

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Environment and Communities Committee** held on Friday, 1st July, 2022 in the Committee Suite 1,2 & 3, Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor M Warren (Chair)
Councillor S Pochin (Vice-Chair)

Councillors Q Abel, M Benson, L Braithwaite, J Bratherton, J Buckley, L Crane, T Dean, P Groves, C Leach, J Parry and J Clowes

OFFICERS IN ATTENDANCE

Chris Allman, Head of Neighbourhood Services
Paul Bayley- Director of Environment and Neighbourhood Services
Helen Davies- Democratic Services
Tom Evans, Neighbourhood Planning Manager and Interim Environmental Planning Manager
Paul Goodwin, Head of Financial Services and Deputy Chief Finance Officer
Peter Hooley, Planning and Enforcement Manager
Ralph Kemp, Head of Environmental Services
Stuart Penny, Planning Policy and Community Infrastructure Levy (CIL) Manager
Jeremy Owens, Development Planning Manager
Laura Woodrow-Hirst, ASB and Community Enforcement Team Leader,

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Ashley Farrall (Councillor Liz Braithwaite was substituting) and Councillor Les Gilbert (Councillor Janet Clowes was substituting).

2 DECLARATIONS OF INTEREST

In the interests of openness, Councillor Liz Braithwaite declared that in respect of agenda item 6, Implementation of Public Spaces Protection Order (PSPO) for Macclesfield, they were part of the stake holder group and consulted with in their capacity as Ward Councillor.

In the interests of openness, Councillor Charlotte Leach declared that in respect of agenda item 9, Local Plan Strategy Review, their employer had promoted a site within Cheshire East through the Local Plan process.

3 MINUTES OF PREVIOUS MEETING

RESOLVED: That the minutes of the 07 March 2022 meeting be received and noted as a correct and accurate record.

4 PUBLIC SPEAKING/OPEN SESSION

Mr. Jonathan Smith attended the Committee to give a brief statement and ask a question in respect of agenda item 9, Local Plan Strategy Review. Mr. Smith advised the Committee that he had been supporting the local community group, Save Longridge Greenbelt since 2019 with their effort in preventing the development of 225 houses on rewilded land that was a valued local amenity. Mr. Smith was in favour of the officer recommendation contained within the report to commence an update of the Local Plan Strategy and noted a key driver for the recommendation was the climate emergency, the council should reduce any environmental impact, with climate change and environmental concerns being at heart of any update. Mr. Smith requested that the Council saved the land east of Longridge and did not allocate for housing to conserve this space as a green asset for generations to come.

Mr. Smith asked for details of the arrangements for members of the public and local groups to participate in, and influence, the proposed Update of the Local Plan Strategy.

The Chair responded to the question and advised that there would be the opportunity for the public, residents and Members to feedback their views through the preparation of any Local Plan update. Consultation was a statutory requirement to the Local Plan and these views would be published on the Council's website.

The Chair highlighted that Central Government was taking forward reforms to planning system including the way the Local Plan was prepared. Changes to the Local plan update would be brought forward under revised legal and national policy requirements, notably two rounds of community engagement would be required before plans were submitted for independent examination.

In addition, new national guidance on community engagement in planning was promised and described the different way in which communities could get involved and highlighted best practice.

Mr. John Finnan attended the Committee and spoke in respect of agenda item 9, Local Plan Strategy Review, specifically a site within the current Local Plan.

Mr. Finnan advised the Committee that no provisions were in place to remove LPS 38, Longridge, Knutsford out of the greenbelt. The Government Planning inspector did not know about a covenant that barred direct access to the site. Mr. Finnan explained that the council plan was to sell part of the adjoining land which would then create site access. The fields and woods at Longridge had been used for the last three

generations of the local community in an area where there was deprivation. Usage of this space increased during the pandemic. Should any development go ahead, 500 trees and 50 years of rewilding would be lost impacting on 92 species of birds. Biodiversity offsetting would have to happen offsite. Knutsford Town Council did not constitute this area to be sustainable development, and a Landscape Officer at Cheshire East Council had said the development could not be supported. Cheshire Wildlife Trust confirmed the site met the standards for local wildlife across eight different criteria. Longridge was an area of high habitat and distinctiveness. Three years ago the Leader of Cheshire East Council was asked to remove Longridge from the Local Plan, during this time, Esther McVey MP confirmed the Council could remove it if and when a decision was made to review the Local Plan.

Mr. Finnan asked the Committee:

- 1) if the Local Plan would be reviewed;
- 2) if so, could provision be included to examine a wildlife site like Longridge;
- 3) would any planning applications for Longridge be paused until the Local Plan review was completed; and
- 4) upon consideration could Longridge be removed from the Local Plan and returned to the greenbelt.

The Chair confirmed the consideration to review the Local Plan was before the Committee today, and changes to policy and scope would be matters for future determination through a Local Plan update process. The Longridge site was a Housing Allocation in the adopted Local Plan strategy and was the subject of a live planning application. Decisions on planning permission would be determined by the Strategic Planning Board (SPB) in due course. Any pauses to planning applications would be neither possible or appropriate, this Committee had no jurisdiction over the planning application and had no remit to interfere with any determination. The detailed scope and content of future proposals were matters to be determined when any updates to the Local Plan were prepared.

RESOLVED:

That the public speakers be thanked for their attendance and contribution to the Committee meeting.

5 2021-22 ANNUAL PERFORMANCE REVIEW

Paul Bayley, Director of Environment and Neighbourhood Services, introduced the item. The purpose of the report was to provide a review on performance across the department for 2021-22.

The Committee was advised that:

- The Covid pandemic had impacted services on the first half of 2021, until restrictions lifted on the 19th July;
- The Strain on waste services continued, all bins had been emptied at all times but some delays had occurred;
- Recycling rates remained high and nationally Cheshire East was in the top 10 Unitary Authorities for recycling performance;
- During the period, there had been consultation on six Supplementary Planning Documents (SPDs);
- Seven Neighbourhood plans had been made;
- Platinum Jubilee street parties were able to be held in some alleyways in central Crewe this followed work completed by Cleaner Crewe project; and
- The Planning service continued to be under significant pressure, with a significant backlog of planning applications and most non-major applications had taken 4-6 months to determine. The Executive Director of Place had undertaken a Deep-dive review of the Planning service.

The Director of Environment and Neighbourhood Services noted the efforts of the planning team and advised that 100 applications had been determined every week and the five-year housing supply remained at a robust level.

Thanks were given to all council officers across the department including colleagues from Ansa, Orbitas and Everybody Health and Leisure (ESAR) for ongoing commitments to delivering services for residents and businesses across the borough.

The Committee was given the opportunity to ask questions, there was some discussion and it was noted that:

- With respect to flytipping, CCTV cameras had been deployed across borough. There was ambition to procure additional cameras under Cleaner Crewe project to be deployed within alleyways to support the Cleaner Crewe project;
- Thanks were given to Councillor Charlotte Leach in respect of the work she had been part of in Mobberley that brought about dismissal of an appeal for the unlawful change of use of land for residential caravans within the Greenbelt, resulting in a positive outcome for the community; and
- There was a need to get ahead on planning policy making to ensure more in terms of biodiversity gain than less.

There was discussion about charges to those using tips to dispose of rubble. Ralph Kemp, Head of Environmental Services gave the Committee an overview on the current position. The Government had three pieces of legislation that would affect the waste collection service:

1) the way in which waste is collected would be informed on the outcome of consultations, of which there was no clear deadline at present;

2) Extended Producer Responsibility encouraged producers to fund local authorities for any changes that would be needed to collect waste;

3) A consultation related to removal of the charge for depositing do-it-yourself (DIY) waste at household waste and recycling centres. Cheshire East would explore the feasibility of that.

There was discussion about the six vacancies within the Planning department and the context of those. Peter Hooley, Planning and Enforcement Manager advised the Committee the vacancies were significant across a team of 30 full time equivalent positions.

The Committee congratulated officers on the hard work despite a trying period, and positive results across the department.

RESOLVED:

That the performance of the department be received and noted.

6 IMPLEMENTATION OF PUBLIC SPACES PROTECTION ORDER (PSPO) FOR MACCLESFIELD

Chris Allman, Head of Neighbourhood Services introduced the report to the Committee and invited any questions.

The Committee queried:

- if any Public Space Protection Orders (PSPO) had been successful elsewhere in the borough and were advised that there had been one in Congleton that resulted in no reported instances; and
- how drugs were taken into account in relation to PSPOs. Laura Woodrow-Hirst, ASB and Community Enforcement Team Leader, advised the powers were only for alcohol removal, drugs would fall under the jurisdiction of the Police who could deal with drugs, offences under their powers.

Councillor Liz Braithwaite thanked everyone involved with the PSPOs in her capacity as Ward Member for Macclesfield Central.

RESOLVED (Unanimously):

That the proposed PSPO, be approved with a commencement date of 18th July 2022 and a duration of 3 years.

7 HOUSING SUPPLEMENTARY PLANNING DOCUMENT (SPD)

Tom Evans, Neighbourhood Planning Manager and Interim Environmental Planning Manager presented the report to the Committee. The Supplementary Planning Document (SPD) provided guidance on adopted policies and material considerations but could not introduce new considerations. There was detail on the environmental impacts and the approach by the council to those.

Consultation had taken place in April 2021 for 6 weeks and generated 119 comments with further comments between Nov- Dec 2021.

The key topics during the consultation included the relationship with the Site Allocations and Development Policies Document (SADPD) and the provision of additional information on vacant building credit.

The Neighbourhood Planning Manager and Interim Environmental Planning Manager gave some clarity to the rounding up calculations at 6.7 and 6.12 of the SPD. The approach was to round up to the nearest whole number.

The Committee had some discussion about modular housing, housing for first time buyers, and the encouraging and support of sustainable homes.

RESOLVED (Unanimously) That:

- a) the key issues raised in representations received to the public consultation that took place between November and December 2021 and the corresponding modifications to the Housing Supplementary Planning Document as set out in the Report of Consultation be received and noted; and
- b) the Housing Supplementary Planning Document be adopted.

8 THE MINERALS AND WASTE DEVELOPMENT PLAN

Stuart Penny, Planning Policy and Community Infrastructure Levy (CIL) Manager introduced the item to the Committee, the Minerals and Waste Plan contained strategic and non-strategic policies, that focussed on issues specific to minerals and waste matters.

The Committee was given the opportunity to ask questions, there was some discussion on:

- Of the two identified sites for Silica sand, had any consultation taken place with neighbours, the Committee were advised that this was the first stage of the plan and consultation will follow when the proposals were released;
- Concern in relation to the predicted shortfall in capacity to manage residual waste (black bin) and inert waste over the period to 2030 and that this was eight years away. The Committee were advised that there were two elements to the landfill element, the Crewe site did not accept waste anymore and the council would need to call for sites for a potential operator to come forward;
- The position in relation to mineral extraction restoration and the trend in the past to make lakes from exhausted quarries which did have some Biodiversity merit but was often not part of the original topography. The Committee were advised that in-line with the after-

care management plan, restoration must be appropriate to location and sympathetic to environment. The Committee were reassured by this;

- The Council position on fracking, the Committee were advised that the planning guidance states councils must plan positively with the need for resource but to balance against impacts; and
- The importance of consultation from public on fracking proposals. The Committee was advised that there was a set of requirements set out in the plan policy that applicants would need to evaluate impacts, including water, environment, pollution, etc.

RESOLVED (Unanimously) That:

a) the draft version of the Minerals and Waste Plan be approved for public consultation together with its associated documents, call for sites exercise and mapping (via the Council's website). This includes the Sustainability Assessment, Habitats Regulation Assessment and the current supporting evidence base for the MWP;

b) the Head of Planning be authorised to finalise the Sustainability Appraisal and Habitats Regulation Assessment and to make any necessary changes required to the draft Minerals and Waste Plan as a result of their findings; and

c) the Head of Planning be authorised to make any other non-material changes to the consultation documents or supporting information ahead of the consultation and prepare any additional explanatory information to support the consultation.

9 LOCAL PLAN STRATEGY REVIEW

Jeremy Owens, Development Planning Manager gave the Committee the background to the report and the findings of the Local Plan Strategy Review. The Council must review a Local Plan within 5-years of adoption. The 27th July 2022 was the deadline for Cheshire East Council.

The Committee was advised there were three areas that the Local Plan Strategy (LPS) must take into account:

- 1) Plan policies must remain consistent with National Policy Planning Framework (NPPF), and this had been revised 3-times during the lifespan of the current Cheshire East Local Plan;
- 2) Plans must remain effective, the review found that overall it did and could demonstrate a 5-year supply of housing land;
- 3) Any local change to circumstances could warrant change, the review found that HS2 required the need for full implications to be addressed along with the Councils new Corporate Plan and commitment to tackle Climate Change.

The Committee was given the opportunity to ask questions, there was some discussion about:

- If the entire Local Plan needed to be changed, it was expected that this would be an extensive update on the basis that most of plan needed to be updated.
- Reassurance that a proactive approach would be taken to support groups who had worked on previous plans, if they are to see significant change;
- Noting that the housing requirement within the LPS was significantly different to the Local Housing need for Cheshire East, the Development Planning Manager was clear that the Housing need figure was not a substitute, and the LPS housing requirement remained and would remain in place until an update was complete; and
- Whether a current review of the LPS would become a new plan for beyond 2030, the Committee were advised that the review is expected to be extensive but the scope was not yet defined and this was expected in the next report. Officers would be working through the detail with the Committee, it was expected the Local Plan would take a number of years to produce and circumstances would change. The Government would expect the new style Local Plan within 30-months which would be very challenging for the Council.

RESOLVED (Unanimously) That:

- a) the findings of the LPS review set out in this report be received and noted;
- b) an update to the LPS be carried out; and
- c) a further report be brought back to the Committee with a revised Local Development Scheme setting out the timetable for the update.

The Chair Councillor Mick Warren left the meeting and the Vice-Chair Councillor Sarah Pochin took the Chair for the remainder of the meeting.

10 ALIGNMENT OF 2022/23 BUDGETS

Paul Goodwin, Head of Financial Services and Deputy Chief Finance Officer introduced the item to the Committee and invited any questions.

The Committee noted that it was early in the financial cycle and the report before the Committee was a restatement from the Medium Term Financial Strategy (MTFS) with some virements and supplementary estimates since the MTFS was approved.

The Committee noted that several Members found the Cheshire East figures difficult and requested the need for plain English and additional training sessions during the financial year.

RESOLVED (Unanimously) That:

- a) the decision of the Finance Sub-Committee to allocate the approved capital and revenue budgets, related policy proposals and earmarked reserves to the Economy and Growth Committee be noted;
- b) the supplementary revenue estimates be approved;
- c) the supplementary capital estimates be approved;
- d) the capital budget virements be approved;
- e) the financial reporting timetable be received and noted.

11 STANDING ITEM: MEMBER ADVISORY PANEL: CHESHIRE EAST PLANNING PROCESS REVIEW

Councillor Tony Dean, the Chair of the Member Advisory Panel for Planning (MAPP), gave the Committee an update on the work to date.

Following serious concerns from Councillors and the public with respect to the Cheshire East Planning dept and the notably large backlog of applications and lack of planning enforcement, Jayne Traverse, Executive Director of Place, had undertaken a deep-dive review of the department and the MAPP had been meeting with her regularly to scrutinise progress.

Councillor Dean advised that the review had been a fair, open and inclusive process, generating over 300 comments and correspondence, 25 sessions with Planning teams and listening to staff, Brighter Futures workshops, gathering and analysing, complaints, FOIs, in-depth reviews, peer reviews, and considered the life of a planning application and new proposed ICT system. Councillor Dean noted that Cheshire East was the busiest local authority in Northwest, and in the top five within the country and top ten in terms of volume. It was noted that there was a national difficulty in recruiting experienced planners.

Progressed had been made in terms of the 2022 budget and the council having set aside £0.5million to the planning department and the staffing resource was being met temporarily via an agency to help with back log whilst the Council worked towards driving a recruitment campaign.

The Committee was given the opportunity to ask questions and discussed the possibility of encouraging/fast tracking planning applications that had benefit to carbon goals and the UK 100 Pledge.

Peter Hooley, Planning and Enforcement Manager advised the Committee that applications were prioritised into large and small scale. Major schemes were not in a queue and were allocated immediately to officers, but the nature of the scheme will take longer. The planning backlog would not affect those schemes to the same extent. Some schemes had an environmental or public service angle, such as hospitals and for these

officers would take a pragmatic approach to prioritisation. All applications had social, economic or environmental angles.

RESOLVED:

That Councillor Tony Dean and the Planning and Enforcement Manager be thanked for their attendance and update to the Committee.

12 **STANDING ITEM: MEMBERS ADVISORY PANEL: CHESHIRE EAST CEMETERIES STRATEGY REVIEW**

Councillor Joy Bratherton, the Chair of the Member Advisory Panel for the Cheshire East Cemeteries Strategy Review (MAPCSR), gave the Committee an update on the work to date.

The Committee was advised that the MAP working group of Members had visited a variety of cemeteries across the borough that included the two main ones in Crewe and Macclesfield and some smaller ones. The main remit for the group was to consider space for the future and perceived need for sites and new methods of burial and internment of ashes. Along with future development and update of sites not within council ownership particularly instances where some had been closing down and sent to the council to maintain.

Paul Bayley, Director of Environment and Neighbourhood Services, advised the Committee that the meetings with the MAP had been concluded and a number of high level objectives to revise strategy had been agreed and work was ongoing to digitise records. The next steps engagement and consultation with the community in September, and then feed development of that back to this Committee early in the new year with a revised strategy for consideration.

A key difficult area would be the management of collapsed memorials and regulations about how they are managed and unauthorised memorials.

The Committee was given the opportunity to ask questions, and it was noted that any consultation process should contain detail for those to be consulted on, with plain English that explained how things will change, with specific points rather than being general.

The Director of Environment and Neighbourhood Services advised the Committee that there would be a need to develop a management plan for each cemetery.

There was further discussion about:

- closed graveyards and the emotive and financial implications of the Council taking these on; and
- low-energy forms of cremation

RESOLVED:

That Councillor Joy Bratherton and the Director of Environment and Neighbourhood Services be thanked for their updates.

13 **WORK PROGRAMME**

Paul Bayley, Director of Environment and Neighbourhood Services advised the Committee further items will be added to the Work Programme in due course, it was noted that the Household Waste Recycling Centre Contract was now deferred until September meeting.

Councillor Laura Crane requested a review of Cleaner Crewe Project, Councillor Pochin requested this request be noted within the minutes.

RESOLVED:

That the Work Programme be received and noted.

The meeting commenced at 10.30 am and concluded at 1.09 pm

Councillor M Warren (Chair)