

Cabinet Member for Performance and Capacity Agenda

Date: Monday, 31st January, 2011
Time: 10.00 am
Venue: Committee Suite 1, Westfields, Middlewich Road, Sandbach
CW11 1HZ

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 period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the meeting. 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. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

4. **Local Development Scheme (Pages 1 - 6)**

To seek approval for the Local Development Scheme 2010-2014.

Contact: Paul Mountford, Democratic Services
Tel: 01270 686472
E-Mail: paul.mountford@cheshireeast.gov.uk

5. **Cheshire East Local Development Framework Annual Monitoring Report 2009/10** (Pages 7 - 20)

To seek approval of the Annual Monitoring Report 2009/10 for submission to the Secretary of State.

(There are no Part 2 items)

CHESHIRE EAST COUNCIL

Cabinet Member for Performance and Capacity

Date of Meeting: 31st January 2011
Report of: Strategic Director - Places
Subject/Title: Local Development Scheme
Portfolio Holder: Councillor David Brown

1.0 Report Summary

- 1.1 This report seeks approval for the Local Development Scheme 2010-2014.
- 1.2 The report was considered by the Strategic Planning Board on 5 January 2011 and they recommended that the Local Development Scheme be approved.

2.0 Recommendation

- 2.1 That the Portfolio Holder approve the Local Development Scheme 2010-2014.

3.0 Reasons for Recommendation(s)

- 3.1 To ensure that the Council has an approved three year programme for the preparation of the various documents that will make up the Local Development Framework.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

- 6.1 The Cheshire East Local Development Framework will set out the vision, objectives, spatial strategy and policies for the development of Cheshire East (outside the National Park) to 2030. It will interpret national planning policies within the context of Cheshire East Borough and will aim to ensure that the future development of the Borough is planned in a sustainable manner. It will be developed in co-operation with other adjacent local authorities to ensure that it contributes to the strategy for the future development of the sub-region.

- 6.2 The Local Development Framework will take into account other strategies and plans produced by the Council and its Local Strategic Partners in order to present a shared vision and strategy to ensure consistency in programme delivery. It will deliver the spatial aspects of the Cheshire East Sustainable Community Strategy, "Ambition for All".

7.0 Financial Implications

- 7.1 The costs of preparing the various documents will be met from current and future Spatial Planning budgets. The Local Development Scheme has taken into account the potential reduction of Spatial Planning staffing and revenue budgets from April 2011.

8.0 Legal Implications

- 8.1 Local authorities are required by Section 19 of the Planning and Compulsory Purchase Act 2004 to prepare documents to form their Local Development Framework in accordance with their Local Development Scheme.
- 8.2 Section 15 of the Planning and Compulsory Purchase Act 2004 sets out the roles of the local planning authority and the Secretary of State in relation to an authority's Local Development Scheme. Every local planning authority must prepare and maintain a local development scheme specifying the documents that will be local development documents, their subject matter and area and the timetable for their preparation and revision. The local planning authority must submit their local development scheme to the Secretary of State who can direct changes to the scheme as he thinks appropriate. PPS12 sets out guidance on the preparation of Local Development Schemes.
- 8.3 Section 15 requires Local Planning Authorities to revise their Local Development Schemes "at such time as they consider appropriate". This Council's current Scheme was produced in February 2009, several changes to its content and timetable need to be made, a revised Scheme must therefore be approved and published.

9.0 Risk Management Implications

- 9.1 The Local Development Schemes sets out the risks associated with the preparation of the Local Development Framework. Two new risks have arisen since the preparation of the first Local Development Scheme:
- Uncertainties about the proposed revisions to the plan making process announced by the Coalition Government
 - Uncertainties about the possible reduction in Spatial Planning staffing and revenue budgets from April 2011.

10.0 Background and Options

- 10.1 The Local Development Scheme sets out a programme and timetable for the preparation of documents for the Cheshire East Local Development

Framework. The first Cheshire East Local Development Scheme was approved in February 2009 and included an extensive list of Development Plan Documents.

- 10.2 The Local Development Scheme is the starting point for people to find out about the Council's timetable for preparing the various documents of the Local Development Framework, the status of each document and the policies contained in it. The Local Development Scheme describes:
- the content and geographic area to which each of the Development Plan Documents relates;
 - the timetable and the key milestones in their preparation;
 - the interrelationships between each document;
 - arrangements during the transitional period for saved policies.
- 10.3 As part of preparing this Local Development Scheme the format of the Local Development Framework has been reviewed and the number of Development Plan Documents has been reduced to two: the Core Strategy and the Site Allocations Documents. The timetable has also been reviewed with the aim of completing these key documents by the end of 2014. Appendix 1 summarises the timetable for the preparation of documents for this period.
- 10.4 The 2009 Local Development Scheme included a schedule of Supplementary Planning Documents that would also be prepared. The Council is no longer required to include these in its Local Development Scheme. However, it is intended that in future, priority will be given to the preparation of Supplementary Planning Documents that will support the delivery of major development proposals (eg area or site specific briefs for major development proposals) or guidance on the implementation of specific policies (eg affordable housing).
- 10.5 Progress with the preparation of the Local Development Framework documents will be reviewed annually as part of the Local Development Framework Annual Monitoring Report. The Local Development Scheme will be updated in the light of this review and at such other times when circumstances require a change to the timetable for the preparation of documents.
- 10.6 It should be noted that the Coalition Government has announced that it intends to bring forward proposals to review the plan making process. Once the legislation has been passed to introduce these proposals, they will be taken into account in future reviews of the Local Development Scheme.
- 10.7 The Council has consulted the Government Office for the North West in the development of the LDS.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

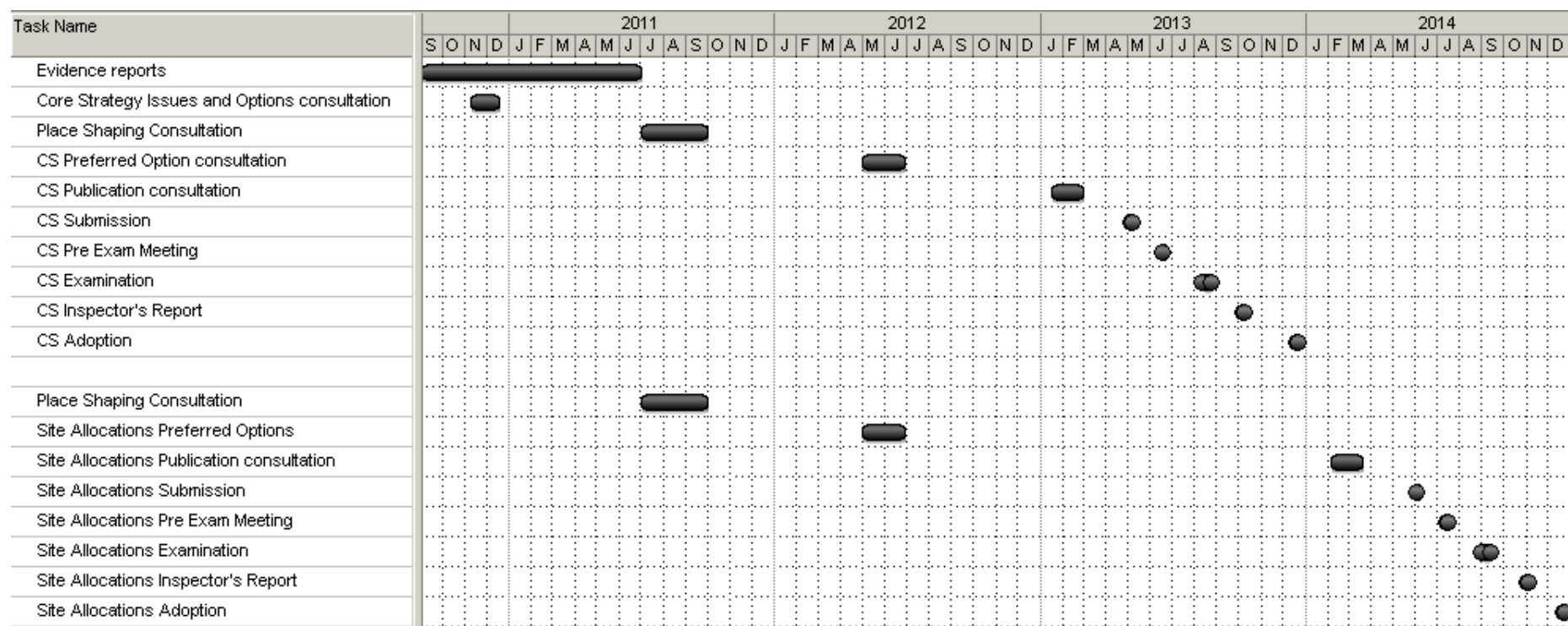
Name: Rosemary Kidd

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CHESHIRE EAST LOCAL DEVELOPMENT FRAMEWORK PROGRAMME



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CHESHIRE EAST COUNCIL

Cabinet Member for Performance and Capacity

Date of Meeting: 31st January 2011
Report of: Strategic Director - Places
Subject/Title: Cheshire East Local Development Framework Annual Monitoring Report 2009/10
Portfolio Holder: Councillor David Brown

1.0 Report Summary

- 1.1 This report sets out information on the implementation of the Local Development Scheme and the extent to which the policies set out in Local Plans of the constituent authorities are being achieved for the monitoring period 1st April 2009 to 31st March 2010.
- 1.2 The report has been considered by the Environment and Prosperity Scrutiny Committee on 21 December 2010 and then by the Strategic Planning Board on 5 January 2011. The recommendations of both have been taken into account. The changes made are as follows:
- Added to end of first sentence of paragraph 1.4 and para. 5.29 “...at 1150 dwellings per annum”.
 - Last sentence of para 1.8 and para 7.16 to read: “*The two major regeneration schemes in Crewe and Macclesfield are being reassessed and a smaller scheme for Congleton has received planning permission.*”
 - Paragraph 1.17 and para 11.21 typing error corrected to “*unfavourable, declining condition*”
 - The following will be added after the first sentence of paragraph 6.2: “*However, there are wide variations in the rate of unemployment across the wards of Cheshire East with three wards in Crewe having unemployment rates between 7.2% and 9.9%. Unemployment figures broken down by ward are available each month from ONS, NOMIS.*”
 - Paragraph 9.24 and Table 9.3 have been revised to read: “*In 2009/10, the total arisings of MSW in Cheshire East was 202,268 tonnes of which 106,469 tonnes (52.6%) was either recycled or composted. MW6: DEFRA Waste Data Flow (2010) As this is the first year in which figures have been available for the new authority area there is no comparator data. Figures for 2008/09 which cover the former Cheshire County Council administrative area are included in Appendix B.*”

Amount of municipal waste arisings and management type 2009/10 (extracted from DEFRA Waste Data Flow Municipal Waste Statistics 2009/10)						
	Landfill	Incineration with EfW	Incineration without EfW	Recycled/Composted	Other	Total Waste Arisings
Amount (tonnes)	95,712	0	0	106,469	87	202,268
%	47.3%	0%	0%	52.6%	<1%	100%

- The following has been added to the third sentence of paragraph 11.12: However “*according to the Natural England SSSI habitat condition survey, which rates the habitat of SSSIs as either favourable, unfavourable recovering, unfavourable no change or unfavourable declining,...*”.

2.0 Recommendation

- 2.1 That the Portfolio Holder approve the Annual Monitoring Report 2009/10 for submission to the Secretary of State in accordance with the requirements of Section 35 of The Planning and Compulsory Purchase Act 2004.

3.0 Reasons for Recommendation

- 3.1 Every planning authority has to make an annual report to the Secretary of State containing information on the implementation of the Local Development Scheme and the extent to which the policies set out in the Development Plan are being achieved.
- 3.1 Monitoring is very important in order to establish what is happening now, what may happen in the future and then compare these trends against existing policies and targets to determine whether any changes are necessary. It provides a crucial method for feedback within the process of policy making and implementation whilst also indentifying key challenges and opportunities enabling adjustments and revisions to be made as necessary through the Local Development Framework (LDF) process.

4.0 Wards Affected

- 4.1 All Wards

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

- 6.1 The report contains statistical evidence on the performance of existing development plan policies which will be crucial in the formulation and process of policy making and implementation of the Local Development Framework.

7.0 Financial Implications

- 7.1 N/A

8.0 Legal Implications

- 8.1 The submission of an annual report containing prescribed information regarding
- (a) implementation of the Local Development Scheme; and
 - (b) the extent to which the policies set out in Local Development Documents are being achieved

is a statutory requirement imposed by s35 Planning & Compensation Act 2004.

9.0 Risk Management Implications

- 9.1 To comply with Section 35 of The Planning and Compulsory Purchase Act 2004.

10.0 Background and Options

- 10.1 This is the second Annual Monitoring Report for Cheshire East Council. Every local planning authority has to make an annual report to the Secretary of State containing information on the implementation of the Local Development Scheme and the extent to which the policies set out in the development plan are being achieved. However at present the existing Development Plan for Cheshire East consists of:

- North West of England Plan Regional Spatial Strategy to 2021 (2008)
- Cheshire 2016 Structure Plan Alteration (2006)
- Cheshire Replacement Minerals Local Plan (1999)
- Cheshire Replacement Waste Local Plan (2007)
- Congleton Borough Local Plan First Review (2005)
- Borough of Crewe and Nantwich Replacement Local Plan (2005)
- Macclesfield Borough Local Plan (2004).

- 10.2 The Executive Summary to the Annual Monitoring Report is set out in Appendix 1. It gives the extent of development and progress throughout the Borough highlighting the main conclusions from each of the chapters. The full report is available on the Council's web site:

http://www.cheshireeast.gov.uk/environment_and_planning/planning/spatial_planning/local_development_framework/annual_monitoring_report.aspx

- 10.3 This is the second Annual Monitoring Report that Cheshire East Council has produced and progress is being made on the preparation of the Local Development

Framework with consultation on the Core Strategy Issues and Options being underway. In addition three Supplementary Planning Documents have been adopted during the period. The saved policies of the Local Plans continue to withstand the test of the appeal procedures with the more general policies being tested the most however national policy, namely Green Belt, has been challenged the most.

- 10.4 The area continues to be affected to some extent by the national economic climate with the number of houses built remaining low and economic floorspace completions falling to almost half the rate of the previous monitoring period. However the number of vacant shops in town centres has reduced, unemployment rates remain below the regional level and Cheshire East's top attractions have had a steadily increasing number of visitors.
- 10.5 The number of affordable dwellings built has been increasing each year since 2006 with 334 being completed in this monitoring period. In addition a significant number of all the houses built this year have been smaller sized 1 and 2 bedroom properties.
- 10.6 Local Planning Authorities are required to identify and maintain a rolling 5-year supply of deliverable housing sites. The Strategic Housing Land Availability Assessment identified 4.48 years supply. Consequently the Council intend to identify broad locations for future housing growth. The Council has agreed to introduce an interim statement on the release of housing land following consultation. The statement suggests that this will provide the authority with a 5.3 years supply of deliverable housing sites.
- 10.7 The natural environment and heritage assets continue to be well managed throughout the Borough and work continues on the management of climate change. While there has been a drop in demand for materials for the construction sector, standards of development/ energy efficiency is improving. Waste management is moving away from landfilling in favour of recycling/composting.
- 10.8 It is imperative that the Council continue this monitoring. Monitoring provides a crucial method for feedback within the process of policy making and implementation whilst also identifying key challenges and opportunities enabling adjustments and revisions to be made as necessary through the Local Development Framework (LDF) process on which work is progressing well.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Pamela Cunio
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Tel No: 01625 504653
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- North West of England Plan Regional Spatial Strategy to 2021 (2008)
- Cheshire 2016 Structure Plan Alteration (2006)
- Local Development Framework Monitoring: A Good Practice Guide 2005
- Regional Spatial Strategy and Local Development Framework Core Output Indicators – Update 2/2008
- Cheshire Replacement Minerals Local Plan (1999)
- Cheshire Replacement Waste Local Plan (2007)
- Congleton Borough Local Plan First Review (2005)
- Borough of Crewe and Nantwich Replacement Local Plan (2005)
- Macclesfield Borough Local Plan (2004).

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Cheshire East Local Development Framework

Annual Monitoring Report 2009/10

December 2010

Chapter 1 Executive Summary

Chapter 1 Executive Summary

1.1 This is the second Annual Monitoring Report (AMR) produced by Cheshire East Council to comply with the requirements of Section 35 of the Planning and Compulsory Purchase Act 2004.

Local Development Scheme

1.2 The following progress has been made with the preparation of the Local Development Framework:

- The Evidence Base to support the LDF, particularly the Core Strategy, has been put together over the last year.
- The Sustainability Appraisal Scoping Report for the Core Strategy was undertaken between 27th April and 1st June 2009.
- The first stage of consultation on the Core Strategy Issues and Options Paper (Regulation 25 Consultation) was undertaken between November/December, for a 6 week period.
- Three Supplementary Planning Documents have been adopted: Alsager Town Centre, Local List, and Smallwood Village Design Statement.

Communities

1.3 The numbers of houses built remains low, with only 634 net dwellings being completed in 2009/10, whilst the affordability of housing remains a significant issue within Cheshire East, with house prices remaining high. On the positive side there has been an increase in the numbers of affordable dwellings built and a significant number of the dwellings built have been smaller sized 1 and 2 bedroom properties.

1.4 The Strategic Housing Land Availability Assessment identified 5,147 deliverable dwellings that were expected to come forward within the 1-5 year period, this equates to 4.48 years supply. Therefore there are currently insufficient 'deliverable' sites to meet the five year supply requirement. The Council intend to identify broad locations for future housing growth which will provide an additional 1,350 dwellings to the 5 year supply and consequently increase the 5 year supply total is increased to 6,097 dwellings. This equates to 5.3 years supply.

1.5 The population of Cheshire East is forecast to continue to grow, with an increasing number of people in the 65 or older age category, a likely result of the high life expectancy and good health in the area and as well as the general age profile of the Borough.

Economy

1.6 The effects of the economic recession continued throughout most of 2009, however, there appeared to be signs of recovery during 2010 evidenced at the national level by increases in GDP and stabilising unemployment rates. Cheshire East has felt the impact of the recession, with employment floorspace completions falling to almost half the rate in the 2009/10 period compared with the previous monitoring period. Despite this, the area

Chapter 1 Executive Summary

has proven itself to be resilient with unemployment rates remaining below the regional level, and GVA projections anticipating higher annual growth in Cheshire East than the expected regional rates.

1.7 It is difficult to analyse indicator results at the present time due to a lack of time-series data. Nonetheless, certain trends appear to be emerging and will require further monitoring in order to assess their implications. Supply figures were down on the previous year by around 12 ha; half of this is accounted for by completed developments, whilst the remainder is due to permissions having expired. Over 80% of the supply is for mixed use development, and four large sites account for more than half of the supply (two of these are located in Crewe). It will be important to ensure that the Council maintains a supply of sites available for employment development and addresses any deficits in employment land provision through losses of existing uses.

Town Centres

1.8 The main conclusions that can be drawn from how the Borough's retail offering has performed during 2009/10 are that there has generally been a decrease in the number of vacant shops and retail uses within the town centres; most notably shops (A1) and financial & professional (A2) uses, although there are variations within the Borough. Notwithstanding this the majority of retail and leisure development has taken place within the town centres, which is a positive outcome. There are also currently 2 major regeneration schemes in the pipeline for Crewe and Macclesfield and a smaller scheme for Congleton.

Tourism and Culture

1.9 Cheshire East boasts many cultural assets, which appear to be performing well as reflected by steadily increasing visitor numbers to the area's top attractions. In addition to built attractions the area hosts a number of festivals which are well attended and help to generate income and increase the profile of Cheshire East. The authority is proactive in developing its visitor economy, and has developed a Visitor Economy Strategy for the area. This is an important component of the Council's economic priorities as it is an important contributor to the economy, contributing to local quality of life, and has a positive impact on decisions over business location and individual choices over where to live and work. The LDF will need to reflect these trends and aspirations within its policy framework.

Minerals and Waste

1.10 A key trend for minerals is the reported reduction in production of primary land won aggregates. The drop in demand for materials from the construction sector has been the principle reason for this. Aggregate landbanks remain above the national indicators although the recent revision of regional aggregate apportionments which require less primary land-won aggregates will need to be considered in the formulation of future policy.

1.11 The key trend for waste is the continued decline in overall municipal solid waste (MSW) arisings and the move away from landfilling in favour of recycling/composting. An implication of this trend has been the extension of the consented lifespans of existing landfill facilities as capacity is being reached slower than anticipated. New permitted

Chapter 1 Executive Summary

facilities are utilising methods of waste management that move away from disposal and instead recover energy and recycle. This shows consistency with existing planning policy and waste strategy.

1.12 Consistent data capture on commercial and industrial waste (CIW) and construction, demolition and excavation waste (CDEW) streams has proved problematic. However, updated figures on CIW show an overall reduction in arisings and a significant increase in recycling whilst evidence also points towards a reduction in overall CDEW arisings.

Environment

1.13 Heritage assets present within Cheshire East are being pro-actively managed through the provision of guidance to landowners; the development of guidance notes on heritage features; the creation of a Local List of Important Buildings identifying locally important structures; the development of Conservation Area Appraisals for 31 of the 76 conservation areas in Cheshire East and the implementation of planning policy relating to heritage assets.

1.14 This proactive management has ensured that no nationally designated heritage features have been lost during the monitoring period and a significant reduction in the number of assets deemed to be at risk from 51 to 38 structures has occurred between the last two monitoring periods.

1.15 The natural environment within Cheshire East is being managed through the provision of guidance to landowners and the implementation of planning policy in Local Plans.

1.16 This management has resulted in an improvement to the condition of a number of locally important habitats; although a revision of the boundaries of Folly Cottage Meadow and Wood and Brereton Plantation has reduced the overall extent of locally important habitats. Planning policies have also ensured that none of these sites have been negatively impacted by development during the 2009/10 monitoring period.

1.17 Management has also positively reduced the area of land with SSSI status in favourable, declining condition by 149ha and subsequently increased the area of land with SSSI status in unfavourable, recovering by 82ha. However, there has been a decrease of 24ha of land designated with SSSI status deemed to be in favourable condition.

1.18 Planning policies have ensured that no SSSIs have been negatively impacted by development during the 2009/10 monitoring period.

1.19 Based on these results it can be concluded that the management strategies and policies seeking to ensure the protection and maintenance of the natural environment within Cheshire East are operating successfully.

Chapter 1 Executive Summary

Climate Change

1.20 Cheshire East is committed to the management of climate change: cause and effect and the achievement of sustainable development. This is to be achieved through ensuring the efficiency of Council activities and positively influencing development across the Borough.

1.21 Air quality within Cheshire East is being positively influenced by management activities. This is indicated by the improvement to the majority of the Air Quality Management Areas declared in Cheshire East (due to their poor air quality). However, there may be a need to ensure that air quality outside these areas is similarly maintained and improved.

1.22 Water quality has also improved. As evident in the increase in the proportion of rivers achieving a good status for both chemical and biological quality between 2004 and 2006. A key factor contributing to this is the fact that during the most recent monitoring period, no applications were granted contrary to the advice of the Environment Agency on water quality or flood risk grounds.

1.23 The standard of development completed during the 2009/10 monitoring period was of good quality, with the average energy efficiency, SAP rating, of new homes in Cheshire East exceeding the national average for England (which was 78.5 in 2008). However, there is a need to continue to improvement of the efficiency of new development in order to meet national targets relating to carbon dioxide emissions and energy usage. Equally, the results of the Building for Life Assessment, which appraises the overall quality of a housing scheme show that there is significant room for improvement.

Policy Appraisal

1.24 The main policies which seem to be performing well are those in relation to Green Belt, National policy PPG2, this is due to the fact that a high proportion of the land within the former Macclesfield borough is within the Green Belt. Also the general design policies also appear to be performing well, these were the most commonly referred to policies in dismissed appeals e.g. BE.2 (Crewe and Nantwich Borough Council Replacement Local Plan 2011) and GR2 General Design Requirements (Congleton Borough Council Local Plan First Review). The design policies will be applicable to the majority of applications for new development and as a result referred to in a lot of decisions.

1.25 The Planning and Compulsory Purchase Act 2004 required Local Authorities to identify which policies they would like to save prior to their replacement with additional LDF documents. Guidance advised that only those policies which did not replicate existing national policy should be saved. As part of this process many policies from the former Boroughs Local Plans were saved. Subsequently an issue has emerged in relation to the loss of a particular policy from the former Macclesfield Borough Local Plan which related to replacement dwellings in the Green Belt. As a result there have been several appeals in relation to this and most recently a Judicial Review. Consideration is currently being given to what action is required by the Council to address this situation.

Chapter 1 Executive Summary

1.26 The Government revoked the Regional Spatial Strategy (RSS) in July 2010. This was subsequently challenged by Cala Homes with the outcome that the revocation has been quashed. The effect is that RSS remains part of the development plan until the revocation has been through the necessary statutory procedures. The implications of the revocation are listed in Chapter 4 (para 4.18), however the Council must consider which policies of RSS need to be retained should the Government decide not to put in place transitional arrangements.



Cheshire East Council

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