

OPEN

**Environment and Communities Committee**

**11 March 2024**

**Local Plan Issues Paper and Local Development Scheme Update**

---

**Report of: Peter Skates, Acting Executive Director of Place**

**Report Reference No: EC/38/23-24**

**Ward(s) Affected: All**

### **Purpose of Report**

- 1 The purpose of this report is to seek agreement from the Committee to carry out public consultation regarding the new Local Plan Issues Paper and associated background draft reports.
- 2 The report also seeks approval for an update to the Council's Local Development Scheme ("LDS").

### **Executive Summary**

- 3 This report takes forward recommendations agreed at the Committee's meeting on 9 November 2023, to prepare and consult on a Local Plan Issues Paper along with draft reports regarding land availability, sustainability appraisal and the hierarchy of settlements that will inform the Council's new Local Plan. A copy of these documents accompanies the report. A 12-week consultation period is proposed, to be carried out in accordance with the Council's approved Statement of Community Involvement.
- 4 Approval is also sought for an update to the Council's LDS which sets out a timetable for the preparation of the Local Plan. The Secretary of State for Levelling-up, Housing and Communities has asked all local planning authorities to make sure that they have an updated plan timetable in place by 12 March 2024.

## RECOMMENDATIONS

The Environment and Communities Committee is recommended to:

1. agree that the following documents, appended to this report, are published for 12 weeks public consultation:
  - a. Issues Paper (Appendix A), supported by Topic Papers (Appendices B to N);
  - b. Draft Land Availability Assessment Methodology (Appendix O), accompanied by a 'call for sites';
  - c. Draft Sustainability Appraisal Scoping Report (Appendix P); and
  - d. Draft Settlement Hierarchy Review Methodology (Appendix Q)
2. agree that the update to the Local Development Scheme, appended to this report (Appendix R) is published on the Council's web site and that a copy is sent to the Secretary of State for Levelling-up, Housing and Communities

## Background

- 5 On 9 November 2023, the Committee considered the next steps with the Council's new Local Plan. It agreed that:
  - i. a 'new-style' local plan is prepared under the government's reforms to the planning system;
  - ii. an issues paper is prepared to provide an initial opportunity for public engagement to help shape the direction of the Council's new Local Plan; and
  - iii. alongside the issues paper, public consultation is carried out on a draft Land Availability Assessment Methodology (with a 'call for sites'), a draft Sustainability Appraisal Scoping Report and a draft Settlement Hierarchy Review

## Issues Paper

- 6 The Issues Paper is intended to raise awareness of the Council's intention to prepare a new local plan and encourage residents and other parties to feedback their views about its scope. It is hoped that this feedback will enable the Council to initially progress its new Plan more speedily, once it is able to formally commence its preparation. Detailed regulations and guidance regarding the new plan-making process are still awaited from the Department of Levelling-up, Housing and Communities ("DLUHC), and expected to emerge during the coming months enabling new-style local plans to be formally commenced in the latter part of 2024. That said, the government is still considering

whether the commencement of new-style plans by councils will need to be phased to prevent the Planning Inspectorate being overwhelmed because of demands placed on them by too many authorities starting work on their plans at the same time.

- 7 A draft of the proposed Issues Paper accompanies this report (Appendix A). It highlights a range of matters that, most likely, will need to be addressed in the new Local Plan and invites feedback on them. Policy detail will come later through iterations of the draft Plan. At each of these stages there will be further public consultation, the feedback from which will be considered in shaping the Plan as it is developed and refined.
- 8 There is no prescribed format that issues papers must follow. The approach followed in the draft Issues Paper follows a review of similar documents published by other authorities. The matters covered by the draft Issues Paper are organised under the following headings:
  - Responding to the climate emergency
  - Healthy and safe communities
  - Design
  - Our natural environment
  - Homes for everyone
  - Town centres and retail
  - Jobs, skills and economy
  - Transport and infrastructure
  - Historic environment
  - Towns and villages
  - Rural matters
  - Minerals
  - Waste
- 9 Each matter is broken down into sub-headings which focus on potential policy areas. A broad commentary is provided for each of these, intended to stimulate thoughts and ideas and encourage a response. Questions are then posed at the end of each of these sections inviting feedback. A catch all question is included in Chapter 15, enabling feedback on anything that may not have been covered elsewhere in the Issues Paper.
- 10 Minerals and waste are included in the draft Issues Paper. Importantly, it asks (Q13a), whether these matters should be included in the new Local Plan. Currently a separate Minerals and Waste Plan is in preparation under the existing legal framework for plan-making. A draft of the Plan was consulted on in late 2022.

## Topic papers

- 11 Separate background topic papers are proposed for each matter covered in the Issues Paper. They do not need to be read in order to respond to the questions in the Issues Paper but are intended as a source of further information should respondents be particularly interested in one or more of the subjects covered. The draft topic papers accompany this report (Appendices B to N).

## Other consultation documents

- 12 As agreed by the Committee in November last year, three additional documents would be subject to consultation alongside the Issues Paper. A copy of each of these accompanies this report. They comprise:
  - A draft Land Availability Assessment (“LAA”) Methodology (Appendix O). The purpose of the LAA would be to provide a clear understanding of the land available within the borough and inform a future site selection process to meet the development needs identified over the new Plan period. The LAA would cover housing and employment along with a range of other land uses. It was agreed that this be accompanied by a ‘call for sites’ enabling landowners, developers and others to submit sites for consideration through the LAA, once the Methodology has been finalised.
  - A draft Sustainability Appraisal Scoping Report (Appendix P). All local plans must be informed by a Sustainability Appraisal (SA) through which emerging policies and proposals are assessed against environmental, social and economic factors. This initial stage sets the scope of the assessment.
  - A draft Settlement Hierarchy Review (“SHR”) Methodology (Appendix Q). The establishment of a clear settlement hierarchy helps to inform, alongside other evidence, how future development needs will be met. The SHR will update the settlement hierarchy set out in the current Local Plan and take account of any changes in circumstances since the previous hierarchy was established.

## Local Development Scheme (“LDS”)

- 13 Accompanying this report (Appendix R) is an updated LDS setting out the proposed programme, between 2024 and 2028, for the preparation of documents intended to form part of the Council’s Local Plan. It would replace the current LDS which covers the period 2022-27.

- 14 LDSs enable local communities, businesses, developers, service and infrastructure providers, alongside other interested parties, to find out what local plan documents are proposed and the timetable for their preparation.
- 15 The timing of this update responds to a request from the Secretary of State for all local planning authorities to publish an up-to-date plan timetable and send a copy to him by 12 March.
- 16 In the absence of the Minister's specific request, it would have made more sense for the Council to wait and update its LDS later this year. This is because, as noted earlier, there remains uncertainty about when individual authorities will be allowed to formally commence the preparation of new-style local plans under the reformed plan-making system. And Members will also see, as noted earlier in this report, that the draft Issues Paper raises the question of whether minerals and waste policies should be included in the new Local Plan rather than continue to be taken forward through a separate Minerals and Waste Plan.
- 17 These uncertainties mean that the timetable in the updated LDS should be treated with caution and a further update to it is likely to be brought back to the Committee later this year<sup>1</sup>.

## **Consultation and Engagement**

- 18 The Statement of Community Involvement ("SCI"), approved in January 2022, sets out how the council intends to publicise and invite feedback to planning policy documents. In line with the SCI, consultation would include the following:
  - Media release
  - Letter/e mail to all those on the Local Plan consultation register
  - E mail to all town and parish councils
  - Ability to view all the documents and respond to the consultation via the Cheshire East web site
  - Hard copy of all the documents and response forms at the Council's offices - Delamere House, Crewe, Westfields, Sandbach and the Town Hall, Macclesfield
  - Hard copy of the Issues Paper in all libraries, with response forms

---

<sup>1</sup> The national reforms to the plan-making system are expected to remove the requirement to prepare and maintain a LDS. It is expected to be replaced with a requirement to maintain a up-to-date plan-making timetable on its web site.

- Social media

19 A 12-week consultation period is proposed, between March and June.

20 Public consultation is not required for the update to the LDS.

### **Reasons for Recommendations**

21 There are considerable benefits in maintaining an up-to-date local plan, including to achieve plan-led decision making. Policies and proposals in the new Local Plan will continue to support many corporate priorities, particularly those relating to promoting good health, providing good housing for all, achieving a thriving economy for all, enhancing biodiversity and tackling climate change.

### **Other Options Considered**

22 No other options considered. This report responds to the decision of the Committee at its meeting in November last year to prepare a Local Plan Issues Paper and the other associated documents referred to in this report.

23 The update to the LDS responds to a request by the Secretary of State that all local planning authorities update their plan timetables.

### **Implications and Comments**

#### *Monitoring Officer/Legal*

24 The Issues Paper consultation would be carried out under Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012. This requires the council to notify various parties about new Local Plan and invite feedback on its scope. Any representations must then be taken into account in preparing the Plan.

25 Section 15 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to prepare and maintain a LDS specifying, among other things, the documents which will become part of the local plan for their area and the timetable for their preparation. A LDS must be made publicly available so that local communities and interested parties can keep track of plan-making progress.

#### *Section 151 Officer/Finance*

26 As far as possible, the cost of preparing the new Local Plan has been reflected in the Medium Term Financial Strategy (MTFS) 2023-27, however this will need to be kept under review in the light of future changes to the legal and national policy framework for local plan

preparation. The MTFs takes account of an existing earmarked reserve for Local Plan preparation.

- 27 Through national planning reforms, the Government is intending to speed up and streamline the local plan preparation process. However, in the absence of much of the detail governing how the new plan making process will operate, it is not yet possible to gauge whether the cost of a new-style plan will be lower or higher than a current style local plan. This detail is expected to emerge over the coming months, and future reports about the new Local Plan will provide additional information on plan preparation costs.

### *Policy*

- 28 The Local Plan sets out the Council's policy for sustainable development in the Borough. The new Local Plan will be prepared within the context of the new Corporate Plan.

### *Equality, Diversity and Inclusion*

- 29 An Equality Impact Assessment will be carried out during the preparation of the Plan.

### *Human Resources*

- 30 There are no additional human resource implications arising from this report.

### *Risk Management*

- 31 Appropriate risk management will be carried out as an integral part of the Plan's project management.

### *Rural Communities*

- 32 The new Local Plan would contain planning policies for the whole of the borough, including rural areas. The draft Issues Paper includes a chapter addressing rural matters.

### *Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

- 33 The well-being of young people and cared for children would be an important objective that any revised policies will seek to support.

### *Public Health*

- 34 Promoting good health for all will be a central objective of the new Local Plan. The draft Issues Paper includes a chapter addressing this matter.

## *Climate Change*

- 35 The new Local Plan will provide an opportunity to go further with planning policies to mitigate climate change, recognising the Council's pledge to become a carbon neutral borough by 2045. The draft Issues Paper includes a chapter addressing this matter.



<b>Access to Information</b>	
Contact Officer:	Jeremy Owens, Development Planning Manager <a href="mailto:jeremy.owens@cheshireeast.gov.uk">jeremy.owens@cheshireeast.gov.uk</a>
Appendices:	<p>A: Draft Local Plan Issues Paper</p> <p>B: Topic Paper - Responding to the climate emergency</p> <p>C: Topic Paper - Healthy and safe communities</p> <p>D: Topic Paper - Design</p> <p>E: Topic Paper - Our Natural Environment</p> <p>F: Topic Paper - Homes for everyone</p> <p>G: Topic Paper - Town centres and retail</p> <p>H: Topic Paper - Jobs, skills and economy</p> <p>I: Topic Paper - Transport and infrastructure</p> <p>J: Topic Paper - Historic environment</p> <p>K: Topic Paper - Towns and villages</p> <p>L: Topic Paper - Rural matters</p> <p>M: Topic Paper - Minerals</p> <p>N: Topic Paper - Waste</p> <p>O: Draft Land Availability Assessment Methodology</p> <p>P: Draft Sustainability Appraisal Scoping Report</p> <p>Q: Draft Settlement Hierarchy Review Methodology</p> <p>R: Draft Cheshire East Local Development Scheme 2024-2028</p>
Background Papers:	<p>Agenda and minutes of the Environment and Communities Committee Thursday 9 November 2023 (see Item 115)</p> <p><a href="https://modern.gov.cheshireeast.gov.uk/ecMinutes/ieListDocuments.aspx?CId=962&amp;MId=9858&amp;Ver=4">https://modern.gov.cheshireeast.gov.uk/ecMinutes/ieListDocuments.aspx?CId=962&amp;MId=9858&amp;Ver=4</a></p>