

Advisory Panel - Places

Agenda

Date: Tuesday, 27th January, 2009
Time: 2.00 pm
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe
CW1 2BJ

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

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a total period of 10 minutes is allocated for members of the public to address the Committee on any matter relevant to the work of the Committee.

Individual members of the public may speak for up to 5 minutes but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers.

Note: In order for officers to undertake any background research it would be helpful if questions were submitted at least one working day before the meeting.

4. **Minutes of Previous meeting (Pages 1 - 6)**

Please contact Julie North on 01625 504221 or 01625 504224
E-Mail: julie.north@cheshireeast.gov.uk with any apologies or requests for further
information or to give notice of a question to be asked by a member of the public

5. **Task Group Updates** (Pages 7 - 58)

To receive updates and any recommendations from the Places Advisory Panel Task Groups:-
Car Parking – Report attached
Waste Collection and Disposal - Update and Task Group Minutes attached
Strategic Development - Nothing to report since the last meeting
Local Development Framework
- Proposed arrangements for Planning, Governance and Planning Committees attached
- Planning Protocol - Report attached
Crime and Disorder Reduction and Partnership – Report and CDRP structure attached
Joint MBC and Cheshire East Manchester Airport Sub-Task Group – Minutes attached

6. **Cheshire East Local Development Scheme** (Pages 59 - 150)

To recommend to Cabinet that the Cheshire East Local Development Scheme be brought into effect, within the inclusion of a caveat recommended by the Government Office for the North West.

7. **Cheshire East Interim Private Sector Assistance Policy** (Pages 151 - 154)

To consider and comment on the Cheshire East Interim Private Sector Assistance Policy.

8. **Exclusion of the Press and Public**

The reports relating to the remaining items on the agenda have been withheld from public circulation and deposit pursuant to Section 100(B)(2) of the Local Government Act 1972 on the grounds that the matters may be determined with the press and public excluded.

The Committee may decide that the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 2 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information. (Paragraph 3 relates to information relating to the financial or business affairs of any particular person, (including the Authority holding that information).

PART 2 – MATTERS TO BE CONSIDERED WITHOUT THE PUBLIC AND PRESS PRESENT

9. **Waste Treatment PFI Contract - Further De-selection of Participants** (Pages 155 - 158)

To consider a report updating the Council on progress with the procurement of new waste treatment facilities, which outlines the methodology that has been used to arrive at a shortlist of Participants for the final stage of the Competitive Dialogue and thereafter the Final Tender stage for the Waste Treatment Services PFI Contract.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Advisory Panel - Places**
held on Tuesday, 16th December, 2008 at The Capesthorne Room - Town
Hall, Macclesfield SK10 1DX

PRESENT

Councillor G M Walton (Chairman)
Councillor Mrs E Gilliland (Vice-Chairman)

Councillors D Bebbington, H Davenport, D Hough, J Macrae, B Moran,
D Neilson, B Silvester and R West

Apologies

Councillors D Brickhill, A Moran, C Thorley and Mrs J Weatherill

11 APOLOGIES FOR ABSENCE

12 DECLARATIONS OF INTEREST

A number of Councillors who were existing County Councillors, Borough Councillors and Town and Parish Councillors declared a personal interest in the business of the meeting en bloc.

Councillor R West declared a personal interest in the item relating to Cheshire Home Choice Common Allocations Policy, by virtue of the fact that he was a Director of the Cheshire Peaks & Plains Housing Trust.

13 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present who wished to address the Panel.

14 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes be approved as a correct record subject to an addition to Minute 2 to state that Councillor Barry Moran was the Portfolio Holder for Planning and Economic Development for Congleton Borough Council.

15 TASK GROUP UPDATES

Consideration was given to reports updating the Panel in respect of the work carried out by the Task Groups for Car Parking, Waste Collection, Strategic Development and Local Development Framework. Before consideration of the reports, the Chairman stated that he would like to make it clear that the Task

Group reports were a preliminary review and any statements and options discussed did not relate to any policy decisions made to date.

In considering the report relating to the update on Civil Parking Enforcement and proposals for Pay and Display Charging in Cheshire East, Members expressed concern that the report did not include an options appraisal and did not state how the decisions had been arrived at. Reference was made to paragraph 3.3 of the report and it was noted that the proposed charges related to all car parks within the new Cheshire East Authority area. It was suggested that paragraph 3.3 of the report should be incorporated into the objectives and that the charges should be cost neutral. It was reported that work in relation to the various options had taken place and officers undertook to examine whether the work carried out had been appropriate and would bring a report back to the Panel.

With reference to paragraph 1.1 of the report, the Portfolio Holder sought clarification in respect of civil parking enforcement and stated that it had already been agreed that the new Cheshire East Authority would be adopting the Civil Enforcement powers. It was reported that Cheshire County Council legal advice had been in line with this, however confirmation was awaited. Officers had been in liaison with CLG in respect of the transitional arrangement regulations, which had been through Parliament and would allow parts of the Cheshire East Authority area to be subject to civil parking enforcement. The Prosperity Portfolio Holder reported that notwithstanding some capacity issues and the fact that Congleton Borough On Street Enforcement remained the responsibility of the police, he considered that steps needed to be taken to ensure that there was continuity in respect of civil enforcement in the areas of the Cheshire East Authority. He had been in discussions with the Transport Director at the Government Office and was producing a paper for her with a view to progressing this matter.

RESOLVED

That officers examine the work which has already taken place in respect of the current position with regard to car parking and any options appraisals which had taken place to establish whether this work had been appropriate and a report in respect of this be submitted to a future meeting.

Waste Collection

It was noted that the report relating to Aligning the Green Waste Collection Services in Cheshire East, set out at item 7 of the agenda, superseded the update report attached at item 5 and consideration was given to this report.

It was noted that kerbside collection of green waste was currently free, at point of delivery, to residents of Congleton and Macclesfield Boroughs, whereas there was a charge levied to those residents who used the service in Crewe. The paper discussed the options available to the Cheshire East Council with regard to the lack of standardisation and set out a number of recommendations to the Advisory Panel. The Panel needed to consider whether it accepted the recommendations, which would then be reported to the Cheshire East Management Team and the Cheshire East Cabinet.

RESOLVED

That the following recommendations be submitted to the Cheshire East Management Team and then the Cheshire East Cabinet:

- 1 That a free of charge green waste kerbside collection service is rolled out to the residents of the former Crewe & Nantwich Borough Council area as soon as practicable following 1 April 2009.
- 2 That no initial bin purchase charge should be levied to recipients of the new bins.
- 3 That (subject to approval by the existing waste collection authorities) preparations should be made prior to April 2009 to procure the required equipment to roll out a free of charge green waste in Crewe utilising the existing 2008/09 Waste Implementation Capital Grant.
- 4 That should the Waste Implementation Capital Grant Funding for 2008/09 be unavailable or insufficient to support this initiative, the new Cheshire East Authority should approve additional funding (following an additional report) to procure bins.

Strategic Development

Consideration was given to a paper, which set out the matters arising from the Strategic Development Task Group on 3 December 2008. It was noted that the South Cheshire Sub Regional Study had been completed by ARUP, having been commissioned by Cheshire County Council on behalf of 4NW and Members of the Task Group and Places Advisory Panel would receive a hard copy when available. The Strategic Housing Market Assessments had been completed in Macclesfield and commenced in Congleton and Crewe & Nantwich, and a paper on the findings of the SHMAs would be submitted to the Places Advisory Panel, once completed. Progress in respect of the Subregional Economic Development Partnership would be reported to the Task Group and subsequently the Advisory Panel. The next meeting of the Task Group would take place on 11 February 2009.

Local Development Framework

Consideration was given to a report informing the Panel of the progress being made by the Local Development Framework Task Group and requesting the Panel to note the report and to agree the need for an urgent Project Plan for the LDF work, and to support the proposed Joint Working with Cheshire West and Cheshire Councils on minerals and waste policy making, and this was agreed.

Safer Communities

It was noted that the scheduled meeting of the Safer Communities Task Group had been deferred and would now take place in January.

It was also reported that a meeting of the Development Management Task Group was scheduled to take place on the following Tuesday.

Consideration was given to a report updating the Panel on the implementation of Choice Based Lettings and seeking approval for the Cheshire Home Choice Allocations Policy to be progressed to Cabinet for adoption.

In considering the report, Members of the Panel welcomed the document. However, it was considered, that in rural areas, priority should be given to applicants who lived in the community where a particular property was situated, and that this comment should be passed to the Cabinet when considering this matter.

It was noted that if any changes were made to the policy, it would be necessary to agree them with the various partners as set out in the report.

RESOLVED

That the Common Allocations Policy be recommended to Cabinet for approval, but that clarification be sought with regard to the possibility of imposing a local connection criteria in relation to rural property and that any changes to the document be made as necessary.

17 ALIGNING GREEN WASTE COLLECTION SERVICES IN CHESHIRE EAST

Note – This item was considered under the Task Group Update reports.

18 LOCAL TRANSPORT PLAN PROGRESS REPORT 2008

The Panel received a presentation in respect of progress with regard to the Local Transport Plan. Consideration was also given to a paper which had been prepared to allow Members of the Panel to consider and comment on the Local Transport Plan progress report for 2008. It also sought views on managing issues that may need to be considered during the remainder of the Plan period. A short summary setting out details of the LTP process was attached as an appendix to the report.

It was noted that a summary of the document had been circulated with the agenda, however the full document would be circulated to Members of the Panel.

In considering the report, Members of the Panel raised the following issues:

- (i) With reference to the presentation, it was noted that it had been stated that there were no significant air quality problems in the area and this was questioned as the area was above the North West and National average for CO₂. It was reported that within the document with regard to air quality there were seven listed pollutants and CO₂ was not one of them.
- (ii) Reference was made to the pie chart within the document, which showed that approximately half of the capital expenditure for 2006-2008 had been spent on public transport, and it was queried how much of this had been spent in the Cheshire East area. It was noted that, broadly speaking, 50% had been spent in the Cheshire East area, but that more had been spent in the rural areas.

- (iii) Reference was made to the recent result of the TIF referendum and it was considered that the new Cheshire East Authority needed to ensure that there was fairness in respect of the distribution of funding and that the Association of Greater Manchester Authorities engaged with the Cheshire East Authority in respect of the receipt of national funding. It was noted that the new Cheshire East Authority would be the third largest unitary in the North West, and the advent of the new authority would provide the opportunity to apply for appropriate funding. It was also noted that currently the provision of public transport in Cheshire was complex and there would now be an opportunity to consider how to deliver Public Transport in a more efficient way.
- (iv) It was queried whether there would be a Local Transport Plan for Cheshire East and if so, when. It was noted that the current Local Transport Plan would be adopted and central Government guidance was expected shortly, which would need to be taken into account, with a view to publication of a document for Cheshire East in 2010, to commence in 2011.
- (v) Reference was made to traffic congestion in Crewe and it was considered that this was exacerbated by the fact that the traffic lights were not co-ordinated. The Portfolio Holder stated that the introduction of urban traffic control measures would benefit all areas of Cheshire East in this regard, including Crewe & Nantwich.
- (vi) With reference to LTP capital expenditure for 2006-2008, it was noted that the expenditure for cycling schemes had only been £172,000 for 2006/07 and only £1,000 for 2007/08. It was queried whether there was any way this could be enhanced. It was reported that there had been a lot of investment in the past in respect of millennium cycle routes and in addition to the expenditure set out in the document, there would be additional funding through Travel Plans. However, if it was considered that cycling was a priority, the expenditure levels could be raised.
- (vii) It was queried whether funding would be made available for pedestrian crossings. It was noted that some were provided through Local Safety Schemes. However, the new Authority may wish to raise this as a priority in the future.

RESOLVED

That the above comments be noted.

19 GAMBLING ACT 2005 STATEMENT OF PRINCIPLES

Consideration was given to a report requesting the Panel to consider the draft Gambling Act 2005 Statement of Principles and to make any comments prior to submission to Cabinet.

With reference to the Table of Delegation of Licensing Functions, it was noted that fee setting would be a function of the full Licensing Committee and not officers as set out in the document.

RESOLVED

That the Gambling 2005 Statement of Principles be recommended to Cabinet for approval.

(Councillor D Neilson requested that it be recorded that he abstained from voting.)

20 LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY

Consideration was given to a report requesting the Panel to consider the draft Licensing Act 2003 Statement of Licensing Policy and to make any comments prior to submission to Cabinet. It was noted that paragraph 12.1 of the document should state that a reviewed policy would be published no later than 7 January 2014 and not 2011 as set out in the document.

Clarification was sought in respect of *the responsible authority and children* as set out in paragraph 9.8 of the policy. It was noted that the police would carry out the initial sift of applications and would flag up if there were any concerns.

RESOLVED

That the Licensing Act 2003 Statement of Licensing Policy be recommended to Cabinet for approval.

The meeting commenced at 2.00 pm and concluded at 4.30 pm

Councillor G M Walton (Chairman)

CHESHIRE EAST COUNCIL

PLACES ADVISORY PANEL

27/1/09

Date of meeting:

Report of:

Parking Task

Group

Title:

Update on Car Parking Issues

1.0 Purpose of Report

1.1. The report is intended as an update to the Advisory Panel on discussions held at the last meeting of the Parking Task Group on 14/1/09.

2. **Minutes of the last Places Advisory Panel** : these referred to the Group's last report and the group wished first to clarify certain points:

2.1. The report did not include an options appraisal as it was only intended as an update on discussions held. However members should be reassured that the Environmental Services Programme Board has detailed officers to carry out precisely such an appraisal which is under way. The Members' Task Group is being kept fully informed of the progress of this review and a report on this will be taken to the next Task Group meeting on 19/2/09.

2.2. reference was made to pgh 3.3 which said : *This meant that charges may be proposed for certain selected town centre car parks in Congleton Borough as this would serve to regulate use and improve availability in central locations requiring short stay. Income earned should cover operating and maintenance costs and allow necessary improvements to the useability, environment and security of a number of these sites*". It was suggested that this should be added to the objectives within the Strategy. The Task Group considers instead that the Strategy should reflect that all car parks throughout the new Authority will be reviewed (i.e. via the options appraisal referred to) - including all those for which there is currently no usage charge, in order to establish which of them may justify imposition of a charge. This would be based on criteria of local demand, location in relation to shopping and other centres, and the need for more control of circulation and turnover- as specified in the draft Parking Strategy. It should be stressed that this therefore includes locations in all three current Boroughs.

3. Draft Parking Strategy

3.1. The Group has considered and revised a proposed Strategy document which it wishes to be put before the Cabinet. Officers have first to submit this to the Management Team.

4. **Enforcement Powers On Street** :The Group received information that letters had been received by Edward Timpson MP (forwarded to us) from both the Department for Transport and the Department for Communities and Local Government, to the effect that :
 - 4.1.1. Cheshire East will be able to apply for enforcement powers in the old Congleton Borough area after April 1st
 - 4.1.2. Even before these powers are granted, the existing areas of Macclesfield and Crewe and Nantwich may continue to be enforced.
 - 4.2. This means that the application process can proceed without necessarily needing to be complete by April 1st. In any case, DfT are unable to process any new applications before that date. However, there is still a need to complete the preparatory work to support such an application and not to wait until after April 1st to do this which would result, obviously, in much further delay in acquiring the powers.
 - 4.3. The County Council is therefore urged to conduct as much of this work as is possible in the remaining months; this is because currently only they can do this as Highways Authority.
 - 4.4. However Borough Council Officers will play their part and in particular are to organise attendance at meetings of parish councils and town councils to explain the nature of proposed on- street enforcement and the extent of powers.
5. **Progress to Day 1 Operation**: the Group received information on the continued good progress of both Macclesfield and Crewe and Nantwich officers in preparing to merge their services. They are working closely, with frequent meetings to harmonise practices and policies, and to undertake changes to documentation, ICT requirements, and other practical aspects.

Places Task Group: Waste collection and disposal

The group last met in November 2008 to consider a number of reports but the December meeting was cancelled. The main output from the Group in the last couple of months has been a report to the Places Advisory Group on the collection of garden waste in the former Crewe and Nantwich Borough Council area. As a result a report to Cabinet is being drafted to take forward recommendations on the options for implementing free garden waste collections.

The next scheduled meeting of the Task Group is on Wednesday 14th January 2009 with an agenda including recycle markets and contingency plans, funding opportunities in waste and the approval of branding for waste activities.

The Group's Officer lead has discussed with the Chairman the difficulties he is experiencing in finding capacity to service the Group. This may impact on the progress of the Group in the short term.

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C H E S H I R E E A S T
PLACE MANAGEMENT
WASTE COLLECTION
ADVISORY TASK GROUP MEETING

Notes from the meeting held on 14 January 2009 at Westfields, Sandbach.

Attendees: Cllr D Brickhill; Cllr G Walton; Cllr D Neilson; Cllr D Hough; Cllr R West
Steve Jones; Paul Morgan; Alan Longshaw

Apologies: Cllr Mrs L Gilliland Cllr A Moran; Cllr D Bebbington;
Tracy Baldwin; Harold Collin, Paul Ramsdale

2. Notes from previous meeting and matters arising

The notes from the meeting dated 25 November 2008 we agreed.

3. Ombudsman's findings against Congleton Borough Council and its impact on service delivery for Cheshire East

Steve Jones and Alan Longshaw outlined the circumstances surrounding the Ombudsman's recent finding against Congleton Borough Council. The purpose was to bring the issue to the attention of Cheshire East as the finding had policy implications.

Members commented that there were differences in existing policies and that these need to be harmonised so that a consistent approach could be taken on common areas of service delivery from 1 April 2009.

It was resolved that Officers should present draft policies as the next meeting of the Task Group so that the Places Advisory Group could consider them in March 2009.

4. Recyclate markets and contingency plans

Paul Morgan provided an update on the current position as experienced by the existing Cheshire East collection authorities. It was considered that the markets had stabilised but that the situation continues to be monitored closely.

A copy of the report is to be circulated to the Leader of Cheshire East and the authority's Portfolio older with responsibility for Finance as well as the leaders of Congleton BC, Crewe and Nantwich BC and Macclesfield BC.

5. Funding opportunities in waste

The report was noted and the relationship between the possible external funding and internal budgets explored.

Discussions expanded to consider future wheeled bin procurements. **It was suggested that views are sought from the Advisory Group on all future bins being purchased in a single colour but that different colour lids are attached to identify what is placed in that receptacle.**

6. Approval of Recycling Branding for Cheshire East

The report was considered and members concluded that Cheshire East should retain the "Recycle for Cheshire" branding but monitor usage.

7. Work programme

Reports requested for the next Task Group meeting:

- Waste collection policies
- The introduction of alternate weekly collection in Congleton Borough
- Tendering waste collection

8. Date of next meeting

The date of the next meeting was agreed as 18 February 2009 with lunch before the meeting being provided at 12.30pm.

9. Any other business

- Steve Jones reported back on a demonstration of refuse collection route scheduling software he and Alan Longshaw had received. It was resolved that Officers investigate this further with a view to procuring such a system to assist in route rationalisation in Cheshire East.

PLACES ADVISORY PANEL

Date of meeting: 27 January 2008
Report of: Andrew Farrow, Head of Planning and Policy
Title: Proposed arrangements for Governance, Planning Committees and a scheme of delegation for planning functions.

1.0 Purpose of Report

- 1.1 To consider arrangements for Planning Governance, Committees and a scheme of officer delegation across Cheshire East post vesting day.

2.0 Decision Required

2.1. To propose to the Governance and Constitution Committee that the Council's development control functions are discharged by a Strategic Planning Board, supported by two Planning Committees and a scheme of officer delegation.

2.2. To propose that the Places Advisory Panel recommends to the Governance and Constitution Committee

A.

- creation of a Strategic Planning Board
- with the Terms of Reference set out at Appendix A
- served by a membership of 14 on a politically proportional basis (ie: Conservative 10, Liberal Democrat 2, Labour 1, Independent 1) including the two Portfolio Holders responsible for Development Management and the Local Development Framework
- with a quorum of 5
- comprising councillors to be nominated at full Council on 24th February
- meeting for the 1st time on [date to be fixed] then on a 3-weekly cycle
- operating as a Shadow Committee forthwith and as a fully operational Council committee from 1st April 2009
- included immediately in the Shadow Council's Constitution and in the Constitution of Cheshire East Council with effect from 1st April 2009.

B.

- creation of two Planning Committees
- with the Terms of Reference set out at Appendix B
- served by a membership of 15 on a politically proportional basis (ie: Conservative 11, Liberal Democrat 2, Labour 1, Independent 1)
- with a quorum of 5

- comprising councillors to be nominated at the first meeting of the Strategic Planning Board
- meeting for the first time on [dates yet to be fixed] and then on a 3-weekly cycle
- to be included as Council committees in the Constitution of Cheshire East Council with effect from 1st April 2009.

C

- adoption of the officer delegation scheme at Appendix C
- to be included in the Constitution of Cheshire East Council with effect from 1st April 2009

3.0 Financial Implications for Transition Costs

3.1 None.

4.0 Financial Implications 2009/10 and beyond

4.1 Not quantified at this stage and dependent on the arrangements chosen.

5.0 Legal Implications

5.1 Without a Committee structure and scheme of delegation that has been formally ratified by the Authority it will not be possible to make lawful decisions after Vesting Day.

6.0 Risk Assessment

6.1 A number of risks can be identified:

6.2 An inappropriate arrangement of Committees in terms of their frequency could lead to the reduced performance of the Development Management Service.

6.3 Committees that are arranged on a too frequent basis could lead to unacceptable impacts on Members and officer time and excessive costs to the Authority.

6.4 An inability to agree an acceptable format for Planning Committees will delay the identification of Members to serve on the Committees, their training and Cheshire East's ability to deliver planning decisions through committees post Vesting Day.

6.5 There will be a significant risk of legal challenge to decisions if the scheme of delegation is unreasonable imprecise or ambiguous. This could result in the decision of the Planning Committee or by officers exercising delegated powers being subject to Judicial Review or the decision making process being investigated by the Local Government Ombudsman.

6.6 If a scheme of delegation is not in place by 1 April 2009, it will not be possible for officers to make lawful delegated decisions on planning matters

7.0 Background and Options

Governance Arrangements

7.1 The Development Management Task Group considered two governance models for the planning function a Council led system or a Strategic Planning Board.

7.2 At its first meeting, the Task Group considered the benefits and disadvantages of the two models and concluded that the Strategic Planning Board was the preferred solution. It noted that the new Authority would have different planning functions as a unitary council than any of the four constituent authorities. Furthermore, the functions of a Development Management service were different, requiring both a different approach to the consideration of development proposals and feedback between the LDF and Development Management processes. The Board would also need to ensure consistency across the Authority and would need to consider the need for protocols on matters such as public consultation (including public speaking in Committee) and the format of all Planning reports.

7.3 The Strategic Planning Board model would allow members of the Board to develop a level of expertise based on training, such that they can be empowered to make informed decisions on the most significant applications and take the wide overview required for Strategic Planning. The other benefit of this model is that it allows such a group of Councillors to manage the workload of those matters requiring a member decision through the use of arrangements with sub-committees. The opportunities are for higher levels of performance to be retained under this model. The disadvantages are that there would be the absence of a wider debate in full Council and that the membership would necessarily need to be restricted to a small number of members, probably between 9 and 15. The membership of the Planning Board would need to be approved by the Council on an annual basis.

7.4 At its December meeting, the Task Group considered the performance and review role. Arrangements in Cheshire currently vary, but elsewhere some authorities have established a parallel Planning Scrutiny Committee to regularly review the making of decisions on planning matters, including monitoring a sample of decisions and monitoring of performance levels. Regular monitoring is important to give members the opportunity to review and change responsibilities and to make modifications to arrangements so as to improve efficiencies and to maintain consistency and accountability between separate committees. Regular meetings of a Strategic Planning Board would provide the most effective model to deliver the Council's decision making on planning applications.

7.5 The Task Group also agreed that the Board should:

- have Cabinet representation of the 2 members responsible for Development Management and the LDF.
- have 12 ordinary members plus the 2 Cabinet members.
- have a quorum of one quarter i.e. at least 5 members.
- reflect the geographical and political composition of the Council.

- normally meet at Westfields as the main administrative HQ of the Authority.
- be flexible as to the location for particular meetings if the item required it.

7.6 The full proposed terms of reference for the Strategic Planning Board are set out in Appendix A.

Planning Committees

7.7 Cheshire East needs to decide, a significant time prior to 1 April 2009, on the arrangements for and the operation of its Planning Committees. This is so that dates can be agreed and advertised for the benefit of all users of the Service, and Members appointed to the committees and training of those Members organised.

7.8 Given the current date, a pragmatic decision needs to be taken with regard to these arrangements, balancing what is achievable by 1st April and will provide service continuity against establishing a uniform, consistent and new identity for Cheshire East's committees which breaks from the different manner in which Committees have been organised in the existing four authorities.

The Current Situation

7.9 A decision on the number of committees required can be informed by the number of applications received by the four constituent authorities. Based on figures from 2007-2008 this is approximately 5000, though this may be reduced by around 20% as a result of the current economic recession. At this point it would seem sensible to design a committee system capable of accommodating higher levels of development activity.

7.10 The number of applications going to committee depends on the level of delegation. Across the three Boroughs this is currently between 90-92%, with delegation at the County at 80% and as a result 400-500 applications go to committee, representing 10% of the total.

Key Issues to determine committee arrangements

7.11 From the 1 April 2009 it is essential that continuity and quality of service is maintained. Crucial to quality is the need to deliver high performance in decision making. The 60%, 65% and 80% targets within 8 and 13 weeks for Major, Minor and Other applications must be achieved to demonstrate that the new authority is delivering high performance.

7.12 Therefore, committees need to be arranged to deal promptly and efficiently with applications. Each district authority currently holds committee meetings every three or four weeks as this is frequent enough to keep the flow of decision making and allows for the completion of business before preparing for the next meeting.

7.13 A further consideration is the need to agree which matters require a committee decision. Of vital importance is the adoption of new uniform delegation scheme. Government recommends that a minimum of 90% of applications should be delegated to officers. The Audit Commission also recognises that this constitutes best practice. It is

clear that there is a risk that where applications go to committee they may not be determined in time to meet targets.

7.14 To maintain high performance, delegation arrangements for the new authority should achieve 90% as a minimum, aiming for 95% in time. This means that only those items which genuinely require a decision by committee should be referred there.

Area Based Decision Making (ABDM)

7.15 In 2006 the Planning Advisory Service (PAS) produced an overview of area-based decision making, together with “top tips” for good practice. It acknowledged advantages of ABDM including

- good use of Members local knowledge,
- local public interest, ease of attendance, participation

but directed criticism at committees based on small geographical areas and served by their own ward councillors. The following pitfalls and mitigating controls were identified

Potential Pitfalls	Good Practice: “top tips”
Area-based committees can take longer to process planning applications	<p>Unless they</p> <ul style="list-style-type: none"> - are few in number, - amalgamate areas to produce agendas of appropriate length - are supported by a scheme of delegations to appropriate levels. - convene often enough to meet the 8 and 13 week targets - are properly supported ie: adequate officer capacity and resources - reduce or eliminate the right to call applications in and to refer them up. This improves performance indicators and encourages ownership of and responsibility for the decision made

They may develop inconsistencies in knowledge, expertise and general approach.	Unless you <ul style="list-style-type: none"> - provide regular, robust, compulsory training - monitor consistency
They can increase pressure on councillors to act as community advocates instead of impartial arbiters: which also increases probity challenges. Parochialism	Unless you Train all members as above Avoid small committees served by all the ward councillors.

7.16 The Development Management Task Group took the concerns of the PAS report into account when assessing which arrangements it considered appropriate for the new authority ie:

- committees without a geographical remit,
- committees which do have a geographical split ie: ABDM
- the number of committees which would be most appropriate for the workload.

Appendix D summarises the advantages and disadvantages of various options.

7.17 The Task Group concluded that two committees provided the best solution in terms of local decision making, reasonable costs and achieving performance targets. The division of planning applications between the two committees could be directed by the Strategic Planning Board, responding flexibly and quickly, to actual workloads and deadlines as they evolve. Given that half of the 5,000 applications are currently generated in the south of the new Borough and half in the north, the Board envisaged directing applications predominantly but not exclusively to a northern or southern committee accordingly. This broad, northern/southern direction of applications would build up Members' local knowledge quickly, would reduce the number of deferrals for site visits, would be more convenient for the public, would promote local attendance and involvement. With in-built flexibility rather than a strict geographical split, the two planning committees would avoid the concerns raised by the PAS report regarding slow performance and parochialism. The Committees' size would be significantly larger than those criticised by PAS and a three-weekly cycle of meetings should meet performance targets. A thorough training programme for Members, together with the Strategic Planning Board's continuing oversight, would satisfy PAS Guidance regarding consistency of approach between the two Committees

7.18 The Task Group saw this as an interim solution which would be reviewed by the Strategic Planning Board during its first year of operation. At that point, the overall success of the arrangements and their synergy with other initiatives such as Local Area Partnerships can be assessed. In the meantime, the Board's power to direct applications between the Committees, to adjust the Committees' number and size,

frequency and timing, together with its power to adopt good practice working protocols would ensure that the workload was being managed efficiently and within deadlines.

Scheme of Delegation

7.19 It is widely recognised that a high level of delegation to officers is needed in order to determine applications within the statutory time period and to meet the government's targets for timely decision making. The vast majority of routine applications can be dealt with effectively by officers under delegated powers, whilst the small minority of applications of a more complex and controversial nature are more appropriate for open debate by Planning Committee.

7.20 Draft schemes of delegation were considered at the Development Management Task Group on 23rd December 2008 and again on 8th and 21st January 2009. The Group took account of:

- The desirability of optimising resources and performance in the new authority;
- Options for the committee structure;
- Best practice guidance from the Local Government Association and the Planning Advisory Service;
- A review of practice from other unitary authorities.

7.21 A scheme needs to deliver the following key objectives;

- It should be designed to at least maintain existing levels of performance and meet statutory targets;
- It should provide for the most cost effective and business efficient system;
- It should be inclusive and be able to ensure that all members of the authority, members of the public and other stakeholders can have confidence in the process;
- It should allow an appropriate amount of decision making by members consistent with the objectives set out above;
- It should be capable of being operated easily within proposed systems and processes and be capable of accommodating any changes in the future;
- It needs to be comprehensive but uncomplicated and easily understood by all.

7.22 The Delegations proposed are at Appendix C. Taken together with the Terms of Reference in Appendices A and B, the overall scheme provides that

- major applications would be reserved for the Strategic Planning Board,
- applications of medium size would be reserved for the Committees, together with several other categories which justify public consideration
- the remainder (comprising the smaller, more-routine, less-complex applications) would be delegated to the Head of Planning and Policy.

Arrangements are built in for referral-up and call-in between the higher and lower tiers of delegation, where appropriate.

8.0 Reasons for Recommendation

- 8.1 The proposed arrangements offer a practical and pragmatic approach to deliver the determination of planning applications post Vesting Day with the option that they can be reviewed by the Strategic Planning Board during the first twelve months of operation.

For further information:

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**Strategic Planning Board
Terms of Reference**

1. To oversee the division of the Council's Development Management functions and workload in order to ensure timely and consistent decision-making at the most appropriate level: and to that end

- (a) to monitor the volume and type of applications determined; assessing the performance of the Development Management service, and, if appropriate
- (b) to vary the number, size and working arrangements of the Planning Committees, to appoint their membership, to vary the division of functions and delegations between the Board, the Planning Committees and the Head of Planning & Policy
- (c) to adopt working protocols and procedures: eg: protocols governing the direction of applications between the Planning Committees, public speaking rights, call-in procedure and others.

2 A. To exercise the Council's functions relating to town & country planning & development control, the protection of important hedgerows, the preservation of trees and the regulation of high hedges set out in the Local Authorities (Functions & Responsibilities)(England) Regulations 2000. Most of these functions are delegated to the Planning Committees and then onwards to the Head of Planning & Policy but the following are reserved to the Board

(a) applications for Large Scale Major Development, defined from time to time by DCLG. Currently this includes

- residential developments of 200 dwellings or more, or 4 ha or more;
- 10,000 square metres or more, or 2ha. or more of retail, commercial or industrial or other floorspace.

(b) applications for major minerals or waste development

(c) applications requiring Environmental Impact Assessments

(d) applications involving a significant departure from policy which a Planning Committee is minded to approve.

(e) any other matters which have strategic implications by reason of their scale, nature or location.

(f) any other matters referred up to it at the discretion of the Head of Planning & Policy

3. To exercise a consultation and advisory role, commenting upon the content of proposed planning policy and upon the effectiveness of existing policies employed in development control decisions.

Planning Committees

Terms of Reference

1A. To exercise the Council's functions relating to town & country planning & development control, the protection of important hedgerows, the preservation of trees and the regulation of high hedges, set out in the Local Authorities (Functions & Responsibilities)(England) Regulations 2000. Some applications have been reserved to the Strategic Planning Board: others are delegated on to the Head of Policy & Planning: the following are retained for the Planning Committees

(a) applications for Small Scale Major Development, defined from time to time by DCLG. Currently this includes

- residential developments of 10-199 dwellings or between 0.5 and 4ha
- retail or commercial/industrial or other floorspace of between 1,000 - 9,999 square metres. or between 1ha – 2 ha.

1B To determine any other planning & development control matters

(a) advertised as a departure from policy which the Head of Planning & Policy is minded to approve.

(b) submitted by a councillor, senior Council officer (tier 2 or above) or a member of staff employed within the Development Management and Policy service area; or by an immediate family member or partner of these.

(c) involving the Council either as applicant or land owner. Unless the Head of Planning & Policy identifies some significant factor, this category will not normally include minor developments which accord with planning policy and to which no objection has been made.

(d) referred up to them by a councillor in accordance with the Committees' call-in procedure.

(e) referred to them at the discretion of the Head of Planning & Policy.

2. The Committees will refer up to the Strategic Planning Board applications involving a significant departure from policy which they are minded to approve.

Delegation of Planning Functions to Officers

Apart from matters reserved to the Strategic Planning Board and Planning Committees, all those Council functions set out in the Local Authorities (Functions & Responsibilities)(England) Regulations 2000 which relate to town & country planning & development control, the protection of important hedgerows, the preservation of trees and the regulation of high hedges are delegated to the Head of Planning & Policy.

The Head of Policy & Planning will refer up to a Planning Committee or to the Strategic Planning Board any particular matter which they consider suitable for determination at that level.

The planning functions are listed in the schedule below. They are to be construed purposively and broadly, to include anything which facilitates or is incidental to them. For example, the power to determine planning applications under s70 Town & Country Planning Act 1990 will include powers governing environmental impact assessments under the various TCP (Environmental Impact Assessment) Regulations. It will also include power to impose conditions, limitations or other restrictions or to determine terms to which approvals are subject, and to modify, vary or revoke approvals.

Where legislation is amended or replaced by new provisions substantially the same as those replaced, then the relevant authority delegated in this Scheme applies to the new provisions.

1. Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990
2. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.
3. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.
4. Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990
5. Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning

	(General Development Procedure) Order 1995 and directions made thereunder.
6. Power to determine application for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995
8. Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
9. Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990
10. Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
11. Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007
12. Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990
13. Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.
14. Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990
15. Power to issue a temporary stop notice	S171E of the Town and Country Planning Act 1990
16. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990
17. Power to apply for an	Section 187B of the Town and Country

injunction restraining a breach of planning control.	Planning Act 1990
18. Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990
19. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act.
20. Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.
21. Power to determine application for listed building consent, and related powers.	Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
22. Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990, as applied by section 74(3) of that Act
23. Duties relating to applications for listed building consent and conservation area consent.	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 26 of DETR Circular 01/07.
24. Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
25. Power to issue enforcement notice in relation to demolition of unlisted building in conservation	Section 38 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.

area.	
26. Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
27. Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
28. Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
29. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).
30. Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999 (S.I. 1999/1892).
31. Powers relating to complaints about high hedges	Part 8 of the Anti-Social Behaviour Act 2003

Appendix D - Options for Planning Committees

Option	Application numbers (M/C/C&N)	Advantages	Disadvantages	Potential remedial actions
a. 1 plus 3 Strategic Board plus three based on existing Boroughs	2562 1169 1368	<ul style="list-style-type: none"> • Simple to implement • Easily understood • Matches Local Plan boundaries 	<ul style="list-style-type: none"> • Costly (4 committees) • Too similar to existing situation • Inequitable split of application numbers • Large of number of members on planning committees (pot. 56) 	<ul style="list-style-type: none"> • Market and promote as a transitional approach
b. 1 plus 2 Strategic Board plus two northern and southern committees	Approx 2,500 x 2	<ul style="list-style-type: none"> • Simple to implement • Easily understood • equitable split of application numbers • Reflects North / South service delivery of other services • Cost effective (3 committees replacing existing 5) 	<ul style="list-style-type: none"> • Could be seen as propagating a north/south divide • Not radical enough • Potentially lengthy agendas • Could be remote from some applicants 	<ul style="list-style-type: none"> • Take Members from outside areas • Member training • Use appropriate scheme of delegation • Web-casting where appropriate • Rotate locations • Direct applications to northern or southern committees predominantly (but not exclusively) in line with their locations

<p>c. 1 plus 3</p> <p>Strategic Board plus three committees split north and south on equal application numbers</p>	<p>Approx 1700 x 3</p>	<ul style="list-style-type: none"> • Significantly different approach • Equitable split of application numbers • Retain an element of localism • Potential Compatibility with output areas 	<ul style="list-style-type: none"> • Difficult to explain / understand • May create a split that does not reflect how the Service would wish to be delivered • Large numbers of Members on planning committees (pot. 56) • Definition of output areas not yet confirmed 	<ul style="list-style-type: none"> • Promote links with Output areas / neighbourhood working • Use this as the aim of the transformational phase
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Costs

Assumptions:

The Strategic Planning Board and the Planning Committees would meet every 3 weeks (51 per year).

Strategic Planning Board would be attended by Director, Head of Service and appropriate staff = £900 per meeting plus travel

Planning committees would be attended by Head of Service and appropriate staff = £850 per meeting plus travel

Members not paid by hour – assume £100 per member per meeting.

Accommodation and report preparation costs not included.

Options a and c. (1 plus 3) = £158, 950 per annum

Option b (1 plus 2) = £119, 850 per annum

CHESHIRE EAST

PLACES ADVISORY PANEL

Date of meeting: 27th January 2009
Report of: Nicky Folan
Title: Planning Protocol

1.0 Purpose of Report

- 1.1 This report attaches as Appendix 1 a proposed Planning Protocol for the consideration of planning matters. The Advisory Panel are asked to review and comment on the proposed Protocol.

2.0 Decision Required

- 2.1 That the Advisory Panel considers the Planning Protocol and recommends it for adoption by the Council

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 There is a risk of legal challenge if robust and consistent procedures are not in place and Councillors are not fully informed as to how they should act in carrying out their duties relating to the consideration of planning matters.
- 5.2 There is also a risk of Local Government Ombudsman complaint being upheld if the Authority does not provide clear and consistent advice to Councillors.

6.0 Risk Assessment

- 6.1 A number of risks can be identified:
- Generally, a lack of advice aimed at ensuring the integrity of the planning system for those Councillors involved as Members of the Board/Committees and for those involved as Local Ward Members

- Personal and prejudicial interests and fettering of discretion not being identified and declared at the required times
- Confusion amongst Councillors and members of the public over membership of Parish Councils and outside bodies and the effects this membership may have on the planning process and their involvement in it
- lack of, or inconsistent, advice concerning how Councillors respond to requests for any meetings with developers, applicants, neighbours, Parish/Town Councils
- lack of, or inconsistent, advice regarding lobbying of and by Councillors and how to react to this
- lack of appropriate advice, control and management of site visits
- lack of general advice to Councillors on their involvement in the discussions concerning the benefits which may stem from particular development proposals through planning obligations
- lack of clarity and inconsistent procedures applied throughout Cheshire East with regard to decision making at Board/Committee meetings
- Complaints to the Local Government Ombudsman being upheld over conduct and matters that occur at Board/Committee meetings and during the conduct of planning applications.

6.2 The protocol does address each of these risks.

7.0 Background and Options

7.1 Currently both Congleton Borough Council and Macclesfield Borough Council have comprehensive Councillors' planning protocols as part of their respective Council Constitutions. The County Council has a protocol that applies only to site visits.

7.2 It is essential that Councillors are aware of, and understand the constraints which they will have to operate within as part of their involvement in the development management process, and in particular in dealing with planning applications. This is in order to protect themselves and the Council from any challenge that may be made by a disgruntled member of the public, applicant or objector. It is also important that the planning system is seen to operate in a fair and open way.

7.3 A planning protocol provides consistent guidance for Councillors in dealing with planning applications and a useful reference document for

them when dealing with situations that can arise during their day to day functions as a Councillor. It also provides a source of information for members of the public to help them understand the operation of the planning system and the Councillors involvement in such.

7.4 It is necessary that this protocol is in place prior to 1 April 2009 so that Cheshire East Council determines applications in a robust and consistent manner and that a quality service is delivered to all customers.

7.5 The Planning Protocol deals with the following matters:

1. Relationship to the Members Code of Conduct
2. Development Proposals and Interests under the Members Code
3. Fettering of Discretion in the Planning Process
4. Membership of Parish Councils and Outside Bodies
5. Cabinet Members
6. Contact with Applicants, Developers and Objectors
7. Lobbying of Councillors
8. Lobbying by Councillors
9. Site Visits
10. Public Speaking at Meetings
11. Officers
12. Decision Making
13. Training
14. Involvement in Section 106 Agreements
15. Monitoring and Review
16. Breaches of the Planning Protocol

7.6 This Planning Protocol is to be presented to the Development Management Task Group on the 21st January 2009, and their comments will be reported to the Places Advisory Panel orally at the meeting.

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

8.1 The adoption of a Planning Protocol is a day one issue. It can then be reviewed and amended as necessary throughout or at the end of year one.

9.0 Reasons for Recommendation

9.1 It is vital that a Planning Protocol is in place as part of the new Council's Constitution prior to vesting day. This will provide clear guidance to Councillors in the undertaking of their roles and responsibilities in respect of their consideration of planning applications and other matters.

For further information:

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Background Documents:

Congleton Borough Council Protocol of Conduct in relation to planning functions

Macclesfield Borough Council Planning Protocol

Cheshire County Council protocol for Committee Site Visits for Planning Applications

Documents are available for inspection at:

At each of the respective Councils, or via each authorities Website

APPENDIX 1

PLANNING PROTOCOL OF CONDUCT IN RELATION TO THE DETERMINATION OF PLANNING MATTERS

This Planning Protocol of Conduct for the determination of planning matters ('the Planning Protocol') substantially follows the Model Code produced by the Association of Council Solicitors and Secretaries following consultation with the Audit Commission, the Local Government Ombudsman and the Standards Board for England.

The aim of the Planning Protocol is to give advice aimed at ensuring the preservation of the integrity of the planning system as open and fair to all parties. It is intended that the Planning Protocol will continue to engender public confidence in the planning system within the Borough, whilst avoiding procedural rules which are so rigid and overbearing that observance of them would become an end in itself at the expense of the consideration of the merits of an application.

1 INTRODUCTION

- 1.1 **The aim of this Planning Protocol** is to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well-founded in any way.
- 1.2 **The key purpose of Planning** is to control development in the public interest.
- 1.3 **Your role as a Member of the Planning Authority** is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.
- 1.4 **When the Planning Protocol applies:** this Planning Protocol applies at all times when Councillors are involved in the planning process. (This includes, where applicable, when part of decision-making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings.) It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.
- 1.5 **If you have any doubts about the application of this Planning Protocol to your own circumstances you should seek advice early, from the Monitoring Officer, and preferably well before any meeting takes place.**

2 RELATIONSHIP TO THE MEMBERS' CODE OF CONDUCT

- 2.1 **Do** apply the rules in the Members' Code of Conduct first, which must always be complied with throughout the decision making process.
- 2.2 **Do** then apply the rules of this Planning Protocol, which seeks to explain and supplement the Members' Code of Conduct for the purposes of planning control. If you do not abide by this Planning Protocol you may put :-
- the Council at risk of proceedings on the legality or maladministration of the related decision; and
 - yourself at risk of either being named in a report made to the Standards Committee or Council or, if the failure is also likely to be a breach of the Code of Conduct, a complaint being made to the Standards Committee.

3 DEVELOPMENT PROPOSALS AND INTERESTS UNDER THE MEMBER'S CODE

- 3.1 **Do** disclose the existence and nature of any interest, including any perceived interest, at any relevant meeting, including informal meetings or discussions with officer and other Councillors. This is your responsibility. Preferably, disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter.
- 3.2 **Do** then act accordingly. **Where your interest is personal and prejudicial:-**
- **Don't** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority. You must withdraw from the meeting room when the matter is discussed however please see paragraph for your right to attend and make representations.
 - **Don't** try to represent local, Ward or Area views, get another Member to do so instead.
 - **Don't** get involved in the processing of the application.
 - **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential

treatment, because of your position as a councillor. This would include, where you have a personal and prejudicial interest in a proposal, using your position to discuss that proposal with Officers or Councillors when other members of the public would not have the same opportunity to do so.

- **Do** be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a personal and prejudicial interest to an appropriate officer, in person or in writing, the Code places greater limitations on you than would apply to a normal member of the public.

3.3 **Do** notify the Monitoring Officer and Head of Planning and Policy in writing of your own application, or if you are employed as an agent and note that:-

- notification to the Monitoring Officer and the Head of Planning and Policy should be made no later than submission of the application;
- the proposal will always be reported to the Board/Committee and not dealt with by Officers under the scheme of delegation; and
- it is advisable that you employ an agent to act on your behalf on the proposal in dealing with officers and any public speaking at committee (*where appropriate.*)
- you do have a right to make written representations to officers about the proposal and may address the Board/Committee pursuant to the Public Speaking Protocol subject to certain additional restrictions (see para 11 below for more detailed advice on this point).

4 FETTERING DISCRETION IN THE PLANNING PROCESS

Given the requirement that Members of the Board/Committees should exercise an independent mind and decide proposals in accordance with the relevant planning considerations, Councillors must not favour any person, company, group or locality or commit themselves to a particular point of view on a planning application prior to its full consideration at the Council's Board/Committees.

4.1 **Don't** fetter your discretion and therefore your ability to participate in planning decision-making at this Council by making up your mind, or clearly appearing to have made up your mind (particularly

in relation to an external interest or lobby group), on how you will vote on any planning matter prior to formal consideration of the matter at the meeting of the planning authority and of your hearing the officer's presentation and evidence and arguments on both sides.

- 4.2 **Fettering your discretion** in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.
- 4.3 **Do** be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of dual membership, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)
- 4.4 **Do remember** that you are, of course, free to listen to a point of view about a planning proposal, give procedural advice and agree to forward any comments, but should then refer the person to the appropriate planning officer.
- 4.5 **Do not** use any political group meetings prior to the Panel meeting to determine how you or other Councillors should vote. There is no objection to a political group having a predisposition, short of predetermination, for a particular outcome or for you to begin to form a view as more information and opinions become available but decisions can only be taken after full consideration of the Planning Officer's report and information and consideration at the Board/Committees meeting.
- 4.6 **Don't** speak and vote on a proposal where you have fettered your discretion. You do not also have to withdraw, but you may prefer to do so for the sake of appearances.
- 4.7 **Do** explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes.
- 4.8 **Do** take the opportunity to exercise your separate speaking rights as a Ward/Local Member *where* you have represented your views or those of local electors and fettered your discretion, but do not have a personal and prejudicial interest. Where you do :

- advise the proper officer or Chairman that you wish to speak in this capacity before commencement of the item;
- remove yourself from the member seating area for the duration of that item; and
- ensure that your actions are recorded.

5 MEMBERSHIP OF PARISH COUNCILS AND OUTSIDE BODIES

5.1 **Do** be aware that, whilst the Members' Code of Conduct provides for a presumption that you may regard yourself as not having a prejudicial interest in matters which relate to the organisations mentioned below, you must exercise your discretion in deciding whether or not to participate in each case and where:

- you have been significantly involved in the preparation, submission or advocacy of a planning proposal on behalf of :
 - (a) another local or public authority or which you are a member; or
 - (b) a body to which you have been appointed or nominated by the Council as its representative; or
 - (c) you are a trustee or company director of the body submitting the proposal and were appointed by the Council
- you should always disclose a prejudicial as well as personal interest and withdraw.

5.2 **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the parish council, for example), provided:

- the proposal does not substantially affect the well-being or financial standing of the consultee body;
- you make it clear to the consultee body that:
 - (a) your views are expressed on the limited information before you only;
 - (b) you must reserve judgement and the independence to make up your own mind on each separate

proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Board/Committees and you hear all of the relevant information; and

(c) you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Board/Committees; and

- you disclose the personal interest regarding your membership or role when the Board/Committees come to consider the proposal.

6 CABINET MEMBERS

There is no Constitutional or legal reason why a Cabinet member should not also be a member of the Board/Committees and take part in the decision-making processes which are not part of the executive function.

- 6.1 **Be** aware that you should not speak or vote on any matter which you have discussed at Cabinet unless you have demonstrated there and can do so at the relevant Board/Committees that you have not predetermined the application.
- 6.2 **Do not** take part in any meeting of the Board/Committees on a matter in which you may have been seen as advocating a proposal as a Cabinet Member.

7 CONTACT WITH APPLICANTS, DEVELOPERS AND OBJECTORS

It is recognised that pre-application discussions can be of great benefit to the planning process provided that they take place within clear parameters and governance arrangements.

- 7.1 **Do** refer those who approach you for planning, procedural or technical advice to officers.
- 7.2 **Don't** agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should never seek to arrange that meeting yourself but should request the Head of Planning and Policy organise it. The officer will then

ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Board/Committees.

7.3 **Do** otherwise:

- follow the rules on lobbying;
- consider whether or not it would be prudent in the circumstances to make notes when contacted; and
- report to the Head of Planning and Policy any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.
- ask relevant questions for the purpose of clarifying your understanding of the proposals but do not express any strong view or state how you or other Councillors might vote.

7.4 **In addition in respect of presentations by applicants/developers:**

7.5 **Don't** attend a planning presentation unless an officer is present and/or it has been organised by officers.

7.6 **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.

7.7 **Do** remember that a presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Board/Committee of the planning authority.

7.8 **Do** be aware that a presentation is a form of lobbying and you must not express any strong view or state how you or other Councillors might vote.

8 **LOBBYING OF COUNCILLORS**

8.1 **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality and therefore your ability to participate in the Committee's decision-

making to express an intention to vote one way or another or such a firm point of view that it amounts to the same thing.

- 8.2 **Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- 8.3 **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible and remember to register the gift or hospitality where its value is over £25.
- 8.4 **Do** copy or pass on any lobbying correspondence you receive to the Head of Planning and Policy at the earliest opportunity.
- 8.5 **Do** promptly refer to the Head of Planning and Policy any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
- 8.6 **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.
- 8.7 **Do** note that, unless you have a personal and prejudicial interest, you will not have fettered your discretion or breached this Planning Protocol through:
- listening or receiving viewpoints from residents or other interested parties;
 - making comments to residents, interested parties, other Councillors or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
 - seeking information through appropriate channels; or
 - being a vehicle for the expression of opinion or speaking at the meeting as a Ward Member, provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward/local view, you have not committed yourself to vote in accordance with those views and will make up

your own mind having heard all the facts and listened to the debate.

9 LOBBYING BY COUNCILLORS

- 9.1 **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will have fettered your discretion and are likely to have a personal and prejudicial interest and have to withdraw.
- 9.2 **Do** register your membership of any lobby group.
- 9.3 **Do** declare the existence and nature of your interest in any lobby group at Board/Committee meetings so that Councillors of the public are informed about interests that may relate to your decisions. Often this will be a personal interest and you can continue to participate but note that it can sometimes be a prejudicial interest or lead to allegations of bias or predetermination and in those circumstances you must withdraw from the meeting.
- 9.4 **Do** not take part in any matter which relates directly to the lobby group of which you are a member rather than the views it holds. If the Board/Committees are discussing a planning application submitted by the group you should consider that you have a prejudicial interest and should act accordingly.
- 9.5 **Do** weigh up the following factors where your lobby group has expressed a public view on a matter and consider whether a reasonable member of the public, knowing the relevant facts, would think that you appear biased. The factors are:
- the nature of the matter to be discussed
 - the nature of your involvement with the lobby group
 - the publicly expressed views of the lobby group
 - what you have said or done in relation to the particular issue
- 9.6 **Do not** become a member of an organisation whose primary purpose is to promote or oppose specific planning proposals or those within a limited geographical area, as you may be perceived as having fettered your discretion.
- 9.7 **Do** remember that if the local branch of a general interest group has been vociferous or active on a particular issue or you are closely associated with the management or decision making process of that organisation such as its Chairperson or a member of the Board or Committee, it will become increasingly difficult to

demonstrate your ability to judge the matter with an open mind and you may appear biased and therefore you should consider whether it is appropriate for you to take part in the decision making process.

- 9.8 **Do not** publicly support a particular outcome on a proposal within your Ward or actively campaign for it if you wish to take part in the decision making process. It would be very difficult for you to demonstrate that you had the necessary degree of impartiality to properly weigh the arguments presented and the decision would be open to challenge. Again it is a question of maintaining the fine balance between a predisposition where your mind is not totally made up and a predetermination. This would, however, not prevent you from expressing the views of your constituents provided you are capable of determining the Application in accordance with the law.
- 9.9 **Do** join general interest groups which reflect your areas of interest and which concentrate on issue beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, but disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal.
- 9.10 **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken. It is difficult to define "excessively" but you need to consider whether a member of the public, knowing the facts, would think that, through your representations, the lobbied member was no longer able to take a view on the matter in the public interest but had predetermined it.
- 9.11 **Don't** decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Councillors should vote on a planning issue.

10 SITE VISITS

Site Visits can play a legitimate part in the decision making exercise but must be limited to inspections by viewing and as a fact finding exercise. They are not to be used to determine a proposal prior to the meeting of the Board/Committees. It should be noted that this Section applies to Councillors requests for a Site Visit and that the Head of Planning and Policy may arrange Site Visits without prior discussion at the Plans Panel where, in his professional opinion, there is a real benefit from viewing the site.

It is important to ensure that Councillors taking planning decisions are in possession of all the facts, including matters that may have been pointed out or come to light during a site visit. Attendance of Councillors will not only demonstrate that Councillors are fully informed but will also ensure that high quality consistent and sound decisions are made, and that the risks of legal challenge are minimised. The expectation is that all Board/Committee Councillors will attend all formal site visits and a record of attendance will be maintained and monitored.

10.1 **Do** try to attend site visits organised by the Council where possible.

10.2 **Don't** request a site visit unless you feel it is strictly necessary because:

- particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
- there are significant policy or precedent implications and specific site factors need to be carefully addressed; or
- details of the proposed development cannot be ascertained from plans and any supporting information to Councillors satisfaction at the Board/Committee; or
- where design considerations are of the highest importance particularly in relation to the surrounding locality.

10.3 **Do** ensure that any information that you gained from the site visit is reported back to the Board/Committees, so that all Councillors have the same information.

10.4 **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.

10.5 **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.

10.6 **Do** be prepared to listen to and ask questions of fact from the Applicant or other parties but do not be drawn into arguments or detailed discussions on the individual merits of an application or give the impression that you have made up your mind. The decision can only be made at the Board/Committee meeting and you should make this clear to any applicant or other party and suggest that they make written representations or use of the Public

Speaking arrangements and direct them to, or inform, the officer present.

- 10.7 **Don't** express opinions or views to anyone.
- 10.8 **Don't** enter a site, which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
- you feel it is essential for you to visit the site other than through attending the official site visit;
 - you have first spoken to the Corporate Manager (Planning and Development) (Chief Planning Officer) about your intention to do so and why (which will be recorded on the file) and
 - you can ensure you will comply with these good practice rules on site visits.

11 **PUBLIC SPEAKING AT MEETINGS**

- 11.1 **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.
- 11.2 **Do** ensure that you comply with the Council's procedures in respect of public speaking.
- 11.3 All Councillors are entitled to speak at a Board/Committee meeting in accordance with the Public Speaking procedures either as an individual, representative or ward member. However, where you might be regarded as having a personal and prejudicial interest in the application then you may attend and speak in accordance with the protocol but only for the purpose of making representations, answering questions or giving evidence relating to the matter in the same manner as would apply to a normal member of the public. Immediately after doing so you must leave the meeting room whilst the meeting considers the proposal even though members of the public may remain.

12 **OFFICERS**

Councillors and officers have different but complementary roles. Both serve the public but Councillors are responsible to the electorate whilst officers are responsible to the Council as a whole. Their relationship is based upon mutual

trust and understanding and this must never be abused or compromised. Instructions to officers can only be given through a decision of the Council, the Cabinet, Board or Committee or under delegated powers and not by individual Councillors acting outside those powers.

- 12.1 **Don't** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Head of Planning and Policy, which may be incorporated into any committee report.)
- 12.2 **Do** recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with the Head of Planning and Policy or those officers who are authorised by the Head of Planning and Policy to deal with the proposal at a Member level.
- 12.3 **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Councillors
- 12.4 **Do** be aware of the Protocols on Member/Officer Relations and the Roles of Councillors and Officers in Decision Making.

13 DECISION MAKING

- 13.1 **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation, that your planning reasons are recorded and repeated in the report to the Board/Committee.
- 13.2 **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- 13.3 **Do** comply with section 54A of the Town and Country Planning Act 1990 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- 13.4 **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse the application.

- 13.5 **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.
- 13.6 **Do** have recorded the reasons for the Board/Committee's decision to grant, refuse or defer any proposal.
- 13.7 **Do** delegate to the Head of Planning and Policy the drafting of conditions that the Board/Committee may wish to add or amend when considering an application, ensuring that an explanation of why the change or addition is required is given to the Board/Committee.
- 13.8 **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.
- 13.9 **Do**, where necessary, consider the drafting of conditions for sensitive applications that the Board/Committee wish to approve against Officer recommendation at the next meeting of the Board/Committee to allow Officers to formulate appropriate conditions and provide the Board/Committee with any relevant further information.

14 TRAINING

- 14.1 **Don't** participate in decision-making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.
- 14.2 **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.
- 14.3 **Do** revisit a sample of implemented planning permissions to assess the quality of the decisions. Such a review should improve the quality and consistency of decision-making, thereby strengthening public confidence in the planning system, and can help with reviews of planning policies.

15 INVOLVEMENT IN SECTION 106 AGREEMENTS

The guidance in respect of planning obligations is similar to that of planning conditions in that they must be relevant to planning and directly related to the proposed development if they are to be taken into account in making a decision on a planning application. Local Planning Authorities should not grant planning permission for unacceptable development because of unrelated benefits offered by the applicant and should not be unduly influenced by any benefits offered.

- 15.1 **Do** remember that requirements to be included within Section 106 Agreements should be considered and discussed at pre-application stage. The Officers will provide advice on general requirements, but if you are aware of any additional potential requirements please refer these to the Head of Planning and Policy as soon as you become aware of them.
- 15.2 **Do** remember that the purpose of Section 106 Agreements is to help make acceptable development which would otherwise be unacceptable in planning terms, by prescribing the nature of the development, or compensating for loss or damage created by the development, or to mitigate a developments impact. They must therefore be relevant to planning and relate fairly and reasonably to the development.
- 15.3 **Do** include the content of Section 106 Agreements in the debate that takes place at Board/Committees, whether you are a Member of the Committee or a visiting Member who wishes to speak on the application.
- 15.4 **Don't** hold formal or informal meetings with Applicants, Developers and Objectors over the contents of potential Section 106 agreements. If you feel that a meeting would be useful to clarify the issues, you should ask the Head of Planning and Policy to arrange such a meeting. In this way the relevant Officers can be at the meeting, and those present can be made aware that the discussions will not bind the authority, and that the meeting can be properly recorded on the application file and the record of the meeting disclosed when the application is considered.
- 15.5 **Do** remember **that it is imperative that** a Ward Councillor's role continues after the completion of the Section 106 Agreement, by assisting Officers in ensuring that Section 106 Agreements are complied with. This includes noting when development is being undertaken and assisting Officers in ensuring triggers within Section 106 Agreements are complied with. Ward Councillors should contact Officers for any information on completed Section 106 Agreements.

16 MONITORING AND REVIEW

- 16.1 The Head of Planning and Policy will report annually to the Standards Committee regarding whether the arrangements set out in this Planning Protocol have been complied with and will include any proposals for amendment in the light of any issues that have arisen during the year.
- 16.2 In particular, the Head of Planning and Policy shall monitor the following:-
- (a) the number of complaints made about breaches of the Planning Protocol and the outcome of those complaints;
 - (b) the number of appeals upheld;
 - (c) any external inspection reports in respect of relevant issues;
 - (d) the level of awareness of the Planning Protocol among Councillors and Officers; and
 - (e) the number of Ombudsman reports finding maladministration by Councillors in the conduct of planning issues.

17 BREACHES OF THE PLANNING PROTOCOL

Maintaining high ethical standards enhances the general reputation of the Council, its Councillors and its officers. Open and transparent decision making enhances local democracy and should lead to better informed citizens. This Planning Protocol, along with Cheshire East's Members Code of Conduct are intended to promote these standards.

- 17.1 **Do** be aware of your responsibilities under this Planning Protocol and the Members Code of Conduct.
- 17.2 **Do** report any apparent breaches of either the Code of Conduct or the Planning Protocol to the Monitoring Officer.
- 17.3 **Do** seek advice if you are in doubt.
- 17.4 Failure to comply with the Members Code of Conduct may lead to a complaint to the Standards Committee who can, in certain circumstances disqualify a Councillor. Failure to comply with this Planning Protocol may lead to a finding of Maladministration by the Ombudsman or could lead to a decision being challenged in the courts.
- 17.5 Allegations on any breach of this Planning Protocol by Councillors may be referred to the Monitoring Officer for referral to the Standards Committee, the relevant Leader and/or Chief Whip of the political group.

CHESHIRE EAST COUNCIL

Places Advisory Panel

27 Jan 09

Date of meeting:

Report of:

Gavin Butler

Title:

Report of the Crime and Disorder Reduction and Partnership Task Group

1.0 Purpose of Report

- 1.1 To advise the Places Advisory group of developments in the partnership and operational Community Safety field, and to seek the advice of the group on future arrangements

2.0 Decision Required

- 2.1 That the existing Crime and Disorder Reduction Advisory Task Group increases its scope to take in the wider remit of the Safer and Stronger Communities Service and Portfolio (Wardens, CCTV, Regulatory Services and Community Development)
- 2.2 That the Council request that the Chairman of the Council invite the new Chief Constable Mr Dave Whatton to a meeting of the full council
- 2.3 That the Advisory Task Group note the agreed priorities of the new Cheshire East Crime and Disorder Reduction Partnership (paper attached)
- 2.4 That the Advisory Group seek clarification on the operational and partnership responsibility for road safety

3.0 Financial Implications for Transition Costs

- 3.1 Amounts of £10k for new Warden uniforms and £5k for new warden and CCTV vehicle livery have been identified as being required for legal compliance on 1 April. Amending the authority names and contact numbers on CCTV street signage is being costed.

4.0 Financial Implications 2009/10 and beyond

- 4.1 None at this stage

5.0 Legal Implications

- 5.1 As set out at 3.1, warden uniform, Fixed Penalty Notice books/tickets, CCTV vehicles and street signs all require the clear branding of the new authority in order to comply with law and regulation.

6.0 Risk Assessment

- 6.1 Reputation and legal compliance of Cheshire East should surveillance or enforcement action be disputed

7.0 Background and Options

- 7.1 As above

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

- 8.1 Day One requires the work set out above on branding and signage.

9.0 Reasons for Recommendation

- 9.1 To ensure that Member oversight of the Safer and stronger Communities service is robust
9.2 To continue and develop positive relationships with Cheshire Police
9.3 To support effective partnership working and the delivery of an effective Local Area Agreement
9.4 To support effective member oversight of Road Safety

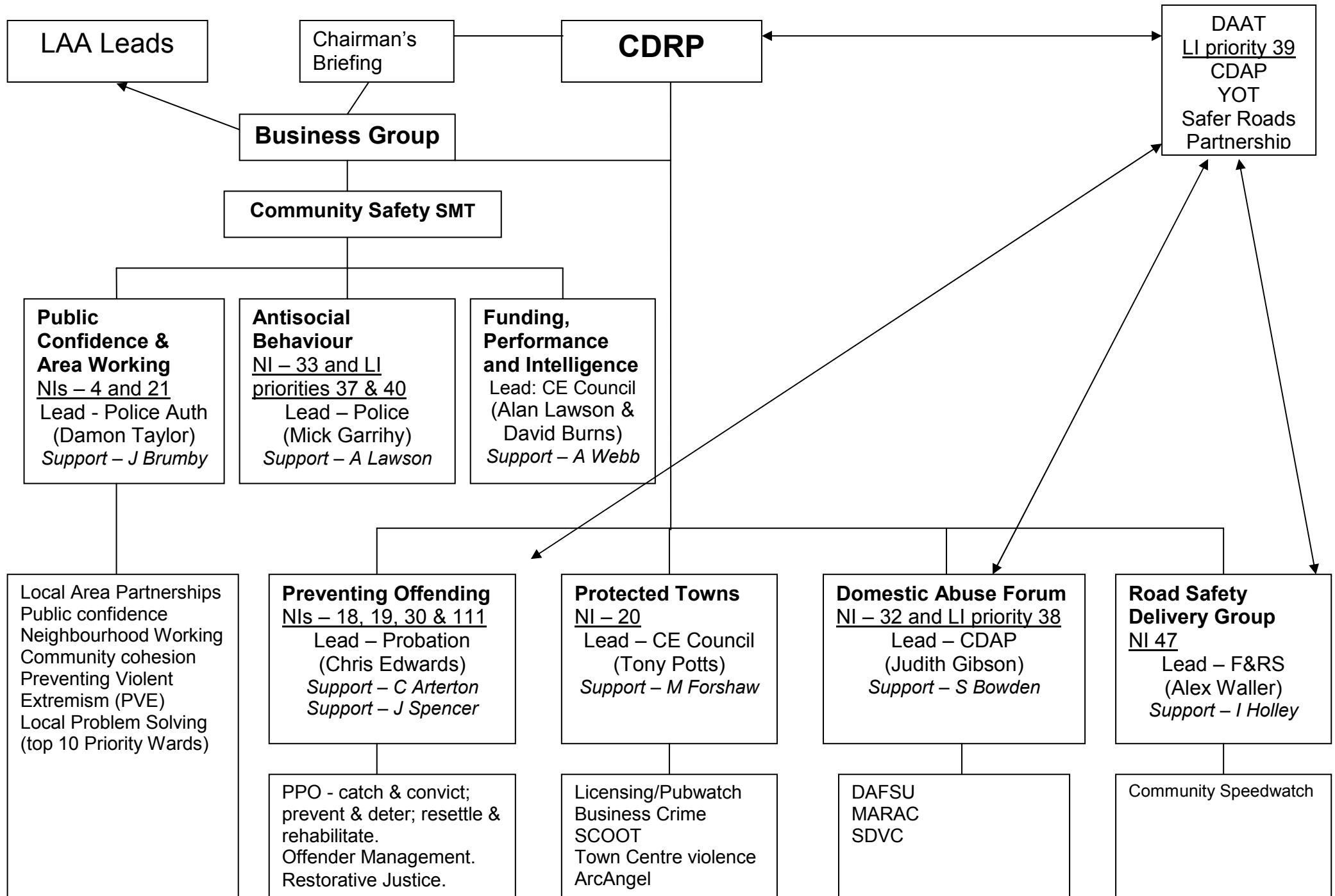
For further information:

*Portfolio Holder: Councillor Brian Silvester
Officer: Gavin Butler
Tel No: 01244 976774
Email: gavin.butler@cheshire.gov.uk*

Background Documents: Cheshire East CDRP priorities and structure (attached)

Documents are available for inspection at:

CHESHIRE EAST CDRP STRUCTURE



CHESHIRE EAST CDRP STRUCTURE – Glossary of Indicators

National Indicators

- NI 4 - % of people who feel they can influence decisions in the locality
- NI 18 - Adult re-offending rates for those under probation supervision
- NI 19 – Preventing youth re-offending
- NI 20 – Assault with injury crime
- NI 21 - Dealing with local concerns about ASB and crime by the local councils and police
- NI 30 - Re-offending rate of prolific and priority offenders
- NI 32 - Repeat incidents of domestic violence
- NI 33 - Arson incidents
- NI 47 - People killed or seriously injured in road traffic accidents
- NI 111 – First time youth entrants into the judicial system

County-Wide non-designated Local Indicators'

- LI priority 37 - Reported incidents of ASB
- LI priority 38 - Increase in proportion of non-Police referrals to the DAFSUs and MARACs
- LI priority 39 - Alcohol arrest referrals
- LI priority 40 - Anti-social behaviour – criminal damage

**MINUTES OF A JOINT MEETING OF THE MACCLESFIELD BOROUGH COUNCIL
AIRPORT PANEL AND CHESHIRE EAST AIRPORT SUB TASK GROUP HELD IN THE
BOARD ROOM, TOWN HALL, MACCLESFIELD ON 11 NOVEMBER 2008**

PRESENT: Councillor W J Macrae in the Chair.

Councillors	W J Macrae	MBC&CE
	L Gilbert	CE
	R Watson	MBC
	G M Walton	MBC & CE
	D Neilson	MBC&CE
	C Thorley	CE
	S Broadhurst	MBC
	R W Menlove	MBC

Officers Present:	Gareth Roberts	C&NBC
	John Knight	MBC
	Cedric Knipe	MBC
	David Kidd	MBC
	John Twigg	Manchester Airport
	John Bottomley	Manchester Airport

ACTION

APOLOGIES

Apologies for absence were received from Alan Millington.

2 APPOINTMENT OF CHAIRMAN FOR THE MEETING

RESOLVED

That Councillor W J Macrae be appointed as Chairman for the meeting.

Introduction

The Chairman reported that Macclesfield Borough Council had set up an Airport Panel, to advise Cabinet on matters relating to Manchester Airport, which also provided the opportunity for representatives from the Airport to update Members in respect of issues relating to the Airport and its development. The Cheshire East Places Advisory Panel had now set up a **Sub**Task Group to consider these matters.

3 AIRPORT MASTER PLAN BRIEFING

Representatives from Manchester Airport attended the meeting and provided a briefing in respect of the Manchester Airport Master Plan. It was noted that Members of the Macclesfield Borough Council Airport Panel had been provided with copies of the Master Plan documents and Executive Summaries, which could be circulated to the Cheshire East Task Group Members in CD form on request.

The Aviation White Paper 2003 required airports to produce a Master Plan document to inform airport development and other planning documents. This required the industry to meet environmental costs and sustainable growth and required the recognition of environmental responsibilities. In the case of Manchester Airport, Government stated that Manchester was to remain the major airport outside the South East and national policy supported growth to the capacity of two runways. The Airport's vision was to be internationally recognised as a leading 21st century airport, whilst helping to regenerate the North West and make it a better place to live, work and visit; with a commitment to sustainable growth, maximising economic and social benefits and minimising environmental and social harm and to deliver outstanding customer service.

Details of the Airport's long term strategy were reported. The Airport had produced a Master Plan to 2030, which was an integral part of the broader corporate approach and was heavily influenced by sustainable development considerations. The document focused as much on external issues as on site issues. The Master Plan consisted of a series of documents, including a Community Plan, Environment Plan, Ground Transport Plan and Land Use Plan and details were provided to the Group in respect of these documents.

It was noted the Master Plan should be reflected, as appropriate, in Local Development Frameworks, to deliver national policy and would contribute to the statutory planning work of Manchester City and Cheshire East Councils. It would influence other plans and investment programmes. The document would be kept under regular review and the Ground Transport Plan would need to be reviewed following the Greater Manchester Transport Innovation Fund decision. In addition, it was noted that, whilst there had been an increase in heavy rail, more local rail services were going to be reduced and it was considered that the Crewe Gateway was particularly important in this respect and needed to be put onto the regional agenda.

4 **SECTION 106 AGREEMENT MONITORING AND NEXT STEPS**

Consideration was given to the 14th annual report relating to the monitoring of the Section 106 Agreement between the County Council and Manchester Airport. The Agreement, which dated from 1994, constituted an agreed environmental mitigation package, associated with the development of the second runway. It was noted that the Agreement would run out in 2011, but contained a provision whereby the parties of the Agreement were required to undertake negotiations, with a view to agreement upon alteration of the obligations, so that the existing Agreement was, as far as possible, maintained in scope. Early discussions, towards this end, had commenced with the Airport Company and MBC CCC and the Cheshire East Shadow Council. A detailed account of progress on current obligations was attached as an appendix to the report and a performance table on baseline numerical data was also appended to the report. There had been some preliminary discussions between Macclesfield Borough Council and the Airport as to how this issue should be taken forward and how the areas previously

included in the Section 106 Agreement should be covered. This matter would need to be considered at the Cheshire East Airport Task Group and would need to be included on its Work Programme as a matter of priority. With regard to the timetable for this, it was suggested that a fact finding exercise should take place by March 2009, to include the production of a list of topics for consideration by the Task Group.

CK

5 **LGR - FUTURE ARRANGEMENTS FOR SUPPORT TO THE MANCHESTER AIRPORT CONSULTATIVE COMMITTEE AND ITS SUB GROUPS**

It was noted that, under a longstanding agreement, Cheshire County Council provided the secretarial support to the Manchester Airport Consultative Committee and its Sub Groups. The Committee met quarterly, as did the Airport Users Group and the Technical Advisory Group. The Community Trust Fund was another group directly linked to the Consultative Committee, but support to that group was provided by the Airport. An annual fee was paid by, the Airport Company, to the County Council in respect of this work and appropriate County Council staff were made available to carry out the function. It was noted that the Airport was partly located in the Cheshire East area. Under the Civil Aviation Act 1982, airport operators were under a duty to provide local consultative arrangements, generally through a Consultative Committee mechanism. The Consultative Committee had noted the position at this stage, however, it would be necessary to clarify and confirm the arrangements, which would need to be in place from April 2009 to ensure the continuing support to the Consultative Committee's operations.

There were currently 8 Members appointed to the Committee by the outgoing Councils, namely Cheshire (3), Macclesfield (3), Congleton (1) and Vale Royal (1). From 1 April 2009 alternative arrangements would be needed for representation from the East and West Cheshire Councils. Currently the Committee consisted of 33 Members, including the Chairman, of whom 18 were Local Authority representatives. It was noted that the current option being considered was to replace the outgoing Cheshire Council membership by 6 or 7 Members, including a representative from Warrington and for Cheshire East Council to have three or four seats.

All four of the outgoing Councils had one Member appointed to the Community Trust Fund and alternative arrangements would also be needed for appointments to this body. Discussions took place in respect of the appropriate Community Trust Fund representatives and it was considered that there should be two Cheshire East representatives one of whom may be as long as the substitute could be a Trustee.

With regard to servicing arrangements, it was considered that it would be logical for secretarial support to be provided to the Consultative Committee by the Cheshire East Council, subject to settlement and negotiation on funding arrangements.

6 **DEFRA NOISE ACTION PLAN CONSULTATION**

Consideration was given to a report which set out the Strategic Aviation Special Interest Group's (SASIG) response to the consultation by DEFRA on the guidance for airport operators to provide action plans under the terms of the Environmental Noise Directive. SASIG, in common with a wide range of organisations, had been consulted by DEFRA on the draft guidance for airport operators who were required to produce noise action plans. Responses were required to be submitted by Friday 28 November 2008. Details of SASIG's comments on the consultation were set out in the report.

7 **AIRSPACE CHANGE CONSULTATION**

A paper had been circulated, which detailed the National Air Traffic Service's consultation on proposals to make changes to the Manchester Control Zone. There had not been enough time to analyse the information, in order to assist the Cheshire East Council in its response to the consultation and it was suggested that views be sought from the Airport representatives present at the meeting.

It was noted that the changes related mainly to airspace for light (General Aviation) aircraft to allow easier flow around airport airspace. Some of the impacts would be to reduce light aircraft over Warrington. The consultation ended in January 2009 and NATS were seeking views from local authorities, amenity groups and aviation groups. It was considered that the main commercial activity of Manchester Airport would not be affected.

Cheshire East Council had not originally been a consultee, but this had now been rectified. It was suggested that Congleton Borough Council and the Peak Park should also have been consultees.

8 **SASIG UPDATE**

An update was not given at the meeting, however the Chairman undertook to circulate the SASIG papers to Members, highlighting the main issues discussed.

It was considered, by Members, that the Cheshire East Authority should be represented on SASIG and there would need to be budget provision for this.

9 **TASK GROUP VISIT TO MANCHESTER AIRPORT**

It was noted that a visit to the Airport would form part of the fact finding exercise in respect of the replacements for the Section 106 Agreement and would, therefore, need to take place before March 2009. The visit would be primarily for the Cheshire East Task Group Members, but other invitees could be considered. The date would be agreed and circulated.

CK/JK/JN

10 **DATES FOR FUTURE MEETINGS**

To be agreed and circulated.

CK/JK/JN

The meeting terminated 10.50am.

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CHESHIRE EAST COUNCIL

Places Advisory Panel

Date of meeting: 27th January 2009
Report of: Chris McCarthy Interim Places Director
Title: Cheshire East Local Development Scheme

1.0 Purpose of Report

- 1.1 The purpose of this report is for the Places Advisory Panel to recommend to Cabinet that the Cheshire East Local Development Scheme be brought into effect, within the inclusion of a caveat recommended by the Government Office for the North West.

2.0 Decision Required

- 2.1 To make a recommendation to Cabinet:
- To include a caveat within the Local Development Scheme alongside the table and profile of the Minerals DPD highlighting that the timetable/DPD could be changed should it be decided in future that joint working with Cheshire West and Chester would be more appropriate on this matter.
 - That the Cheshire East Local Development Scheme, appended to this report, shall come into effect from 4th February 2009 in accordance with Regulation 11(2)(a) of the Town and Country Planning (Local Development) (England)(Amendment) Regulations 2008.

3.0 Financial Implications for Transition Costs

- 3.1 None

4.0 Financial Implications 2009/10 and beyond

- 4.1 The costs of a future review of the Local Development Scheme will be in staff time. The implementation of the programme contained within the Local Development Scheme will require substantial staff and budgetary resources as yet undefined.

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 draft Transitional Regulations requires Cheshire East to submit a Local Development Scheme to the Secretary of State for Communities and

Local Government “not later than three months before the reorganisation date.” The same Regulations will, when approved by parliament, transfer Local Development Framework powers to the Cheshire East Council.

6.0 Risk Assessment

- 6.1 The Local Development Scheme contains a full Risk Assessment (Section 12).

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 Following consideration of the Local Development Scheme by the Local Development Framework Member Task Group on 9th September, the Places Advisory Panel on 22nd September, Cabinet on 2nd December and Council on 9th December 2008 it was submitted to the Government Office for the North West on behalf of the Secretary of State.
- 7.4 The Government Office for the North West have now responded on behalf of the Secretary of State and have stated that she does not intend to issue a direction under Section 15(4) of the Planning and Compulsory Purchase Act 2004, and that Cheshire East Council may proceed to publish the submitted Scheme (subject to the caveat suggested), in accordance with the Regulations.

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

- 8.1 The Local Development Scheme should be brought into effect to provide the work programme for the Cheshire East Local Development Framework and will be reviewed on an annual basis.

9.0 Reasons for Recommendation

9.1 To bring into effect the Cheshire East Local Development Scheme.

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Local Development Scheme

February 2009

Brought into effect 4th February 2009

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Acronyms

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

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 31st 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.

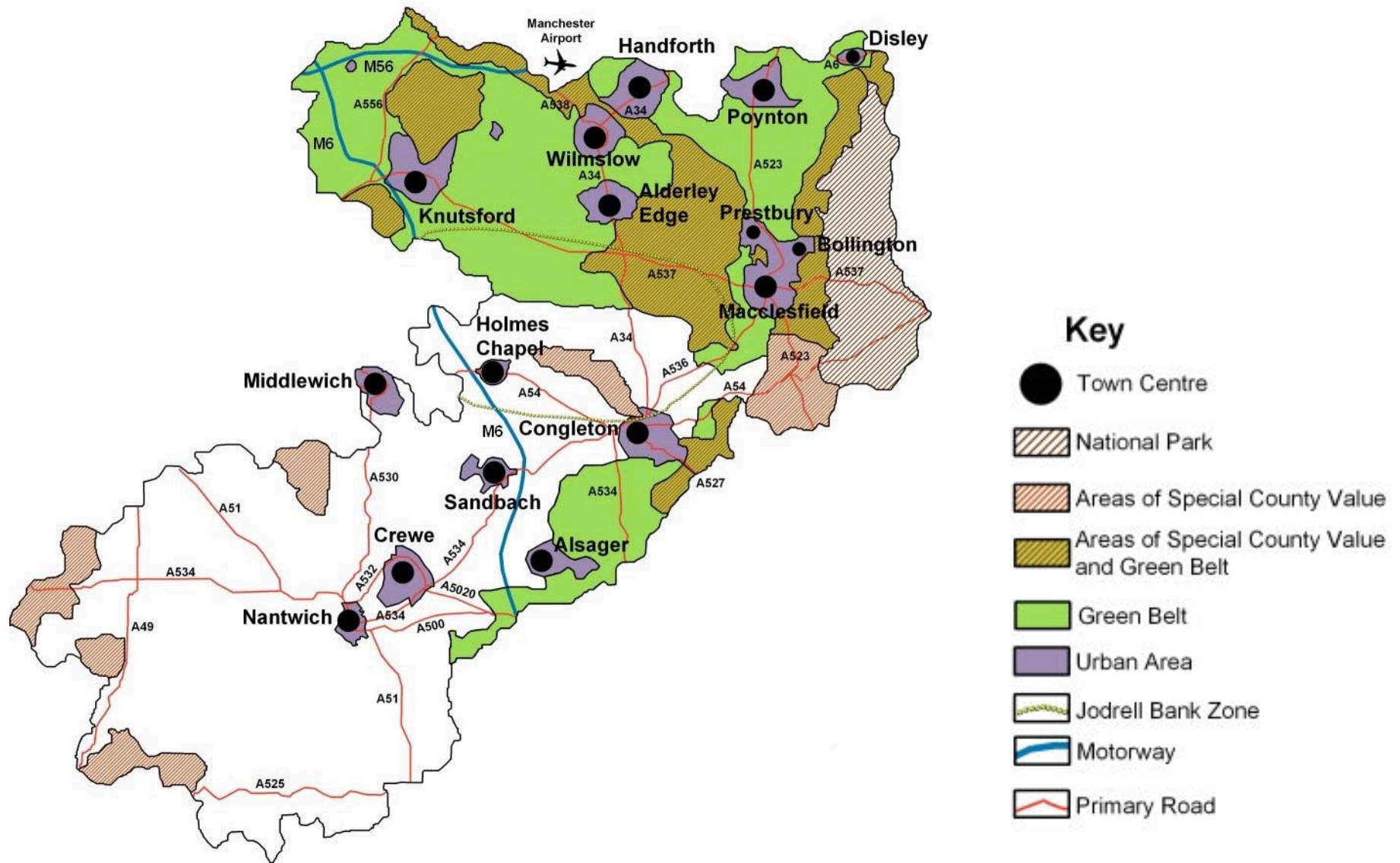


Diagram 1: Map of Cheshire East

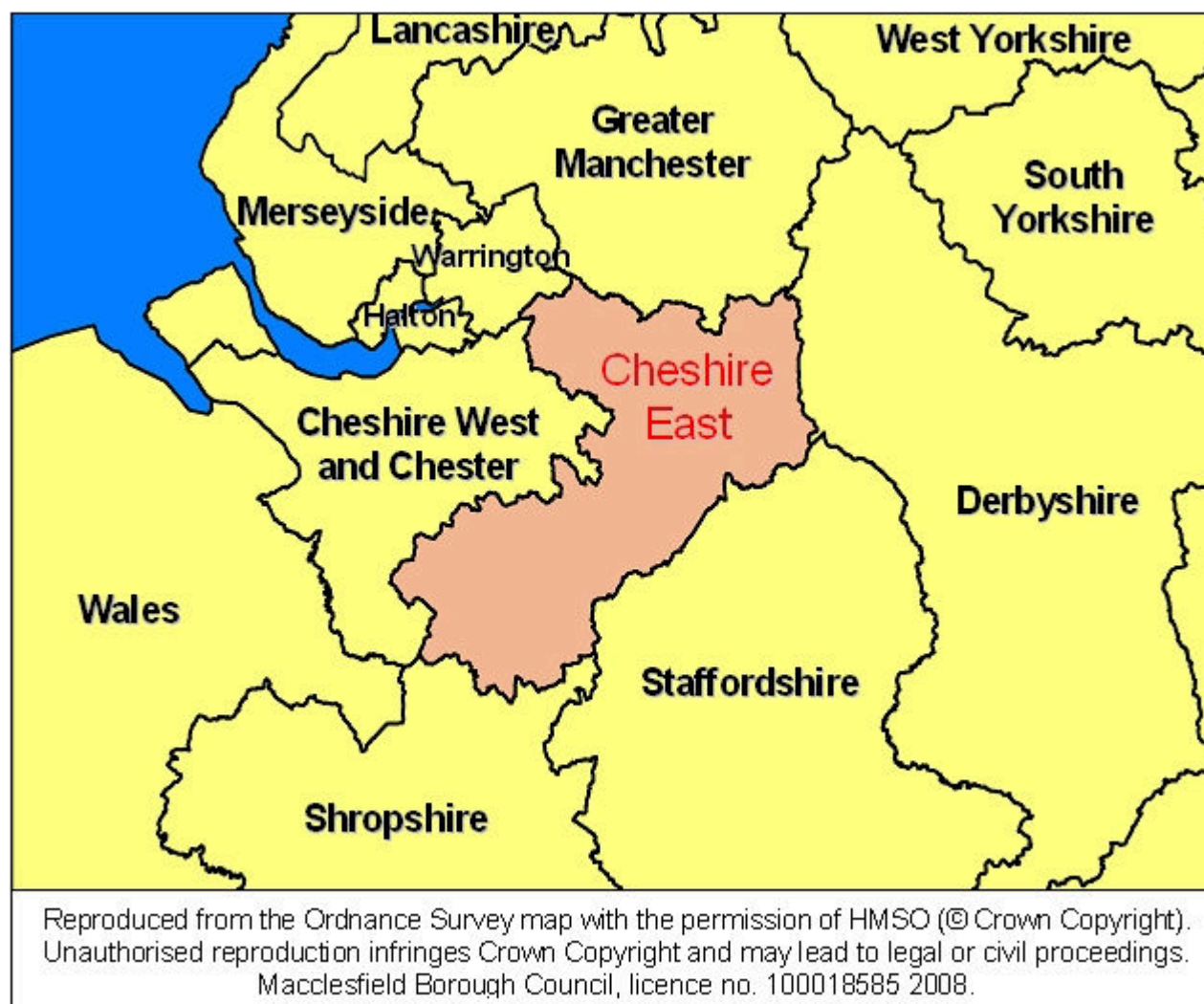


Diagram 2: Map of Cheshire East in Local Context

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 4th June 2008. It is accompanied by an online 'plan making manual' (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 27th 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 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)¹ was published on 30th 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 2nd June and 4th 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 (NWD), the Regional Leaders' Forum (4NW) and the Government

¹ 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 27th 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	April 2009	Jan 2009 – Oct 2010	Nov 2010	April 2011	June 2011	Sept 2011	Jan 2012	April 2012	

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	Sept 2010	April 2010 – Mar 2012	April 2012	Sept 2012	Nov 2012	Jan 2013	May 2013	Sept 2013	
Minerals policies and allocations ²	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	Sept 2010	April 2010 – Mar 2012	April 2012	Sept 2012	Nov 2012	Jan 2013	May 2013	Sept 2013	
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	April 2011	Nov 2010 – Oct 2012	Nov 2012	April 2013	June 2013	Aug 2013	Dec 2013	Mar 2014	
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	April 2011	Nov 2010 – Oct 2012	Nov 2012	April 2013	June 2013	Aug 2013	Dec 2013	Mar 2014	

² This timetable could be amended should it be decided in the future that joint working with Cheshire West and Chester would be more appropriate on this matter.

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
Cheshire County Council:			
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.
Congleton:			
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.

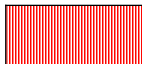


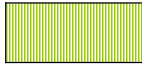



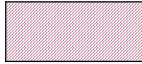
Document Title	LDD	Included in the Cheshire East LDS?	Comments
Crewe and Nantwich:			
Core Strategy	DPD	No	One Core Strategy to be produced for Cheshire East, work undertaken during the production of this document will feed into the Cheshire East document.
Housing Policies	DPD	No	Much of the work undertaken 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.
Macclesfield:			
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.

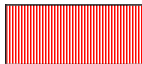

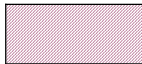
6 Timetable for LDD Production

- 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	

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 Members for Places responsible for the LDF work are 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 individually⁴. 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.

⁴ 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.	$2 \times 5 = 10$
7	Legal challenge		Adopted LDD quashed. Additional work loads.	Ensure robust and up to date evidence base. Audited stakeholder and community engagement.	$2 \times 5 = 10$
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.	$2 \times 4 = 8$

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)
16	LDF programme too ambitious		plans. 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 plans.	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		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 plans.	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

Title:	Core Strategy
Status:	DPD
Role:	Sets out the Vision, Objectives and Strategy for the spatial development of the area over the next 15 years, and may include strategic sites.
Geographical Area:	Authority wide
Conformity Chain:	General conformity with the RSS and consistent with PPG / PPSs.
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 Full Council will approve the publication, submission and adoption of the DPD based on recommendations from the Cabinet ⁵ .
Community Involvement:	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.
Sustainability Appraisal:	Simultaneous consultation with the Development Plan Document. To be assessed through the Sustainability Appraisal, including the Strategic Environmental Assessment.
Monitoring & Review:	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.

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

⁵ To be confirmed

Title:	Site Specific Allocations
Status:	DPD
Role:	Contains detailed policies and proposals to deliver and guide land allocated for specific purposes.
Geographical Area:	Authority wide
Conformity Chain:	General conformity with the RSS and consistent with PPG / PPSs and the Core Strategy.
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 Full Council will approve the publication, submission and adoption of the DPDs based on recommendations from the Cabinet. ⁶
Community Involvement:	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.
Sustainability Appraisal:	Simultaneous consultation with the Development Plan Document. To be assessed through the Sustainability Appraisal, including the Strategic Environmental Assessment.
Monitoring & Review:	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.

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

⁶ To be confirmed

Title:	Minerals Policies and Allocations⁷
Status:	DPD
Role:	Contains the detailed development control policies and allocations for Minerals development, where applicable.
Geographical Area:	Authority wide
Conformity Chain:	General conformity with the RSS and consistent with PPG / PPSs and the Core Strategy.
Produced by:	Expected to be produced by Cheshire East LDF.
Resources:	Expected to be provided by Cheshire East.
Management Arrangements:	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. ⁸
Community Involvement:	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.
Sustainability Appraisal:	Simultaneous consultation with the Development Plan Document. To be assessed through the Sustainability Appraisal, including the Strategic Environmental Assessment.
Monitoring & Review:	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.

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

⁷ The information and timetable provided within this form could be subject to amendment should it be decided in the future that joint working with Cheshire West and Chester would be more appropriate on this matter.

⁸ To be confirmed

Title:	Congleton Town Centre Area Action Plan
Status:	DPD
Role:	Contains detailed policies and proposals for the redevelopment of Congleton town centre.
Geographical Area:	Congleton Town Centre (to be defined in Core Strategy)
Conformity Chain:	General conformity with the RSS and consistent with PPG / PPSs and the Core Strategy.
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 Full Council will approve the publication, submission and adoption of the DPDs based on recommendations from the Cabinet. ⁹
Community Involvement:	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.
Sustainability Appraisal:	Simultaneous consultation with the Development Plan Document. To be assessed through the Sustainability Appraisal, including the Strategic Environmental Assessment.
Monitoring & Review:	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.

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

⁹ To be confirmed

Title:	Middlewich Canal Corridor Area Action Plan
Status:	DPD
Role:	Contains detailed policies and proposals for the redevelopment of Middlewich Canal Corridor.
Geographical Area:	Middlewich Canal Corridor (to be defined in Core Strategy)
Conformity Chain:	General conformity with the RSS and consistent with PPG / PPSs and the Core Strategy.
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 Full Council will approve the publication, submission and adoption of the DPDs based on recommendations from the Cabinet. ¹⁰
Community Involvement:	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.
Sustainability Appraisal:	Simultaneous consultation with the Development Plan Document. To be assessed through the Sustainability Appraisal, including the Strategic Environmental Assessment.
Monitoring & Review:	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.

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

¹⁰ 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. ¹¹
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	Sustainability Appraisal Scoping Report:	February – March 2009
	Public participation on Draft Supplementary Planning Document:	May – June 2009
	Adoption and Publication:	September 2009

¹¹ 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.¹²

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

¹² To be confirmed

Title:	Smallwood Village Design Statement
Status:	SPD
Role:	Sets out design guidance within the Parish.
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 GR1, GR2 and GR5.
Produced by:	Expected to be produced by Cheshire East LDF Section
Resources:	Expected to be provided by Cheshire East LDF Section and Smallwood Parish VDS Working Group.
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. ¹³
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	Sustainability Appraisal Scoping Report:	February – March 2009
	Public participation on Draft Supplementary Planning Document:	June – July 2009
	Adoption and Publication:	December 2009

¹³ To be confirmed

Title:	Heritage and Conservation
Status:	SPD
Role:	Provides detailed advice on heritage and conservation in the built environment.
Geographical Area:	Authority wide.
Conformity Chain:	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).
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. ¹⁴
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	Sustainability Appraisal Scoping Report:	May – June 2009
	Public participation on Draft Supplementary Planning Document:	September – October 2009
	Adoption and Publication:	March 2010

¹⁴ To be confirmed

Title:	Prestbury
Status:	SPD
Role:	Sets out planning policy guidance within the Parish.
Geographical Area:	Prestbury Parish.
Conformity Chain:	General conformity with the RSS and consistent with PPG / PPSs. Linked to saved policies within the Macclesfield Local Plan.
Produced by:	Expected to be produced by Cheshire East LDF Section in conjunction with Prestbury Parish Plan Group
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. ¹⁵
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	Sustainability Appraisal Scoping Report:	May – June 2009
	Public participation on Draft Supplementary Planning Document:	September – October 2009
	Adoption and Publication:	March 2010

¹⁵ To be confirmed

Title:	Over Peover Supplementary Planning Document
Status:	SPD
Role:	Sets out planning policy guidance within the Parish.
Geographical Area:	Over Peover Parish.
Conformity Chain:	General conformity with the RSS and consistent with PPG / PPSs. Linked to saved policies within the Macclesfield Local Plan.
Produced by:	Expected to be produced by Cheshire East LDF Section in conjunction with Over Peover Parish Plan Group
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. ¹⁶
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	Sustainability Appraisal Scoping Report:	May – June 2009
	Public participation on Draft Supplementary Planning Document:	September – October 2009
	Adoption and Publication:	March 2010

¹⁶ To be confirmed

Title:	Sandbach Town Design Statement
Status:	SPD
Role:	Sets out design guidance within the Town.
Geographical Area:	Sandbach Town (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 GR1, GR2 and GR5.
Produced by:	Expected to be produced by Cheshire East LDF Section in conjunction with Sandbach Town Council.
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. ¹⁷
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	Sustainability Appraisal Scoping Report:	May – June 2009
	Public participation on Draft Supplementary Planning Document:	September – October 2009
	Adoption and Publication:	March 2010

¹⁷ 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.¹⁸
- 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	Sustainability Appraisal Scoping Report:	November – December 2009
	Public participation on Draft Supplementary Planning Document:	March – April 2010
	Adoption and Publication:	September 2010

¹⁸ To be confirmed

Title:	Planning Obligations
Status:	SPD
Role:	Provides guidance on the approach to negotiating planning obligations arising from development.
Geographical Area:	Authority wide.
Conformity Chain:	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).
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. ¹⁹
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	Sustainability Appraisal Scoping Report:	November – December 2009
	Public participation on Draft Supplementary Planning Document:	March – April 2010
	Adoption and Publication:	September 2010

¹⁹ To be confirmed

Appendix 3: Evidence Base

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

	Congleton	Crewe and Nantwich	Macclesfield	Cheshire
Sustainable Community Strategy	2007-2016 Available online	January 2006 Available online	February 2007 Available online	February 2002 Available online
Neighbourhood Renewal Strategy	N/A	2006 Available online	N/A	
Transport Studies	Study in relation to Middlewich Eastern Bypass	Saturn Model	Paramics Model	Available online Also Multi Modal Transport Model
Housing Strategy	Available online	2005 - 2008 Available online	July 2006 Available online	N/A
Homelessness Strategy	Available online	June 2003 Available online	Summer 2003 Available online	N/A
Older People's Housing Strategy	N/A	Summer 2007 Available online	March 2004 Available online	
Corporate Strategy	2008-2012 Available online	2007-2012 Available online	2004-2009 Available online	2008-2009 Available online
Strategic Flood Risk Assessment	JBA Consulting, 2007 Available online	January 2008 Available online	June 2008 Available online	September 2007 Available on line
Cheshire Town Centres Study	N/A	N/A	N/A	May 2007 Available online
Conservation Area Appraisal	Macclesfield Canal Corridor; Alsager; Astbury Available online	Nantwich Conservation Area Appraisal (May 2006) Available online	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. Available online	
Quality of Life Survey	N/A	N/A	N/A	2005 Available online
Cheshire Community Report	N/A	N/A	N/A	2006 Available online
Customer Satisfaction and Citizens' Panels Surveys	N/A	Available online	N/A	Annual Available on line
Cheshire Omnibus Survey Environment 2007	N/A	N/A	N/A	2007 Available on Line
Cheshire County Council Local Statistics	N/A	N/A	N/A	Available online
Housing Potential Study	2006 Available online	2001 Hard copies available on request	March 2006 Available online	N/A
Landscape Character Assessment	Chris Blandford Associates, 1999 Available online	N/A	N/A	Pan Cheshire study Draft 2008
Economic Strategy	2007-2016 Available online	2003-2006 Available online	2006 Summary Available online	N/A
Air Quality Management Area	Available online	Available online	Available online	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 Available online	N/A

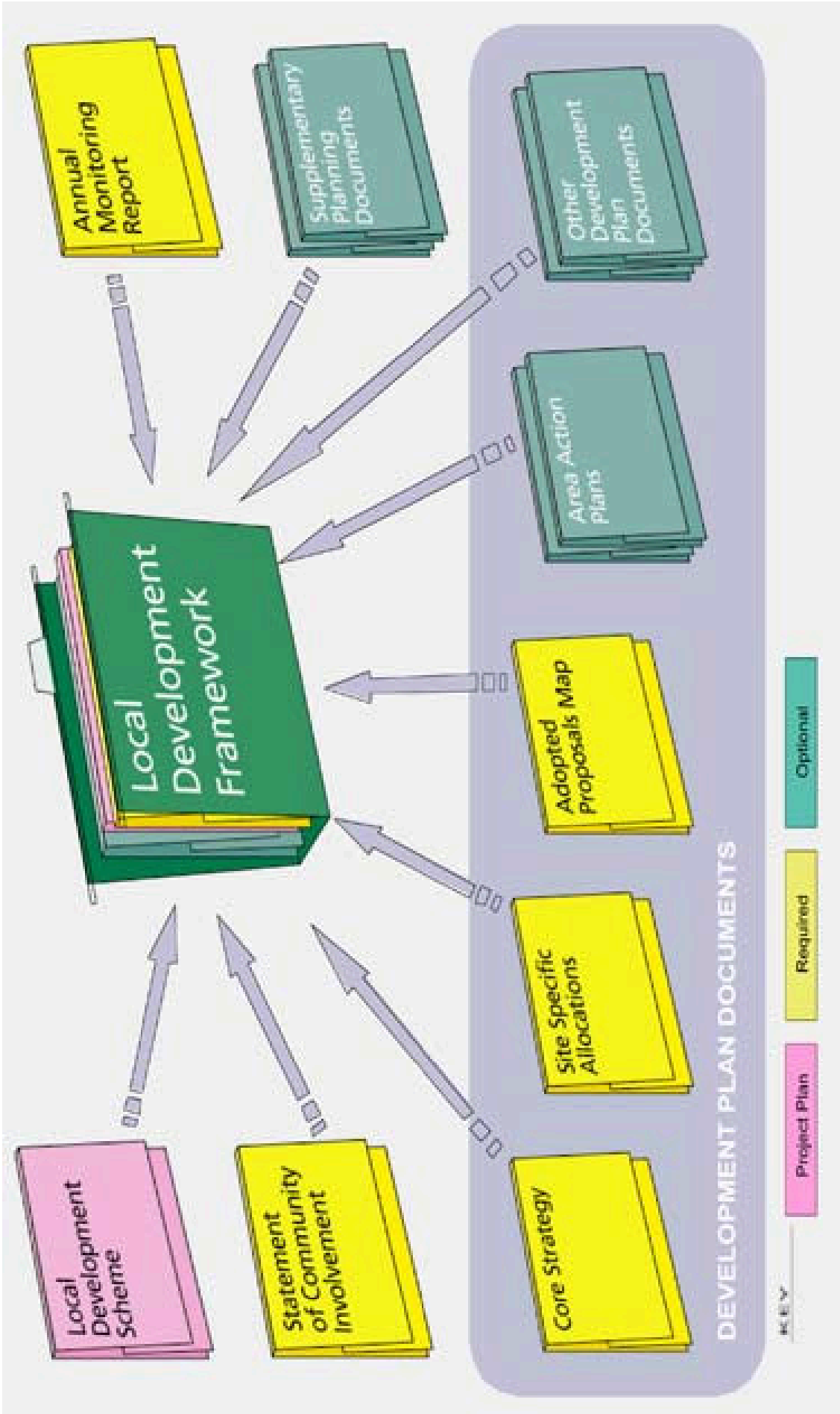
	Congleton	Crewe and Nantwich	Macclesfield	Cheshire
NHS Consultations on the Future Provision of Health Services	N/A	N/A	Available online at both: www.macclesfield.gov.uk ; www.ecpct.nhs.uk	N/A
Regional Aggregate Working Party reports	N/A	N/A	N/A	Annual Available on line
Cheshire Community Survey	N/A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

Appendix 4: Glossary

AMR	Annual Monitoring Report	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	Area Action Plan	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	Community Infrastructure Levy	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	Communities and Local Government	Communities and Local Government is a department of Central Government that sets policy on local government, housing, urban regeneration, planning and fire and rescue.
-	Core Strategy	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).
-	Development Plan	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	Development Plan Document	A Local Development Document (LDD) with significant weight in the determination of planning applications. Independent scrutiny is required before its adoption.
-	Independent Examination	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	Local Area Agreement	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	Local Development Document	There are two types of Local Development Document (LDD): Development Plan Documents (DPD) and Supplementary Planning Documents (SPD)
LDF	Local Development Framework	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	Local Development Scheme	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	Local Strategic Partnership	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	Planning Policy Statements	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	Regional Spatial Strategy	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	Sustainability Appraisal	Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) seek to inform decision-making by providing

		information on the potential implications of policies.
SCI	Statement of Community Involvement	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	Sustainable Community Strategy	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	Supplementary Planning Document	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

PLACES ADVISORY PANEL

Date of meeting: 27 January 2009
Report of: Housing
Title: Cheshire East Interim Private Sector Assistance Policy

1.0 Purpose of Report

- 1.1 This paper has been prepared to allow the Places Advisory Panel to consider and comment on the Cheshire East Interim Private Sector Assistance Policy. Cheshire East Cabinet approved the Policy in principle at their meeting on 6 January 2009, subject to there being no significant changes following circulation of the Policy for public response.

2.0 Decision Required

- 2.1 To support the Cheshire East Interim Private Sector Assistance Policy.

3.0 Financial Implications for Transition Costs

- 3.1 There are no financial implications for transitional costs.

4.0 Financial Implications 2009/10 and beyond

- 4.1 Financial implications required to deliver the financial assistance contained within the Policy are currently the subject of the capital bidding process for 2009/10 and beyond.

5.0 Legal Implications

- 5.1 Under the Housing Grants, Construction and Regeneration Act 1996 local housing authorities have a statutory duty to administer Disabled Facilities Grants. The local authority would be open to legal challenge if it did not make financial resources available for this purpose.
- 5.2 The Regulatory Reform (Housing Assistance) (England & Wales) Order 2002 states at Paragraph 4a that a local housing authority cannot administer financial assistance unless they have adopted a policy for the provision of assistance.

6.0 Risk Assessment

- 6.1 There are fundamental differences in the existing policies that are currently operated by the three district authorities. Continuation of these policies post-

vesting day could result in residents being financially disadvantaged by where they live in Cheshire East.

- 6.2 Government targets to increase the proportion of vulnerable households living in decent homes in the private sector will not be met without the Policy.
- 6.3 There is a risk of market failure in isolated parts of Cheshire East if properties are not maintained to a decent standard.
- 6.4 The Home Energy Conservation Act 1995 tasks local authorities with reducing domestic CO2 emissions by 30% by 2010. Key to this is encouraging householders to improve the energy efficiency of their properties. Without the financial assistance detailed in the Policy, carbon emissions will continue to increase.

7.0 Background

- 7.1 The Interim Private Sector Assistance Policy sets out the forms of assistance that will be made available from Cheshire East Council to assist vulnerable homeowners, owners of private rented property and disabled people to improve or adapt their properties (Appendix 1).
- 7.2 The Policy suggests that Cheshire East shares the Government's view that the prime responsibility for maintaining and improving housing rests with the owner, but acknowledging that there are vulnerable homeowners who cannot afford to repair or adapt their homes and who may not be able to obtain loans from commercial lenders, and that there are properties where significant investment is needed which may be beyond the economic resources of the owner.
- 7.3 The framework for assistance is based on a 'safety net' concept: offering assistance to residents on an interest-bearing repayable basis in the first instance, and recognising there are circumstances where people will not be able to afford this repayable assistance, so moving people to the next level where the assistance is repayable, but without interest. The third tier of assistance is non-repayable, which is reserved for the most vulnerable and at risk, disabled people, and for low values of assistance including energy efficiency.
- 7.4 The interest-bearing repayable assistance closely reflects the adopted scheme in Crewe & Nantwich. Attention has been paid to ensuring that there is a safety net to ensure in times of high increases in property values that the assistance remains attractive and does not deter vulnerable people from improving their living conditions, and to ensure that applicants do not repay a disproportionately excessive amount.
- 7.5 By offering repayable assistance, property owners will take financial responsibility for the maintenance of their properties, while receiving assistance at the time they need it most.
- 7.6 The Policy is structured around five main themes:

- 7.6.1 Helping vulnerable owner-occupiers to maintain, repair and renovate their homes
- 7.6.2 Supporting disabled people to live independently by adapting their homes
- 7.6.3 Improving housing conditions in privately-rented properties
- 7.6.4 Bringing empty homes back into use
- 7.6.5 Tackling climate change and fuel poverty.

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

- 8.1 The Policy needs to be in place from Day One to ensure continuity of service delivery.
- 8.2 Reviews of the Policy and its effectiveness will be carried out in Term One.

9.0 Reasons for Recommendation

- 9.1 The Council is required to publish a policy to be able to administer financial assistance.

For further information:

Portfolio Holder: Councillor Jamie Macrae
Officer: Karen Carsberg
Tel No: 01270 529689
Email: karen.carsberg@congleton.gov.uk

Background Documents:

- Appendix 1 – see below.
- Full policy document:



"INTERIM PSA
POLICY.doc"

Appendix 1

Initiative	Target Group / Theme	Maximum assistance	Type of assistance	Nature of works	Specific qualifying criteria
Additional Disabled Facilities	Disabled people	£10,000	Repayable: local land charge, no interest	Adaptations, e.g. extensions	Only available with Disabled Facilities Grant
Category 1 Hazards	Privately Rented	£1,000	Non repayable	Repairs to fabric of house	
Common Water Supply	Owner occupiers; Privately rented	£250	Non repayable	Replace common water supply pipes	
Decent Homes	Owner occupiers	£5,000	Repayable: local land charge, no interest	Repairs to fabric of house	Qualifying benefits or age 60+, subject to means test
Decent Homes Plus	Owner occupiers	£30,000	Repayable: equity share or compound interest	Repairs and Renovations	Qualifying benefits, subject to means test
Decent Homes Plus	Owner occupiers	50% up to £15,000	Repayable: equity share or compound interest	Repairs and Renovations	Property in Council Tax Band A or B; pre-1940
Disabled Facilities Grant	Disabled people	£30,000	Mandatory Grant	Adaptations, e.g. stairlifts, showers, extensions	Subject to means test and O.T. assessment
Disability Relocation	Disabled People	£5,000	Non repayable	Moving costs and fees	Assessed as eligible for DFG, property not suitable to adapt
Empty Homes	Intended owner occupiers	50% up to £10,000	Repayable: local land charge, no interest	Repairs and Renovations	Property empty at least 3 years
Energy Efficiency	Climate Change	£100 per measure	Non repayable	Loft and cavity wall insulation	
Fire Safety in HMOs	Privately Rented	50% up to £10,000	Repayable in kind: 5 years nominations for letting	Fire safety improvements	
Landlord Renovation	Privately Rented	50% up to £15,000	Repayable in kind: 5 years nominations for letting	Repairs and Renovations	
Renewable Energy	Climate Change	£300 per measure	Non repayable	Wind, solar, water, ground power	
Warm Front Contribution	Climate Change	£750	Non repayable	Insulation and Heating	Cost of works exceeds Warm Front grant
Urgent Works	Disabled people; Owner Occupiers; Privately Rented	£2,000	Non repayable	Repairs and small adaptations	Imminent risk to health and safety or other urgent needs

Document is Restricted

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