

Council

Date of Meeting:	14 December 2022
Report Title:	Adoption of the Site Allocations and Development Policies Document
Report of:	Jayne Traverse, Executive Director of Place
Ward(s) Affected:	All Wards

1. Purpose of Report

- 1.1. This report outlines the findings and recommendations of the Inspector in respect of the examination of the Site Allocations and Development Policies Document (“SADPD”) and invites the Council to adopt the Plan.

2. Executive Summary

- 2.1 The Council submitted the SADPD to the Secretary of State for public examination in April 2021. The examination has now concluded with the receipt of the Inspector’s Report. This enables the Council to proceed and adopt the Plan. To do this, all the Inspector’s recommended Main Modifications must be incorporated into the Plan. No other material amendments can be made by the Council at this stage.
- 2.2 The adoption of the SADPD would put in place up to date, non-strategic planning policies as part of the statutory development plan. These would replace the remaining saved policies in the local plans prepared by the predecessor borough councils and more closely align with the priorities of the Council’s Corporate Plan.

3. Recommendations

- 3.1. That Council:
- 3.1.1. adopts the SADPD (Appendix 1) and Policies Map (<https://maps.cheshireeast.gov.uk/ce/localplan/adoptedpoliciesmap2022>) , which incorporate the Inspector’s Main Modifications (Appendix 2) and the Council’s Additional Modifications (Appendix 3);

- 3.1.2. notes that the SADPD, upon adoption, would replace all the remaining saved policies in the Congleton Borough Local Plan First Review (adopted 2005), the Borough of Crewe and Nantwich Replacement Local Plan (adopted 2005) and the Macclesfield Borough Local Plan (adopted 2004); and
- 3.1.3. authorises the Head of Planning to make any final, editorial amendments to the SADPD prior to final publication, such amendments being restricted to correcting minor typographical errors and formatting.

Reasons for Recommendations

- 3.2. The Council has committed to preparing the SADPD and put in place an up to date suite of non-strategic planning policies that will apply borough wide, alongside the strategic policies of the adopted Local Plan Strategy.

4. Other Options Considered

- 4.1. There are no other realistic options.

5. Background

- 5.1. The Cheshire East Local Plan is both a key corporate document and legally required policy document, setting out the framework for sustainable development over the period 2010 to 2030.
- 5.2. The first part of the Council's Local Plan, the Local Plan Strategy (LPS), was adopted in July 2017. It sets out the vision and overall spatial strategy for the borough. It includes strategic policies and allocates strategic sites for development.
- 5.3. The SADPD is the second part of the Local Plan. Its purpose and scope are limited to making provision for additional sites, where necessary, to accommodate the level of growth anticipated for specific uses and locations left over from the adopted Local Plan Strategy. It allocates a limited number of additional, generally smaller-scale sites for development and, in the north of the borough, designates parcels of safeguarded land around Local Service Centres. It defines detailed boundaries for settlements and for village infilling to support LPS policies to protect the countryside, as well as providing a range of more detailed development management policies.
- 5.4. The preparation of the SADPD commenced in 2016 and, as well as being informed by relevant evidence, has been shaped by the feedback received through public consultation. The Plan, with its accompanying Sustainability Appraisal and Habitats Regulations Assessment, underwent four formal periods of public consultation prior to its submission for public examination:
- Issues Paper - February 2017
 - First Draft SADPD - September 2018
 - Publication Draft SADPD - August 2019

- Revised Publication Draft SADPD - October 2020

A total of 8,966 representations were received during these four consultation stages.

- 5.5.** Following a decision by Full Council, the SADPD was submitted to the Secretary of State on the 29 April 2021. Planning Inspector Mike Hayden was appointed to examine the Plan. Hearing sessions took place over ten days between 12 October and 4 November 2021. The Inspector's post-hearing comments were published in the examination library on 26 January. In these, the Inspector indicated that the Plan was likely to be found legally compliant and sound subject to a number of changes, known as Main Modifications.
- 5.6.** The Inspector's proposed Main Modifications along with proposed modifications to the Plan's Policies Map, were published by the Council for six weeks consultation between 19 April and 31 May 2022¹. These were accompanied by supporting addendums to the Plan's Sustainability Appraisal and Habitats Regulations Assessment.
- 5.7.** All 262 representations received were then passed to the Inspector for consideration. To assist the Inspector, a Report of Consultation² was also prepared by the Council summarising the issues raised along with responses to them.
- 5.8.** The Council has now received the Inspector's Report with a final set of Main Modifications (Appendix 2). The report concludes that:

“...the Cheshire East Local Plan Site Allocations and Development Policies Document provides an appropriate basis for the planning of the Borough, provided that a number of Main Modifications are made to it.”
- 5.9.** The receipt of the Report marks the completion of the examination process and allows the Council to proceed and adopt the Plan, incorporating the final Main Modifications³.
- 5.10.** The Main Modifications are summarised on pages 5 and 6 of the Inspector's Report and set out in full in the appendix to it. They have been made to align SADPD policies more closely with national planning policy and strengthen SADPD policies so they can be applied more effectively when determining planning applications.

¹ The consultation and supporting documents are available on the Council's planning policy consultation portal <https://cheshireeast-consult.objective.co.uk/kse/event/36824>

² Available in the SADPD Examination Library, document reference CEC/39
https://www.cheshireeast.gov.uk/planning/spatial-planning/cheshire_east_local_plan/site-allocations-and-policies/sadpd-examination/examination-library.aspx

³ Section 23 of the Planning and Compulsory Purchase Act 2004 only allows the Council to adopt the SADPD if the Inspector's Main Modifications are made to it.
<https://www.legislation.gov.uk/ukpga/2004/5/section/23>

5.11. Very positively the Inspector has supported the Council on key aspects of the Plan, including:

- the approach towards meeting residual housing needs at Local Service Centres through windfall development rather than through further site allocations;
- the allocation of 6 hectares of land adjacent to Recipharm at Holmes Chapel to meet remaining employment needs at Local Service Centres;
- the allocation of additional, smaller scale housing and employment sites at Crewe, Congleton, Middlewich and Poynton to meet the development needs of those towns and support further investment by major local employers;
- the definition of up to date boundaries around towns and villages to manage where development can take place and protect the countryside;
- the definition of a detailed boundary for the Strategic Green Gap around Crewe; and
- the designation of additional safeguarded land⁴ around Local Service Centres in the north of the Borough.

5.12. The Council must maintain a Policies Map that illustrates geographically the application of the policies in the adopted development plan. The Policies Map is not defined in legislation as a development plan document. This means that the Inspector has no powers to recommend Main Modifications directly to it. However, given the role of the Policies Map as set out above, if the geographical illustration of a policy is flawed, the relevant policy would be unsound. In the light of this, a number of changes are proposed by the Inspector to the submitted Policies Map. To ensure fairness, these proposed changes were consulted on alongside the Main Modifications. In adopting the SADPD, the Council would need to update the adopted Policies Map to include these changes. The SADPD Policies Map, as proposed to be adopted, can be viewed on-line via the following link:

<https://maps.cheshireeast.gov.uk/ce/localplan/adoptedpoliciesmap2022>

5.13. A number of 'Additional Modifications' (Appendix 3) have also been included in the SADPD. These are minor changes that the Council can make which do not materially affect the Plan's policies, for example, to reflect changes to background documents, correcting typographical errors and formatting changes. Most of these were published alongside the Inspector's Draft Main Modifications, however a number of further Additional Modifications are now proposed which similarly do not materially affect the Plan's policies.

⁴ Safeguarded land is designated between the urban area and the Green Belt, to meet longer-term development needs stretching well beyond the plan period. It is not allocated for development and planning permission for the permanent development of it should only be granted following a plan update which proposes the development. <https://www.gov.uk/guidance/national-planning-policy-framework/13-protecting-green-belt-land>

- 5.14.** The adoption of the SADPD would bring about the withdrawal of the three local plans covering the former districts of Congleton, Crewe and Nantwich and Macclesfield. The remaining saved policies in these plans would be superseded and therefore no longer used for planning application decision making. In their place would be an up-to-date suite of planning policies for Cheshire East as a whole⁵.
- 5.15.** The SADPD policy references and paragraphs referred to in the Inspector's Report reflect how they were set out in the version of the Plan submitted for examination. However, as the Plan has been amended through Main Modifications, the numbering of these may have changed. For example, text may have removed from, or added into, a policy or its supporting paragraphs. To assist Members and other readers, Appendix 4 provides a table through which these changes can be tracked.

6. Consultation and Engagement

- 6.1.** The key consultation stages in the Plan's development are described in the report.

7. Implications

7.1. Legal

- 7.1.1.** The preparation and content of a local plan is governed by a range of statutory requirements. Carefully consideration has been given to these requirements throughout the process of preparing the SADPD.
- 7.1.2.** The Planning and Compulsory Purchase Act 2004 requires local plans to be independently examined. The examination considers whether relevant legal duties have been met and whether the plan is sound⁶. The overall conclusion in the Inspector's Report is that, subject to the recommended Main Modifications, the SADPD satisfies legal requirements and is sound.
- 7.1.3.** Councils are required, under regulations, to carry out certain tasks as soon as reasonably practicable after a local plan has been adopted. These include making the plan, its adoption statement and sustainability appraisal available, along with sending a copy of the adoption statement to the Secretary of State and those who have asked to be notified about it.
- 7.1.4.** There is a six-week period in which a permission to bring a legal challenge can be sought in the High Court following the adoption of a local plan. The grounds for challenge are that a local plan is not within the appropriate power or the interests of the person making the claim have been

⁵ The remaining saved policies in the Cheshire Minerals and Waste Local Plans will be replaced by the Cheshire East Minerals and Waste Plan (MWP) when it is adopted.

⁶ Paragraph 35 of the National Planning Policy Framework states that plans are sound if they are positively prepared, justified, effective and consistent with national policy.

<https://www.gov.uk/guidance/national-planning-policy-framework/3-plan-making>

substantially prejudiced by a failure to comply with a procedural requirement.

7.2. Finance

7.2.1. The costs associated with the adoption the SADPD would be around £2,000, to cover printing. This would be met through the Strategic Planning budget.

7.2.2. The Plan would bring about some additional housing completions and commercial development resulting in additional New Homes Bonus, Community Infrastructure Levy, council tax and business rates.

7.3. Policy

7.3.1. The SADPD is a key policy document, central to the achievement of sustainable development in Cheshire East. Upon adoption it would form part of the statutory development plan. Planning application decisions are required to be in accordance with the development plan unless material considerations indicate otherwise. As noted above, upon adoption of the SADPD the saved policies within the local plans prepared by the three predecessor borough councils would no longer be considered in determining planning applications.

7.3.2. The SADPD supports a range of priorities identified in the Council's Corporate Plan 2020-24. This includes supporting good health and well-being and creating a thriving and sustainable place, notably the Council's ambitions for the environment and to tackle climate change through its Environment Strategy and Carbon Action Plan.

7.4. Equality

7.4.1. 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.

7.4.2. An Equality Impact Assessment is incorporated into the integrated Sustainability Appraisal of the SADPD. This has considered how development proposals and planning policies will impact on different groups within the community.

7.5. Human Resources

7.5.1. There are no human resources implications arising from this report.

7.6. Risk Management

7.6.1. Currently, the Council still relies for many planning decisions on detailed planning policies adopted by the former borough councils. These all

considerably pre-date the National Planning Policy Framework, and whilst the age of a policy does not automatically render it out of date, as national policy evolves there is a growing risk that older policies fall out of step with it. There is hence a significant advantage in adopting the SADPD.

- 7.6.2.** In a similar vein, the SADPD addresses a number of wider policy priorities such as climate change – and such policies can only be applied with full weight once the Plan is adopted.

7.7. Rural Communities

- 7.7.1.** 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.

7.8. Children and Young People/Cared for Children

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

7.9. Public Health

- 7.9.1.** There are a wide range of policies in the SADPD that aim to support well-being 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 integrated Sustainability Appraisal of the SADPD.

7.10. Climate Change

- 7.10.1.** The SADPD includes detailed policies that address climate change mitigation and adaptation including renewable energy, flood risk management and biodiversity.

Access to Information	
Contact Officer:	Jeremy Owens, Development Planning Manager E mail: jeremy.owens@cheshireeast.gov.uk
Appendices:	Appendix 1 SADPD (incorporating Main Modifications and Additional Modifications) Appendix 2 Inspector's Report and Main Modifications Appendix 3 Schedule of Additional Modifications Appendix 4 Policy and paragraph cross references between the examined and final adoption versions of the SADPD
Background Papers:	These are referenced in the report and links are provided in footnotes. Further information about the SADPD examination and the documents considered and published throughout the examination process can be viewed on the examination web pages: https://www.cheshireeast.gov.uk/planning/spatial-planning/cheshire-east-local-plan/site-allocations-and-policies/sadpd-examination/sadpd-examination.aspx