

# Council

## Supplementary Agenda Reports

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**Date:** Tuesday, 9th December, 2008

**Time:** 2.00 pm

**Venue:** The Assembly Room - Town Hall, Macclesfield SK10 1DX

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

**10. Local Development Scheme** (Pages 1 - 92)

To agree the submission of the amended Draft Local Development Scheme to the Secretary of State for Communities and Local Government.

**17. Licensing Committee Structures, Membership and Delegations** (Pages 93 - 102)

To seek approval for the formation of a Licensing Committee of Cheshire East Council, both as a shadow committee prior to 1 April 2009 and as a fully operational Committee thereafter.

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## CHESHIRE EAST COUNCIL

**COUNCIL**

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**Date of meeting:** 9 December 2008  
**Report of:** Chris McCarthy Interim Strategic Director Places  
**Title:** Cheshire East Local Development Scheme

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**1.0 Purpose of Report**

- 1.1 The purpose of this report is to reconsider the Draft Local Development Scheme for Cheshire East.

**2.0 Decision Required**

- 2.1 To agree the submission of the amended Draft Local Development Scheme to the Secretary of State for Communities and Local Government.

**3.0 Financial Implications for Transition Costs**

- 3.1 None.

**4.0 Financial Implications 2009/10 and beyond**

- 4.1 The costs of the Local Development Scheme will be in staff time. The implementation of the programme will require substantial staff and budgetary resources.

**5.0 Legal Implications**

- 5.1 The preparation of a Local Development Scheme and certain Local Development Framework documents is a statutory requirement set out in the 2004 Planning and Compulsory Purchase Act. The Transitional Regulations require Cheshire East to submit a Local Development Scheme to the Secretary of State for Communities and Local Government before end of December 2008.

**6.0 Risk Assessment**

- 6.1 The Draft Local Development Scheme contains a full Risk Assessment. Final approval of the Scheme rests with the Secretary of State.

## **7.0 Background and Options**

- 7.1 Local Development Schemes are a feature of the reformed local planning system introduced by the Planning and Compulsory Purchase Act (2004). The introduction of the Local Development Scheme was a direct response by Government to ensure that Local Development Frameworks are better managed, with local development documents being prepared and reviewed more quickly than development plans under the old system.
- 7.2 The Local Development Scheme is a public statement of the local planning authority's programme for the production of local development documents. For local authorities, the Local Development Scheme serves as a programme management tool, encouraging the successful and timely delivery of a number of inter-related projects (local development documents). The Local Development Scheme is essentially a three year project plan, with the timetable of milestones used to manage resources, drive progress, and inform stakeholders
- 7.3 At Cheshire East Cabinet on 2<sup>nd</sup> December 2008 it was resolved:
- "That approval be given to the amended Draft Local Development Scheme and to the further amendments now circulated, for approval by Council on 9<sup>th</sup> December 2008."
- 7.4 The amended draft Local Development Scheme is attached as Appendix 1 to this report.
- 7.5 The amended draft Local Development Scheme proposes that the work programme for the first three years should comprise:
- Core Strategy – sets out the Vision, Objectives, Core Strategy and Core Policies for the spatial development of the area.
  - Site Allocations- contains detailed policies and proposals to deliver and guide land allocated for specific purposes.
  - Minerals Allocations - Contains the detailed development control policies and allocations for Minerals development, where applicable.
  - Congleton Town Centre Area Action Plan, when the Core Strategy is sufficiently advanced.
  - Middlewich Canal Corridor Area Action Plan, when the Core Strategy is sufficiently advanced.
  - A range of Supplementary Planning Documents.

- 7.6 A full Risk Assessment of the Document has been carried out and is set out in Section 12. The key risks identified are: Staff turnover /inability to recruit / loss of staff /staff motivation / staff absence; National / regional changes to policy through Planning Policy Statements/Regional Spatial Strategy etc; adequate staff/ financial resources being put in place.
- 7.7 The Local Development Framework needs to be based on a sound, relevant and up to date evidence base. This evidence base is the information that will be used to support the policies contained within the LDF The draft Local Development Scheme (Section 8) accordingly identifies a number of documents which will be prepared or updated to provide the evidence base for the Cheshire East Local Development Framework.

## **8.0 Overview of Day One, Year One and Term One Issues**

- 8.1 The Local Development Scheme needs to be submitted by the end of 2008 and agreed as soon as possible prior to Vesting Day to inform planning policy preparation work towards the Core Strategy and other elements of the Local Development Framework.

## **9.0 Reasons for Recommendation**

- 9.1 To meet the statutory requirement for submission of the Local Development Scheme before the end of December 2008.

### ***For further information:***

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## Cheshire East

# Local Development Scheme

December 2008

Version 10a:

Following Cabinet (2/12/08) and GONW comments

Version 9

Version 8 (incl. AAPs):

Amendment to para. 5.2

Version 7:

Following withdrawal of LDS from Council meeting on 20<sup>th</sup> October  
And publication of RSS for NW

Version 6:

Following Places Advisory Panel (22/09/08)  
and Comments from GONW

Version 5:

Following Cheshire East Officers Meeting (15/09/08)

Version 4:

Following comments from:

LDF Task Group

GONW

Anne Mosquera

Paul Griffiths

Stuart Penny

**Contents**

1	Introduction
2	Local Development Framework
3	Purpose of the Local Development Scheme
4	Existing Development Plan for Cheshire East
5	Proposed Cheshire East Local Development Framework
6	Timetable for LDD Production
7	Resources and Project Management
8	Evidence Base
9	Community Strategy
10	Sustainability Appraisal and Habitats Regulations Assessment
11	Monitoring and Review
12	Risk Assessment
Appendix 1	Saved Policies
Appendix 2	Local Development Document Profiles
Appendix 3	Evidence Base
Appendix 4	Glossary



## **Acronyms**

AMR	<b>Annual Monitoring Report</b>
AAP	<b>Area Action Plan</b>
CIL	<b>Community Infrastructure Levy</b>
CLG	<b>Communities and Local Government</b>
DPD	<b>Development Plan Document</b>
LAA	<b>Local Area Agreement</b>
LDD	<b>Local Development Document</b>
LDF	<b>Local Development Framework</b>
LDS	<b>Local Development Scheme</b>
LSP	<b>Local Strategic Partnership</b>
PPS	<b>Planning Policy Statements</b>
RSS	<b>Regional Spatial Strategy</b>
SA	<b>Sustainability Appraisal</b>
SCI	<b>Statement of Community Involvement</b>
SCS	<b>Sustainable Community Strategy</b>
SPD	<b>Supplementary Planning Document</b>

A glossary of terms can be found in Appendix 4.

# 1 Introduction

## **Local Development Scheme**

- 1.1 The Local Development Scheme (LDS) is a public statement of the Council's programme for the production of Local Development Documents (LDDs). It provides the starting point for local communities and stakeholders to find out what local planning policies relate to their area and outlines the timetable for the preparation of LDDs over a 3-year rolling period.
- 1.2 LDDs form the policy content of the Local Development Framework (LDF), and are defined as Development Plan Documents (DPDs), which are statutorily tested and Supplementary Planning Documents (SPDs) which are not statutory. The status of the LDDs, either DPDs or SPDs, is expressed in the Schedule of Proposed LDDs and the individual LDD profiles later in this document.
- 1.3 The Council have consulted with the Government Office for the North West in the development of the LDS, to ensure the timing of the examinations of the DPDs are appropriate.

## **Local Government Reorganisation**

- 1.4 In December 2007, the Secretary of State for Communities and Local Government (CLG) announced that there would be a reorganisation of local government in Cheshire from April 2009. Cheshire County Council and the six districts of Cheshire namely Chester, Ellesmere Port & Neston, Vale Royal, Macclesfield, Crewe & Nantwich and Congleton, will cease to exist and be replaced by two new unitary councils – Cheshire West and Chester (Cheshire County Council, Chester, Ellesmere Port & Neston and Vale Royal) and Cheshire East (Cheshire County Council, Congleton, Crewe & Nantwich and Macclesfield).
- 1.5 Local government reorganisation in Cheshire will radically affect the drawing up of development plans covering the area. All four councils which currently cover Cheshire East (Cheshire County Council, Congleton, Crewe & Nantwich and Macclesfield Borough Councils) will be abolished on 31<sup>st</sup> March 2009 and a new unitary authority established.
- 1.6 The new unitary authorities have been set up with the aim of streamlining and improving the delivery of local services, as well as promoting greater community involvement. The Unitary Authority will be facing challenges not only of its own in bringing together the four authorities, but also with respect to changes in the Planning Bill; new planning Regulations and guidance and the potential for joint working.
- 1.7 The officers of the 4 existing authorities and the Shadow Council for Cheshire East, particularly the LDF Task Group have worked closely together to produce this LDS.

## **Cheshire East in Context**

- 1.8 Cheshire East has a population of 358,900 and an area of 116,638 hectares. In addition to 'Cheshire West and Chester' on the west, East Cheshire is bounded by the Manchester conurbation to the north, the Peak District National Park to the east, and Stoke-on-Trent to the south. It contains the industrial town of Crewe, the old mill towns of Macclesfield, Bollington and Congleton, the market towns of Nantwich, Knutsford and Sandbach, the salt town of Middlewich, the commuter town of Wilmslow, as well as the smaller settlements of Alsager, Holmes Chapel and Poynton.
- 1.9 Cheshire East has quite diverse features and characteristics reflecting its location within the Cheshire Plain, but close to the Manchester City Region, the Potteries conurbation and the uplands of the Peak District.
- 1.10 Much of the northern part of the authority and a smaller area to the east lie within the Green Belt which is intended to prevent urban sprawl by keeping the land permanently open, in order to safeguard the countryside and to assist in the urban regeneration of the neighbouring Manchester City Region and the Potteries conurbation. Cheshire East also has a number of other designated areas where development is restricted, including the Jodrell Bank Consultation Zone, which restricts development near to the Radio Telescope. The map below highlights some of the key features within Cheshire East.
- 1.11 There are a number of issues within Cheshire East which will need to be considered within the LDF, these include:
- Affordability of housing;
  - Supply and distribution of housing;
  - Regeneration of the town centres;
  - Maintaining viable rural communities;
  - Changes in education provision;
  - Facilities for children and young people;
  - Pockets of deprivation;
  - Reducing anti-social behaviour;
  - Protection of the natural environment;
  - Achieving sustainable management of waste resources;
  - Enhancement of the historic environment;
  - An ageing population;
  - High dependency on the car;
  - Provision of national minerals such as silica sand and salt; and aggregates;
  - Provision of an appropriate range and variety of employment land;
  - Reducing worklessness and improved skills
  - Congestion on key transport routes;
  - Improving road safety
  - The availability of public transport;
  - Major developments, such as Manchester Airport; and
  - Climate change.

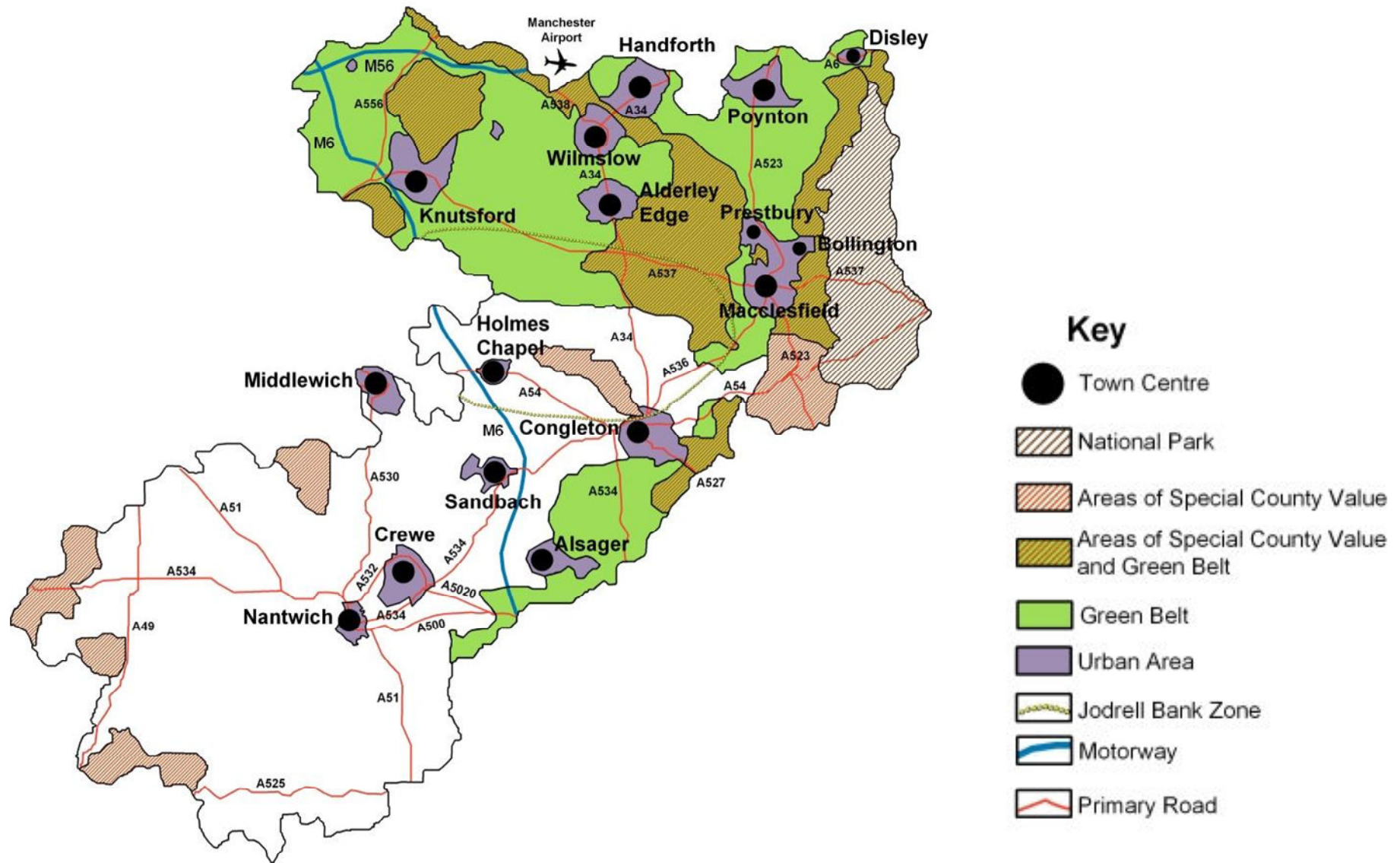


Diagram 1: Map of Cheshire East

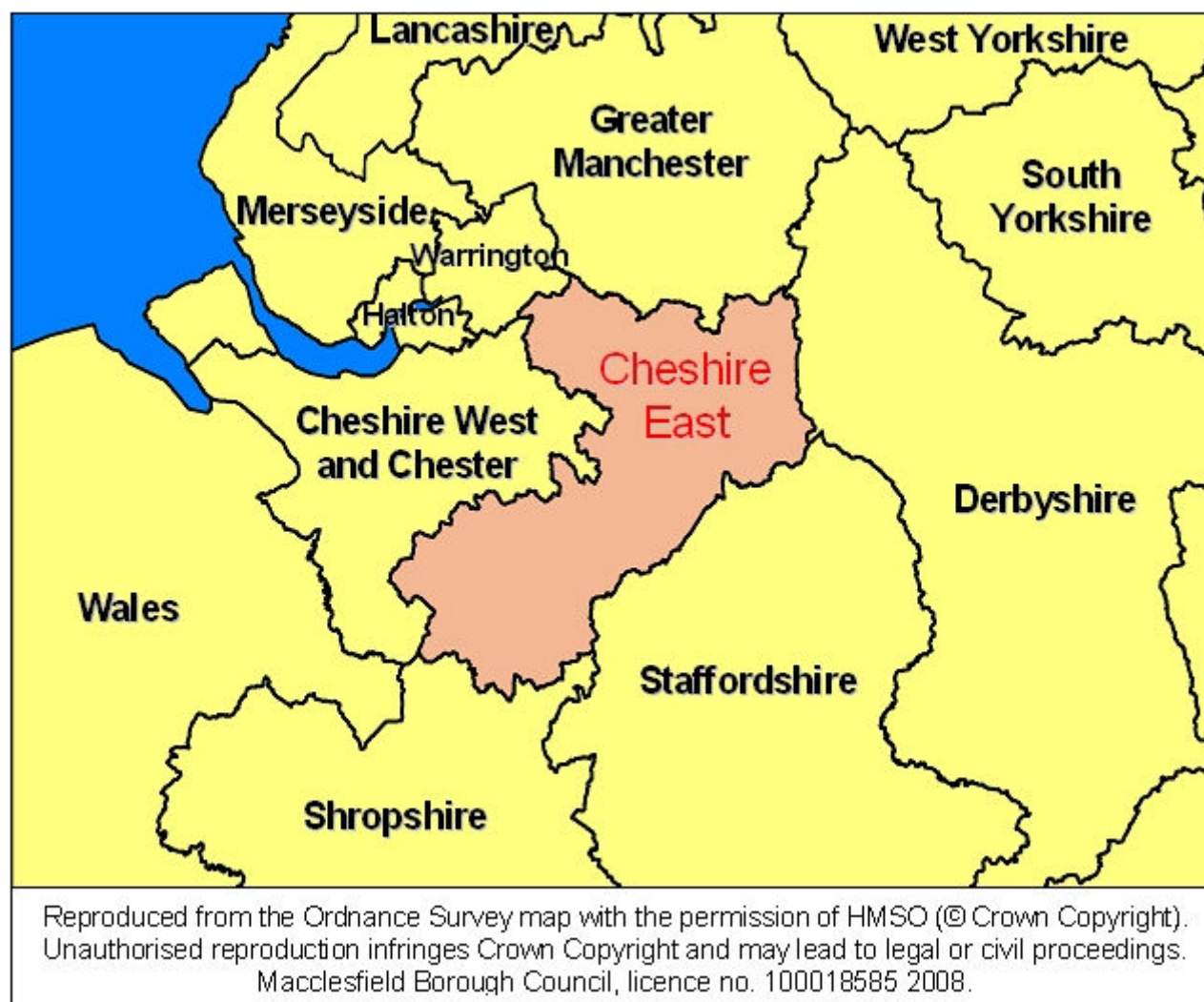


Diagram 2: Map of Cheshire East in Local Context

## 2 Local Development Framework

2.1 The local development framework is a collection of documents that will form the planning policy basis for the Cheshire East authority. This shown diagrammatically in Appendix 4 (Diagram 1).

2.2 The document that will make up the LDF are:

### **Local Development Scheme (LDS) (this document)**

2.3 This document provides the starting point to the preparation of the LDF the Government requires local planning authorities (LPAs) to submit a Local Development Scheme to the Secretary of State. The LDS will be a statutory project management plan for the preparation of the LDF covering at least three years.

### **Development Plan Documents (DPDs)**

2.4 Development Plan Documents (DPDs), together with the Regional Spatial Strategy (RSS), will form the statutory development plan for the Authority. DPDs must be in conformity with the RSS. They will be subject to independent assessment at an Examination by an Inspector, whose report will be binding.

2.5 DPDs include the following types:

**Core Strategy** – This sets out the vision for the area and the primary policies for meeting that vision together with housing and employment provisions in accordance with the Regional Spatial Strategy (RSS). It may also allocate strategic sites for development, which should be central to achievement of the strategy. National advice is that this document should be produced as a priority, in a timely and efficient manner.

**Site Specific Allocations** – this will set out the detailed policies and proposals to deliver and guide land allocated for specific purposes.

**Proposals Map** – This will be on an Ordnance Survey base. It will show area of protection and illustrate locations and identify sites for particular land uses and development proposals included in the adopted plan and set out the areas to which specific policies apply. Separate inset maps may also be included. The proposals map will be updated every time a DPD is adopted.

**Area Action Plans** – These may be used to provide a planning framework for areas of change and areas of conservation.

### **Supplementary Planning Documents (SPDs)**

2.6 Supplementary Planning Documents (SPDs) may cover a range of issues, both thematic and site specific, which may expand policy or provide further detail on policies in a DPD. They may take the form of design guides, area development briefs, master plans or issue-based documents which supplement policies in a DPD. SPDs will not be subject to independent examination and will not form part of the statutory Development Plan but

should be included in the LDF. They will be 'material considerations' in Development Control decisions.

### **Statement of Community Involvement (SCI)**

- 2.7 This will set out how the Council intends to achieve continuous community involvement in the preparation of Local Development Documents (LDDs) in their area.

### **Annual Monitoring Report (AMR)**

- 2.8 The Annual Monitoring Report (AMR) sets out progress in terms of producing LDDs and implementing policies. Monitoring performance of the LDF is a key requirement of government guidance on Development Plans. Continual monitoring of targets and indicators is essential to maintain progress and to ensure that development documents are delivering what they set out to achieve.

## 3 Purpose of the Local Development Scheme

### **Purpose of the Local Development Scheme**

- 3.1 This document is the Cheshire East Council's Scheme for the next three years and beyond. It sets out the rolling programme that the Cheshire East Council intends to follow in the production of its LDF. Its main purposes are:
- To inform the community and other partners of the LDDs that will make up the LDF for the area and the timescales they can expect for their preparation; and
  - To establish the Council's priorities for the preparation of the LDDs and their associated work programmes, including information in relation to programme management and resources.

### **New PPS12 and Regulations**

- 3.2 A new planning policy statement (PPS) - PPS12 "Creating Strong Safe and Prosperous Communities through Local Spatial Planning" was published by Communities and Local Government (CLG) on 4<sup>th</sup> June 2008. It is accompanied by an online 'plan making manual' ([www.pas.gov.uk](http://www.pas.gov.uk)) and a revised set of regulations governing LDF preparation. This new PPS and the 'plan-making manual' replace the old PPS 12 'Local Development Frameworks' and its companion guide 'Creating LDFs'. One of the key elements of this revised PPS is to present the 'tests of soundness' in a different and more simple way, rather than the previous 9 tests, DPDs now need to be 'justified', 'effective' and consistent with National Policy. However, the tests themselves are no less rigorous and the same questions as before will be asked of each Development Plan Document. Another change is that Core Strategies may now allocate strategic sites for development.
- 3.3 The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 came into force on 27<sup>th</sup> June and updated the 2004 regulations. The amended regulations change the procedure for preparing local development plans. The Issues and Options and Preferred Options stages of consultation are combined to create a single stage. The submission stage also changes so that the statutory period for making representations will occur before submission. This will give the local authority a greater opportunity to consider representations before the examination and will also potentially reduce the length of time between submission and the start of any oral hearing.
- 3.4 Other procedural changes may follow the enactment of the Planning Bill currently in Parliament. Including the introduction of the Community Infrastructure Levy (CIL), the removal of SPDs from the Local Development Scheme and the removal of the need for the SCI to be independently examined. The Community Infrastructure Levy will allow the Authority to introduce a charge on development for infrastructure provision, the CIL is likely to form part of the LDF and will be subject to examination.



## **Transitional regulations for Local Government Reorganisation**

- 3.5 CLG has also issued a draft of Regulations to assist the preparation of LDFs in new unitary Councils. Government's general policy in respect of land use planning functions in the context of local government restructuring is that the Shadow Council leading the transition to unitary status becomes the local planning authority (LPA) except in relation to development control (ie. decisions relating to planning applications will continue to be undertaken by existing districts). The Shadow Council is required to submit a LDS to the Secretary of State by the end of December 2008.
- 3.6 In the absence of a Statement of Community Involvement (SCI) for the new unitary, the authority is required by law to meet the minimum requirement for consultation set out in the Regulations. However, each of the predecessor Councils had an adopted SCI and we will strive to meet the standards in those documents until such a time as a SCI for Cheshire East is produced. A SCI for Cheshire East will be produced at the earliest possible opportunity, whilst allowing for appropriate community consultation and involvement from the Cheshire East Local Strategic Partnership.

## **Local Development Scheme Milestones**

- 3.7 The new PPS12 indicates that the LDS should set out the following DPD milestones:
- Consulting statutory bodies on the scope of the Sustainability Appraisal
  - Publication of the DPD
  - Submission of the DPD
  - Adoption of the DPD
- 3.8 In addition it is recommended that the LDS also sets out the following additional DPD elements:
- Regulation 25 consultation
  - Pre-hearing meeting
  - Examination Hearing
  - Receipt of the Inspectors Report
- 3.9 The new Regulation 25 consultation provides a more flexible stage of engagement in which reasonable alternatives can be evaluated and consulted upon. This stage is likely to encompass a variety of consultation and involvement techniques over a variety of time periods, further details are expected to be provided within the Statement of Community Involvement for Cheshire East. It is also possible that consultation undertaken on the Sustainable Community Strategy (SCS) could include a number of areas which are covered by both the SCS and the Core Strategy.
- 3.10 Under the current Planning Bill, amendments would be made to the 2004 Act relating to the preparation and revision of SPDs. Until this is in force the LDS should continue to set out the timetable for producing SPDs, giving the timings of production of the draft SPD and its adoption. If the Planning Bill does remove the need to list SPDs within the LDS, their progress can still be tracked through the authority's Annual Monitoring Report (AMR).

## **Content of LDS**

### **3.11 The LDS sets out:**

- The present Development Plan for Cheshire East and the existing policies that are saved;
- The LDDs that are to be prepared over the forthcoming 3-year period to replace existing policies, and whether they are to be DPDs or SPDs;
- The subject matter and the geographical area to which each LDD relates;
- Which, if any, are to be prepared jointly with other local planning authorities; and
- The arrangements for future monitoring of the LDF, including the timetable for the preparation and review of the LDDs.

### **3.12 The LDS also covers the following matters:**

- The evidence base for the LDDs;
- Arrangements for community involvement and the relationship to the Sustainable Community Strategy (SCS) and other Council strategies;
- Resources and the project management arrangements for the LDDs preparation;
- Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA); and
- An assessment of the risks involved in the LDF's production.

## 4 Existing Development Plan for Cheshire East

- 4.1 The Development Plan forms the starting point in the consideration of planning applications for the development or use of land and consists of both the Regional Spatial Strategy (RSS), prepared by the regional planning bodies, saved policies from the Cheshire Structure Plan and the Local Plans prepared by Congleton, Crewe and Nantwich and Macclesfield Borough Councils and Cheshire County Council. The purpose of preparing the Cheshire East LDF is to replace these saved policies.

### **Regional Spatial Strategy**

- 4.2 The Regional Spatial Strategy (RSS) for the North West (2008)<sup>1</sup> was published on 30<sup>th</sup> September 2008. It provides a framework for development and investment in the region over the next fifteen to twenty years. It establishes a broad vision for the region and its sub-regions, priorities for growth and regeneration, and policies to achieve sustainable development across a wide range of topics – from jobs, housing and transport to climate change, waste and energy.

### **Regional Spatial Strategy Partial Review**

- 4.3 The Regional Leaders' Forum (4NW) is responsible for progressing the RSS Partial Review and will also be the only organisation that will have responsibility to agree and sign off the single regional strategy. 4NW operates with a board structure, with council leaders from each of the five sub-regions, Cumbria, Cheshire, Lancashire, Merseyside and Greater Manchester, along with seven representatives from the private, non-governmental sector.
- 4.4 On 16th November 2007 4NW, as the Regional Planning Body, agreed to undertake a partial review of RSS covering a number of issues focused on housing, renewable energy and waste. It was also agreed to look at policies relating to Gypsies and Travellers, Travelling Showpeople and the regional parking standards. 4NW produced a series of papers, for public consultation between 2<sup>nd</sup> June and 4<sup>th</sup> July, setting out the issues and some options for dealing with the issues in each policy area.
- 4.5 The scope of the Partial Review of RSS has now been changed to focus on a limited number of discrete technical issues addressing strategic gaps in RSS policy, including Gypsies & Traveller's, Travelling Showpeople and Regional Car Parking standards. There will now be a further round of stakeholder consultation taking place in early 2009, with submission of the document to the Secretary of State in July 2009.

### **Integrated Regional Strategy**

- 4.6 Following proposals set out in the Government's Sub National Review of Economic Development and Regeneration, the North West Development Agency (NWDA), the Regional Leaders' Forum (4NW) and the Government

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<sup>1</sup> North West of England Plan Regional Spatial Strategy to 2021 (GONW, 2008)

Office for the North West (GONW) agreed that the region should work together over the next two years to produce a Northwest Regional Strategy. This will bring together spatial, economic and environmental strategies and investment plans in order to create the conditions for achieving higher levels of sustainable economic and social well being while strengthening the Northwest's contribution to tackling climate change.

- 4.7 The strategy will be spatially focussed and will:
- Refresh economic development actions and build on the 2006-9 Regional Economic Strategy (RES);
  - Integrate priorities in the Regional Housing Study (RHS), Regional Spatial Strategy (RSS) and the RSS Partial Review with sustainable economic priorities in a strategic review;
  - Set out a delivery and implementation plan with actions and accountability for all relevant partners.
- 4.8 At present, the strategy will not be statutory, its development will allow the region to prepare a statutory Integrated Regional Strategy quickly and effectively after the necessary legislative changes, which are unlikely to occur before 2010. Until these legislative changes take place, the RSS will remain the statutory basis for spatial planning.

### **Local Planning Policy**

- 4.9 The **Congleton Borough Local Plan First Review** sets out the planning policies and proposals for the Borough until 2011. This document has been through inquiry and modification stages and was adopted by the Council on 27<sup>th</sup> January 2005.
- 4.10 The **Crewe and Nantwich Replacement Local Plan 2011** (Adopted February 2005), covers the whole of the Borough of Crewe and Nantwich and it relates to development up to the year 2011.
- 4.11 The **Macclesfield Borough Local Plan** (Adopted January 2004) contains the planning policies and proposals to shape the environment of the whole Borough up to 2011.
- 4.12 The **Cheshire Replacement Waste Local Plan** has been prepared under the transitional arrangements and was subject to a local plan inquiry in 2006. It was adopted in July 2007 and covers the period to 2017. The plan is pan Cheshire and provides planning policies and allocations relating to future waste development.
- 4.13 The **Cheshire Replacement Minerals Local Plan**, was adopted in 1999 and covers a period to 2007. The document is pan Cheshire and provides planning policies and proposals relating to mineral development.
- 4.14 **Cheshire County Structure Plan, Cheshire 2016.** A number of the policies within this document have been saved through the RSS review, see appendix 1 for details. The policies to be saved are identified as filling a policy void in the present development plan system.

- 4.15 A significant number of the policies contained within these Local Plans have been 'saved' by the Secretary of State, or are still relevant a full list of all the saved policies can be seen in Appendix 1. 'Saving' policies means that these policies will remain part of the statutory Development Plan and can still be used to determine planning applications.

### **Existing Supplementary Planning Documents (SPDs)**

- 4.16 The following Supplementary Planning Documents (SPDs), which are not part of the development plan, have been adopted and are a material consideration in planning decisions (within the identified former local authority areas).

**4.17 Congleton:**

- Affordable Housing and Mixed Communities (April 2006)
- Trees and Development (October 2006)
- Sustainable Development (April 2005)
- Rural Development (July 2008)
- Mid Point 18 Development Brief (February 2007)

**4.18 Crewe and Nantwich:**

- P Way Development Brief (September 2005)
- Stapeley Water Gardens Development (September 2006)
- Crewe Rail Gateway (September 2006)
- Extensions and Householder Development (July 2008)
- Development on Backland and Gardens (July 2008)

**4.19 Macclesfield:**

- Locally Important Buildings (February 2008)
- Prestbury Village Design Statement (May 2007)
- Supplementary Planning Document for Poynton (May 2007)
- Nature Conservation Strategy (October 2006)
- Designing Out Crime (January 2006)
- Supplementary Planning Document for Bollington (January 2006)

### **Existing Supplementary Planning Guidance (SPGs)**

- 4.20 The following Supplementary Planning Guidance notes (SPG), which are not part of the development plan, have also been adopted and will continue to be material considerations (within the identified former local authority areas).

**4.21 Congleton:**

- Public Open Space (October 2003)
- Provision of Private Open Space (November 1993)
- Shop Front Security (September 1994)
- Telecommunications Development (July 2004)
- Sandbach Business Park (October 1989)
- Arclid Hospital (July 1992)
- ERF Site, Sandbach (September 1999)

- Danesford School, Congleton (January 1997)
- Cranage Hall (September 1996)

**4.22 Crewe and Nantwich:**

- Basford East Strategic Industrial and Business Park Development Brief (April 2004)
- Basford West Regional Warehouse and Distribution Park Development Brief (April 2004)
- Tipkinder Park Supplementary Planning Guidance (February 2003)

**4.23 Macclesfield:**

- Tytherington Business Park (April 1989)
- South Macclesfield Development Area (December 1998)
- Alderley Park Planning Brief (April 1999)
- Rieter Scragg, Langley Development Brief (January 2000)
- Stamford Lodge Development Brief (2002)
- Floodlighting (Originally adopted June 1998; policy in MBLP Jan 2004; SPG reproduced April 2005)
- Equestrian facilities (Adopted August 2002; policy in MBLP Jan 2004; reproduced Jan 2005)
- Trees & Development Guidelines (February 2004)
- Areas of Archaeological Potential (February 2004)
- Shopfronts and Security Shutters Guide (January 2003)
- Conservation Area Appraisal for Alderley Edge (June 2004)
- Dingle Bank Quarry (July 2004)
- Housing Character Areas (July 2004)
- Section 106/Planning Obligations (June 2004)

## 5 Proposed Cheshire East Local Development Framework

- 5.1 The table below sets out the schedule of proposed Local Development Documents (LDDs), including: a brief description for each LDD; key consultation milestones; the specific LDD's status within the Local Development Framework (LDF) process; its position in the chain of conformity; and a brief description of the LDD's contents. Detailed profiles of each of the Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs) can be found in Appendix 2.
- 5.2 Based on the experience of Local Planning Authorities at the forefront of the process it has become clear that it is crucial to have an appropriate evidence base and to ensure that there is sufficient time between the Core Strategy document and subsequent key development plan documents to enable a coherent and consistent policy approach within the Cheshire East LDF. Once spatial priorities emerge from the Core Strategy across Cheshire East, plans and policies will be prioritised and resources allocated accordingly. Although currently Area Action Plans are proposed for Congleton Town Centre and Middlewich Canal Corridor, and a Town Design Statement SPD is proposed for Sandbach, it is possible that priorities may change and there may be a need to address issues in other settlements before those issues in Congleton Town Centre, Middlewich Canal Corridor and Sandbach. Any change in priorities will be addressed in a review of the Local Development Scheme.

Development Plan Documents (DPDs)													
Title	Status	Description	Geographic Coverage	Conformity	Timetable								
					Start preparatory work	SA Scoping	Regulation 25 consultation	Publication of the DPD	Submission	Pre-hearing meeting	Start of Examination hearing	Inspectors Report	Adoption
Core Strategy	DPD	Sets out the Vision, Objectives and Strategy for the spatial development of the area, and may include strategic sites.	Authority wide	General conformity with the RSS and PPGs/PPSs.	Jan 2009	<b>April 2009</b>	Jan 2009 – Oct 2010	<b>Nov 2010</b>	<b>April 2011</b>	June 2011	Sept 2011	Jan 2012	<b>April 2012</b>

Development Plan Documents (DPDs)													
Title	Status	Description	Geographic Coverage	Conformity	Timetable								
					Start preparatory work	SA Scoping	Regulation 25 consultation	Publication of the DPD	Submission	Pre-hearing meeting	Start of Examination hearing	Inspectors Report	Adoption
Site Specific Allocations	D P D	Contains detailed policies and proposals to deliver and guide land allocated for specific uses.	Specific sites Authority wide	General conformity with the PPGs/PPSs, RSS and the Core Strategy DPD.	April 2010	<b>Sept 2010</b>	April 2010 – Mar 2012	<b>April 2012</b>	<b>Sept 2012</b>	Nov 2012	Jan 2013	May 2013	<b>Sept 2013</b>
Minerals policies and allocations	D P D	Contains the detailed development control policies and allocations for Minerals development, where applicable.	Authority wide	General conformity with the MPGs/MPS/PPGs/PPSs, RSS and the Core Strategy DPD.	April 2010 <b>Sept 2010</b>	April 2010 – Mar 2012	<b>April 2012</b>	<b>Sept 2012</b>	Nov 2012	Jan 2013	2013	May 2013	<b>Sept 2013</b>
Congleton Town Centre Area Action Plan	D P D	Contains detailed policies and proposals for the redevelopment of Congleton town centre.	Congleton Town Centre (to be defined in Core Strategy)	General conformity with the PPGs/PPSs, RSS and the Core Strategy DPD.	Nov 2010	<b>April 2011</b>	Nov 2010 – Oct 2012	<b>Nov 2012</b>	<b>April 2013</b>	June 2013	Aug 2013	Dec 2013	<b>Mar 2014</b>
Middlewich Canal Corridor Area Action Plan	D P D	Contains detailed policies and proposals for the redevelopment of Middlewich Canal Corridor.	Middlewich Canal Corridor (to be defined in Core Strategy)	General conformity with the PPGs/PPSs, RSS and the Core Strategy DPD.	Nov 2010	<b>April 2011</b>	Nov 2010 – Oct 2012	<b>Nov 2012</b>	<b>April 2013</b>	June 2013	Aug 2013	Dec 2013	<b>Mar 2014</b>



Supplementary Planning Documents (SPDs)							
Title	Status	Description	Geographic Coverage	Conformity	Timetable		
					SA Scoping	Draft SPD	Adoption
Alsager Town Centre	SPD	Provides the context for the future development of Alsager Town Centre.	Site specific	Conforms with policies of the saved Congleton Local Plan.	Feb – Mar 2009	May – June 2009	Sept 2009
Local List	SPD	Identifies locally important buildings deemed worthy of retention.	Authority wide	Conforms with the saved policies of the Congleton, Macclesfield and Crewe and Nantwich Local Plans.	Feb – Mar 2009	May – June 2009	Sept 2009
Smallwood Village Design Statement	SPD	Sets out design guidance within the Parish.	Site specific	Conforms with the saved policies of the Congleton Local Plan.	Feb – Mar 2009	June – July 2009	Dec 2009
Heritage and Conservation	SPD	Provides detailed advice on heritage and conservation in the built environment.	Authority wide	Conforms with the saved policies of the Congleton, Macclesfield and Crewe and Nantwich Local Plans.	May – June 2009	Sept – Oct 2009	Mar 2010
Prestbury	SPD	Provides planning policy guidance within the Parish of Prestbury.	Site specific	Conforms with the saved policies of the Macclesfield Local Plan.	May – June 2009	Sept – Oct 2009	Mar 2010

Supplementary Planning Documents (SPDs)							
Title	Status	Description	Geographic Coverage	Conformity	Timetable		
					SA Scoping	Draft SPD	Adoption
Over Peover	SPD	Provides planning policy guidance within the Parish of Over Peover.	Site specific	Conforms with the saved policies of the Macclesfield Local Plan.	May – June 2009	Sept – Oct 2009	Mar 2010
Sandbach Town Design Statement	SPD	Sets out design guidance within the Town.	Site specific	Conforms with the saved policies of the Congleton Local Plan.	May – June 2009	Sept – Oct 2009	Mar 2010
Open Space	SPD	Provides guidance that will lead to appropriate level and design of open space within development.	Authority wide	Conforms with the saved policies of the Congleton, Macclesfield and Crewe and Nantwich Local Plans.	Nov – Dec 2009	Mar – April 2010	Sept 2010
Planning Obligations	SPD	Provides guidance on the approach to negotiating planning obligations arising from development.	Authority wide	Conforms with the saved policies of the Congleton, Macclesfield and Crewe and Nantwich Local Plans.	Nov – Dec 2009	Mar – April 2010	Sept 2010

## Local Development Documents in previous Local Development Schemes

- 5.3 Paragraph 18 of The Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008 requires that the LDS specifies any local development document which was referred to in a LDS prepared by a predecessor Council; but will no longer be a LDD under the successor Council's scheme.

Document Title	LDD	Included in the Cheshire East LDS?	Comments
<b>Cheshire County Council:</b>			
Cheshire – core strategy minerals	DPD	No	The unitary authority takes on the previous County Council role as minerals and waste planning authority. Aspects should therefore be incorporated within the core strategy and other DPD documents.
Site specific policies and allocations -minerals	DPD	Yes	Much of the work undertaken on the minerals core strategy and site-specific policies and allocations can be utilised.
Cheshire Replacement Waste Local Plan	DPD	N/A	Now adopted in July 2007 under transition regulations.
<b>Congleton:</b>			
Core Strategy	DPD	No	One Core Strategy to be produced for Cheshire East, work undertaken during the production of this document will feed into the Cheshire East document.
Site Specific Allocations	DPD	No	One Site Specific Allocations DPD to be produced for Cheshire East, work undertaken during the production of this document will feed into the Cheshire East document.
Middlewich Canal Corridor AAP	DPD	Yes	An AAP for the Middlewich Canal Corridor is expected to be prepared, previous work undertaken in the production of this document may feed into the Cheshire East document as well as the Cheshire East Core Strategy and Site Specific Allocations document.
Alsager Town Centre AAP	DPD	No	Much of the work undertaken for this document will feed into the Alsager Town Centre Strategy, Cheshire East Core Strategy and Site Specific

Document Title	LDD	Included in the Cheshire East LDS?	Comments
			Allocations document.
Congleton Town Centre AAP	DPD	Yes	An AAP for Congleton Town Centre is expected to be prepared, previous work undertaken in the production of this document may feed into the Cheshire East document as well as the Cheshire East Core Strategy and Site Specific Allocations document.
Conservation Areas	SPD	No	This document has been superseded by a more appropriate document in relation to Heritage and Conservation.
Shop Front Design	SPD	No	This SPD may be included within a future LDS once resources are confirmed.
Managing Housing Land Supply	SPD	No	Due to changes in National and Regional policy it is not considered necessary to prepare this document at present.
Public Open Space	SPD	No	An Open Space SPD will be prepared for Cheshire East, work undertaken during the production of this document will feed into the Cheshire East document.
Landscape Character	SPD	No	This SPD may be included within a future LDS once resources are confirmed.
Residential Design	SPD	No	This SPD may be included within a future LDS once resources are confirmed.
Nature Conservation	SPD	No	This SPD may be included within a future LDS once resources are confirmed.
Rural Development	SPD	N/A	This document has since been adopted by Congleton Borough Council.
Alsager Campus	SPD	N/A	This document has since been adopted by Congleton Borough Council. (now titled MMU Campus Development Brief).
Bank Street, Congleton	SPD	No	This SPD may be included within a future LDS once resources are confirmed.
Smallwood Village Design Guidance	SPD	Yes	This SPD will continued to be prepared on behalf of Smallwood village.


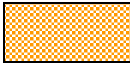

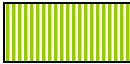
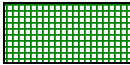



Document Title	LDD	Included in the Cheshire East LDS?	Comments
<b>Crewe and Nantwich:</b>			
Core Strategy	DPD	No	One Core Strategy to be produced for Cheshire East, work undertaken during the production of this document will feed into the Cheshire East document.
Housing Policies	DPD	No	Much of the work undertaken for this document will feed into the Cheshire East Core Strategy and Site Specific Allocations document.
Planning Obligations	SPD	Yes	A Planning Obligations SPD will be prepared for Cheshire East.
Extensions / Householder Development	SPD	N/A	This document has since been adopted by Crewe and Nantwich Borough Council.
Development on Backlands and Gardens	SPD	N/A	This document has since been adopted by Crewe and Nantwich Borough Council.
Barn Conversions	SPD	No	This SPD may be included within a future LDS once resources are confirmed.
Agricultural Workers Dwellings	SPD	No	This SPD may be included within a future LDS once resources are confirmed.
Public Open Space and Play Provision	SPD	No	An Open Space SPD will be prepared for Cheshire East, work undertaken during the production of this document will feed into the Cheshire East document.
<b>Macclesfield:</b>			
Core Strategy / Policies	DPD	No	One Core Strategy to be produced for Cheshire East, work undertaken during the production of this document will feed into the Cheshire East document.
Site Specific Allocations	DPD	No	One Site Specific Allocations DPD to be produced for Cheshire East
General / Generic Policies	DPD	No	This DPD may be included within a future LDS once a need is confirmed and resources are confirmed.
Town Centres Policy	DPD	No	Much of the work undertaken for this document will feed into the Cheshire East Core Strategy and Site Specific Allocations document.
South Macclesfield	DPD	No	Much of the work undertaken for this

Document Title	LDD	Included in the Cheshire East LDS?	Comments
			document will feed into the Cheshire East Core Strategy and Site Specific Allocations document.
Locally Important Buildings	SPD	N/A	This document has since been adopted by Macclesfield Borough Council.
Macclesfield Town Centre Public Realm	SPD	No	This SPD may be included within a future LDS once resources are confirmed.
Prestbury Village Design Statement	SPD	N/A	This document has since been adopted by Macclesfield Borough Council.
Poynton Parish Plan	SPD	N/A	This document has since been adopted by Macclesfield Borough Council.




## 6 Timetable for LDD Production

- 6.1 The chart below sets out the timetable and key milestones for the production of each Local Development Document (LDD).
- 6.2 The timetable for the Core Strategy Development Plan Document (DPD) has been produced to reflect the timetable for the North West Regional Spatial Strategy (RSS) and the Cheshire East Sustainable Community Strategy. This is to ensure that the policies included within the Core Strategy can be in general conformity with the policies contained within the RSS and reflects the spatial aspects of the Sustainable Community Strategy.
- 6.3 The timetable for each of the DPDs and SPDs incorporates the time taken for the Habitats Regulations Assessment and Sustainability Appraisal (SA) and where appropriate the Strategic Environmental Assessment (SEA) process.

### Key for DPDs

Sustainability Appraisal Scoping	
Regulation 25 consultation	
Publication of the DPD	
Submission of the DPD	
Pre-hearing meeting	
Start of examination Hearing	
Receipt of the Inspectors Report	
Adoption of the DPD	

### Key for SPDs

Sustainability Appraisal Scoping	
Draft SPD	
Adoption of the SPD	





	LDS Period																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
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## 7 Resources and Project Management

- 7.1 No structure has been set for the delivery of planning policy within the new Authority or the level of staff and financial resources available to it. The Executive Member for People responsible for the LDF work is aware that in order to undertake the authority's statutory function as a Local Planning Authority and to deliver the programme of documents set out in the LDS a team has to be adequately resourced both financially and in staffing terms. Further information in relation to the potential risks involved in staff shortages, staff skills and under-resourcing can be found in the Risk Assessment contained in Section 12 of this document.
- 7.2 Some elements of the LDF process are likely to involve other service areas such as Development Control, Housing and Leisure. It will be crucial to the LDF process that appropriate resources are allocated in these service areas to areas of work such as Housing Needs and Open Space. There will also be resource implications for other service areas particularly Education, Social Services and Highways and public agencies such as the Central and Eastern Cheshire Primary Care Trust. Consultants may also be engaged to work on some areas of the LDF where there is a lack of expertise or capacity in house. It is also the case that some of the Supplementary Planning Documents will be prepared, at least partially, by external bodies or other Council Departments and consequently the demand on the LDF staff resources will be reduced.
- 7.3 Further information will also be required to determine the exact route that any LDD will go through in terms of Council procedures as further committees and sub-groups are currently in the process of being set up. Information in relation to the resources and project management of the LDF will be updated in future reviews of the LDS.

### **Joint Working**

- 7.4 One of the culture changes brought about by the LDF is the ability to work jointly between Councils, across the authority and with other organisations. Joint working can be undertaken to ensure that LDF documents are produced more effectively and efficiently. This could be through jointly preparing a DPD or SPD or by working together to produce an appropriate evidence base. It is currently expected that the LDF Team will work in partnership with the LSP, as appropriate, to collate an effective joint evidence base for both the LDF and the Sustainable Community Strategy.
- 7.5 Cheshire East are currently investigating opportunities for joint working with Cheshire West and Chester on elements of the LDF, in particular the development of minerals and waste policies. It is likely that this LDS will need to be revised once more is known about the level of resources that will be available, how the new authority will operate and whether joint working on minerals and waste planning policy is to take place.

## 8 Evidence Base

- 8.1 The LDF needs to be based on a sound, relevant and up to date evidence base. This evidence base is the information that will be used to support the policies contained within the LDF. This evidence base may well be taken from existing published sources as well as from research carried out by the authority and consultants. LDDs will establish the Council's planning policies. However, in preparing these LDDs, a range of background work has been prepared and collated which needs to be taken account of.
- 8.2 Whilst a number of current background documents have been listed in Appendix 3, it should be noted that the Council may well update these document and publish others in the course of preparing LDDs to improve upon the robust and credible evidence base for the LDF.
- 8.3 The list below highlights a number of documents which will be prepared or updated to provide the evidence base for the Cheshire East LDF. It is possible that further documents will be required during the production of the LDF and where possible such additions will be listed in Local Development Scheme (LDS) review documents.
- Annual Monitoring Report  
(Produced annually, by LDF Section)
  - Aggregate Resources  
(Expected to be updated as required, may include work by consultants)
  - Census 2001  
(ONS)
  - Corporate Strategy  
(Produced by Cheshire East Council)
  - Employment Land Monitoring Report  
(Produced annually, by LDF Section)
  - Employment Land Review  
(Expected to be produced by consultants and then updated as required)
  - Gypsy & Travellers Study  
(Expected to be updated, by consultants)
  - Habitats Regulations Assessment  
(Produced alongside relevant documents, by LDF Section)
  - Housing Land Availability Report  
(Produced annually, by LDF Section)
  - Infrastructure Study  
(Expected to be produced by consultants and then updated as required)
  - Landscape Character Assessment  
(Expected to be updated, by consultants)
  - PPG17 Open Space Assessment  
(Expected to be updated, with input from both LDF Section and Consultants)
  - Retail Schedule  
(Produced annually, by LDF Section)

- Retail Study  
(Expected to be updated, by consultants)
- South Cheshire Sub-Regional Study  
(2009, Arup)
- State of the Authority Report  
(Expected to be updated, with input from both LDF Section and Consultants)
- Strategic Flood Risk Assessment (SFRA)  
(Expected to be updated, by consultants)
- Strategic Housing Land Availability Assessment (SHLAA)  
(Expected to be produced by LDF Section and then updated as required)
- Strategic Housing Market Assessment (SHMA) and Housing Needs Survey  
(Expected to be produced by consultants and then updated as required)
- Sustainability Appraisal  
(Produced alongside relevant documents, by LDF Section)
- Sustainable Community Strategy  
(Produced by Cheshire East Council)
- Tourism Study  
(Expected to be produced by consultants and then updated as required)
- Transport and Accessibility Studies  
(Expected to be produced and / or updated as required, with input from both Cheshire East Council and Consultants)

## 9 Sustainable Community Strategy

- 9.1 The Government intends that spatial planning objectives for local areas, as set out in the LDF, should be aligned not only with national and regional plans, but also with the shared local priorities set out in the Sustainable Community Strategy (SCS) where these are consistent with national and regional policy. Local authorities should therefore ensure that:
- Their SCS takes full account of spatial, economic, social and environmental issues;
  - Key spatial planning objectives for the area as set out in the LDF Core Strategy are in harmony with the SCS priorities; and
  - The Local Area Agreement (LAA), as the delivery agreement with central Government, is based on the priorities of the SCS supported by the local planning policy to deliver the agreed outcomes. (PPS12 Para 1.6).
- The Sustainable Community Strategy should therefore set out the vision for Cheshire East.
- 9.2 An interim Cheshire East Sustainable Community Strategy has been prepared based upon the existing 4 community strategies and the agreed LAA which will be able to be divided between East and West Cheshire. It is expected that a high level shadow Local Strategic Partnership (LSP) will be in place by January 2009. There is work in progress concerning the future function and structure of the LSP, thematic boards etc.
- 9.3 From April 2009 onwards a new Cheshire East Sustainable Community Strategy will be developed. Joint consultation can be carried out on a draft Cheshire East Sustainable Community Strategy and any LDF options that need to be consulted on. The development of the Cheshire East Sustainable Community Strategy and the Regulation 25 work for the Cheshire East Core Strategy can therefore run in tandem achieving joint consultation with the relevant stakeholders, partners and the community.

## 10 Sustainability Appraisal and Habitats Regulations Assessment

- 10.1 The Government's policy is that Sustainability Appraisal (SA) should incorporate the requirements of the Strategic Environmental Assessment (SEA) Directive (2001/42/EC) which requires a formal environmental assessment of certain plans and programmes including those in the field of Planning and land use. Currently, all LDDs (except the Annual Monitoring Report, Statement of Community Involvement and LDS) are subject to a SA to ensure that they reflect sustainable development objectives, however, it should be noted that the forthcoming Planning Bill may remove the requirement for SPDs to be subject to SA.
- 10.2 The SA forms part of testing the 'soundness' of DPDs to ensure that they are consistent with each other in terms of their objectives and policies. The SA will inform the evaluation of alternatives and will provide a powerful means of proving to decision makers, and the public, that the plan is the most appropriate given reasonable alternatives.
- 10.3 All DPDs are subject to independent examination to assess whether they are sound in terms of their content and the process by which they are produced. SPDs are subject to Statutory procedures in terms of preparation but are not subject to examination.
- 10.4 Habitats Regulations Assessment (HRA) of the DPDs and SPDs will also be undertaken. This relates to Articles 6(3) and (4) of the Habitats Directive (Directive 92/43/EEC) and is concerned with assessing the likely significant effects of land use plans on European Sites (including Ramsar sites). It is the responsibility of the LPA to decide if a HRA is required and to undertake the Appropriate Assessment if it is considered necessary. The purpose of an HRA is to assess the impacts of land use plans upon the conservation objectives of a European Site. HRA could potentially be relevant to all DPDs and SPDs. There is a need to consider proposals for all options in plans and also to consider the impacts of plans in combination. The level of detail is only that required for an HRA to do its job. Impacts should be assessed using the precautionary principal. Natural England can advise on the HRA process. HRA should be tied in with SA and SEA process, however, recent guidance from Natural England suggest that it should be an on-going process as the LDF evolves.
- 10.5 The SA and HRA work will be continually updated as the LDF progresses, with community and stakeholder involvement. The SA of each LDD will be subject to public consultation at the same time as the consultation period of the LDD in question.

## 11 Monitoring and Review

- 11.1 The Government requires that the LDS is annually reviewed and kept up to date by taking account of progress on the programme and monitoring of the evidence base and adopted policies. However, there may be a need to review the LDS more frequently if unforeseen changes occur to the LDF programme.
- 11.2 The LDS will be reviewed through the Annual Monitoring Report (AMR), which in turn will lead to the review of the LDS. The AMR monitors the implementation and effectiveness of policies, from the beginning of April to the end of March. The AMR will be submitted to the Secretary of State before 31st December each year and published following submission.
- 11.3 The AMR will review actual plan progress over the year compared to the targets and milestones for LDD preparation set out in the LDS. It will assess:
- whether the Council is meeting, or is on track to meet, the targets and consultation milestones set out in the LDDs;
  - if the Council is falling behind schedule or has failed to meet a target or milestone, the reasons for this;
  - the need to update the LDS in light of the above, and if so, the necessary steps and timetable;
  - whether any policies need to be replaced to meet sustainable development objectives; and
  - what action needs to be taken if policies need to be replaced.
- 11.4 The AMR is also used to monitor both National and Local Indicators to provide evidence, and allow for monitoring of the LDF. In July 2008 a number of the National Indicators were updated to better reflect Government guidance.
- 11.5 Due to the current monitoring situation it is expected that Cheshire County, Congleton, Crewe and Nantwich and Macclesfield Borough Councils will monitor the 2007/08 period individually<sup>2</sup>. However, in subsequent years a single AMR will be produced by Cheshire East covering the entirety of the new Authority, although it may take a little time to ensure that the monitoring is undertaken consistently across the new Authority.

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<sup>2</sup> Links to the AMR can be found in Appendix 3.

## 12 Risk Assessment

- 12.1 Government guidance requires that the LDS should contain a risk assessment that identifies all possible risks that could be encountered in the implementation of this LDS. The following table identifies those risks. The key risk is at present Local Government Reorganisation. With no decisions over the level of staff; location of staff and budget / resourcing it may well be that this LDS needs to be reviewed quite quickly, once this information becomes available.
- 12.2 The risk assessment has been undertaken on the basis of probability multiplied by the likely impact, with a score given out of 5 for both probability and impact, with 5 being the highest level of probability or greatest level of impact. Therefore the highest risk would be a score of 25 and the lowest level would be 1.

No.	Risk	Commentary (where appropriate)	Potential Impacts	Mitigation Measures	Risk Assessment (Probability x Impact)
1	Local Government Reorganisation.	<p>Four authorities are being brought together to form East Cheshire. The new East Cheshire will be the LPA in April 2009. Transitional arrangements are in hand Summer 2008.</p> <p>As we draft this document there is a lack of information on resources to carry out the LDF (both staffing and financial) as well as location of the Service and staff and Service / Departmental priorities.</p>	<p>- Programme slippage</p> <p>-objectives on quality compromised</p> <p>-Work can not be progressed;</p>	<p>The Council has taken a realistic and pragmatic view when putting together the work programme.</p> <p>Budget to be kept under review once allocated, including the potential for reassessment of work programme.</p> <p>Need to consider how remote working can be managed and programme management kept to schedule.</p>	<p>4 x 5 = 20</p>



No.	Risk	Commentary (where appropriate)	Potential Impacts	Mitigation Measures	Risk Assessment (Probability x Impact)
		Co –location of key linked services has yet to be decided.			
2	Staff turnover /inability to recruit / loss of staff /staff motivation / staff absence.	There are significant uncertainties for staff within the authorities prior to vesting day. Staff may well leave which may also lead to a loss of experienced staff. Recruitment may well be difficult.	-the need to reschedule the LDS. Requirement to buy in expertise.	It is expected that staff resources will be drawn from the planning services of all four authorities. Day one needs are being considered at the outset. Staff are being kept informed of progress. Use of temporary staff and consultants may be considered although this will be dependant upon budget.	4 x 4 = 16
3	National / regional changes to policy through PPS/RSS etc		Additional work will be required to comply with the guidance/policy.	Keep up to date with emerging policy / guidance and have an input into such policy where appropriate.	4 x 4 = 16
4	Culture Change and challenge	The new authority has to hit the floor running. There may well be steep learning curves for politicians and staff alike.	Disenfranchisement and programme slippage.	Set out a clear vision and ensure strong leadership. Carry out staff and councillor training.	4 x 4 = 16
5	Political delay	Council meeting dates and procedures still to be formalised. New work areas being taken on that some	Deferring decision making or the inability to meet the identified draft dates for Council.	Involvement of members at an early stage in the process. Council dates (where available) have been considered in the programme timetable.	3 x 4 = 12

No.	Risk	Commentary (where appropriate)	Potential Impacts	Mitigation Measures	Risk Assessment (Probability x Impact)
		Councillors may not be familiar with.		Councillor training	
6	DPD fails test of soundness		DPD cannot be adopted without additional work or may well need to have the core strategy approved prior to submission of the DPD.	Work closely with GONW & PINs to ensure risk is minimised. Utilise soundness toolkit.	2 x 5 = 10
7	Legal challenge		Adopted LDD quashed.  Additional work loads.	Ensure robust and up to date evidence base. Audited stakeholder and community engagement.	2 x 5 = 10
8	Joint working with other internal departments and or external authorities	More complex management of the process – needs continual agreement between parties with a potential for delay  Joint working needs close political management and risk may arise were one of the authorities pull out at a late stage	Cause a slippage in programme	Ensure that timescales for DPD's is realistic and reflect partner authorities ability to contribute to joint working.  Ensure commitment to milestones, dates and resource allocations from relevant parties in advance.  Political liaison.	2 x 4 = 8

No.	Risk	Commentary (where appropriate)	Potential Impacts	Mitigation Measures	Risk Assessment (Probability x Impact)
9	Project team required to undertake other unforeseen work	Resources are finite. The project team and work area are still to be decided, there may well be instances where the team are called upon to input in to other priority areas of the Authority.	Cause slippage in the programme.	Make LDF a corporate priority.  Identify core staff to be shielded from other work.  Staff training.	$2 \times 3 = 6$
10	Volume of work greater than anticipated	This may well be, for example, a higher number of representations than expected, particularly given the boundary changes, new work areas etc.	Cause slippage in the programme.	Ensure timetable is realistic and has a degree of built in flexibility.  Monitor against LDS.  Consider resources available at peak times.	$2 \times 3 = 6$
11	IT and remote working	Uncertainties remain over how the 4 old authorities will be united and how remote working can be utilised. IT plays a significant part in the new authority's ability to deliver.	Cause slippage in the programme.	Pre day one issue that needs to be considered from the outset.	$2 \times 3 = 6$
12	Linkages to SCS	SCS is quicker and less rigorous process.  Some LSP partners may become impatient with I&O /evidence based work.	Poor understanding of the process and slippage in the programme.	Ensure key linkages internally within the Authority and with key stakeholders.  Staff and Councillor training.	$1 \times 5 = 5$

No.	Risk	Commentary (where appropriate)	Potential Impacts	Mitigation Measures	Risk Assessment (Probability x Impact)
		Procedural synchronicity required. SCS contains much which is non spatial.			
13	Consultation fatigue /overload		Lack of response. Lack of understanding of vision.	Link to SCS wherever practicable.	$2 \times 2 = 4$
14	The capacity of the Planning Inspectorate (PINS) and GONW		Inability of PINS or the GONW to meet deadlines due to nationwide demand will lead to delays in adoption.	This is outside of the Council's control, however PINS and the GONW have been consulted on the proposed timetable for the production of the LDS documents. PINS and the GONW consider this timetable to be acceptable.	$1 \times 4 = 4$
15	LDF work is under resourced		May result in key milestones within the LDS not being met.  Programme slippage.  Loss of HPDG due to targets not being met.  Lack of up to date	The LDF has been recognised as a priority by the Council.	$1 \times 4 = 4$

No.	Risk	Commentary (where appropriate)	Potential Impacts	Mitigation Measures	Risk Assessment (Probability x Impact)
			plans.		
16	LDF programme too ambitious		<p>May result in key milestones within the LDS not being met.</p> <p>Programme slippage.</p> <p>Loss of HPDG due to targets not being met.</p> <p>Lack of up to date plans.</p>	The Council has taken a realistic view to the programme. Resources will be requested to manage the programme. The LDF is now a priority of the council.	$1 \times 3 = 3$
17	Staff are not trained in project management		<p>May result in key milestones within the LDS not being met.</p> <p>Programme slippage.</p> <p>Loss of HPDG due to targets not being met.</p> <p>Lack of up to date plans.</p>	Training to be offered to all staff in relation to project management. Support to be provided by management.	$1 \times 3 = 3$
18	Secretary of State directs revisions /changes to the		- Approval of LDS delayed;	Close liaison with Government Office on emerging LDS.	$1 \times 2 = 2$

No.	Risk	Commentary (where appropriate)	Potential Impacts	Mitigation Measures	Risk Assessment (Probability x Impact)
	LDS		- Cause overall slippage in LDF programme		

## Appendix 1: Saved Policies

- 12.3 Under the Planning and Compulsory Purchase Act 2004 adopted structure and local plan policies are saved for 3 years from whichever is the later of:
- The date of the commencement of the Act [27th September 2004] or
  - The date the plan was adopted.
- 12.4 However, the Act does allow the Secretary of State to extend the saving of policies beyond that date. Providing that the policies to be extended comply with the following criteria:
- Where appropriate, there is a clear central strategy
  - Policies have regard to the community strategy for the area
  - Policies are in general conformity with the regional spatial strategy
  - Policies are in conformity where the LDF Core Strategy has been adopted
  - There are effective policies for any parts of the authority's area where significant change in the use or development of land or conservation of the area is envisaged, and
  - Policies are necessary and do not merely repeat national or regional policy.

### **Cheshire 2016 Replacement Structure Plan**

The Planning and Compulsory Purchase Act 2004 includes a mechanism whereby structure plan policies can be saved for a period of up to three years from commencement of the Act or adoption of the Structure Plan (December 2005). Scope exists for the Regional Planning Board, in discussion with the Structure Plan authority, to consider whether any policies should be saved for a longer period, in order to fill a policy void. The Secretary of State will then decide whether such policies should be saved. The RSS identifies the following policies in the Cheshire Structure Plan that are to be saved in this way:

GEN 5 – Jodrell Bank Zone

GEN8 – Regional Parks

HOU6 – caravan sites for gypsies

T4 - Strategic improvements to the transport network

T5 - Former railway infrastructure

T7 – Parking

T8 - Improvements to the rail network

T9 - Motorway and trunk road networks

T10 -Roadside services.

TR3 -Visitor accommodation

TR4 – Extensive outdoor recreation

### **Cheshire Replacement Waste Local Plan**

All policies within the Cheshire Replacement Waste Local Plan are saved for a period of three years from adoption, from July 2007 until July 2010. If after this date it is still necessary to 'save' the policies of the Cheshire Replacement Waste Local Plan it will then be possible to request a further extension from the Secretary of State.



**DIRECTION UNDER PARAGRAPH 1(3) OF SCHEDULE 8 TO THE PLANNING  
AND COMPULSORY PURCHASE ACT 2004  
POLICIES CONTAINED IN THE CHESHIRE REPLACEMENT MINERALS LOCAL  
PLAN (JUNE 1999)**

The Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 directs that for the purposes of the policies specified in the Schedule to this direction, paragraph 1(2)(a) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 does not apply.

Signed by authority of the  
Secretary of State

Steven Fyfe  
Head, Local Planning Team  
Government Office for the North West  
18 September 2007

## **SCHEDULE**

### **POLICIES CONTAINED IN THE CHESHIRE REPLACEMENT MINERALS LOCAL PLAN (ADOPTED JUNE 1999)**

#### **CHAPTER 2 – MINERALS - GENERAL**

Policy 1 - Sustainability

Policy 2 - Need

Policy 3 – Aggregate Reserves

Policy 4 – Alternative Sources of Aggregates

Policy 5 – Safeguarding High Quality Mineral

Policy 6 – Prior Extraction

Policy 7 – Mineral Consultation Areas

Policy 8 - Review

Policy 9 – Planning Applications

Policy 10 – Geological Content of Planning Applications

Policy 11 – Pre-Application Discussions

Policy 12 - Conditions

Policy 13 – Planning Obligations/Legal Agreements

Policy 14 – Areas of Special County Value (ASCV)

Policy 15 - Landscape

Policy 16 – Plant and Buildings

Policy 17 – Visual Amenity

Policy 18 – Jodrell Bank Zone

Policy 19 - Archaeology

Policy 20 - Archaeology

Policy 21 - Archaeology

Policy 22 – Nature Conservation

Policy 23 – Nature Conservation

Policy 24 – Built Heritage and Historic Environment

Policy 25 – Groundwater/ Surface Water/ Flood Protection

Policy 26 - Noise

Policy 27 - Noise

Policy 28 – Dust

Policy 29 – Agricultural Land

Policy 30 – Agricultural Land – Silica Sand

Policy 31 – Cumulative Impact

Policy 32 – Advance Planting

Policy 33 – Public Rights of Way

Policy 34 - Highways

Policy 35 - Alternative forms of transport

Policy 36 – Secondary Operations

Policy 37 – Hours of Operation

Policy 38 - Blasting

Policy 39 – Stability and Support

Policy 40 – Mine Waste Disposal

Policy 41 - Restoration

Policy 42 - Aftercare

Policy 43 – Liaison Committees

## **CHAPTER 5 – COAL**

Policy 44 – Opencast Coal

## **CHAPTER 6 – SAND AND GRAVEL**

Policy 45 – Sand and Gravel Landbank

Policy 46 – Future Sand and Gravel Extraction

Policy 47 – Sand and Gravel Area of Search

## **CHAPTER 7 - HYDROCARBONS**

Policy 48 - Hydrocarbons

## **CHAPTER 8 – PEAT**

Policy 49 - Peat

## **CHAPTER 9 – SALT**

Policy 50 – Natural Brine Pumping

Policy 51 – Future Rock Salt Extraction

Policy 52 – Future Controlled Brine Extraction

## **CHAPTER 10 – SANDSTONE**

Policy 53 – Crushed Rock Landbank

**CHAPTER 11 – SILICA SAND**

Policy 54 – Future Silica Sand Extraction

**DIRECTION UNDER PARAGRAPH 1(3) OF SCHEDULE 8 TO THE PLANNING  
AND COMPULSORY PURCHASE ACT 2004  
POLICIES CONTAINED IN CONGLETON BOROUGH LOCAL PLAN  
(ADOPTED JANUARY 2005)**

The Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 directs that for the purposes of the policies specified in the Schedule to this direction, paragraph 1(2)(a) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 does not apply.

Signed by authority of the  
Secretary of State

Steven Fyfe  
Head, Local Planning Team  
Government Office for the North West  
25 January 2008

**SCHEDULE**

**POLICIES CONTAINED IN CONGLETON BOROUGH LOCAL PLAN  
(ADOPTED JANUARY 2005)**

1. Chapter 2 – Plan Strategy

Policy PS3: Settlement Hierarchy  
Policy PS4: Towns  
Policy PS5: Villages in the Open Countryside and Inset in the Green Belt  
Policy PS6: Settlements in the Open Countryside and the Green Belt  
Policy PS7: Green Belt  
Policy PS8: Open Countryside  
Policy PS9: Areas of Special County Value  
Policy PS10: Jodrell Bank Radio Telescope Consultation Zone  
Policy PS12: Strategic Transport Corridors

2. Chapter 3 – General Requirements

Policy GR1: New Development  
Policy GR2: Design  
Policy GR3: Design  
Policy GR4: Landscaping  
Policy GR5: Landscaping  
Policy GR6: Amenity and Health  
Policy GR7: Amenity and Health  
Policy GR8: Amenity and Health  
Policy GR9: Accessibility, Servicing and Parking Provision (New Development)  
Policy GR10: Accessibility, Servicing and Parking Provision  
Policy GR11: Development Involving New Roads and other Transportation Projects  
Policy GR13: Public Transport Measures  
Policy GR14: Cycling Measures  
Policy GR15: Pedestrian Measures  
Policy GR16: Footpath, Bridleway and Cycleway Networks  
Policy GR17: Car Parking  
Policy GR18: Traffic Generation  
Policy GR19: Infrastructure  
Policy GR20: Public Utilities  
Policy GR21: Flood Prevention  
Policy GR22: Open Space Provision  
Policy GR23: Provision of Services and Facilities

3. Chapter 4 – Natural Environment and Resources Policies

Policy NR1: Trees and Woodlands  
Policy NR2: Statutory Sites  
Policy NR3: Habitats

Policy NR4: Non-statutory Sites

Policy NR5: Non-statutory Sites

Policy NR6: Reclamation of Land

Policy NR9: Renewable Energy

#### 4. Chapter 5 - Built Environment and Heritage

Policy BH1: Parks and Gardens of Historic Interest

Policy BH2: Statutory List of Buildings of Special Architectural or Historic Interest (Demolition)

Policy BH3: Statutory List of Buildings of Special Architectural or Historic Interest (Change of Use/Conversion)

Policy BH4: Statutory List of Buildings of Special Architectural or Historic Interest (Effect of Proposals)

Policy BH5: Statutory List of Buildings of Special Architectural or Historic Interest

Policy BH6: Non-statutory List of Buildings of Special Architectural or Historic Interest

Policy BH7: Enabling Development

Policy BH8: Conservation Areas

Policy BH9: Conservation Areas

Policy BH10: Conservation Areas

Policy BH13: New Agricultural Buildings

Policy BH15: Conversion of Rural Buildings

Policy BH16: The Residential Re-use of Rural Building

#### 5. Chapter 6 – Economy

Policy E3: Employment Development in Towns

Policy E4: Employment Development in Villages

Policy E5: Employment Development in the Open Countryside

Policy E6: Employment Development in the Green Belt

Policy E8: Home-based Businesses

Policy E9: Royal Ordnance factory, Radway Green

Policy E10: Re-use or Redevelopment of Existing Employment Sites

Policy E11: Owner-specific Employment Sites

Policy E12: Distribution and Storage Facilities

Policy E13: Roadside Facilities

Policy E14: Motorway Service Areas

Policy E15: Heavy Goods Vehicle Parking

Policy E16: Tourism and Visitor Development (Facilities & Attractions)

Policy E17: Tourism and Visitor Development (Serviced Accommodation)

Policy E18: Tourism and Visitor Development (Camping & Caravanning Sites)

Policy E19: Telecommunications

#### 6. Chapter 7 – Housing

Policy H1: Provision of New Housing Development

Policy H2: Provision of New Housing Development  
Policy H3: Committed Housing Sites  
Policy H4: Residential Development in Towns  
Policy H5: Residential Development in Villages  
Policy H6: Residential Development in the Open  
Countryside and the Green Belt  
Policy H7: Residential Caravans and Mobile Homes  
Policy H8: Gypsy Caravan Sites  
Policy H9: Additional Dwellings and Sub-divisions  
Policy H10: Additional Dwellings and Sub-divisions  
Policy H13: Affordable and Low-cost Housing  
Policy H14: Affordable and Low-cost Housing  
Policy H16: Extensions to Dwellings in the Open Countryside and  
Green Belt  
Policy H17: Extension of residential Curtilages into the Open Countryside  
Or Green Belt  
Policy H18: Dwellings Associated with Rural Enterprises  
Policy H19: Agricultural Occupancy Conditions

## 7. Chapter 8 – Town Centres and Shopping

Policy S1: Shopping Hierarchy  
Policy S2: Shopping and Commercial Development Outside Town Centres  
Policy S4: Principal Shopping Areas  
Policy S5: Other Town Centre Areas  
Policy S6: The Use of Upper Floors within Town Centres  
Policy S7: Shopping and Commercial Development in Villages  
Policy S8: Holmes Chapel  
Policy S9: Shopping and Commercial Development in the Open  
Countryside and Green Belt  
Policy S11: Shop Fronts and Security Shutters (Shop Fronts)  
Policy S12: Security Shutters-Solid Lath  
Policy S13: Security Shutters-Lattice/Mesh Grilles  
Policy S14: Advertisements  
Policy S15: Advertisements in Conservation Areas  
Policy S16: Environmental Improvements and Traffic Management  
Measures

## 8. Chapter 9 – Recreation and Community Facilities

Policy RC1: Recreation and Community Facilities Policies (General)  
Policy RC2: Protected Areas of Open Space  
Policy RC3: Nuisance Sports  
Policy RC4: Countryside Recreational Facilities  
Policy RC5: Equestrian Facilities  
Policy RC6: Golf Courses and Driving Ranges



Policy RC7: Water Based Activities  
Policy RC8: Canal/Riverside Recreational Developments  
Policy RC9: Canal/Riverside Recreational Developments (Mooring)  
Policy RC10: Outdoor Formal recreational and Amenity Open Space  
Facilities  
Policy RC11: Indoor Recreational and Community Uses (General)  
Policy RC12: Retention of Existing Community Facilities  
Policy RC13: Day Nurseries

## 9. Chapter 10 – Development Proposals

Policy DP1: Employment Sites  
Policy DP2: Housing Sites  
Policy DP3: Mixed Use Sites  
Policy DP3A: Alsager Campus  
Policy DP4: Retail sites  
Policy DP5: Recreation, Leisure and Community Use Sites  
Policy DP6: Treatment Facility  
Policy DP7: Development Requirements  
Policy DP8: Supplementary Planning Guidance  
Policy DP9: Transport Assessment  
Policy DP10: New Road Schemes  
Policy DP11: Transport Facilities

**DIRECTION UNDER PARAGRAPH 1(3) OF SCHEDULE 8 TO THE  
PLANNING AND COMPULSORY PURCHASE ACT 2004**

**POLICIES CONTAINED IN BOROUGH OF CREWE AND NANTWICH  
REPLACEMENT LOCAL PLAN 2011 (ADOPTED FEBRUARY 2005)**

The Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 directs that for the purposes of the policies specified in the Schedule to this direction, paragraph 1(2)(a) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 does not apply.

Signed by authority of the  
Secretary of State

Steven Fyfe Head, Local Planning Team Government Office for the North West 14  
February 2008

**SCHEDULE**

**POLICIES CONTAINED IN BOROUGH OF CREWE AND NANTWICH  
REPLACEMENT LOCAL PLAN 2011 (ADOPTED FEBRUARY 2005)**

**1. Chapter 4 – The Natural Environment**

Policy NE1: Development in the Green Belt  
Policy NE2: Open Countryside  
Policy NE3: Areas of Special County Value  
Policy NE4: Green Gaps  
Policy NE5: Nature Conservation and Habitats  
Policy NE6: Sites of International Importance for Nature Conservation  
Policy NE7: Sites of National Importance for Nature Conservation  
Policy NE8: Sites of Local Importance for Nature Conservation  
Policy NE9: Protected Species  
Policy NE10: New Woodland Planting and Landscaping  
Policy NE11: River and Canal Corridors  
Policy NE12: Agricultural Land Quality  
Policy NE13: Rural Diversification  
Policy NE14: Agricultural Buildings Requiring Planning Permission  
Policy NE15: Re-Use and Adaptation of a Rural Building for a Commercial,  
Industrial or Recreational Use.  
Policy NE16: Re-Use and Adaptation of a Rural Building for Residential  
Use.  
Policy NE17: Pollution Control  
Policy NE18: Telecommunications Development  
Policy NE19: Renewable Energy  
Policy NE20: Flood Prevention  
Policy NE21: New Development and Landfill Sites

**2. Chapter 5 – The Built Environment**

BE1: Amenity Policy  
BE2: Design Standards Policy  
BE3: Access and Parking Policy  
BE4: Drainage, Utilities and Resources Policy  
BE5: Infrastructure Policy  
BE6: Development on Potentially Contaminated Land Policy  
BE7: Conservation Areas Policy  
BE8: Advertisements in Conservation Areas Policy  
BE9: Listed Buildings: Alterations and Extensions Policy  
BE10: Changes of use for Listed Buildings Policy  
BE11: Demolition of Listed Buildings Policy  
BE12: Advertisements on Listed Buildings Policy  
BE13: Buildings of Local Interest Policy  
BE14: Development Affecting Historic Parks and Gardens Policy  
BE15: Scheduled Ancient Monuments

- BE17: Historic Battlefields Policy
- BE18: Shop Fronts and Advertisements Policy
- BE19: Advertisements and Signs Policy
- BE20: Advance Directional Advertisements Policy
- BE21: Hazardous Installations

3. Chapter 6 – Employment Policy

- E1: Existing Employment Allocations Policy
- E2: New Employment Allocations Policy
- E3: Regional and Strategic Employment Allocations at Basford Policy
- E4: Development on Existing Employment Areas Policy
- E5: Employment in Villages Policy
- E6: Employment Development within Open Countryside Policy
- E7: Existing Employment Sites

4. Chapter 7 – Housing

- RES1: Housing Allocations Policy
- RES2: Unallocated Housing Sites Policy
- RES3: Housing Densities Policy
- RES4: Housing in Villages with Settlement Boundaries Policy
- RES5: Housing in the Open Countryside Policy
- RES6: Agricultural and Forestry Occupancy Conditions Policy
- RES7: Affordable Housing within the Settlement Boundaries Of Nantwich and the Villages listed in Policy RES4
- RES8: Affordable Housing in Rural Areas Outside Settlement Boundaries (Rural Exceptions Policy)
- RES9: Houses in Multiple Occupation Policy
- RES10: Replacement Dwellings in the Open Countryside Policy
- RES11: Improvements and Alterations to Existing Dwellings Policy
- RES12: Living over the Shop Policy
- RES13: Sites for Gypsies and Travelling Showpeople

5. Chapter 8 – Transportation Policy

- TRAN1: Public Transport Policy
- TRAN2: Crewe Bus Station Policy
- TRAN3: Pedestrians Policy
- TRAN4: Access for the Disabled Policy
- TRAN5: Provision for Cyclists Policy
- TRAN6: Cycle Routes Policy
- TRAN7: Crewe Railway Station Policy
- TRAN8: Existing Car Parks Policy
- TRAN9: Car Parking Standards Policy
- TRAN10: Trunk Roads Policy
- TRAN11: Non Trunk Roads Policy
- TRAN12: Roadside Facilities

6. Chapter 9 – Recreation and Tourism

- Policy RT1: Protection of Open Spaces with Recreational or Amenity Value

Policy RT2: Equipped Children's Playgrounds  
Policy RT3: Provision of recreational Open Space and Children's  
Playspace in New Housing Developments  
Policy RT5: Allotments  
Policy RT6: Recreational Uses in the Open Countryside  
Policy RT7: Visitor Accommodation  
Policy RT8: Promotion of Canals and Waterways  
Policy RT9: Footpaths and Bridleways  
Policy RT10: Touring Caravans and Camping Sites  
Policy RT11: Golf Courses  
Policy RT12: Nantwich Riverside  
Policy RT13: Leighton West Country Park  
Policy RT14: Nantwich Canal Basin  
Policy RT15: The Protection of Existing Indoor Leisure Facilities  
Policy RT16: Noise Generating Sports  
Policy RT17: Increasing Opportunities for Sport

7. Chapter 10 – Shopping, Town Centres and Regeneration

Policy S1: New Retail Development in Town Centres  
Policy S2: Crewe Town Centre Primary Frontages  
Policy S3: Crewe Town Centre Secondary Frontages  
Policy S4: Nantwich Town Centre  
Policy S5: Welsh Row, Nantwich  
Policy S6: Sites Allocated for Retailing and/or Leisure/Entertainment  
Uses  
Policy S7: Cronkinson Farm District Shopping Centre  
Policy S8: Existing District and Local Shopping Centres  
Policy S9: Nantwich Road, Crewe  
Policy S10: Major Shopping Proposals  
Policy S11: Leisure and Entertainment  
Policy S12: Mixed Use Regeneration Areas  
Policy S13: Village Shops

8. Chapter 11 – Community Needs

CF1: Leighton Hospital Policy  
CF2: Community Facilities Policy  
CF3: Retention of Community Facilities

**N.B. POLICY RES 7 AS MODIFIED** (Affordable Housing within the Settlement Boundaries of Nantwich and the Villages listed in Policy RES4)

The Government Office for the North West states that the direction to save policies under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 would only apply to those policies adopted within the original version of the Adopted Replacement Local Plan 2011 (Adopted on the 17th February 2005).

As such, Policy RES. 7 (As Modified) could not be included within the saved policies direction. However, as the original policy refers to the importance of the use of an up to date evidence base, and the fact that the modified policy is based upon the most

up to date Housing Needs Survey (undertaken in 2005), then the modified policy is still relevant and used by staff within Development Management processes at the Borough Council.

Moreover, as both the evidence base and approach taken within policy RES.7 (As Modified), reflects the advice in Planning Policy Statement 3, then its continued use is justifiable. In fact the Government Office for the North West, specifically stated: *'In particular, we would draw your attention to the importance of reflecting policy in Planning Policy Statement 3 Housing and Strategic Housing Land Availability Assessments in relevant decisions'*.

This advice therefore seems to endorse the approach undertaken by the Borough Council.

**DIRECTION UNDER PARAGRAPH 1(3) OF SCHEDULE 8 TO THE PLANNING  
AND COMPULSORY PURCHASE ACT 2004  
POLICIES CONTAINED IN THE MACCLESFIELD BOROUGH PLAN (JANUARY  
2004)**

The Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 directs that for the purposes of the policies specified in the Schedule to this direction, paragraph 1(2)(a) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 does not apply.

Signed by authority of the  
Secretary of State

Steven Fyfe  
Head, Local Planning Team  
Government Office for the North West  
18 September 2007

**SCHEDULE**

**POLICIES CONTAINED IN MACCLESFIELD BOROUGH LOCAL PLAN (ADOPTED  
JANUARY 2004)**

**CHAPTER 3 – ENVIRONMENT**

**Natural Environment**

- Policy NE1 - Areas of Special County Value
- Policy NE2 - Protection of Local Landscapes
- Policy NE3 - Landscape Conservation
- Policy NE5 - Conservation of Parkland Landscapes
- Policy NE7 - Woodland Management
- Policy NE8 - Promotion and Restoration of Woodland
- Policy NE9 - Protection of River Corridors
- Policy NE10 - Conservation of River Bollin
- Policy NE11 - Nature Conservation
- Policy NE12 - SSSI's, SBI's and Nature Reserves
- Policy NE13 - Sites of Biological Importance
- Policy NE14 - Nature Conservation Sites
- Policy NE15 - Habitat enhancement
- Policy NE16 - Nature Conservation Priority Areas
- Policy NE17 - Nature Conservation in Major Developments
- Policy NE18 - Accessibility to Nature Conservation

**Built Environment**

- Policy BE1 - Design Guidance
- Policy BE2 - Preservation of Historic Fabric
- Policy BE3 - Conservation Areas
- Policy BE4 - Design Criteria in Conservation Areas
- Policy BE6 - Macclesfield Canal Conservation Area
- Policy BE7 - High Street Conservation Area
- Policy BE8 - Christ Church Conservation Area
- Policy BE9 - Barracks Square Conservation Area
- Policy BE12 - The Edge Conservation Area
- Policy BE13 - Legh Road Conservation Area
- Policy BE15 - Listed Buildings
- Policy BE16 - Setting of Listed Buildings



Policy BE17 - Preservation of Listed Buildings  
Policy BE18 - Design Criteria for Listed Buildings  
Policy BE19 - Changes of Use for Listed Buildings  
Policy BE20 - Locally Important Buildings  
Policy BE21 - Sites of Archaeological Interest  
Policy BE22 - Scheduled Monuments  
Policy BE23 - Development Affecting Archaeological Sites  
Policy BE24 - Development of Sites of Archaeological Importance

#### **CHAPTER 4 – GREEN BELT AND COUNTRYSIDE**

Policy GC1 - Green Belt – New Buildings  
Policy GC4 - Major Developed Sites in the Green Belt  
Policy GC5 - Countryside Beyond the Green Belt  
Policy GC6 - Outside the Green Belt, Areas of Special County Value and Jodrell Bank Zone  
Policy GC7 - Safeguarded Land  
Policy GC8 - Reuse of Rural Buildings – Employment and Tourism  
Policy GC9 - Reuse of Rural Buildings - Residential  
Policy GC10 - Extensions to Residential Institutions  
Policy GC12 - Alterations and Extensions to Houses  
Policy GC14 - Jodrell Bank

#### **CHAPTER 5 – RECREATION AND TOURISM**

##### **Recreation**

Policy RT1 - Protection of Open Spaces  
Policy RT2 - Incidental Open Spaces/Amenity Areas  
Policy RT3 - Redundant Educational Establishments  
Policy RT5 - Open Space Standards  
Policy RT6 - Recreation/Open Space Provision  
Policy RT7 - Cycleways, Bridleways and Footpaths  
Policy RT8 - Access to Countryside  
Policy RT9 - Restoration of Danes Moss Tip  
Policy RT10 - Canals and Water Recreation  
Policy RT11 - Canal Mooring Basins

##### **Tourism**

Policy RT13 - Promotion of Tourism

Policy RT15 - Hotel Development

Policy RT17 - Reuse of Rural Buildings

Policy RT19 - Dairy House Lane Recreational Allocation

## **CHAPTER 6 – HOUSING AND COMMUNITY USES**

### **Housing**

Policy H1 - Phasing Policy

Policy H2 - Environmental Quality in Housing Developments

Policy H4 - Housing Sites in Urban Areas

Policy H5 - Windfall Housing Sites

Policy H6 - Town Centre Housing

Policy H8 - Provision of Affordable Housing in Urban Areas

Policy H9 - Occupation of Affordable Housing

Policy H11 - Existing Housing Stock

Policy H12 - Low Density Housing Areas

Policy H13 - Protecting Residential Areas

### **Community Uses**

Policy C2 - Macclesfield District General Hospital

## **CHAPTER 7 – EMPLOYMENT**

Policy E1 - Retention of Employment Land

Policy E2 - Retail Development on Employment Land

Policy E3 - B1 (Business) Uses

Policy E4 - General Industrial Development

Policy E5 - Special Industries

Policy E6 - Land to the west of Lyme Green Business Park

Policy E7 - Land at Hurdsfield Road

Policy E8 - Parkgate Industrial Estate

Policy E11 - Mixed Use Areas

Policy E14 - Relocation of Businesses

## **CHAPTER 8 – TRANSPORT**

Policy T1 - General Transportation Policy

Policy T2 - Public Transport

Policy T3 - Pedestrians

Policy T4 - Access for People with Restricted Mobility

Policy T5 - Provision for Cyclists

Policy T6 - Highway Improvement Schemes

Policy T7 - Safeguarded Routes

Policy T8 - Traffic Management and Environmental Improvements

Policy T9 - Traffic Management and Traffic Calming

Policy T10 - South Macclesfield Distributor Road

Policy T11 - Improvements to Strategic Highways Network

Policy T13 - Public Car Parks

Policy T14 - Lorry Park Proposals

Policy T15 - Lorry Parking

Policy T18 - Restrictions on Development within NNI Zones

Policy T19 - Public Safety Zone

Policy T20 - Control of Airport Infrastructure

Policy T21 - Airport Related Development

Policy T22 - Restoration of Land to the East of Satellite Fire Station

Policy T23 - Airport Operational Area

## **CHAPTER 9 SHOPPING**

Policy S1 - Town Centre Shopping Development

Policy S2 - New Shopping, Leisure and Entertainment Developments

Policy S3 - Congleton Road Development Site

Policy S4 - Local Shopping Centres

Policy S5 - Class A1 Shops

Policy S7 - New Local Shops

## **CHAPTER 10 – MACCLESFIELD TOWN CENTRE**

Policy MTC1 - Prime Shopping Area

Policy MTC2 - Exchange Street Redevelopment

Policy MTC3 - Development in Prime Shopping Areas

Policy MTC4 - Secondary Shopping Areas

Policy MTC5 - Waters Green Area

Policy MTC6 - Improvement of Sunderland Street

Policy MTC7 - Redevelopment Area – West of Churchill Way

Policy MTC8 - Redevelopment Area – Samuel Street/Park Lane

Policy MTC9 - Redevelopment Area – Duke Street  
Policy MTC11 - Redevelopment Area – Macclesfield Station  
Policy MTC12 - Mixed Use Areas  
Policy MTC13 - Park Green Regeneration Area  
Policy MTC14 - Conservation of Park Green  
Policy MTC15 - King Edward Street Regeneration  
Policy MTC16 - Pedestrian Routes/Links  
Policy MTC17 - Jordangate and Market Place  
Policy MTC18 - George Street Mill Regeneration Area  
Policy MTC19 - Housing  
Policy MTC20 - Christ Church Housing Area  
Policy MTC21 - Reuse of Christ Church  
Policy MTC22 - Office Development  
Policy MTC23 - Pedestrianisation  
Policy MTC24 - Car Parks  
Policy MTC25 - Car Parking Provision  
Policy MTC26 - Car Parking Provision  
Policy MTC27 - River Bollin Recreational Route

#### **CHAPTER 11 - WILMSLOW TOWN CENTRE**

Policy WTC3 - Kings Close Shopping Proposal  
Policy WTC4 - Development in the Shopping Area  
Policy WTC5 - Upper Floor Development  
Policy WTC6 - Green Lane/Alderley Road Redevelopment Area  
Policy WTC7 - Mixed Use Areas  
Policy WTC8 - Housing and Community Uses  
Policy WTC9 - Offices  
Policy WTC10 - Environmental Improvement of Bank Square Area  
Policy WTC11 - Pedestrian Priority Measures  
Policy WTC12 - Car Parks  
Policy WTC13 - Car Park Proposal – Spring Street

#### **CHAPTER 12 - HANDFORTH DISTRICT CENTRE**

Policy HDC1 - Shopping Area  
Policy HDC2 - Upper Floor Development

Policy HDC3 - Mixed Use Area

Policy HDC4 - Housing and Community Uses

Policy HDC5 - Office Development

Policy HDC6 - Car Parking

Policy HDC7 - Redevelopment of the Paddock

### **CHAPTER 13 – ALDERLEY EDGE VILLAGE CENTRE**

Policy AEC1 - Shopping Area

Policy AEC3 - Upper Floor Development

Policy AEC4 - Mixed Use Areas

Policy AEC5 - Office Development

Policy AEC6 - Housing Development

Policy AEC7 - Car Parking

### **CHAPTER 14 - KNUTSFORD TOWN CENTRE**

Policy KTC1 - Conservation of Historic Character

Policy KTC2 - Design Guidance

Policy KTC3 - Design Guidance

Policy KTC4 - Design Guidance

Policy KTC5 - Redevelopment Criteria for “The Yards”

Policy KTC6 - Red Cow Yard

Policy KTC8 - Silk Mill Street

Policy KTC9 - Shopping Areas

Policy KTC10 - Shopping Area Development

Policy KTC11 - Upper Floor Development

Policy KTC12 - Housing and Community Uses

Policy KTC13 - Housing Development

Policy KTC14 - Mixed Use Areas

Policy KTC16 - Office Development

Policy KTC17 - King Street Link Road

Policy KTC18 - Pedestrian Priority Measures

Policy KTC19 - Car Parks

Policy KTC20 - Additional Car Parking

Policy KTC21 - Car Parking Provision

### **CHAPTER 15 – POYNTON DISTRICT CENTRE**

Policy PDC1 - Prime Shopping Area

Policy PDC2 - Development in the Prime Shopping Area

Policy PDC3 - Secondary Shopping Area

Policy PDC4 - Upper Floor Development

Policy PDC5 – Housing and Community Uses

Policy PDC6 - Office Development

Policy PDC7 - Car Parking

Policy PDC8 - Car Parking at Park Lane

## **CHAPTER 16 – IMPLEMENTATION**

Policy IMP1 - Development Sites

Policy IMP2 - Transport Measures

Policy IMP3 - Land Ownership

Policy IMP4 - Environmental Improvements in Town Centres

## **CHAPTER 17 – DEVELOPMENT CONTROL**

### **Design and Amenity**

Policy DC1 - Design and Amenity

Policy DC2 - Design and Amenity

Policy DC3 - Design and Amenity

Policy DC5 - Design and Amenity

Policy DC6 - Design and Amenity

Policy DC8 - Landscaping and Tree Protection

Policy DC9 - Landscaping and Tree Protection

Policy DC10 - Landscaping and Tree Protection

Policy DC13 - Noise

Policy DC14 - Noise

### **Provision of Facilities**

Policy DC15 - Provision of Facilities

Policy DC16 - Provision of Facilities

### **Water Resources**

Policy DC17 - Water Resources

Policy DC18 - Water Resources

Policy DC19 - Water Resources

Policy DC20 - Water Resources

### **Temporary Buildings and Uses**

Policy DC21 - Temporary Buildings and Uses

Policy DC22 - Temporary Buildings and Uses

### **Green Belt and Countryside**

Policy DC23 - Agricultural Dwellings

Policy DC24 - Agricultural Dwellings

Policy DC25 - Agricultural Dwellings

Policy DC27 - Caravans

Policy DC28 - Agricultural Buildings

Policy DC29 - Agricultural Buildings

Policy DC31 - Gypsies

Policy DC32 - Equestrian Facilities

Policy DC33 - Outdoor Commercial Recreation

### **Residential Development**

Policy DC35 - Materials

Policy DC36 - Road Layouts and Circulation

Policy DC37 - Landscaping

Policy DC38 - Space, Light and Privacy

Policy DC40 - Children's Play Space

Policy DC41 - Infill Housing Development

Policy DC42 - Subdivision

Policy DC43 - Side Extensions

Policy DC44 - Residential Caravans

Policy DC45 - Playgroups and Nurseries

Policy DC46 - Demolition

Policy DC47 - Demolition

### **Retail Development**

Policy DC48 - Shop Front Design etc

Policy DC49 - Shop Front Design etc

Policy DC50 - Shop Front Design etc

Policy DC51 - Adverts

Policy DC52 - Adverts

Policy DC53 - Adverts

Policy DC54 - Restaurants etc

Policy DC55 - Amusement Centres

**Community Uses**

Policy DC57 - Residential Institutions

Policy DC60 - Telecommunications Equipment

Policy DC61 - Telecommunications Equipment

Policy DC62 - Renewable Energy

Policy DC63 - Contaminated Land

Policy DC64 - Floodlighting



## Appendix 2: Local Development Document Profiles

<b>Title:</b>	<b>Core Strategy</b>
<b>Status:</b>	DPD
<b>Role:</b>	Sets out the Vision, Objectives and Strategy for the spatial development of the area over the next 15 years, and may include strategic sites.
<b>Geographical Area:</b>	Authority wide
<b>Conformity Chain:</b>	General conformity with the RSS and consistent with PPG / PPSs.
<b>Produced by:</b>	Expected to be produced by Cheshire East LDF Section
<b>Resources:</b>	Expected to be provided by Cheshire East LDF Section
<b>Management Arrangements:</b>	LDF Section Manager is expected to be responsible for the management of this document. It is expected that Full Council will approve the publication, submission and adoption of the DPD based on recommendations from the Cabinet <sup>3</sup> .
<b>Community Involvement:</b>	Community involvement will be encouraged throughout the process, with consultation during the Regulation 25 consultation stage and when the document is published prior to being submitted to the Secretary of State.
<b>Sustainability Appraisal:</b>	Simultaneous consultation with the Development Plan Document. To be assessed through the Sustainability Appraisal, including the Strategic Environmental Assessment.
<b>Monitoring &amp; Review:</b>	The Core Strategy is intended to be a long term strategy and will be reviewed with that in mind. Monitoring will take place through the contextual section of the AMR.

<b>Timetable</b>	<b>Start preparatory work:</b>	January 2009
	<b>Sustainability Appraisal Scoping Report:</b>	April 2009
	<b>Regulation 25 Consultation:</b>	January 2009 – October 2010
	<b>Publication of the DPD:</b>	November 2010
	<b>Submission to Secretary of State:</b>	April 2011
	<b>Pre-hearing Meeting:</b>	June 2011
	<b>Commencement of Examination Hearing:</b>	September 2011
	<b>Inspectors Binding Report:</b>	January 2012
	<b>Adoption:</b>	April 2012

<sup>3</sup> To be confirmed

<b>Title:</b>	<b>Site Specific Allocations</b>
<b>Status:</b>	DPD
<b>Role:</b>	Contains detailed policies and proposals to deliver and guide land allocated for specific purposes.
<b>Geographical Area:</b>	Authority wide
<b>Conformity Chain:</b>	General conformity with the RSS and consistent with PPG / PPSs and the Core Strategy.
<b>Produced by:</b>	Expected to be produced by Cheshire East LDF Section
<b>Resources:</b>	Expected to be provided by Cheshire East LDF Section
<b>Management Arrangements:</b>	LDF Section Manager is expected to be responsible for the management of this document. It is expected that Full Council will approve the publication, submission and adoption of the DPDs based on recommendations from the Cabinet. <sup>4</sup>
<b>Community Involvement:</b>	Community involvement will be encouraged throughout the process, with consultation during the Regulation 25 consultation stage and when the document is published prior to being submitted to the Secretary of State.
<b>Sustainability Appraisal:</b>	Simultaneous consultation with the Development Plan Document. To be assessed through the Sustainability Appraisal, including the Strategic Environmental Assessment.
<b>Monitoring &amp; Review:</b>	The Annual Monitoring Report (AMR) will monitor the take up of the allocations and other residential, employment and retail development. The document will be reviewed as and when required as highlighted by the AMR.

<b>Timetable</b>	<b>Start preparatory work:</b>	April 2010
	<b>Sustainability Appraisal Scoping Report:</b>	September 2010
	<b>Regulation 25 Consultation:</b>	April 2010 – March 2012
	<b>Publication of the DPD:</b>	April 2012
	<b>Submission to Secretary of State:</b>	September 2012
	<b>Pre-hearing Meeting:</b>	November 2012
	<b>Commencement of Examination Hearing:</b>	January 2013
	<b>Inspectors Binding Report:</b>	May 2013
	<b>Adoption:</b>	September 2013

<sup>4</sup> To be confirmed

<b>Title:</b>	<b>Minerals Policies and Allocations</b>
<b>Status:</b>	DPD
<b>Role:</b>	Contains the detailed development control policies and allocations for Minerals development, where applicable.
<b>Geographical Area:</b>	Authority wide
<b>Conformity Chain:</b>	General conformity with the RSS and consistent with PPG / PPSs and the Core Strategy.
<b>Produced by:</b>	Expected to be produced by Cheshire East LDF.
<b>Resources:</b>	Expected to be provided by Cheshire East.
<b>Management Arrangements:</b>	LDF Section Manager is expected to be responsible for the management of this document. It is expected that Full Council will approve the publication, submission and adoption of the DPDs based on recommendations from the Cabinet. <sup>5</sup>
<b>Community Involvement:</b>	Community involvement will be encouraged throughout the process, with consultation during the Regulation 25 consultation stage and when the document is published prior to being submitted to the Secretary of State, in line with the relevant Statements of Community Involvement from both the Cheshire East and Cheshire West and Chester authorities.
<b>Sustainability Appraisal:</b>	Simultaneous consultation with the Development Plan Document. To be assessed through the Sustainability Appraisal, including the Strategic Environmental Assessment.
<b>Monitoring &amp; Review:</b>	The Annual Monitoring Report (AMR) will monitor the take up of the allocations and other minerals development. The document will be reviewed as and when required as highlighted by the AMR.

<b>Timetable</b>	<b>Start preparatory work:</b>	April 2010
	<b>Sustainability Appraisal Scoping Report:</b>	September 2010
	<b>Regulation 25 Consultation:</b>	April 2010 – March 2012
	<b>Publication of the DPD:</b>	April 2012
	<b>Submission to Secretary of State:</b>	September 2012
	<b>Pre-hearing Meeting:</b>	November 2012
	<b>Commencement of Examination Hearing:</b>	January 2013
	<b>Inspectors Binding Report:</b>	May 2013
	<b>Adoption:</b>	September 2013

<sup>5</sup> To be confirmed

<b>Title:</b>	<b>Congleton Town Centre Area Action Plan</b>
<b>Status:</b>	DPD
<b>Role:</b>	Contains detailed policies and proposals for the redevelopment of Congleton town centre.
<b>Geographical Area:</b>	Congleton Town Centre (to be defined in Core Strategy)
<b>Conformity Chain:</b>	General conformity with the RSS and consistent with PPG / PPSs and the Core Strategy.
<b>Produced by:</b>	Expected to be produced by Cheshire East LDF Section
<b>Resources:</b>	Expected to be provided by Cheshire East LDF Section
<b>Management Arrangements:</b>	LDF Section Manager is expected to be responsible for the management of this document. It is expected that Full Council will approve the publication, submission and adoption of the DPDs based on recommendations from the Cabinet. <sup>6</sup>
<b>Community Involvement:</b>	Community involvement will be encouraged throughout the process, with consultation during the Regulation 25 consultation stage and when the document is published prior to being submitted to the Secretary of State.
<b>Sustainability Appraisal:</b>	Simultaneous consultation with the Development Plan Document. To be assessed through the Sustainability Appraisal, including the Strategic Environmental Assessment.
<b>Monitoring &amp; Review:</b>	The Annual Monitoring Report (AMR) will monitor the take up of the allocations and other residential, employment and retail development. The document will be reviewed as and when required as highlighted by the AMR.

<b>Timetable</b>	<b>Start preparatory work:</b>	November 2010
	<b>Sustainability Appraisal Scoping Report:</b>	April 2011
	<b>Regulation 25 Consultation:</b>	November 2010 – October 2012
	<b>Publication of the DPD:</b>	November 2012
	<b>Submission to Secretary of State:</b>	April 2013
	<b>Pre-hearing Meeting:</b>	June 2013
	<b>Commencement of Examination Hearing:</b>	August 2013
	<b>Inspectors Binding Report:</b>	December 2013
	<b>Adoption:</b>	March 2014

<sup>6</sup> To be confirmed

<b>Title:</b>	<b>Middlewich Canal Corridor Area Action Plan</b>
<b>Status:</b>	DPD
<b>Role:</b>	Contains detailed policies and proposals for the redevelopment of Middlewich Canal Corridor.
<b>Geographical Area:</b>	Middlewich Canal Corridor (to be defined in Core Strategy)
<b>Conformity Chain:</b>	General conformity with the RSS and consistent with PPG / PPSs and the Core Strategy.
<b>Produced by:</b>	Expected to be produced by Cheshire East LDF Section
<b>Resources:</b>	Expected to be provided by Cheshire East LDF Section
<b>Management Arrangements:</b>	LDF Section Manager is expected to be responsible for the management of this document. It is expected that Full Council will approve the publication, submission and adoption of the DPDs based on recommendations from the Cabinet. <sup>7</sup>
<b>Community Involvement:</b>	Community involvement will be encouraged throughout the process, with consultation during the Regulation 25 consultation stage and when the document is published prior to being submitted to the Secretary of State.
<b>Sustainability Appraisal:</b>	Simultaneous consultation with the Development Plan Document. To be assessed through the Sustainability Appraisal, including the Strategic Environmental Assessment.
<b>Monitoring &amp; Review:</b>	The Annual Monitoring Report (AMR) will monitor the take up of the allocations and other residential, employment and retail development. The document will be reviewed as and when required as highlighted by the AMR.

<b>Timetable</b>	<b>Start preparatory work:</b>	November 2010
	<b>Sustainability Appraisal Scoping Report:</b>	April 2011
	<b>Regulation 25 Consultation:</b>	November 2010 – October 2012
	<b>Publication of the DPD:</b>	November 2012
	<b>Submission to Secretary of State:</b>	April 2013
	<b>Pre-hearing Meeting:</b>	June 2013
	<b>Commencement of Examination Hearing:</b>	August 2013
	<b>Inspectors Binding Report:</b>	December 2013
	<b>Adoption:</b>	March 2014

<sup>7</sup> To be confirmed

- Title:** Alsager Town Centre
- Status:** SPD
- Role:** Provides the context for the future development of Alsager Town Centre.
- Geographical Area:** As defined within the SPD.
- Conformity Chain:** General conformity with the RSS and consistent with PPG / PPSs. Linked to saved policies within the Congleton Local Plan, specifically policies S1, S4, S5 and S6.
- Produced by:** Expected to be produced by Cheshire East LDF Section
- Resources:** Expected to be provided by Cheshire East LDF Section.
- Management Arrangements:** LDF Section Manager is expected to be responsible for the management of this document. It is expected that Cabinet will approve the draft SPD for consultation and that Council will adopt the SPD based on recommendations from the Cabinet.<sup>8</sup>
- Community Involvement:** Community involvement will be encouraged throughout the process, with formal consultation at the draft consultation stage.
- Sustainability Appraisal:** Consultation for the Sustainability Appraisal will take place simultaneously with the production of the document.
- Monitoring & Review:** The Annual Monitoring Report (AMR) will assess the extent to which this guidance is being implemented successfully. The document will be reviewed as and when required as highlighted by the AMR.

Timetable	<b>Sustainability Appraisal Scoping Report:</b>	February – March 2009
	<b>Public participation on Draft Supplementary Planning Document:</b>	May – June 2009
	<b>Adoption and Publication:</b>	September 2009

<sup>8</sup> To be confirmed

**Title:** Local List

**Status:** SPD

**Role:** Identifies locally important buildings (non-listed buildings and other structures of architectural or historic interest, which do not enjoy the full protection of statutory listing) deemed worthy of retention.

This document is intended to supersede the existing Locally Important Buildings SPD for Macclesfield.

**Geographical Area:** Authority wide

**Conformity Chain:** General conformity with the RSS and consistent with PPG / PPSs. Linked to saved policies within the Congleton (Policy BH6), Crewe and Nantwich (BE13) and Macclesfield Local Plans (BE20).

**Produced by:** Expected to be produced by Cheshire East Heritage Section.

**Resources:** Expected to be provided by Cheshire East Heritage Section.

**Management Arrangements:** LDF Section Manager is expected to be responsible for the management of this document. It is expected that Cabinet will approve the draft SPD for consultation and that Council will adopt the SPD based on recommendations from the Cabinet.<sup>9</sup>

**Community Involvement:** Community involvement will be encouraged throughout the process, with formal consultation at the draft consultation stage.

**Sustainability Appraisal:** Consultation for the Sustainability Appraisal will take place simultaneously with the production of the document.

**Monitoring & Review:** The Annual Monitoring Report (AMR) will assess the extent to which this guidance is being implemented successfully. The document will be reviewed as and when required as highlighted by the AMR.

<b>Timetable</b>	<b>Sustainability Appraisal Scoping Report:</b>	February – March 2009
	<b>Public participation on Draft Supplementary Planning Document:</b>	May – June 2009
	<b>Adoption and Publication:</b>	September 2009

<sup>9</sup> To be confirmed

<b>Title:</b>	<b>Smallwood Village Design Statement</b>
<b>Status:</b>	SPD
<b>Role:</b>	Sets out design guidance within the Parish.
<b>Geographical Area:</b>	As defined within the SPD.
<b>Conformity Chain:</b>	General conformity with the RSS and consistent with PPG / PPSs. Linked to saved policies within the Congleton Local Plan, specifically policies GR1, GR2 and GR5.
<b>Produced by:</b>	Expected to be produced by Cheshire East LDF Section
<b>Resources:</b>	Expected to be provided by Cheshire East LDF Section and Smallwood Parish VDS Working Group.
<b>Management Arrangements:</b>	LDF Section Manager is expected to be responsible for the management of this document. It is expected that Cabinet will approve the draft SPD for consultation and that Council will adopt the SPD based on recommendations from the Cabinet. <sup>10</sup>
<b>Community Involvement:</b>	Community involvement will be encouraged throughout the process, with formal consultation at the draft consultation stage.
<b>Sustainability Appraisal:</b>	Consultation for the Sustainability Appraisal will take place simultaneously with the production of the document.
<b>Monitoring &amp; Review:</b>	The Annual Monitoring Report (AMR) will assess the extent to which this guidance is being implemented successfully. The document will be reviewed as and when required as highlighted by the AMR.

<b>Timetable</b>	<b>Sustainability Appraisal Scoping Report:</b>	February – March 2009
	<b>Public participation on Draft Supplementary Planning Document:</b>	June – July 2009
	<b>Adoption and Publication:</b>	December 2009

<sup>10</sup> To be confirmed



<b>Title:</b>	<b>Heritage and Conservation</b>
<b>Status:</b>	SPD
<b>Role:</b>	Provides detailed advice on heritage and conservation in the built environment.
<b>Geographical Area:</b>	Authority wide.
<b>Conformity Chain:</b>	General conformity with the RSS and consistent with PPG / PPSs. Linked to saved policies within the Congleton (including policies BH1, BH2, BH3, BH4 and BH5), Crewe and Nantwich (including policies BE7, BE9, BE10 and BE11) and Macclesfield Local Plans (including policies BE2, BE3, BE15, BE16, BE17 and BE18).
<b>Produced by:</b>	Expected to be produced by Cheshire East Heritage Section.
<b>Resources:</b>	Expected to be provided by Cheshire East Heritage Section.
<b>Management Arrangements:</b>	LDF Section Manager is expected to be responsible for the management of this document. It is expected that Cabinet will approve the draft SPD for consultation and that Council will adopt the SPD based on recommendations from the Cabinet. <sup>11</sup>
<b>Community Involvement:</b>	Community involvement will be encouraged throughout the process, with formal consultation at the draft consultation stage.
<b>Sustainability Appraisal:</b>	Consultation for the Sustainability Appraisal will take place simultaneously with the production of the document.
<b>Monitoring &amp; Review:</b>	The Annual Monitoring Report (AMR) will assess the extent to which this guidance is being implemented successfully. The document will be reviewed as and when required as highlighted by the AMR.

<b>Timetable</b>	<b>Sustainability Appraisal Scoping Report:</b>	May – June 2009
	<b>Public participation on Draft Supplementary Planning Document:</b>	September – October 2009
	<b>Adoption and Publication:</b>	March 2010

<sup>11</sup> To be confirmed

<b>Title:</b>	<b>Prestbury</b>
<b>Status:</b>	SPD
<b>Role:</b>	Sets out planning policy guidance within the Parish.
<b>Geographical Area:</b>	Prestbury Parish.
<b>Conformity Chain:</b>	General conformity with the RSS and consistent with PPG / PPSs. Linked to saved policies within the Macclesfield Local Plan.
<b>Produced by:</b>	Expected to be produced by Cheshire East LDF Section in conjunction with Prestbury Parish Plan Group
<b>Resources:</b>	Expected to be provided by Cheshire East LDF Section.
<b>Management Arrangements:</b>	LDF Section Manager is expected to be responsible for the management of this document. It is expected that Cabinet will approve the draft SPD for consultation and that Council will adopt the SPD based on recommendations from the Cabinet. <sup>12</sup>
<b>Community Involvement:</b>	Community involvement will be encouraged throughout the process, with formal consultation at the draft consultation stage.
<b>Sustainability Appraisal:</b>	Consultation for the Sustainability Appraisal will take place simultaneously with the production of the document.
<b>Monitoring &amp; Review:</b>	The Annual Monitoring Report (AMR) will assess the extent to which this guidance is being implemented successfully. The document will be reviewed as and when required as highlighted by the AMR.

<b>Timetable</b>	<b>Sustainability Appraisal Scoping Report:</b>	May – June 2009
	<b>Public participation on Draft Supplementary Planning Document:</b>	September – October 2009
	<b>Adoption and Publication:</b>	March 2010

<sup>12</sup> To be confirmed

<b>Title:</b>	<b>Over Peover Supplementary Planning Document</b>
<b>Status:</b>	SPD
<b>Role:</b>	Sets out planning policy guidance within the Parish.
<b>Geographical Area:</b>	Over Peover Parish.
<b>Conformity Chain:</b>	General conformity with the RSS and consistent with PPG / PPSs. Linked to saved policies within the Macclesfield Local Plan.
<b>Produced by:</b>	Expected to be produced by Cheshire East LDF Section in conjunction with Over Peover Parish Plan Group
<b>Resources:</b>	Expected to be provided by Cheshire East LDF Section.
<b>Management Arrangements:</b>	LDF Section Manager is expected to be responsible for the management of this document. It is expected that Cabinet will approve the draft SPD for consultation and that Council will adopt the SPD based on recommendations from the Cabinet. <sup>13</sup>
<b>Community Involvement:</b>	Community involvement will be encouraged throughout the process, with formal consultation at the draft consultation stage.
<b>Sustainability Appraisal:</b>	Consultation for the Sustainability Appraisal will take place simultaneously with the production of the document.
<b>Monitoring &amp; Review:</b>	The Annual Monitoring Report (AMR) will assess the extent to which this guidance is being implemented successfully. The document will be reviewed as and when required as highlighted by the AMR.

<b>Timetable</b>	<b>Sustainability Appraisal Scoping Report:</b>	May – June 2009
	<b>Public participation on Draft Supplementary Planning Document:</b>	September – October 2009
	<b>Adoption and Publication:</b>	March 2010

<sup>13</sup> To be confirmed

<b>Title:</b>	<b>Sandbach Town Design Statement</b>
<b>Status:</b>	SPD
<b>Role:</b>	Sets out design guidance within the Town.
<b>Geographical Area:</b>	Sandbach Town (as defined within the SPD).
<b>Conformity Chain:</b>	General conformity with the RSS and consistent with PPG / PPSs. Linked to saved policies within the Congleton Local Plan, specifically policies GR1, GR2 and GR5.
<b>Produced by:</b>	Expected to be produced by Cheshire East LDF Section in conjunction with Sandbach Town Council.
<b>Resources:</b>	Expected to be provided by Cheshire East LDF Section.
<b>Management Arrangements:</b>	LDF Section Manager is expected to be responsible for the management of this document. It is expected that Cabinet will approve the draft SPD for consultation and that Council will adopt the SPD based on recommendations from the Cabinet. <sup>14</sup>
<b>Community Involvement:</b>	Community involvement will be encouraged throughout the process, with formal consultation at the draft consultation stage.
<b>Sustainability Appraisal:</b>	Consultation for the Sustainability Appraisal will take place simultaneously with the production of the document.
<b>Monitoring &amp; Review:</b>	The Annual Monitoring Report (AMR) will assess the extent to which this guidance is being implemented successfully. The document will be reviewed as and when required as highlighted by the AMR.

<b>Timetable</b>	<b>Sustainability Appraisal Scoping Report:</b>	May – June 2009
	<b>Public participation on Draft Supplementary Planning Document:</b>	September – October 2009
	<b>Adoption and Publication:</b>	March 2010

<sup>14</sup> To be confirmed

**Title:** Open Space

**Status:** SPD

**Role:** Provides guidance that will lead to an appropriate level and design of open space within development.

This document is intended to supersede the existing Public Open Space SPG for Congleton.

**Geographical Area:** Authority wide.

**Conformity Chain:** General conformity with the RSS and consistent with PPG / PPSs. Linked to saved policies within the Congleton (GR22), Crewe and Nantwich (RT3) and Macclesfield Local Plans (RT5).

**Produced by:** Expected to be produced by Cheshire East LDF Section

**Resources:** Expected to be provided by Cheshire East LDF Section.

**Management Arrangements:** LDF Section Manager is expected to be responsible for the management of this document. It is expected that Cabinet will approve the draft SPD for consultation and that Council will adopt the SPD based on recommendations from the Cabinet.<sup>15</sup>

**Community Involvement:** Community involvement will be encouraged throughout the process, with formal consultation at the draft consultation stage.

**Sustainability Appraisal:** Consultation for the Sustainability Appraisal will take place simultaneously with the production of the document.

**Monitoring & Review:** The Annual Monitoring Report (AMR) will assess the extent to which this guidance is being implemented successfully. The document will be reviewed as and when required as highlighted by the AMR.

<b>Timetable</b>	<b>Sustainability Appraisal Scoping Report:</b>	November – December 2009
	<b>Public participation on Draft Supplementary Planning Document:</b>	March – April 2010
	<b>Adoption and Publication:</b>	September 2010

<sup>15</sup> To be confirmed

<b>Title:</b>	<b>Planning Obligations</b>
<b>Status:</b>	SPD
<b>Role:</b>	Provides guidance on the approach to negotiating planning obligations arising from development.
<b>Geographical Area:</b>	Authority wide.
<b>Conformity Chain:</b>	General conformity with the RSS and consistent with PPG / PPSs. Linked to saved policies within the Congleton (GR19), Crewe and Nantwich (BE5) and Macclesfield Local Plans (IMP1).
<b>Produced by:</b>	Expected to be produced by Cheshire East LDF Section
<b>Resources:</b>	Expected to be provided by Cheshire East LDF Section.
<b>Management Arrangements:</b>	LDF Section Manager is expected to be responsible for the management of this document. It is expected that Cabinet will approve the draft SPD for consultation and that Council will adopt the SPD based on recommendations from the Cabinet. <sup>16</sup>
<b>Community Involvement:</b>	Community involvement will be encouraged throughout the process, with formal consultation at the draft consultation stage.
<b>Sustainability Appraisal:</b>	Consultation for the Sustainability Appraisal will take place simultaneously with the production of the document.
<b>Monitoring &amp; Review:</b>	The Annual Monitoring Report (AMR) will assess the extent to which this guidance is being implemented successfully. The document will be reviewed as and when required as highlighted by the AMR.

<b>Timetable</b>	<b>Sustainability Appraisal Scoping Report:</b>	November – December 2009
	<b>Public participation on Draft Supplementary Planning Document:</b>	March – April 2010
	<b>Adoption and Publication:</b>	September 2010

<sup>16</sup> To be confirmed

## Appendix 3: Evidence Base

	Congleton	Crewe and Nantwich	Macclesfield	Cheshire
<b>Annual Monitoring Report</b>	AMR <a href="#">Available online</a>	AMR <a href="#">Available online</a>	AMR <a href="#">Available online</a>	AMR <a href="#">Available online</a>
<b>Housing Land Availability Report</b>	June 2008 <a href="#">Available online</a>	April 2007 Summary Document <a href="#">Available online</a>	April 2007 <a href="#">Available online</a>	N/A
<b>Employment Land Monitoring Report</b>	March 2007 <a href="#">Available online</a>	2007 Hard copies available on request	On going process which now forms part of the Annual Monitoring Report	N/A
<b>Employment Land Study</b>	Drivers Jonas 2005 <a href="#">Available online</a>	N/A	N/A	N/A
<b>Housing Needs Study</b>	David Couttie Associates 2004 and Desktop update 2006 <a href="#">Available online</a>	David Couttie Associates, 2005 <a href="#">Available online</a>	August 2005 <a href="#">Available online</a>	N/A
<b>Strategic Housing Market Assessment (SHMA)</b>	N/A	N/A	April 2008 <a href="#">Available online</a>	N/A
<b>Strategic Housing Land Availability Assessment (SHLAA)</b>	N/A	N/A	Draft May 2008 <a href="#">Available online</a>	N/A
<b>PPG17 Open Space Assessment</b>	PMP, 2005 <a href="#">Summary Available online</a> Hard copies available on request at cost.	Work has been undertaken on this assessment but is not yet complete.	March 2007 <a href="#">Available online</a>	N/A

	Congleton	Crewe and Nantwich	Macclesfield	Cheshire
<b>Sustainable Community Strategy</b>	2007-2016 <a href="#">Available online</a>	January 2006 <a href="#">Available online</a>	February 2007 <a href="#">Available online</a>	February 2002 <a href="#">Available online</a>
<b>Neighbourhood Renewal Strategy</b>	N/A	2006 <a href="#">Available online</a>	N/A	
<b>Transport Studies</b>	Study in relation to Middlewich Eastern Bypass	Saturn Model	Paramics Model	<a href="#">Available online</a>  Also Multi Modal Transport Model
<b>Housing Strategy</b>	<a href="#">Available online</a>	2005 - 2008 <a href="#">Available online</a>	July 2006 <a href="#">Available online</a>	N/A
<b>Homelessness Strategy</b>	<a href="#">Available online</a>	June 2003 <a href="#">Available online</a>	Summer 2003 <a href="#">Available online</a>	N/A
<b>Older People's Housing Strategy</b>	N/A	Summer 2007 <a href="#">Available online</a>	March 2004 <a href="#">Available online</a>	
<b>Corporate Strategy</b>	2008-2012 <a href="#">Available online</a>	2007-2012 <a href="#">Available online</a>	2004-2009 <a href="#">Available online</a>	2008-2009 <a href="#">Available online</a>
<b>Strategic Flood Risk Assessment</b>	JBA Consulting, 2007 <a href="#">Available online</a>	January 2008 <a href="#">Available online</a>	June 2008 <a href="#">Available online</a>	September 2007 <a href="#">Available on line</a>
<b>Cheshire Town Centres Study</b>	N/A	N/A	N/A	May 2007 <a href="#">Available online</a>
<b>Conservation Area Appraisal</b>	Macclesfield Canal Corridor; Alsager; Astbury <a href="#">Available online</a>	Nantwich Conservation Area Appraisal (May 2006) <a href="#">Available online</a>	Alderley Edge; Bollington and Kerridge; Cross Town (Knutsford); Disley; Gawsworth; Heathfield Square (Knutsford); Knutsford; Legh Road (Knutsford); Macclesfield Canal Corridor; Macclesfield Town Centre;	N/A



	Congleton	Crewe and Nantwich	Macclesfield	Cheshire
			Mobberley; Prestbury. <a href="#">Available online</a>	
Quality of Life Survey	N/A	N/A	N/A	2005 <a href="#">Available online</a>
Cheshire Community Report	N/A	N/A	N/A	<b>2006</b> <a href="#">Available online</a>
Customer Satisfaction and Citizens' Panels Surveys	N/A	<a href="#">Available online</a>	N/A	Annual <a href="#">Available on line</a>
Cheshire Omnibus Survey Environment 2007	N/A	N/A	N/A	2007 <a href="#">Available on Line</a>
Cheshire County Council Local Statistics	N/A	N/A	N/A	<a href="#">Available online</a>
Housing Potential Study	2006 <a href="#">Available online</a>	2001 Hard copies available on request	March 2006 <a href="#">Available online</a>	N/A
Landscape Character Assessment	Chris Blandford Associates, 1999 <a href="#">Available online</a>	N/A	N/A	Pan Cheshire study Draft 2008
Economic Strategy	2007-2016 <a href="#">Available online</a>	2003-2006 <a href="#">Available online</a>	2006 <a href="#">Summary Available online</a>	N/A
Air Quality Management Area	<a href="#">Available online</a>	<a href="#">Available online</a>	<a href="#">Available online</a>	N/A
Hierarchy of Settlements	N/A	N/A	Available online	N/A
Local Futures The State of the Borough	N/A	N/A	October 2005 <a href="#">Available online</a>	N/A

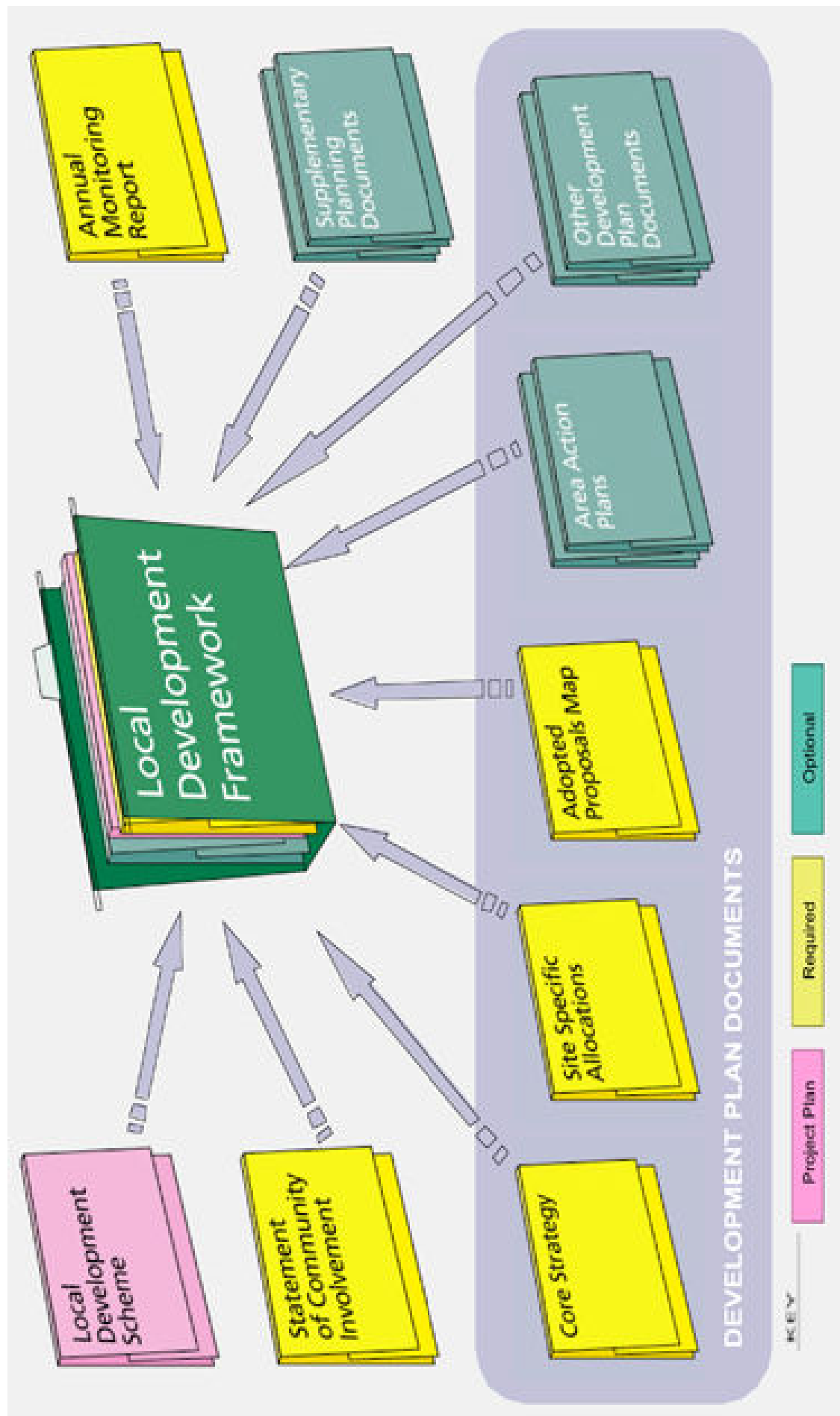
	Congleton	Crewe and Nantwich	Macclesfield	Cheshire
<b>NHS Consultations on the Future Provision of Health Services</b>	N/A	N/A	Available online at both: <a href="http://www.macclesfield.gov.uk">www.macclesfield.gov.uk</a> ; <a href="http://www.ecpct.nhs.uk">www.ecpct.nhs.uk</a>	N/A
<b>Regional Aggregate Working Party reports</b>	N/A	N/A	N/A	Annual <a href="#">Available on line</a>
<b>Cheshire Community Survey</b>	N/A	N/A	N/A	Annual <a href="#">Available on Line</a>
<b>Study to fill Evidence Gaps for Commercial &amp; Industrial Waste Streams in the North West Region of England. (2 studies )</b>	N/A	N/A	N/A	2007 <a href="#">Available on line</a>
<b>South Cheshire Sub-Regional Study</b>				Will be available online
<b>Local Transport Plan</b>	As County	As County	As County	July 2005 <a href="#">Available on line</a>
<b>Cheshire Gypsy and Traveller Accommodation Assessment</b>	N/A	N/A	N/A	<a href="#">Available online</a> or <a href="#">Available online</a>

## Appendix 4: Glossary

AMR	<b>Annual Monitoring Report</b>	A report which is published to show how the authority is performing against all relevant targets and to show what changes may be required to the Local Development Framework (LDF).
AAP	<b>Area Action Plan</b>	Area Action Plans (AAPs) may be used to provide a planning framework for areas of change and areas of conservation. AAPs are a type of Development Plan Document (DPD).
CIL	<b>Community Infrastructure Levy</b>	The Community Infrastructure Levy (CIL) will be a new charge which local authorities will be empowered, but not required, to charge on most types of new development in their area. CIL charges will be based on simple formulae which relate the size of the charge to the size and character of the development paying it. The proceeds of the levy will be spent on local and sub-regional infrastructure to support the development of the area.
CLG	<b>Communities and Local Government</b>	Communities and Local Government is a department of Central Government that sets policy on local government, housing, urban regeneration, planning and fire and rescue.
-	<b>Core Strategy</b>	This Development Plan Document (DPD) sets out the vision for the area and the primary policies for meeting that vision together with housing and employment provisions in accordance with the Regional Spatial Strategy (RSS).
-	<b>Development Plan</b>	The Development Plan is the statutory element of the Local Development Framework. It consists of Development Plan Documents (DPDs) and the Regional Spatial Strategy (RSS).
DPD	<b>Development Plan Document</b>	A Local Development Document (LDD) with significant weight in the determination of planning applications. Independent scrutiny is required before its adoption.
-	<b>Independent Examination</b>	All Development Plan Documents (DPDs) will be subject to independent examination by a person (the Inspector) appointed by the Secretary of State. The purpose of the examination is to determine the 'soundness' of the plan. Following the examination the Inspector will produce a report which will be binding.

LAA	<b>Local Area Agreement</b>	Local Area Agreements (LAAs) are made between central and local government in a local area. Their aim is to achieve local solutions that meet local needs, while also contributing to national priorities and the achievement of standards set by central government.
LDD	<b>Local Development Document</b>	There are two types of Local Development Document (LDD): Development Plan Documents (DPD) and Supplementary Planning Documents (SPD)
LDF	<b>Local Development Framework</b>	The Local Development Framework (LDF) will contain a portfolio of Local Development Documents (LDDs) which will provide policies for meeting the community's economic, environmental and social aims for the future of the area, where this effects the development and use of land. (Diagram 1 below shows the make up of the LDF)
LDS	<b>Local Development Scheme</b>	The Local Development Scheme (LDS) will set out what Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs) the Council propose to prepare over a three year period and the timetable for their production.
LSP	<b>Local Strategic Partnership</b>	Local Strategic Partnerships (LSPs) are bodies with representatives of the community, public, private sector and other agencies that work to encourage greater public participation in local governance by drawing together local community plans and producing an overall community strategy for each local authority area. Local Development Frameworks (LDFs) must have regard to, and should be the spatial expression of, the community strategy.
PPS	<b>Planning Policy Statements</b>	A series of statements issued by the Government, setting out policy on different aspects of planning. Local Planning Authorities must take their content into account in preparing their Local Development Framework (LDF).
RSS	<b>Regional Spatial Strategy</b>	Planning policy produced at a regional level to tackle issues of strategic importance that can be best dealt with over a larger area. The Regional Spatial Strategy (RSS) is part of the Development Plan.
SA	<b>Sustainability Appraisal</b>	Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) seek to inform decision-making by providing

		information on the potential implications of policies.
SCI	<b>Statement of Community Involvement</b>	The Statement of Community Involvement (SCI) will set out how the Council intends to achieve continuous community involvement in the preparation of Local Development Documents (LDDs) in their area.
SCS	<b>Sustainable Community Strategy</b>	A Plan or Strategy for enhancing the quality of life of the local community which each local authority has a duty to prepare under the Local Government Act 2000. The plan is developed and implemented by the Local Strategic Partnership.
SPD	<b>Supplementary Planning Document</b>	Supplementary Planning Documents (SPDs) are not subject to independent examination but the matters covered must be directly related to policy in the Development Plan Documents (DPDs).



## CHESHIRE EAST COUNCIL

### COUNCIL

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**Date of meeting:** 9<sup>th</sup> December 2008  
**Report of:** Julie Openshaw, Interim Monitoring Officer  
**Title:** Licensing Committee – Structures, Membership and Delegations

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#### **1.0 Purpose of Report**

- 1.1 The purpose of the report is seek approval for the formation of a Licensing Committee of Cheshire East Council, both as a shadow committee prior to 1 April 2009 and as a fully operational Committee thereafter.
- 1.2 The proposals relating to the structure of the Licensing Committee are based on the requirements of the Licensing Act 2003 and Gambling Act 2005. In addition, consideration has been given to the current practices in operation in the existing district authorities. The proposals are recommended to Council by the Governance & Constitution Committee.
- 1.3 Council are also requested to appoint members to the Licensing Committee.

#### **2.0 Decision Required**

- 2.1 Council is requested to create a Licensing Committee on the following terms:
  - 2.1.1 A full Licensing Committee of fifteen Members (with a quorum of eight) on a politically proportional basis, i.e. Conservatives 11; Liberal Democrats 2; Labour 1; Independent Group 1.
  - 2.1.2 That the Licensing Committee then establishes Sub-Committees of three Members drawn from the full Committee to deal with matters under the Licensing Act 2003 and the Gambling Act 2003; and
  - 2.1.3 That Sub-Committees of five Members (with a quorum of three) drawn from the full Committee (of which at least one shall, subject to availability, be the Chairman or Vice Chairman of the full Committee) are established on an ad hoc basis to deal with 'general' licensing matters.
  - 2.1.4 Council is requested to resolve that the requirement of political proportionality under section 15 of the Local Government and Housing Act 1989 is waived in relation to the sub-committee established under 2.1.3 above.

- 2.2 Council is requested to appoint to the Licensing Committee those Members listed at Appendix 1.
- 2.3 Council is requested to delegate to the Licensing Committee those licensing functions which are the responsibility of Council set out in Appendix 2, subject to the proviso that before any Councillor who is a member of the Licensing Committee can attend a meeting and participate in the determination of an application or appeal by any individual or body, that Councillor must have attended a suitable training course dealing with the quasi-judicial nature of the role of the Committee.
- 2.4 Council is requested to set the date of the first meeting of the Licensing Committee as 19<sup>th</sup> December 2008.
- 2.5 Council is requested to authorise the Interim Monitoring Officer to make such consequential changes to the Constitution as she considers appropriate to give effect to the decision of Council in relation to 2.1 to 2.3 above.

### **3.0 Financial Implications for Transition Costs**

- 3.1 None

### **4.0 Financial Implications 2009/10 and beyond**

- 4.1 None

### **5.0 Legal Implications**

- 5.1 Cheshire East will be unable to perform its statutory function as the licensing authority if a Licensing Committee is not in place by 1 April 2009. The creation of a shadow Licensing Committee enables consideration to be given to policies which are to be in place by 1 April 2009.
- 5.2 Section 17 of the Local Government and Housing Act 1989 provides that the requirements within section 15 in relation to political proportionality may be disapplied if this is approved in accordance with the provisions of the Local Government (Committees and Political Groups) Regulations 1990 and without any member of the authority voting against the proposal.

### **6.0 Risk Assessment**

- 6.1 If the Licensing Committee is not established correctly any decisions it makes would be open to challenge. In addition, there is a risk of legal challenge to decisions taken by the licensing authority if the scheme of delegation is not clear.



## 7.0 Background and Options

### Background

- 7.1 The Licensing Act 2003 requires each licensing authority to establish a Licensing Committee of no less than ten and no more than fifteen Members to deal with the authority's licensing functions under the 2003 Act. The Committee may be politically proportional but is not statutorily required to be so.
- 7.2 With the exception of (i) the determination of the Statement of Licensing Policy, which is a matter for full Council and (ii) functions which relate to both to licensing and non-licensing functions, which may be dealt with either by the Licensing Committee or another Committee, the Act provides that all matters relating to the discharge by a licensing authority of its licensing functions are referred to its licensing committee.
- 7.3 The Act further provides that the Licensing Committee may establish one or more sub-committees consisting of three members of the full Committee.
- 7.4 The Gambling Act 2005 also specifically delegates the licensing functions in Part 8 of the Gambling Act to the licensing committee established under the Licensing Act.
- 7.5 In addition to the licensing functions within the Licensing Act 2003 and Gambling Act 2005, the Council is required to carry out additional 'general' licensing functions, including the licensing of hackney carriages and private hire vehicles and drivers. The Committee or sub-committee which determines such matters is required to be politically proportional unless this requirement is waived by a resolution of Council.

### Licensing Committee Structure and Membership

- 7.6 It is suggested that, for the sake of both clarity and expediency, the Licensing Committee is established in such a way that it may deal with matters under both the Licensing and Gambling Acts and the 'general' licensing functions. For this reason it is suggested that the full Licensing Committee be politically proportional.
- 7.7 As Members will be aware, the political make up of the Council is as follows:

	<b>No. of seats</b>	<b>% of seats</b>
Conservative	59	72.84
Liberal Democrat	12	14.81
Labour	6	7.41
Independent Group	4	4.94

- 7.8 In order to achieve the political balance and to ensure that there is a sufficient pool of Members from which sub-committees may be drawn, it is suggested that the Licensing Committee be established with a membership of fifteen.

- 7.9 In order to comply with section 15 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990, the Interim Monitoring Officer recommends that the seats on the Licensing Committee should be allocated as follows:

Conservative	11
Liberal Democrat	2
Labour	1
Independent Group	1
<b>Total</b>	<b>15</b>

- 7.10 The licensing function encompasses a number of policy matters, including a Statement of Licensing Policy under the Licensing Act 2003 and the adoption of conditions in relation to licensed vehicles, drivers and operators. Whilst the adoption of the final Statement of Licensing Policy is a Council function it is proposed that the Licensing Committee consider any consultation responses received and make a recommendation to Council on the final drafting. It is therefore proposed that the Licensing Committee be established as a shadow committee to deal with policy matters prior to 1 April 2009 and as a fully operational Committee which may consider applications thereafter. The creation of a shadow Committee also allows relevant training to be provided to those Members who are appointed to the Committee prior to 1 April.
- 7.11 In order that a shadow Licensing Committee may be in operation to consider policy matters prior to 1 April, Council is requested to appoint those members listed at Appendix 1 to the Committee. The Council is under a duty to make the appointments in a manner to give effect to the wishes of the various political groups who have been allocated seats on the Licensing Committee. The appointments recommended to Council within Appendix 1 have been put forward by the respective group leaders. The Chairman and Vice Chairman will be appointed by the Committee at its first meeting.
- 7.12 Council is also be requested to set the date for the first meeting of the shadow Licensing Committee as 19<sup>th</sup> December 2008. This date is suggested so that the Committee may commence consideration of matters which require consultation prior to 1 April. It suggested that the dates for subsequent meetings of the shadow Committee be set in consultation with the Chairman of the Committee.

### **Licensing Sub-Committees**

- 7.13 From 1 April 2009, whilst there will be matters which require consideration by the full Committee, such consideration of policy or individual applications which raise policy matters, due to the volume of applications which will require determination, it is suggested that it would not be practicable for the full Licensing Committee to consider all applications. For this reason it is suggested that the Licensing Committee establish sub-committees of three to deal with both the Licensing and Gambling Act matters and sub-committees of five to deal with the 'general' licensing matters.

- 7.14 As set out above, the Licensing Act 2003 prescribes that sub-committees are made up of three Members of the full Committee. Whilst there is no statutory requirement in relation to the size of the 'general' sub-committee, as the sub-committee will normally be dealing with unrepresented individuals, it is suggested that it be made up of five Members in order to avoid intimidation. Due to the fact that the Committee deals with matters of a quasi-judicial nature, the Governance and Constitution Committee have recommended to Council that a resolution be made that the 'general' sub-committee of five is not required to be politically proportional. In order to take effect, the decision to disapply the requirements of proportionality must be made without any member of the Council voting against it.

### **Delegation of Licensing Functions**

- 7.15 Council is requested to delegate those licensing functions which are the responsibility of Council set out at Appendix 2 to the Licensing Committee. It is suggested that the Licensing Committee may then determine those functions which are to be the responsibility of officers and which are to be reserved to the full Committee or sub-committees.
- 7.16 If Council determines to delegate the 'Council' licensing functions as requested the Licensing Committee will be requested to consider the schemes of delegation at its first meeting.
- 7.17 It should be noted that each of the schemes would be subject to the proviso that officers would have discretion to refer any issue to the Licensing Committee or Sub-Committee if the matter was significant or controversial in nature. In addition Sub-Committees would have discretion to refer matters to the full Licensing Committee in similar circumstances.

### **8.0 Overview of Day One, Year One and Term One Issues**

- 8.1 The requirement to have a Licensing Committee in place is a Day One requirement.

### **9.0 Reasons for Recommendation**

- 9.1 The recommendations are made to ensure:
- 9.1.1 that a shadow Licensing Committee is in place in sufficient time to consider policy matters which require determination prior to 1 April 2009 and to ensure that members of the Committee receive the requisite training;
  - 9.1.2 that a fully operational Licensing Committee is in place prior to 1 April 2009 to consider applications and allow Cheshire East to carry out its licensing functions from that date onwards;
  - 9.1.3 that a clear and robust scheme of delegation is in place to ensure that an efficient licensing service can be provided from 1 April 2009 onwards.

***For further information:***

*Officer: Ms J Openshaw, Interim Monitoring Officer*  
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*Email: j.openshaw@macclesfield.gov.uk*

*Officer: Mrs K Khan, Solicitor*  
*Tel No: (01625) 504264*  
*Email: k.khan@macclesfield.gov.uk*

***Background Documents:***

*None*

**Nominated Members**

Conservative Group

Cllr Paul Whiteley  
Cllr Harold Davenport  
Cllr Mrs Elizabeth Gilliland  
Cllr Tony Ranfield  
Cllr Martin Hardy  
Cllr Rhoda Bailey  
Cllr Gordon Baxendale  
Cllr Les Gilbert  
Cllr Derek Bebbington  
Cllr Brian Dykes  
Cllr Robert Parker

Liberal Democrat Group

Cllr John Goddard  
Cllr Mrs Christine Tomlinson

Labour Group

Cllr Terry Beard

Independent Group

Cllr Michael Parsons

**Licensing functions which are the responsibility of Council**

(as set out within Schedule 1 of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000)

Power to license hackney carriages and private hire vehicles (including the power to set fees);

Power to license drivers of hackney carriages and private hire vehicles (including the power to set fees);

Power to license operators of hackney carriages and private hire vehicles (including the power to set fees);

Functions in relation to licensing (under the Licensing Act 2003 - with the exception of approval of Statement of Licensing Policy);

Duty to comply with requirement to provide information to the Gambling Commission;

Functions relating to exchange of information (under the Gambling Act 2005);

Functions relating to occasional use notices (under the Gambling Act 2005);

Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises;

Power to make order disapplying section 279 or 282(1) of the Gambling Act 2005 in relation to specified premises;

Power to institute criminal proceedings (under the Gambling Act 2005);

Power to exchange information (under the Gambling Act 2005);

Functions relating to the determination of fees for premises licences (under the Gambling Act 2005);

Functions relating to the registration and regulation of small society lotteries;

Power to license sex shops and sex cinemas (including the power to set fees);

Power to license performances of hypnotism;

Power to license pleasure boats and pleasure vessels;

Power to license market and street trading;

Power to issue, amend or replace safety certificates (whether general or special) for sports grounds;

Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds;

Power to license persons to collect for charitable and other causes;

Power to sanction use of parts of buildings for storage of celluloid;

Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption;

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