
STRATEGIC PLANNING BOARD

Date of Meeting: 29 August 2018

Report Title: First Draft Site Allocations and Development Policies Document

Senior Officer: Sean Hannaby, Director of Planning and Environment

1. Report Summary

- 1.1. This report outlines the policies and proposals in the proposed First Draft Site Allocations and Development Policies Document (SADPD) and seeks the views and recommendations of the Strategic Planning Board to publish it along with its associated Sustainability Appraisal and Habitats Regulations Assessment for 6 weeks public consultation, supported by a range of evidence documents.
- 1.2. The SADPD is the second part of the Council's Local Plan, following the adoption of the Local Plan Strategy (LPS) in July 2017, and will make provision for further development opportunities to meet the Plan's overall requirements, including for a minimum of 36,000 homes between 2010 and 2030. It will also set out a range of more detailed development management policies to guide planning decisions.
- 1.3. Upon adoption it will replace the remaining saved policies in the three former borough local plans.
- 1.4. The First Draft SADPD consultation will be followed by a further 6 weeks of public consultation on a 'publication' version of the Plan, the latter being the version that the Council would then submit for public examination.
- 1.5. The Local Plan is a key strategy that supports the achievement of many Council priorities related to protecting and enhancing the environment, promoting prosperity and improving the health and well-being of residents and others.

2. Recommendations

- 2.1. To consider the First Draft Site Allocations and Development Policies Document (Appendix 1) and its associated Sustainability Appraisal (Appendix 2) and Habitats Regulations Assessment (Appendix 3).
- 2.2. That the Housing, Planning and Regeneration Portfolio Holder be recommended to:
 - (i) approve the First Draft Site Allocations and Development Policies Document along with its Sustainability Appraisal and Habitats Regulations Assessment for public consultation, and publish the range of supporting, evidence base documents listed in Appendix 8.
 - (ii) agree that a further 'call for sites' exercise be carried out for Gypsy and Traveller and Travelling Showpersons sites alongside the consultation.

3. Reason for Recommendations

- 3.1. To enable public consultation to take place on the First Draft SADPD so it can progress towards examination and adoption.

4. Other Options Considered

- 4.1. There is no realistic alternative to the proposed course of action. The Council has already expressed its clear intention to prepare the SADPD in order to put in place a comprehensive set of up-to-date planning policies for the borough.

5. Background

- 5.1. The Council is committed to putting in place a comprehensive set of up-to-date planning policies to support its ambition of making the borough an even better place to live, work and visit. The first part of the Council's Local Plan, the Local Plan Strategy (LPS), was adopted in July last year. It set out the vision and overall spatial strategy for the borough to 2030. It includes strategic policies and allocates 'strategic sites' for development.
- 5.2. The Site Allocations and Development Policies Document (SADPD) will form the second part of the Local Plan. It will allocate additional, non-strategic sites for development – which means sites of less than 150 homes or 5 hectares in size. These additional allocations will ensure that the overall development requirements for the borough, established through the LPS, are met. The SADPD will establish specific housing and employment land figures, and safeguarded land requirements, for individual Local Service Centres and identify sites where required. Additional sites are also

identified at Crewe (a Principal Town) to support continued investment by Bentley and Morning Foods, two key local employers, and at Congleton, Middlewich and Poynton (Key Service Centres) to address currently unmet development requirements. The SADPD will also set out more detailed policies to guide planning application decisions. It includes a review of policy boundaries around towns and villages to guide the location of development, and for town centres to steer investment in them. Areas that need particular protection, for example, because of their significance to biodiversity and recreation, have been updated. A copy of the First Draft SADPD is appended to this report (Appendix 1). A summary of the proposed policies on a settlement-by-settlement basis is set out in Appendix 4 to this report. A full list of the proposed policies in the Plan is set out in Appendix 5.

- 5.3. The First Draft SADPD is as close to a full draft Plan as possible. There is no strict requirement to publish a draft Plan with this level of detail at this stage, however it has the advantage of drawing out views on matters of policy detail at an early stage, which will greatly assist the preparation of the final draft of the Plan (the 'publication' version) that will be submitted for examination following further consultation. An indicative timetable for the SADPD through to its adoption is set out in Appendix 6.
- 5.4. Local Plans have to be accompanied by a policies map showing the spatial application of the Plan's policies. An on-line, interactive draft policies map showing the allocations and designations arising from draft SADPD policies will be published alongside the First Draft Plan. This will also show existing allocations and designations from the adopted Local Plan Strategy so those viewing the map will be able to see the full range of Local Plan policies that would be in force over a particular site or area. Ahead of that, to assist those viewing this report and the accompanying draft of the SADPD, a series of maps have been published in pdf format. These are appended to this report (Appendix 7).
- 5.5. The SADPD will not include minerals or waste policies or make site allocations for these uses. These matters will be addressed through a separate Minerals and Waste Development Plan Document, as a third part to the Council's Local Plan.
- 5.6. In developing the SADPD, careful consideration has been given to the numerous neighbourhood plans that have been developed across the borough. The aim has been to avoid conflict between, and duplication of, detailed policies, whilst ensuring that SADPD policies are 'sound' and enable the strategic requirements of the LPS to be appropriately

addressed. There has been a significant amount of engagement with town and parish councils at the Issues Paper stage (see paragraph 5.8 below) and also earlier this year by way of further informal meetings. This close and constructive engagement will continue throughout the Plan process.

- 5.7. Upon adoption, the SADPD, alongside the LPS, will fully replace the legacy local plans prepared by the former borough councils.
- 5.8. A significant amount of work has been carried out in preparing the draft SADPD. The Council published an Issues Paper in February last year and consulted on it for 6 weeks, alongside a separate 'call for sites', through which interested parties were invited to submit sites for consideration, to inform future land allocations in the SADPD. A Report of Consultation, summarising the 1478 responses to the Issues Paper was published on the Council's website in July last year.
- 5.9. In parallel with considering feedback to the Issues Paper, a range of evidence has been collated over the past year or so to inform the drafting of SADPD policies and proposals. This evidence base would be published alongside the draft Plan. A full list of these documents is set out in Appendix 8 to this report. They are all available to view on-line at <http://cheshireeast-consult.limehouse.co.uk/portal/planning/cs/sadpd/evidence>.

They include:

- **Local Service Centre Spatial Distribution Disaggregation Report**, which identifies an appropriate spatial distribution of development to individual Local Service Centres, disaggregating the headline figures for employment land and housing provision for LSCs as a whole in the LPS. This considers the socio-economic characteristics of these villages alongside their constraints (e.g. Green Belt and landscape designations) and opportunities (e.g. availability of sites to address development needs). The report also addresses the apportionment of safeguarded land to the LSCs in the northern part of the borough.
- **24 settlement reports**, one for each Principal Town, Key Service Centre and Local Service Centre, explaining:
 - why particular sites have been selected as development allocations or as safeguarded land;
 - how town centre frontages and boundaries, and smaller retail areas have been defined; and

- how settlement boundaries have been updated, reflecting, for example, new development or permissions for schemes on the edge of settlements
- **Playing Pitch Strategy and Indoor Facilities Strategy**, approved and published last year to support the implementation of planning policies for sport and recreation
- **Strategic Green Gap Boundary Definition Report**, establishing a detailed boundary around the broad areas designated as strategic green gap in the LPS, to maintain the separation and identity of Crewe and its surrounding settlements
- **Ecological Network Mapping**, to understand how new development can contribute more effectively towards the borough's ecological network in line with national policy
- **Settlement and Infill Boundary Review**, which sets out and applies a methodology to determine which smaller villages within the rural area should be identified as 'infill villages', and determine the position of the infill boundary around them
- **Landscape Character Assessment**, which aims to ensure that decisions take into account the particular roles and character of different areas and recognise the intrinsic character and beauty of the countryside
- **Local Landscape Designation Review**, providing robust and up to date evidence to protect the borough's highest quality locally valued landscapes
- **Heritage Impact Assessments**, to ensure there is a proper understanding of how the development of sites may affect heritage assets and to identify mitigation measures to acceptably reduce any impacts
- **Gypsy and Traveller Accommodation Assessment (GTAA)**, providing up to date evidence of the need for permanent and transit pitches and Travelling Showpersons plots, taking into account the Government's updated national policy in 2015 which included a change to the definition of Gypsies and Travellers for planning purposes.
- **Gypsy and Traveller Site Selection Report**, providing the rationale for the selection of proposed Gypsy and Traveller sites.
- **Housing Technical Standards Report**, providing evidence to help determine whether there is a case to introduce, and apply, additional accessibility and internal space standards for housing developments.
- **Retail Study Update**, providing up to date evidence about the need for further retail floorspace provision.

- **Retail Impact Threshold Report**, which sets local size thresholds for triggering the requirement for an impact test in cases where additional retail and other town centre floorspace is proposed on land outside of a town centre.
- **Green Space Strategy Update**, supporting policies that seek to protect and enhance green space provision through new development.
- **Sustainability Appraisal** (also attached as Appendix 2), which builds upon the SA Scoping Report developed at the Issues Paper stage. It considers the performance of the policies and proposals in the SADPD against sustainability objectives, and reasonable alternatives. The preparation of a Sustainability Appraisal is a legal requirement and incorporates the requirements of the EU Directive on environmental impacts assessment. It also incorporates health impact assessment, rural proofing and equalities impact assessment.
- **Habitats Regulations Assessment** (also attached as Appendix 3), which is a statutory assessment of the Plan in terms of its potential impact on designated European sites. This work takes into account a recent, significant legal ruling in the Court of Justice of the European Union¹.

5.10. The LPS (paragraph 12.67) says that sites for Gypsies and Travellers and Travelling Showpeople will be allocated in the SADPD. Three site allocations are proposed in the draft Plan which would address part of the accommodation needs identified in the GTAA. An exhaustive search for potential sites has been carried out. *The Gypsy, Traveller and Travelling Showpeople Site Selection Report* [FD 14] published in the SADPD document library sets out the steps that have been taken towards looking for and establishing a list of sites that can be then assessed in terms of their suitability and availability. No sites were submitted for these uses through the 'call for sites' process that took place alongside the Issues Paper last year. Generally, the list of sites that have been collated do not perform particularly well in terms of their planning suitability. Most are located in the open countryside and services and facilities are not readily accessible to them by foot, cycle or public transport.

¹ *People Over Wind and Sweetman v Coillte Teoranta* (C-323/17). This ruling, published on 13th April 2018, clarified that measures intended to avoid or reduce the harmful effects of a proposed project on a European site may no longer be taken into account by competent authorities at the Habitat Regulations Assessment "screening stage" when judging whether a proposed plan or project is likely to have a significant effect on the integrity of a European designated site.

5.11. The three proposed site allocations in the draft Plan are:

- Site G&T 1 Land east of Railway Cottages, Nantwich for six permanent residential Gypsy and Traveller pitches
- Site G&T 2 Land at Coppenhall Moss, Crewe for seven permanent residential Gypsy and Traveller pitches;
- Site TS1 Lorry park, off Mobberley Road, Knutsford for three Travelling Showperson plots

It is considered that the proposed allocation of these sites, for the purposes of public consultation, can be supported in the light of the findings of their assessment against a range of relevant planning considerations, as set out in the Site Selection Report. National policy in *Policy for traveller sites* makes it clear that sustainability should not only be considered in terms of transport modes and access to services, that other factors such as economic and social considerations are also important. Although these sites alone only go a limited way towards addressing the identified accommodation needs in the GTAA, it was not considered justified, at the present time, to propose any other sites as allocations in the light of the findings of their assessment. With this in mind it is recommended that a further call for sites exercise be carried out alongside consultation on the draft Plan. This will assist in ensuring that every reasonable effort has been made to identify other sites that may prove to be more suitable. It is also important to highlight that at the base date used for the GTAA (May 2017), two sites with planning permission automatically contributed towards future accommodation supply. These were the Three Oaks Caravan Park site, Booth Lane, Moston (for 24 permanent residential Gypsy and Traveller pitches) and the Cledford Hall site, Cledford Lane, Middlewich (for 9 Gypsy and Traveller transit pitches and a wardens' pitch). Both permissions expired earlier this year.

5.12. For most local plans, if not all, circumstances will change during the course of their preparation. This is true of the SADPD and it will need to respond to these changes, as appropriate, as it advances through the plan-making process. The changing housing supply position arising from ongoing annual housing monitoring will need to be taken into account. The first draft of the SADPD is based on the housing supply position as at 31st March 2017. Clearly this supply position will change as subsequent annual housing monitoring updates are published. Indeed, by the time the SADPD is examined there may have been two further annual updates. Further planning permissions will contribute towards Local Plan housing requirements and may reduce the need to allocate additional sites. In fact this situation has already been anticipated to some degree. For example it

could appear, on first inspection, that the draft SADPD is not planning to meet the full 3,500 homes figure² for Local Service Centres established through the LPS. However, it is known that further planning permissions have been granted since 31 March 2017 which will address this. The approach has therefore been to avoid, as far as possible, providing additional allocations that will need to be removed from the Plan at a later stage in the light of updated housing monitoring information.

- 5.13. A second change in circumstances has been the publication of a revised National Planning Policy Framework and supporting Planning Practice Guidance on July 24th when the drafting of policies and proposals was largely complete. Any further implications arising from this updated national policy and guidance, and from further national guidance expected to be published later this year, will be addressed in the next draft of the Plan. However, it is important to bear in mind that the SADPD is being prepared in the context of the strategic policies in the LPS.
- 5.14. The Plan will therefore continue to be updated and shaped in the light of new national planning policy and guidance, the consideration of consultation responses, updated housing and other monitoring information, further evidence, and any other relevant changes in circumstances. The full drafting of some policies has not been possible at this stage because work is ongoing on the evidence base that will inform them. These include policies on housing mix and aircraft noise. There is also no further policy in the draft Plan regarding Jodrell Bank. This will be the subject of further discussions with the University of Manchester which will continue to explore whether a supplementary planning document may be a more appropriate mechanism to provide additional guidance, particularly in the light of its nomination for UNESCO World Heritage Site status.

6. Implications of the Recommendations

6.1. Legal Implications

- 6.1.1. In accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'), the Council has a statutory duty to prepare planning policies and maintain an up-to-date development plan.
- 6.1.2. Secondary legislation relating to the preparation of development plan documents is set out in the Town and Country Planning (Local Planning)

² It should be noted that the figures for settlements, and for the LSCs as a whole, are expressed in LPS policy PG7 as 'in the order of'

(England) Regulations 2012. The proposed consultation will be carried out in the stage of the plan-making process governed by Regulation 18. Regulation 18 requires councils to consult particular bodies and groups on the scope of the Plan, and to take account of representations.

6.1.3. In preparing a local plan, local planning authorities have to comply with the statutory duty to co-operate and carry out engagement throughout the plan making process in accordance with its Statement of Community Involvement.

6.1.4. The development of the draft SADPD has taken proper account of the legal requirements associated with Sustainability Appraisal and the Habitats Regulations.

6.2. Finance Implications

6.2.1. The preparation of the draft Plan, including public consultation on it, is resourced through the existing Spatial Planning budget. The particular resources involved in carrying out public consultation comprise officer time, up to around £500 in printing costs and up to around £250 to pay for any venues required for consultation events, although if council buildings can be utilised the latter cost will fall away.

6.3. Policy Implications

6.3.1. The Local Plan is a key policy document, central to the achievement of sustainable development in Cheshire East.

6.4. Equality Implications

6.4.1. The Council has a duty under Section 149 of the Equalities Act to have due regard to the need to: eliminate discrimination; advance equality of opportunity between persons who share a “relevant protected characteristic” and persons who do not share it; foster good relations between persons who share a “relevant protected characteristic” and persons who do not share it.

6.4.2. An Equality Impact Assessment is incorporated into the Sustainability Appraisal of the SADPD.

6.5. Human Resources Implications

6.5.1. There are no new implications.

6.6. Risk Management Implications

6.6.1. A draft Plan at this Regulation 18 stage carries less risk, but nevertheless it has been prepared taking into account the need to demonstrate the Plan's legal compliance and soundness at examination.

6.7. Rural Communities Implications

6.7.1. The Local Plan has implications for rural communities across a range of policies. The draft Plan has been informed by rural proofing as part of an integrated Sustainability Appraisal.

6.8. Implications for Children & Young People

6.8.1. There are a wide range of draft SADPD policies that aim to protect and enhance the health and well-being of children and young people.

6.9. Public Health Implications

6.9.1. There are a wide range of draft SADPD policies that aim to support active and healthy lifestyles. These include promoting prosperity, meeting housing needs, protecting and providing open space and recreation facilities and encouraging walking and cycling. A Health Impact Assessment is incorporated into the Sustainability Appraisal of the SADPD.

7. Ward Members Affected

7.1. All Ward Members are affected.

8. Consultation & Engagement

8.1. The report seeks approval to carry out public consultation, building on the significant consultation and engagement that has already taken place in developing the draft SADPD.

9. Access to Information

9.1. The proposed consultation documents are appended to this report. They can also be viewed online, along with the range of supporting documents, listed in Appendix 8, at <http://cheshireeast-consult.limehouse.co.uk/portal/planning/cs/sadpd/evidence>.

10. Contact Information

10.1. Any questions relating to this report should be directed to the following officers:

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Appendix 1 First Draft Site Allocations and Development Policies Document

This is included in the papers for this meeting as a separately bound document.

Appendix 2 Sustainability Appraisal

This is included in the papers for this meeting as a separately bound document.

Appendix 3 Habitats Regulations Assessment

This is included in the papers for this meeting as a separately bound document.