

COUNCIL – 22 FEBRUARY 2022

NOTICES OF MOTION

Submitted to Council in Accordance with the Council Procedural Rules

1 Establishment of a 1,000-metre buffer around silica extraction sites

Proposed by Councillor P Williams and Seconded by Councillor J Buckley

Quarrying and extraction is important to the economy of our Borough with its rich deposits of salt, silica and sand. The industry is, quite rightly, well-regulated but there remain concerns about the health and environmental impacts. These concerns are particularly acute where quarrying silica extraction takes place close to residential areas. Airborne dust and noxious fumes can have serious health implications for people, particularly children, older adults and others with existing disease, exposed to them for prolonged periods.

Matt Western MP issued a Private Members' Bill in the UK Parliament in December 2021 calling for a buffer zone of at least 1,000 metres between new or proposed quarries of silicates and residential areas. The Bill is supported by a number of Labour, Conservative and Liberal Democrat MPs.

We ask that Cheshire East Council should implement a distance restriction of at least 1,000 metres when considering applications for quarrying or silica extraction. We propose that the relevant environmental and planning committees and the Council's emerging minerals strategy take account of this issue for the well-being of residents.

2 Leasehold Reform

Proposed by Councillor L Crane and Seconded by Councillor M Goldsmith

This council notes:

Government promised to tackle the leasehold reforms through two pieces of legislation. The first to help new 'leases' and the second to help 'Existing' leaseholders. The first part was delivered earlier this year via The Leasehold Reform (Ground Rent) Act 2022. This was to be followed swiftly by the second part of the promised reforms, but this has been further delayed and leaves over 6 million existing leaseholders struggling to navigate a system that is currently stacked against them.

As a result of this delay, sales are falling through on many leasehold properties due to the ground rents. Many remain in leasehold limbo, with no affordable way out in the middle of a Cost-of-Living Crisis.

This council further notes that:

Developers may have moved away from building leasehold homes but they have replaced this with another model by creating the Private Residential Estate model (PRE's) for new build developments.

Historically, estate infrastructure would be adopted by the local authority.

It is now increasingly common that at least some of the estate's infrastructure is not adopted and for homeowners to pay maintenance. These charges can cover a large range of items: public open spaces, play areas, landscaped or ecological buffer areas, roads, highways, ground maintenance, street lighting, games areas, administration & management fees & public liability insurance.

Unlike leasehold properties homeowners of freehold properties with these private estate charges have no mechanism to challenge these charges/services. They are unregulated. There is no transparency and little accountability.

This council further notes:

Local authorities have policies on the requirements for adoption which include meeting minimal standards and developers must meet these standards prior to adoption. If they do not meet these standards, then the council will not adopt. Infrastructure can often be built, without ever meeting the required standards. In the past it was common practice for developers to pay a commuted sum to cover the adoption and maintenance of items such as amenity land, playgrounds and path ways so that these could be adopted by the Council. Now processes lean towards adoption of highways alone.

Unadopted infrastructure is often built to lower standards. Private roads may be narrower with less room for parking and no pavements, have lower specification street lighting. There may also be problems when the estate is not maintained to an appropriate standard and disgruntled residents may then look to the local authority to help them out.

Therefore this council resolves to:

1. Write to the Secretary of State for Levelling Up, Housing and Communities to request that the Government:
 - a. Delivers the leasehold reforms that were promised and that they include the online calculator for lease extensions and enfranchisement as soon as possible;
 - b. Prevents the sector from fixing capitalisation rates at a low rate in the calculation to avoid pushing up the cost for the leaseholder;
 - c. speeds up progress on other reforms from the Law Commission - such as Right to Manage and commonhold to address the issues that we see today with service charges and insurance commissions; and
2. Asks the council to consider through the refresh of the Local Plan:
 - a. implementing planning policy changes to ensure developers are unable to create so called 'fleecehold' where fees are typically secured by a rent charge (which means if residents fall into default on those fees the property can be converted from freehold to leasehold again and so the cycle begins again); and
 - b. if and when Cheshire East Council sells any reversionary freehold or leasehold interests then it will offer first refusal to the existing leaseholder at fair value.