appendix 7?**

We can confirm that the correct name of the ASCV designation is 'Weaver Valley' as listed in policy GBC 2 (F) of the Local Plan (Part Two). The Weaver Valley ASCV is correctly shown at Appendix 7 of the DNP.

We would suggest the following wording to incorporate reference to this ASCV within policy CE5:

"In particular, the visual prominence of the Sandstone Ridge looking west, Jodrell Bank and the Derbyshire Hills looking east **and the special landscape character and scenic value of the Weaver Valley Area of Special County Value (ASCV)** should be protected. Other notable vistas include the tree lined avenue of Hall Lane and views from the Darnhall Plain towards the prominence of St John the Evangelist's Church at Over. New development should seek to maintain or reinforce these views.

8. Policy RS13

Question to CWaCC. Please could the difference be explained between a "carriage footway" and a "PROW footpath" referred to by CWaCC (The Council's PROW Asset Management Officer)?

A carriageway footway is the equivalent of a pavement, a footway which runs alongside the vehicular highway. In practical terms the highway authority would deliver a footway and have future responsibility for maintenance.

A public right of way can be a footpath or a bridleway (which would permit horse riders and cyclists as well as pedestrians) and can be created within a field margin or crossing a field, and is not tied to a carriageway other than a PROW would need to be connected at the terminal points, with a highway of some sort.

The creation by agreement of a footpath is in the gift of the parish council as well as the highway authority. Creation of a public footpath would require an agreement or order, and the maintenance and repair would not necessarily be the highway authority.

Sometimes where there is no width available within the carriageway/highway a public footpath can provide an alternative route.

Yours sincerely



Charlotte Aspinall - Senior Planning Officer

Replacement Figure B – Eco-network (DM 44) within Darnhall Neighbourhood Area

