

# APPENDIX 1

## Cheshire East Council

### Council

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<b>Date of Meeting:</b>	15 December 2016
<b>Report of:</b>	Director Planning & Sustainable Development
<b>Subject/Title:</b>	Cheshire East Local Plan Strategy – Main Modifications
<b>Portfolio Holder:</b>	Cllr Ainsley Arnold

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#### 1. Report Summary

- 1.1. A meeting of the Council on 26 February 2016 approved proposed changes to the Cheshire East Local Plan Strategy for consultation. Council also delegated consideration of the consultation responses to the Executive Director Place. The subsequent Examination Hearings into the Cheshire East Local Plan Strategy concluded on 20 October and now the Inspector's findings are awaited.
- 1.2. The Inspector is expected to recommend formal main modifications to the Plan and these will need to be the subject of a further round of consultation. This is an essential step before the Local Plan can be finally adopted.
- 1.3. The Local Plan Strategy will provide a strong planning framework to provide significant benefits for local communities, giving increased certainty over new development, enabling investment, guiding the provision of new infrastructure and safeguarding the best of our environment. There is an urgent need to have the plan in place as soon as is feasible. The recommendations in this report will minimise the time between receipt of Inspector's next report and the consultation on his draft Recommended Main Modifications. This will enable the Local Plan Strategy to progress to the point of adoption as quickly as practicable.
- 1.4. This report requests that Council notes and approves the requirement to consult on the Inspector's draft Recommended Main Modifications to the Local Plan Strategy. In order to minimise delay, it also requests that the previous delegation for making additional modifications to the Plan is extended through the next stages, prior to adoption of the Local Plan Strategy by the Council.

- 1.5. In addition to the substantive Main Modifications, delegated approval is also requested to approve other non-material changes to the Plan

## **2. Recommendation**

- 2.1. That authority be delegated to the Director of Planning & Sustainable Development, in consultation with the Cabinet Portfolio Holder, the Party Group Leaders and the Chairman & Vice-Chairman of Strategic Planning Board, to approve the publication of any draft Recommended Main Modifications received from the Inspector for public consultation alongside any further Sustainability Appraisal and Habitats Regulations Assessments required.
- 2.2. That authority also be delegated to the Director of Planning & Sustainable Development, in consultation with the Cabinet Portfolio Holder, the Party Group Leaders and the Chairman & Vice-Chairman of Strategic Planning Board, to approve any proposed Additional Modifications to the Local Plan Strategy that do not constitute a Main Modification, but which he deems are necessary or appropriate

## **3. Other Options Considered**

- 3.1. The identified alternative option is to wait for the receipt of the Inspector's draft Recommended Main Modifications and bring a report to a future Council Meeting detailing the draft Recommended Main Modifications and seeking approval for public consultation. Given the timing of Council meetings, this option is likely to delay the receipt of the Inspector's Final Report on the legal compliance and soundness of the Local Plan Strategy by at least two months, with consequent delays in the timetable leading to adoption.

## **4. Reasons for Recommendation**

- 4.1. As set out in the National Planning Practice Guidance, where an Inspector considers that modifications are required to make a submitted Local Plan sound, the Inspector can recommend such Main Modifications to the local planning authority. A Main Modification is defined as a change that materially affects a policy in the plan and is required to make the Revised Local Plan Strategy sound and legally compliant.
- 4.2. At the close of the hearing sessions in October 2016, the Inspector indicated that he envisages preparing a short report outlining any further work the Council may need to undertake along with any further amendments (Main Modifications) that are needed to ensure the plan is sound and can be adopted. As part of the formal Examination process, there will need to be a formal six week period of public consultation on the Inspector's draft Recommended Main Modifications and this consultation will be carried out under the direction of the Inspector.

- 4.3. As the Council has no discretion to amend the Inspector's Recommended Main Modifications for consultation, prior approval for consultation on these Recommended Main Modifications is sought at this stage so that the consultation can be concluded in the shortest possible timeframe to avoid further delays leading to the adoption of the plan. Subject to the recommendation in this report, the timely receipt of the Inspector's report and the scale of additional work, Sustainability Appraisal and Habitats Regulations Assessment, it is hoped that consultation would begin in January 2017.
- 4.4. Representations received on the draft Recommended Main Modifications will be taken into account by the Inspector prior to the issue of his final report to the Council, including conclusions on the legal compliance and soundness of the Local Plan Strategy and the reasons for any Main Modifications. It is at this point that the Council will consider the Inspector's final report and decide whether to formally adopt the Plan with the Recommended Main Modifications.
- 4.5. In addition to Main Modifications, the Council can also put forward 'additional modifications' that do not materially affect a policy in the plan to deal with more minor matters. These additional modifications are not subject to any further public consultation. The Examination of the Local Plan Strategy has been complicated and lengthy. As a result, there may be a number of minor additional changes that should be made to the plan before the Council considers it for adoption. Examples include the correction of typographical errors, alteration of references to other documents that have been updated since submission in 2014, updates to terminology since 2014 and the inclusion of a Foreword for the final adopted plan.
- 4.6. On 26 February 2016, Council resolved: *"That authority be delegated to the Executive Director of Growth & Prosperity in consultation with the Cabinet Portfolio Holder, Party Group Leaders and the Chairman & Vice-Chairman of Strategic Planning Board to approve any further proposed changes to the Local Plan Strategy that may be necessary or appropriate following consultation"*.
- 4.7. The second recommendation in this report seeks to extend that authority in the period leading up to the adoption of plan to allow 'additional modifications' to be made that are necessary or appropriate but which do not materially alter a policy in the plan. This will enable the complete plan to be presented to a future Council meeting, alongside the Inspector's Recommended Main Modifications.

## **5. Background/Chronology**

- 5.1. The Local Plan Strategy was originally submitted in 2014, but its examination was suspended for 7 months during 2015. The Revised Local Plan Strategy approved by Council on 26 February 2016 was subject to 6 weeks of public consultation in March and April 2016. Following this

consultation, the Council prepared detailed responses to the consultation, which was submitted to the Inspector in 8 July 2016.

- 5.2. Further Examination hearings were held over six weeks in September and October 2016 to consider new issues arising from the public consultation as well as the Strategic Sites and Strategic Locations in the plan. At the close of these hearings, the Inspector indicated that he envisages preparing a short report outlining any further work the Council may need to undertake along with any further amendments (Main Modifications) that are needed to ensure the plan is sound and can be adopted. Once the Inspector has considered the representations to the Main Modifications, he will submit his final report to the Council, including his conclusions on the legal compliance and soundness of the Plan and the reasons for any Main Modifications. It is at this point that the Council will consider the Inspector's final report and decide whether to formally adopt the Plan with the recommended Main Modifications.

## **6. Wards Affected and Local Ward Members**

- 6.1. All wards

## **7. Implications of Recommendation**

### **7.1. Policy Implications**

- 7.1.1. The Local Plan is a key component of the Council's policy Framework. Whilst it will form the benchmark for considering planning applications it will also feed into numerous other agendas such as infrastructure, transport, economic development, recreation, public health, education and adult social care.

### **7.2. Legal Implications**

- 7.2.1. The process of Examination is governed by Section 20 of the 2004 Planning Act – but does not make express provision for the extended Examination experienced by the Council. The Inspector must carry out the examination of the submitted document, to which the power to recommend modifications in section 20(7C) applies.

- 7.2.2. Section 20(7C) provides:

*"(7C) If asked to do so by the local planning authority, the person appointed to carry out the examination must recommend modifications of the document that would make it one that—*

- (a) satisfies the requirements mentioned in subsection (5)(a), and*
- (b) is sound."*

7.2.3. As such, the Inspector must recommend modifications, which he will call Main Modifications, to the submission version of the Local Plan Strategy. Section 20(7C) does not specify how the Inspector should recommend those modifications nor how they are considered by the Council.

### **7.3. Financial Implications**

7.3.1. The cost of the Local Authority officers' time involved in the Local Plan is covered by the existing revenue budget for Planning & Sustainable Development. The Examination process prompts exceptional costs for which particular provision is made within the Planning Reserve budget.

### **7.4. Equality Implications**

7.4.1. No new implications arising from this report.

### **7.5. Rural Community Implications**

7.5.1. The Local Plan Strategy provides a planning framework for all areas of the Borough outside the Peak District National Park. Consequently, it covers much of the rural area of the Borough in a geographic sense – but also it addresses numerous matters of importance to rural areas within its policies and provisions. Importantly, the Local Plan Strategy will facilitate the drawing up of more detailed policies for rural areas, via either Site allocations or Neighbourhood Plans.

### **7.6. Human Resources Implications**

7.6.1. No new Implications arising from this report

### **7.7. Public Health Implications**

7.7.1. The adoption of the local plan creates benefits for public health through the creation of healthier new communities which incorporate good standards of open space, recreation, housing and green infrastructure.

### **7.8. Implications for Children and Young People**

7.8.1. The Adoption of the Local Plan will provide a more secure and certain framework for investment in new school infrastructure. It will also ensure that the children and young people of Cheshire East will be provided with sufficient homes and employment opportunities in future years.

### **7.9. Other Implications (Please Specify)**

7.9.1. None arising from this report.

## **8. Risk Management**

8.1. An adopted Local Plan has many benefits for the Council, local communities and business. It provides certainty over future growth, infrastructure and a secure framework for investment. Accordingly delay in the planning process poses risks for the Council with potential uncertainty over the decision making framework continuing in the short term. To mitigate this, the Council has implemented rigorous project management to the preparation of the Local Plan – to ensure completion of the process within an open yet timely manner.

## **9. Access to Information/Bibliography**

9.1. The Local Plan Strategy examination library contains all published material relating to the Examination process. This can be accessed online at <http://cheshireeast-consult.limehouse.co.uk/portal/planning/cs/library>

## **10. Contact Information**

Contact details for this report are as follows:

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