

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet Member for Strategic Communities**
held on Friday, 1st November, 2013 at Committee Suite 2/3 - Westfields,
Middlewich Road, Sandbach, CW11 1HZ

PRESENT

Councillor D Brown.

Councillors in attendance:

Councillors B Burkhill, S Corcoran, K Edwards, D Hough, D Mahon,
R Menlove, A Moran, B Murphy, D Neilson, D Newton, S Smetham, C Thorley and A
Thwaite.

Officers in attendance:

Adrian Fisher (Head of Strategic and Economic Planning)
Stuart Penny (Principal Planning Officer Spatial Planning)
Cherry Foreman (Democratic Services)

9 APOLOGIES FOR ABSENCE

There were no apologies for absence.

10 DECLARATIONS OF INTEREST

There were no declarations of interest.

11 PUBLIC SPEAKING TIME/OPEN SESSION

In accordance with the Procedure Rules for public speaking the Portfolio Holder for Strategic Communities opened the meeting by inviting members of the public to speak. Some of those present had already submitted their questions beforehand and these were answered in addition to statements and questions that were now put to the Portfolio Holder.

A number of local Members also spoke at this stage.

Keith Williams referred to Ch.11 (Enterprise and Growth). He considered that the strategy had not been sufficiently analysed, with particular reference to the loss of high value/high technology jobs at AstraZeneca. He referred to evidence provided by studies of similar situations elsewhere which showed either no growth or further loss of jobs 3 years on. As a result he recommended that a mixed use strategy should be adopted from the outset.

The Portfolio Holder responded that, with reference to Alderley Park, statements of support were due shortly from AstraZeneca; he undertook to ensure that previous studies as mentioned above would be investigated further.

In addition Mr Williams had submitted the following question prior to the meeting:
- Site CS29 Alderley Park

The plan now includes consideration of the Alderley Park site indicating that high value development of parts of the site may be permitted to finance development

of the Science for Life concept. The developed area of the site is in the region of 35ha, more than twice that allocated to employment in Macclesfield's Strategic sites. The site is clearly divided into two sections (26ha and 9ha). Given that no previous redevelopment of similar research sites closed by major pharmaceutical companies has maintained employment at previous levels would it not be prudent adopt a mixed use strategy from the outset?

The Northern Area Manager Spatial Planning responded that some element of mixed use may well be necessary to support changes at this site, however at the current time the Council is part of a high level task force which seeks to maintain significant employment at this site. The facility is well placed to retain an employment capability and conversely does not possess many of the linkages that might make other uses more suited to the site.

Manuel Golding (Residents of Wilmslow) read out a letter that had been sent to Mr Nick Boles MP which included reference to the lack of access to research documents, which would not be available for the next 3-4 weeks, meaning that the Council's Strategy could not be properly assessed against them; it was requested that the consultation be postponed to allow the Core Strategy to be reviewed against this research. (This letter is reprinted in full under the submission by Stuart Kinsey.)

The Portfolio Holder responded that all the necessary website addresses and links had been made available to gain access to the documentation referred to. It was confirmed that hard copies of the documents would be on deposit at various locations for members of the public who had problems gaining access electronically.

In addition Mr Golding had submitted the following question prior to the meeting: -
Section 106 or other similar payments

- a. What such payments/contributions have been agreed between the Council and developers/land owners?
- b. Which sites do they refer to and who are the developers/land owners who will make these payments?
- c. What are the sums agreed for each site?

The Northern Area Manager Spatial Planning responded that the Local Plan indicated that key requirements for the development of each allocated site will be secured at the planning application stage when detailed design proposals are submitted and S106 Agreements negotiated. Therefore, it is not possible to provide the information requested at this stage.

Peter Yates stated that the Council had not met the Duty to Co-operate with adjoining local authorities; strategic sites were not supported by the evidence which had been produced after the sites had been chosen; well established statutory policies such as those for North Congleton, South West Macclesfield, Areas of Special County Value, and Safeguarded Areas for Minerals, had all been disregarded; the reasons given for rolling back the Green Belt were not exceptional; there was no need for safeguarded land; changes to the Green Belt were strategic and a review of the North Cheshire Green Belt should have been carried out in conjunction with the appropriate Greater Manchester Local Authorities; there was not a 5 year supply of housing land even without the 20%

buffer; the Strategic Housing Market Assessment ignored adjacent areas which formed part of the housing market for north and south Cheshire such as Woodford, Cheadle, Bramhall, Heald Green etc; there was no flexibility in the plan for areas such as Alderley Park in the event of large areas of buildings not finding occupiers. He considered that Councillors should take the appropriate action.

In addition Mr Yates had submitted the following question on the Green Belt and Duty to Co-operate prior to the meeting:-

- a. As the Green Belt is not the Council's to comprehensively change, why haven't Stockport, Manchester City and Trafford been involved in the process?
- b. Does the Council have written confirmation from Stockport, Manchester City and Trafford that they are satisfied that the Duty to Co-operate has been met?

The Northern Area Manager Spatial Planning responded that the Council had not undertaken a review of the general strategic extent of the Green Belt which remained unchanged so it was not considered appropriate for neighbouring authorities to be involved in the process. The small amount of Green Belt being removed to accommodate the objectively assessed housing needs represented limited and focussed boundary change of less than 1% of the existing Green Belt area. Early findings of this work had been shared with Stockport MBC. Neighbouring authorities would be able to comment formally on these boundary changes and the Green Belt assessment work that underpins it as part of the consultation process. This was a similar approach to that used by Manchester City Council when they amended the Green Belt boundaries at the Airport through their Core Strategy.

The Council has received written responses from the neighbouring Manchester authorities in relation to the Duty to Co-operate. This included confirmation that they were unable to accommodate any of our housing requirements within their areas, leaving the Council with no option but to amend its Green Belt boundaries. It is for the Inspector at Examination to determine whether the legal requirement in relation to Duty to Co-operate has been satisfied. Experience elsewhere has shown that even when planning authorities may consider that the duty has been satisfied the Inspector has taken a different view. Nevertheless, as the Duty to Co-operate was undertaken on an ongoing basis throughout the Plan making process and, as the Core Strategy was still being developed, we would not have expected to receive such confirmation.

Richard Hovey (Chairman of Haslington Parish Council) stated that Haslington was a rural parish of approx 6.5000 residents separated from urban Crewe by the existing Green Gap. In the last month the parish had received planning applications and pre-application consultations for over 1540 houses across 7 sites.

He asked that Crewe Green Strategic Site CS4 be removed from the draft document as there was no support for it other than from the landowner, the Duchy of Lancaster. The Parish Council was disappointed that the Crewe Green Triangle had been retained in the draft Core Strategy as there were a number of objections and there was no evidence that additional land was required for improvements to the Crewe Green roundabout/junction. If additional land was

needed then it should be donated by the Duchy of Lancaster which could afford to do so without there being any associated requirement for houses. Finance for improvements to the Crewe Green junction had already been provided for by existing S106 Agreements and the improvements were needed now, not in 10 years time, and did not need to be dependent on additional planning agreements.

Haslington Parish Council was also disappointed that the Green Gap policy was not to be extended into the strategic Open Gap policy of earlier drafts which would have protected the areas around Haslington, Winterley, Wheelock and Sandbach. The policy had been severely weakened and it was requested that the area of land included in the draft strategic Open Gap policy be added to the saved Green Gap area for the protection of rural communities between Crewe and Sandbach.

The Portfolio Holder responded that he understood the comments concerning the Duchy of Lancaster and that further discussions with them would be arranged. Work on the Green Belt was ongoing and the Inspectorate had been asked to advise on whether it was best to deal with the matter by way of Green Belt or Green Gap.

Chas Howard (Alsager Residents Action Group) summarised a letter, which was a late submission prior to the meeting, concerning White Moss being adopted as a strategic location. His submission was as follows: -

Will the Cabinet please explain to the people of Alsager how a determination to include White Moss in the Core Strategy of the Local Plan can be made given the following circumstances?

- The Ombudsman, to whom we will be returning, has published a report associated with a part of this location which could not be more critical of Cheshire East Council's administrative conduct. The outcome of this report is not yet complete.
- The Inspector in charge of the recent Sandbach Road North appeal, Philip Major, in his report, when considering Cheshire East's duty to consult with neighbouring authorities (66) stated that there are "*reservations in relation to development close to the common boundaries of a scale which might prejudice regeneration in their areas.*" He further stated that "*it would seem wise in this part of the borough not to proceed with development*". Letters from these Authorities clearly specifically refer to White Moss as a concern to them.
- In this appeal, Cheshire East has recently argued that Alsager itself is not sustainable as a Key Service Centre, that the settlement Zone Lines must not be violated and that intrusion into and harm to the countryside is so significant that such development cannot be allowed. If Cheshire East adopts the White Moss as a Strategic Location, it would demonstrate an obvious and unjustifiable inconsistency in Cheshire East decision making, which the Inspector argues should be 'cautious' with regard to inclusion of major development in this part of the Borough. At a stroke, the inclusion of White Moss would potentially open the door to a judicial review of the Sandbach Road North appeal and it would undermine all future Alsager appeals. It would potentially double Alsager's housing allocation, violate the settlement zone lines, ignore the objections and reservations of neighbouring councils and intrude into open countryside close to an environmentally sensitive area.

- The White Moss Quarry site, a significant part of this proposed location, is subject to licence agreements, planning conditions and subject to an agreed Restoration Plan which is part of a legal agreement. The purpose of the Restoration Plan is to create a Nature Reserve in an environmentally sensitive area and provide valuable recreational facilities for the Community.

- As you will no doubt be aware, over many years, residents have reported violations of planning conditions at White Moss Quarry which have either not been enforced or have been changed, sometimes without any consultation, to the detriment of the community. Quite apart from the obvious destruction of Greenfields, prime agricultural land, the White Moss Nature Reserve and recreational amenities, adopting the White Moss as a Strategic Location would absolve the quarry owner of all these issues and responsibilities. There will also be serious ramifications on the Ramsar site at Oakhanger Moss. It would further create infill and positively promote further building in that area.

It would be difficult to overstate how emotive the subject of this site is within our community. We consider that if Cheshire East adopts the White Moss as a Strategic Location, especially when a Local Plan does not exist and a 5 year housing supply cannot be demonstrated, it will be in danger of discriminating against the interests of the community of Alsager by abandoning it to speculative development. Far from the already imposed target of 1,000 houses over the next 20 years, this will inevitably lead the way to well over 3,000 houses.

Alsager Residents Action Group represents thousands of Alsager Residents. It is totally bewildering to many of our members that Cheshire East is prepared to promote and champion housing development on the White Moss when there are so many well known, serious, outstanding issues.

- The Alsager Town Council has clearly stated it doesn't want it.
- Residents don't want it.
- Alsager certainly doesn't need it.
- Cheshire East's recent appeal arguments argue against it.
- The unresolved important issues around the location remain unresolved.

Why would Cheshire East even consider making such a perverse decision?

Inclusion of White Moss as a location for development that is entirely additional to all of the other designated sites in this Community is also likely to encourage sub-regional self interest to the disadvantage of the Alsager Community. We look to the Council elected representatives to demonstrate leadership that is both fair and principled.

The Portfolio Holder responded that the duty to co-operate was being followed and meetings were due to be held with Stoke-on-Trent City Council, Stockport Metropolitan Borough Council and Manchester City Council.

The Northern Area Manager Spatial Planning responded that the Ombudsman's findings and the recent planning application appeals were not directly relevant to the preparation of the Local Plan. The consideration of appeals was based largely on existing planning policies, whereas the Local Plan was looking to update policies to accord with current Government guidance and to provide for development needs in the Borough to 2030. The other comments made would

be more appropriately submitted as a response to the forthcoming Local Plan consultation.

Stuart Kinsey (for the Residents of Wilmslow) referred to a letter to Mr Nick Boles MP, Parliamentary Under Secretary for Communities and Local Government; this was the same letter as had been referred to by an earlier speaker Manuel Golding. Mr Kinsey had made a late submission prior to the meeting stating that the MP had asked the former Chief Planning Inspector to examine the Cheshire East Pre-Submission Core Strategy in the belief that the current proposals were unlikely to satisfy the Planning Inspector. He asked the Cabinet to recommend to Council that the planned consultation be postponed whilst the document was reviewed.

The Portfolio Holder responded that the decision to go out to consultation was his decision and not that of the Council.

The Northern Area Manager Spatial Planning responded that this referred to a remark made by Nick Boles MP in a debate on planning and housing at Westminster Hall last week, and it was an offer of general assistance to planning authorities if clarification was required on Green Belt and related issues. The Council had already received assistance from Communities and Local Government and had contacted them again in response to this helpful offer of assistance. However, the remark had been misrepresented in the Macclesfield Express as a “planning expert” being sent specifically to Cheshire East “to help sort out the Local Plan”. The Council’s Green Belt policies were in accordance with the National Planning Policy Framework and so there was no reason to postpone the consultation.

Eileen Furr had submitted a question prior to the meeting and she read it out as follows: - Site CS9: Land East of Fence Avenue

- a. This site is described as *developable* not *deliverable*, presumably because its use is dependent on the King’s School moving to a new location allocated by CEC. Why has this site not been identified? This is of particular importance given that any site large enough to accommodate a new school would have to be in the Green Belt.
- b. In order for any Green Belt to be released *exceptional circumstances* have to be demonstrated. There is no reference to these in the document. What are they?

The Northern Area Manager Spatial Planning responded that the full development of the site was indeed dependent on the relocation of the King’s school, but that it could be to a consolidated development on the Cumberland Street site or to a completely new facility elsewhere. If, indeed, a totally new school site was required this would be identified via the site allocations process.

The site was considered developable in the SHLAA because of its Green Belt status; it could not be developed until the Local Plan had confirmed the change in Green Belt boundary.

The full reasons for the allocation of each site were set out in the supporting documents to the plan. The principal reason, however, that Green Belt alteration

was required was because the future needs of Macclesfield could not be met entirely within the current urban area of the town.

Mr D White asked a question concerning two planning appeals for sites in Congleton that were due to be heard during November; he asked for confirmation of the Council's position.

The Head of Strategic and Economic Planning responded that the Council had been minded to refuse both of these applications and unless there was a resolution to any other effect then that would stand. The Council would, however, need to reflect on recent appeal decisions.

Councillor Derek Hough spoke in respect of site SL5, White Moss Quarry, Alsager, and requested that it be removed from the Core Strategy at this stage. He was concerned at its inclusion in view of inconsistencies with other policies in the plan such as protection for existing and allocated employment sites; the need for development to be in sustainable and accessible locations and within key service areas which this was not; the site could not be considered as a new settlement, it was an extension of Alsager and would result in an urban sprawl which did not conform with the Hierarchy of Towns or with the aim of retaining the individual identity of towns; its inclusion would damage the environmental quality of the site and prevent its restoration as already agreed by a S106 Agreement; it was also contrary to the Minerals Policy and would sterilise the existing sand deposits. With reference to the Duty to Co-operate both Staffordshire and Newcastle under Lyme Borough Council had objected to the inclusion of the site as there was a long standing commitment to restraint in south Cheshire in order to aid the regeneration of the Potteries. Finally the additional sites consultation was flawed and had not been carried out in accordance with the Statement of Community Involvement.

Councillor Barry Burkhill referred to the proposal for 1800 houses in the Green Belt which currently provided a buffer between it and housing for Stockport and so protected its individuality. Its inclusion in the Core Strategy would mean that over 65% of that area of Green Belt would disappear; it was already only a narrow strip and it needed to be preserved.

Councillor Sam Corcoran spoke of his concern at the way in which the additional sites consultation had been handled. He referred to the assistance to be provided by an expert Planning Inspector and considered that the consultation should be delayed to allow any resulting recommendations to be included. With reference to Sandbach he questioned why mixed use sites had been included despite being rejected at every stage of the consultation so far; he suggested that they should be kept separate and the amount of housing reduced which might then have a greater chance of receiving approval. In addition there was already a severe shortage of primary school places and the only site that currently provided a new school was that at Yeowood Farm, Ettiley Heath and it was this site that should have been included in the consultation.

The Portfolio Holder responded that he would take on board the comments being made but that it would not be possible to reach an agreement on all them all.

Councillor Rod Menlove spoke in respect of proposals for the area in and around Wilmslow East which included Green Belt with safeguards. He considered that far too much of it was being safeguarded and sought clarification on the latest guidance.

The Head of Strategic and Economic Planning responded that in his recent speech Nick Boles MP had indicated that, contrary to published guidance, such safeguarding might not be needed; clarification had, therefore, been sought and was now awaited from the Department of Communities and Local Government.

Councillor C Thorley supported the earlier comments of Richard Hovey. He referred to the Crewe Green and Sydney Road housing sites and to the loss of the only Green Belt in Crewe. Existing infrastructure would not support the additional housing, the Green Belt needed to be retained and the housing sites should be removed.

Councillor David Neilson referred to land at Fence Avenue, Macclesfield which he did not consider had been correctly reflected or understood in the document, also the calculation of the amount of land used for sporting facilities was incorrect. In addition he referred to a question submitted prior to the meeting by **Pam Upchurch** regarding site CS9 as follows: -

- a. The site as described in the Pre-submission Core Strategy has inaccuracy and omissions. In order for a valid consultation to be carried out there should be accurate and complete information. As stated 'the site is currently occupied by part of the King's School' (presumably this means the Girls and Junior divisions) but they occupy only half the area and that includes the playing fields. 15.148 is inaccurate. The other half (about 6.5 hectares) is not predominantly playing fields but undulating farmland steeply rising up to the canal and heavily intersected by a wooded valley, used by a local farmer to graze cattle and sheep (bought by King's in 2009). Why has this description been omitted?
- b. Part of the evidence for choosing this site is the Green Belt Assessment September 2013. Under Strategic parcel Macc 25 it states 'the land is currently designated as a Nature Conservation Priority Area'. The land is also an Area of Special County Value designated 30 years ago and part of the Development plan ever since. Why have neither of these designations been included in the description?

The Northern Area Manager Spatial Planning responded that the description in the Core Strategy identified the main features of the site, of which the King's School buildings were a clearly a prominent part. The principal purpose of the Core Strategy was to describe how the site will be in the future not necessarily how it had been in the past. If the description was considered to be inadequate then it should be highlighted in a response to the proposed consultation. However, reference to the farmland and wooded valley had now been included in the Plan.

David Lewis had submitted a question on general consultation matters prior to the meeting as follows: -

In respect of the consultation on the Local Plan due to open on 5th November:

- What document(s) is/are to be consulted on?
- Will these be readily available to the public at large in printed form as well as online?
- Will the online document(s) be readily and easily downloadable or e-mailed on request?
- Will the full evidence base be included with the consultation documents?
- What will be the format of the consultation form/questionnaire?

The Northern Area Manager Spatial Planning responded that the Pre-Submission Draft Core Strategy, Sustainability Appraisal, Habitats Regulations and Non-Preferred sites were all being consulted upon. Copies of all consultation documents and a draft Infrastructure Delivery Plan could be inspected online at the Council's website www.cheshireeast.gov.uk/localplan, as well as at the Council's offices at Westfields, Sandbach, and at the Customer Service Centres at Delamere House, Crewe and the Town Hall, Macclesfield. Except for the Sustainability Appraisal and the Habitats Regulations Assessment the documents were also available for inspection at all Cheshire East libraries and at the Municipal Buildings, Crewe. A significant amount of detailed research and evidence had been gathered, to inform the Core Strategy and that was also available to view online at the Council's website.

Councillor Ken Edwards referred to figure 15.12 Macclesfield Town Map. He considered that Macclesfield had been constrained by the Green Belt for many years and that it could grow in the South Macclesfield Development Area, which would also be supported by the redevelopment of the Town Centre. He considered that Green Belt protection was needed much more at the boundaries with Stockport and around Crewe.

Councillor Arthur Moran referred to figure 15.38 Nantwich Town Map. He stated that Nantwich Town Council had supported the draft Core Strategy but that recent planning applications for houses on land not included in it had been approved at appeal with the result that far more houses than the number included the draft Strategy would result; he asked for clarification concerning how instances such as this would be taken into account and whether, in the light of the number of appeals that had been lost recently, the Council might end up in special measures.

The Portfolio Holder responded that all planning applications had to be considered on their own merits. Since the appeals had been lost the Council had changed its method of calculating the housing supply to the 'Sedgefield Method' this being that used by the Inspectors, and it was anticipated that this would result in the 5 year supply of housing land being in place by the end of the year.

The Northern Area Manager Spatial Planning responded that the Councils position on a number of planning applications would now need to be reassessed as much of the difference between it and the Inspectorate was a result of using different methodologies. Of three recent appeal decisions two had been allowed and one dismissed and he confirmed that the Council would continue to defend its position on planning appeals.

Councillor Brendan Murphy referred to the position regarding the 5 year supply of land for housing and asked how was it that the Council had such a difference of opinion to that of the Planning Inspectors, or if it was they that were wrong was any legal action proposed. In addition he referred to the Green Belt land at Handforth which he considered had not been included for purely planning reasons only; he recommended that Handforth East should do its utmost to prevent the Green Belt land from being used for housing as it would change the character of that part of Cheshire completely.

The Head of Strategic and Economic Planning responded that it was important to know exactly what it was that the Minister for Communities and Local Government had said in Parliament and he therefore read out the relevant extract from Hansard in order to correct the misreporting given in the Macclesfield Express. He considered that the Ministers offer to make experts available to Local Authorities was extremely helpful and that this was something that Cheshire East Council along with many others had already taken advantage of.

The Portfolio Holder responded that over a lengthy period the Authority had called on the assistance of independent experts to assess the Local Plan to ensure that it was solid; the vast number of background documents, statements and policies, and this final additional period of consultation, were all to ensure that same thing and to try and prevent any unexpected delays at the Examination stage.

Councillor Ken Edwards asked for guidance on the statement made by Mr David Rutley MP that safeguarded land was not needed.

The Head of Strategic and Economic Planning reiterated that clarification was currently awaited from the Department of Communities and Local Government on the differences in interpretation of the National Planning Policy Framework.

12 CHESHIRE EAST LOCAL PLAN PRE-SUBMISSION CORE STRATEGY

The Principal Planning Officer gave a short presentation on the preparation of the Local Plan and the many stages, processes, and consultations that had been gone through to reach the current position. An extensive suite of documents and key policies had been developed and they now made up the Local Plan as a whole.

Of all the contributing parts of the Local plan it was the issues of population and housing that concerned people the most. With reference to the use of Green Belt land he reported that it had become necessary as, whilst development had been constrained in the past, the opposite was now required. Because of the shortage of space for development in and around towns in the north of the Borough, and the inability of adjacent Authorities to accommodate some of our development for us, it had become necessary to look at using such areas of land.

With reference to the Pre-Submission Core Strategy being given weight as a material consideration for development management purposes, it was explained that para 216 of the National Planning Policy Framework stated that unless other material considerations indicated otherwise decision takers could give weight to relevant policies in emerging plans according to certain criteria. In view of the amount of consultation already carried out, the consideration of public consultation responses by the Strategic Planning Board in respect of the Shaping our Future documents, and that they had been taken into account in finalising the Pre-Submission Core Strategy, it was considered appropriate to attach enhanced weight to it in the decision making process.

The Portfolio Holder confirmed that the decision to be made today was to go out to consultation for a further 6 week period; during that time comments and submissions could be made for final consideration by the Council. A number of minor changes had been made to the draft Core Strategy since its inclusion on this agenda; these had been circulated at the beginning of the meeting and it would be updated accordingly prior to going out to consultation.

RESOLVED

1. That the evidence base which has informed the Pre-Submission Core Strategy be endorsed.
2. That Officer responses to the consultations on the Shaping our Future documents, published in January and May 2013, be endorsed.
3. That approval be given to the Pre-Submission Core Strategy for public consultation, subject to the minor amendments circulated.
4. That approval be given for the Pre-Submission Core Strategy to be given weight as a material consideration for development management purposes, with immediate effect.

The meeting commenced at 12.00 pm and concluded at 1.55 pm