

CESHIRE EAST COUNCIL

REPORT TO: Cabinet

Date of Meeting:	5 March 2012
Report of:	Strategic Planning and Housing Manager
Subject/Title:	Review of Local Plan Timetable
Portfolio Holder:	Councillor David Brown, Performance and Capacity

1.0 Report Summary

- 1.1 This report presents options for a revised programme for preparing the draft Local Plan which, if changes are agreed, will be incorporated into the Local Development Scheme for 2012-2014.
- 1.2 The Local Development Scheme (LDS) is a statutory document that sets out the plans and policies that the Council seeks to rely on in decision making. The benefits and risks associated with the options within the LDS are set out in the report.

2.0 Decision Requested

- 2.1 That the proposed Core Strategy and Site Allocations Timetable as set out in Appendix 3 be included within the Local Development Scheme
- 2.2 That notwithstanding the powers already delegated by full Council and recorded in the Constitution, but for the avoidance of doubt, the Portfolio Holder for Performance and Capacity be granted delegated power to approve all elements of the Final Local Development Scheme as would be lawfully exercisable by the Cabinet.
- 2.3 That Cabinet further consider measures and resources that would enable an improved 'two stage' timetable for site Allocations to be achieved.

3.0 Reasons for Recommendations

- 3.1 To ensure that the Council has an approved three year programme for the preparation of the various documents that will make up the Local Plan.

4.0 Wards Affected

- 4.1 All Wards

5.0 Local Ward Members

- 5.1 All Members

6.0 Policy Implications including - Carbon reduction - Health

- 6.1 The Cheshire East Local Plan will set out the vision, objectives, spatial strategy and policies for the development of Cheshire East (outside the National Park) to 2030. It will interpret national planning policies within the context of Cheshire East Borough and will aim to ensure that the future development of the Borough is planned in a sustainable manner. It will be developed in co-operation with other adjacent local authorities to ensure that it contributes to the strategy for the future development of the sub-region.
- 6.2 The Local Plan will take into account other strategies and plans produced by the Council and its Local Strategic Partners in order to present a shared vision and strategy to ensure consistency in programme delivery. It will deliver the spatial aspects of the Cheshire East Sustainable Community Strategy, "Ambition for All".
- 6.3 The preparation of the Local Plan will include a Sustainability Appraisal which will assess the options for the policies and proposals for the plan against a number of social, economic and environmental objectives. These include objectives to reduce carbon emissions, health impacts and equality and diversity impacts.

7.0 Financial Implications

- 7.1 The report gives consideration to the need for financial and staffing resources required to meet the revised timetable. It is considered that whilst the programme is rigorous, there are sufficient resources in place to achieve the adoption of the Core Strategy by the end of 2013.
- 7.2 If an improved timetable or revised consultation programme is considered desirable for the Site Allocations document, then the resource implications will be set out in a further report.

8.0 Legal Implications

- 8.1 Local authorities are required by Section 19 of the Planning and Compulsory Purchase Act 2004 (as amended by subsequent legislation) to prepare documents to form their Local Plan in accordance with their Local Development Scheme.
- 8.2 Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by subsequent legislation and the Localism Act 2011) sets out the roles of the local planning authority and the Secretary of State in relation to an authority's Local Development Scheme. Every local planning authority must prepare and maintain a local development scheme specifying the documents that will be local development documents, their subject matter and area and the timetable for their preparation and revision. The local planning authority must submit their local development scheme to the Secretary of State who can direct changes to the scheme as he thinks appropriate. PPS12 sets out guidance on the preparation of Local Development Schemes.
- 8.3 Section 15 requires Local Planning Authorities to revise their Local Development Schemes "at such time as they consider appropriate". This Council's current Scheme was produced in January 2011 and has guided the preparation of the Local Plan throughout the year. The revised timetable has been developed in order to ensure that sufficient time is included in the process of preparing the Core Strategy for input from members, local Councils and key stakeholders in the spirit of localism, whilst moving in a timely way towards submitting the Core Strategy to the Secretary of State for consideration at the public examination.

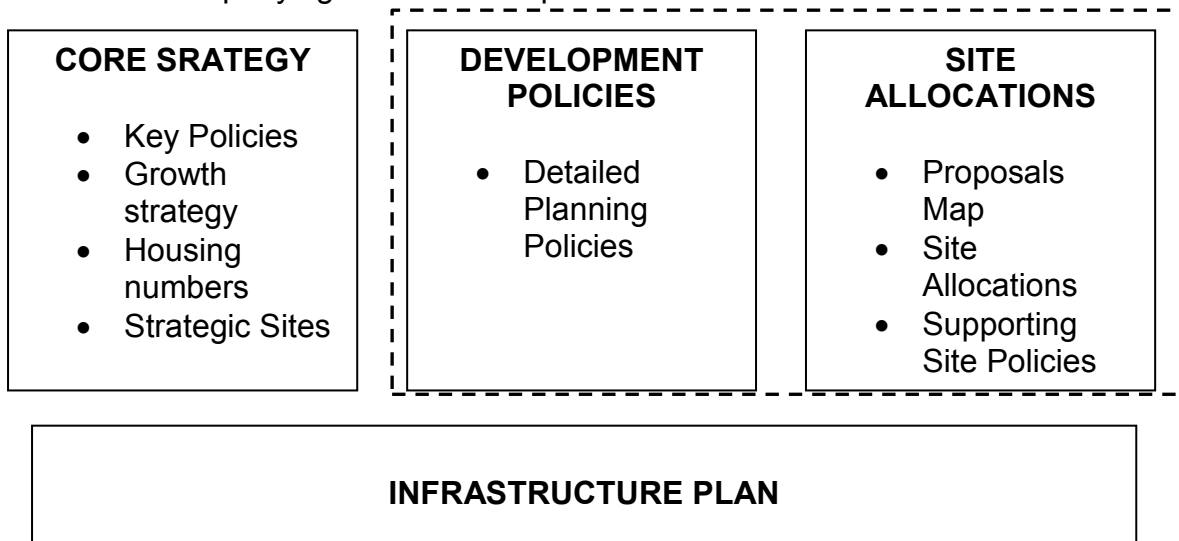
9.0 Risk Management

- 9.1 The Local Development Schemes sets out the risks associated with the preparation of the Local Development Framework. Two new risks were added in January 2011:
- Uncertainties about the proposed revisions to the plan making process announced by the Coalition Government
 - Uncertainties about the possible reduction in Spatial Planning staffing and revenue budgets from April 2011.
- 9.2 The legislation and regulations governing the preparation of Local Plans (Development Plan Documents) is largely unchanged. However, the Localism Act was passed in November 2011 and this will in time change the emphasis of plan making towards a more localised agenda, with the revocation of Regional Spatial Strategies and the introduction of Neighbourhood Plans. The government has also consulted on the draft National Planning Policy Framework in summer 2011. The proposals aim to introduce slimmer national planning policy and government guidance with a greater emphasis being placed on local policy making.

10.0 BACKGROUND AND OPTIONS

The Form of the Local Plan

- 10.1 The Local Plan will be divided into three main sections, shown in the diagram below. The Core Strategy will provide the central thrust of growth and development in the Borough – and will include strategic sites (ie. housing sites of 500 homes +). The Development Policies will be used primarily in planning application decisions – whilst the site allocations document will provide the detail of all new site specific proposals, large and small. All these documents will then feed into the accompanying Infrastructure plan



These four documents are the Core Outputs of the Local Plan process. Whilst the Core Strategy will contain a number of policies, for the most part detailed policies will accompany the site allocations document

Plan Preparation – Current Timetable

- 10.2 Local Development Scheme sets out a programme and timetable for the preparation of documents for the Cheshire East Local Development Framework. The current timetable is set out in Appendix 1
- 10.3 The Council has made representations to the Secretary of State to make it easier for Council's to accelerate the process of plan preparation. To some extent the revisions included in the Localism Act meets some of those aspirations, by giving Council's greater flexibility over decision making.
- 10.4 The Leader of the Council has recently met with Bob Neill MP, Parliamentary Under Secretary of State at the Department of Communities and Local Government to discuss the Local Plan and proposed planning reforms. In addition officers also met last month with the CLG Chief Planner. Although no formal commitment was given to support a revised programme, CLG commended the growth-led strategic position of the Council and agreed to continue to work with

us to support where possible over the coming months. CLG confirmed that they could not advise the Planning Inspectorate on any preferred route to producing the plan, and gave clear direction that whatever programme the Council agrees we must have a robust evidence-led process to satisfy current legislation.

- 10.5 The Place Shaping consultation has revealed the complexity of preparing a completely new plan for a Borough with a population of some 370,000 and extending over 1,158 sq km. Initial work in some of the main settlement centres has also revealed that infrastructure provision will be a significant influence on the Plan's preparation – and that more detailed work is required to fully understand the infrastructure implications and constraints of new development.
- 10.6 In addition, the Place Shaping and Neighbourhood Planning exercise, though hugely beneficial in engaging local communities, is also very resource intensive – especially during the consultation phases.
- 10.7 In the light of this experience, it is evident that we will not be in a position to commence consultations on the Preferred Options (first draft) stage of both the Core Strategy and Site Allocations documents in May 2012 as scheduled in the 2010-2014 Local Development Scheme.

Plan Preparation – The Benefits of Adoption

- 10.8 It is essential that we make rapid progress towards the adoption of the Local Plan. There are many benefits to be gained from having an up to date plan in place, including:
- Greater certainty for developers and investors
 - Communities know where they stand
 - Potential for CIL to be introduced sooner
 - Assisting in making planning decisions and reducing costs arising from appeals
 - Boosts housing land supply
 - Ensures a strong planning framework for our rural areas
- 10.9 At present many planning decisions, especially for new housing provoke considerable debate, prompted largely by the uncertainties of not possessing a 5 year supply of housing land. Two important appeal 'test cases', now with a national profile, are currently progressing through the courts. All issues such as these would be avoided with a new Local Plan in place.

Options for a Revised Timetable

- 10.10 There is a need to both mitigate the slippage in the Plan preparation and look for ways of streamlining the process to minimise the risk of

further delay. Four main options were considered by the Council's Local Plan Panel:

Option 1 – Current programme with revised timetable (Core Strategy adopted Oct 2014 and Site Allocations adopted Oct 2015)

Option 2 – Revised programme with current timetable (Core Strategy adopted Dec 2013 & Site Allocations adopted December 2014)

Option 3 - Revised programme with resource 'boost' (Core Strategy adopted Dec 2013 & Site Allocations adopted June 2014) .

Option 4 – Revised programme with a Core Strategy and Limited Site Allocations combined (Core Strategy and Limited Site Allocations both adopted September 2014)

10.11 A summary of these timetables is set out in Appendix 2

Preferred Option

10.12 The Local Plan panel considered on balance that the current objectives of Cheshire East can best be achieved by opting to go directly to a Final Plan rather than having two formal stages of consultation. Therefore with regards to the Core Strategy Option 2 is recommended.

10.13 In relation to the Site Allocations Document, the Panel requested that measures be explored and further resources considered that would allow for two full stages of consultation, with adoption by the end of 2014 at the latest. If possible an improvement on that timescale was sought.

10.14 The key priority for the Council is to progress the Core Strategy. Accordingly its important that this is not waylaid whilst future options around site allocations are considered. Accordingly its recommended that the Local Development Scheme is completed based on a simplified process for both the Core Strategy and Site Allocations – with an end date of December 2014. The approval of the finalised LDS will rest with the portfolio holder

10.15 Should any revisions be thought appropriate to the site allocations timetable, these can be considered and approved subsequently

Local Member Engagement

10.16 A programme of local Member engagement will be put in place during 2012 to provide opportunity to shape the emerging proposals and to ensure Members have the right information and background knowledge to promote the benefits of the plan at a local and Borough level.

Role of the Local Plan Panel

- 10.17 The role of the Local Plan Panel remains critical to driving forward the programme and drawing together all policies at a Borough-wide level.
- 10.18 Monthly meetings will mean that Members at a strategic level are involved in the preparation of the plan, and it is proposed that each meeting focuses on two or three strategic issues to be explored either on a place basis or theme to assist and advise the Officer Team.
- 10.19 It is also proposed that the Panel provides regular feedback into Cabinet on an informal basis to discuss issues and update on progress.

Corporate Engagement

- 10.20 The production of the Local Plan by the Senior Management Team as one of the major priorities for the next two years. A Corporate Local Plan Task Group has been established with Senior Officers representing all Services which will provide the link between strategic priorities of each area of the Council with the draft Plan.
- 10.21 Resources to support the production of the Plan over the next two years will be kept under constant review to ensure additional support from across the Council can be provided at peak workload points in the process.

Other Factors to Consider

- 10.22 It will be necessary for the Council to be able to demonstrate to the Inspector at the examination that it has considered the options carefully in consultation with stakeholders and has selected the most appropriate. All stages of the plan preparation, including all consultation responses, have to be fully recorded and will be subject to close scrutiny by the Inspector and respondents at the Examination.
- 10.23 The draft National Planning Policy Framework highlighted the need for up to date Local Plans and that in areas where plans were absent, out of date or silent there was a presumption that most development would proceed. Since its publication, there have been suggestions that transitional arrangements would protect existing plans. However no detail of these have been published. Accordingly, it is prudent to plan for a replacement of existing Plans as soon as is practicable
- 10.24 The Local Plan also facilitates considerable new development which will be beneficial to the Borough. Consequently early adoption allows for earlier investment in key projects and developments. The adoption

of the Core strategy also allows for the Community Infrastructure Levy to be fully adopted – bringing the benefits of comprehensive approach and new funding to infrastructure provision.

10.25 Cheshire East covers a wider rural area, important for food production and other economic activities. It also has a rich environmental and cultural heritage – with some 481 European, National and Local nature conservation designations, 2,638 listed buildings and 76 conservation areas. A comprehensive Local Plan will help secure an appropriate balance between these different considerations.

10.26 Regardless of which detailed process is followed, the following risks are associated with preparing the Local Plan

- Challenges from developers, interest groups and residents at examination and subsequently through courts
- Failure to get plan correct will result in Council being asked to withdraw the plan after submission or risk being found unsound

10.27 Accordingly the Council will need keep the entire process under close review – not only to maintain progress but also to review the risks and issues that emerge as the plan develops.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

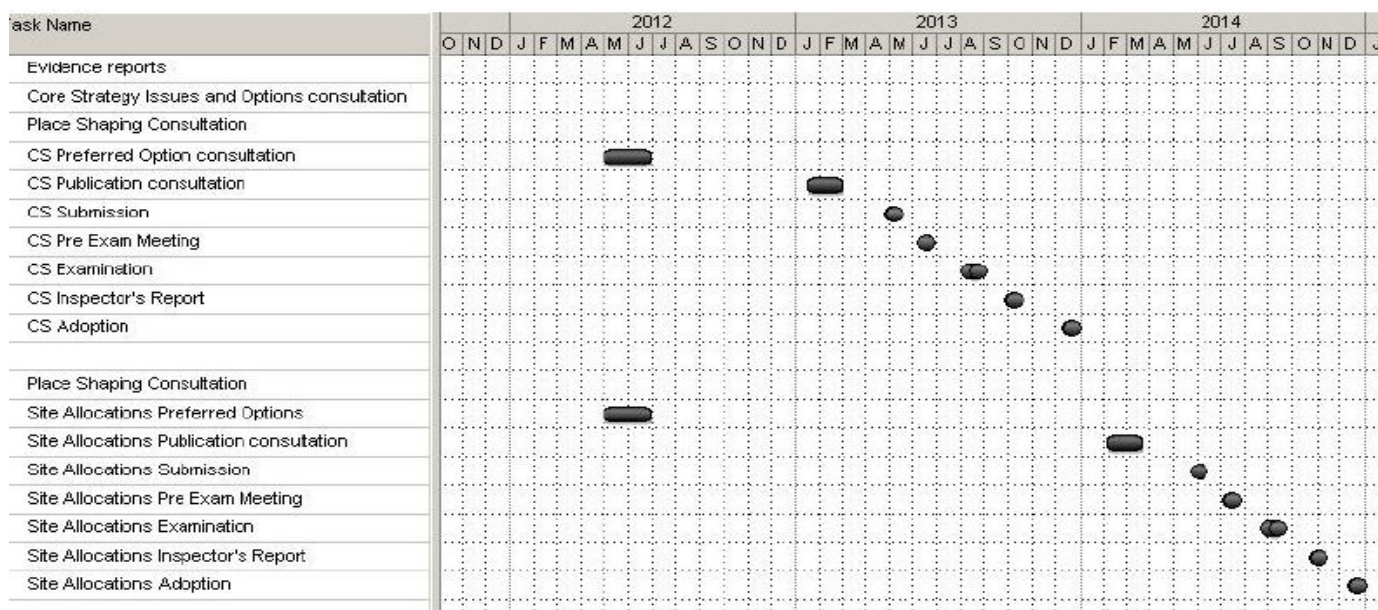
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LIST OF APPENDICES

Appendix 1	Current Timetable
Appendix 2	Summary Timetable of Options
Appendix 3	Proposed Timetable

APPENDIX 1

Current Timetable



APPENDIX 2 SUMMARY OF TIMETABLE OPTIONS

SUMMARY OF OPTIONS											
		2012		2013		2014		2015			
OPTION 1	CORE STRATEGY										
	SITE ALLOCATIONS										
OPTION2	CORE STRATEGY										
	SITE ALLOCATIONS										
OPTION3	CORE STRATEGY										
	SITE ALLOCATIONS										
OPTION4	COMBINED STRATEGY										

OPTION1 – KEEP PROCESS & REVISE TIMETABLE (CORE STRATEGY)

OPTION2 – REVISE PROCESS & KEEP TIMETABLE (CORE STRATEGY)

OPTION3 – REVISE PROCESS & KEEP TIMETABLE (CORE STRATEGY) & ACCELERATE SITE ALLOCATIONS

OPTION4 – COMBINE CORE STRATEGY WITH REDUCED SITE ALLOCATIONS

APPENDIX 3

Proposed Timetable

