

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Friday, 28th February, 2014 at Crewe Alexandra Football Club,
Gresty Road, Crewe, CW2 6EB

PRESENT

Councillor D Flude (Chairman)
Councillor W Fitzgerald (Vice-Chairman)

Councillors C Andrew, Rachel Bailey, Rhoda Bailey, A Barratt, G Barton, G Baxendale, D Bebbington, D Brickhill, D Brown, L Brown, B Burkhill, P Butterill, S Carter, J Clowes, S Corcoran, H Davenport, W S Davies, R Domleo, D Druce, K Edwards, P Edwards, I Faseyi, J P Findlow, R Fletcher, S Gardiner, L Gilbert, M Grant, P Groves, J Hammond, M Hardy, A Harewood, P Hayes, S Hogben, D Hough, P Hoyland, O Hunter, J Jackson, S Jones, F Keegan, A Kolker, W Livesley, J Macrae, D Mahon, D Marren, A Martin, M A Martin, P Mason, R Menlove, G Merry, A Moran, B Moran, B Murphy, D Neilson, D Newton, M Parsons, P Raynes, L Roberts, M Sherratt, B Silvester, M J Simon, L Smetham, C G Thorley, A Thwaite, D Topping, G Wait, G M Walton, M J Weatherill, P Whiteley and J Wray

Apologies

Councillors R Cartlidge, H Gaddum, L Jeuda, S McGrory, H Murray, J Saunders, D Stockton, R West and S Wilkinson

76 PRAYERS

The Mayor's Chaplain said prayers, at the request of the Mayor.

77 DECLARATIONS OF INTEREST/PRE-DETERMINATION

Prior to Members declaring their interests, the Head of Legal Services and Monitoring Officer advised regarding the declaration of financial interests and pre-determination as follows:-

Interests

Any Member who owns land within the administrative area of the Council has a disclosable pecuniary interest (DPI) in that land. The question is to what extent, if at all, that affects the ability of a Member to participate in the decision-making on the Local Plan Strategy.

In general terms, it is unlikely for any member to have a DPI in the Local Plan Strategy simply as a consequence of their owning land within the borough. However, there are some exceptions.

If a Member owns land which forms part of the Local Plan Strategy Sites or Strategic Locations, then there would be a DPI in respect of the Local Plan Strategy and that Member should declare the interest and not participate in the decision making.

If a Member owns land which, whilst not forming part of the Local Plan Strategy Sites or Strategic Locations, is land which is “in the wings” and might come forward as part of any future Local Plan documents, then again this is considered to be a DPI in respect of the Local Plan Strategy and that Member should declare the interest and not participate in the decision making.

Save for any specific declarations that may be made, it will be noted for the record that Members have interests in property in the administrative area of the Council as recorded on the register of interest.

Predetermination

Members should give consideration as to whether any action taken by them during the preparation of this Local Plan Strategy could amount to predetermination.

The question to be considered is whether there is a real risk, given the evidence, that any particular decision-maker had a closed mind to the decision to be taken, although a decision-maker is not to be taken to have had, or to appear to have had, a closed mind “just because” they have previously done anything that directly or indirectly indicated what view the decision-maker took or what view he would or might take.

If an individual Councillor considers that their actions would give rise to a real risk that it would be considered that they had approached matters with a closed mind then they should declare that predetermination and leave the room and not participate in the decision-making.

In respect of minute 79, “Cheshire East Local Plan Strategy-Submission Version :-

Cllr M Jones stated that, as Leader of the Council he had pre-determined some of the proposals in the Local Plan Strategy and would not take part in the meeting. He left the meeting immediately and did not return.

Cllr Thwaite declared that he was Chairman of East Cheshire Engine of the North.

Cllr Smetham stated that she had met with developers Parish Councils and officers in respect of the Local Plan.

Cllr L Brown declared that she was a Governor of the Kings School, Macclesfield and left the room whenever issues relating to the Kings School and Macclesfield arose during the debate.

Cllr Findlow declared that he was a Governor of the Kings School, Macclesfield and left the room whenever issues relating to the Kings School and Macclesfield arose during the debate.

Cllr Druce declared that he was a Director of the East Cheshire Engine of the North.

Councillor J Hammond declared that in relation to the Basford sites he had attended briefings with agents, officers, local ward members and Parish Councillors however he had always kept an open mind about the proposals.

In addition he also declared he was a Member of Haslington Parish Council which had been consulted at various stages of the Local Plan process. He also declared that he was the Chairman of Ansa Environmental Services Limited who will be delivering Waste Management Services on behalf of the Authority. In all these connections, he had expressed no fixed view regarding the Strategy and retained an open mind.

Cllr Rachel Bailey declared a non pecuniary interest by virtue of being a Governor of Reaseheath College, Nantwich and policy CS21, relating to Kingsley Field, Nantwich and would leave the room whenever issues relating to these matters were discussed.

Cllr Groves declared that he was a Director of East Cheshire Engine of the North.

Cllr Andrew declared that she was a Governor of Broken Cross Community School, Macclesfield.

Cllr Newton declared that he was a Director of East Cheshire Engine of the North.

Cllr Hogben declared that he was a Director of Ansa Environmental Services Limited who will be delivering Waste Management Services on behalf of the Authority and that he has also attended briefings relating to Basford.

Cllr K Edwards stated that he attended meetings with a large variety of people in respect of the Local Plan and declared that he was a member of Bollington Town Council, who had made a detailed submission in respect of the Local Plan, but had kept an open mind.

Cllr Clowes stated that she had attended meetings with Cllrs Hogben and Hammond relating to Basford in respect of the Local Plan.

Cllr Carter stated that he had attended meetings with various people in respect of the Local Plan.

Cllr Silvester declared that he had ownership interest in Shavington House Farm, which was not in the Local Plan, but was in the wings. He had decided that he should leave the meeting. He did so and did not return.

Cllr Hough declared a non pecuniary interest, as he had expressed view at the Strategic Planning Board and Local Plan Member Panel and had made comments regarding Alsager and White Moss Quarry, but had not voted and he would not speak or vote on White Moss Quarry at the Council meeting.

Cllr S Jones stated that she had attended meetings of the White Moss Quarry Liaison group and Alsager Parish Council, who had submitted comments in respect of the Local Plan.

Cllr Fletcher stated that he had discussed the Cheshire East report concerning White Moss Quarry with the Liaison Group and Alsager Parish Council.

Cllr Neilson declared that he had been a member of the Kings School, Macclesfield governing body when site D59 was first discussed, but that he had subsequently resigned as a Governor.

Cllr Brickhill stated that he had attended Basford East and Basford West meetings and other meetings concerning the Local Plan.

Cllr Roberts declared that he was a Kings School, Macclesfield Governor and left the room whenever issues relating to the Kings School and Macclesfield arose during the debate.

Cllr P Edwards declared that he was a member of Middlewich Town Council.

Cllr Corcoran declared that he was a member of Sandbach Town Council and stated that he had met with developers.

Cllr Simon stated that she had attended a meeting of Hands off Wistaston and declared that she was a member of Rope Parish Council.

Cllr Barton declared that he was a Member of Wilmslow Town Council.

Cllr Baxendale declared that he was Member of Congleton Town Council.

Cllr Merry declared that she was a member of Sandbach Town Council, but that she did not sit on its Planning Committee and had not met with developers.

Cllr Gardiner declared that he was a member of Knutsford Town Council.

Cllr Fitzgerald declared that he was a Governor of Wilmslow High School and had attended various meetings concerning the local plan.

Cllr B Moran declared that he was a member of Sandbach Town Council, but that he did not sit on its Planning Committee and had not met with developers.

Cllr A Moran requested advice as to whether he had predetermined the decision, in that he was a member of Nantwich Town Council and had attended briefings with developers, and stakeholders regarding the core strategy for Nantwich. He referred to a document from the House of Commons library, relating to declarations of interest and queried whether pre-determination still existed.

The Monitoring Officer advised that the principle of pre-determination remained, but Members were entitled to participate, unless they had come to the decision with a closed mind.

Cllr Hoyland – Declared that he was a member of Poynton Parish Council and had chaired meetings relating to Woodford Aerodrome, which was in his ward and had met Stockport Council officers, but had not pre-determined any decision.

Cllr L Brown had attended a public meeting regarding a site no longer included in the Local Plan.

Cllr D Brown declared that he was a member of Congleton Town Council.

Cllr Topping declared that he was a member of Somerford Parish Council.

Cllr Davenport declared that he was a member of Disley Parish Council and a Governor of Macclesfield College.

Cllr Domleo stated that he had publically supported the Congleton link Road funding.

Cllr Raynes declared that he was a member of Knutsford Town Council.

Cllr A Martin declared that he was a Governor of Brine Leas High School and Pear tree Primary School, Nantwich.

Cllr M Martin declared that she was a member of Crewe Town Council.

Cllr Faseyi declared that she was Chair of Crewe Town Council.

Cllr A Moran declared that he was a member of Nantwich Parish Council and that he had supported the Kingsley Fields development; further that

he was a Governor of Brine Leas School and that he had opposed a site at Queens Drive and Stapeley South.

Cllr Butterill declared that she was a member of Nantwich Town Council and had had discussions with prospective developers.

Cllr Thorley declared that he was a member of the Local Plan Member Panel, the Local Development Forum and the Strategic Planning Board, where the Local Plan had been discussed.

Cllrs Murphy, Burkhill and Mahon stated that they had expressed strong views regarding a number of sites in the Local Plan, had spoken both for and against it and had met with individuals, spoken at Committee meetings and received e-mails in respect of the Local Plan, but retained an open mind.

78 PUBLIC SPEAKING TIME/OPEN SESSION

The following people used public speaking time to speak in respect of the Cheshire East Local Plan Strategy:-

Cllr MP Benson – Sandbach Town Council
John Parkinson
Debbie Jamieson
Robin McCluney – Knutsford Aligned Community Groups
Paul Webster - Knutsford Aligned Community Groups
David Lewis – Alderley Edge/Wilmslow
Stuart Kinsey – Wychwood, Wilmslow
Keith Williams – Resident of Wilmslow
Roger Bagguley
Manuel Golding - The Northern Group
Philip Enstone – Resident of Wilmslow
Lillian Burns – Prestbury Parish Council
Neville Saunders – Nether Alderley Rural Protection Association
Annie Coombes – Resident of the Parish of Acton
Clare Bingham
Kate Dodd
Nichol Roberts Morris – Chairman of Save Old hall Fields, Bollington
David Dunn – Resident of Crewe
Peter Jones - Resident of Crewe

The Strategic Communities Portfolio Holder, Cllr David Brown responded to those who had spoken.

79 CHESHIRE EAST LOCAL PLAN STRATEGY - SUBMISSION VERSION

(Throughout the course of the meeting Cllrs JP Findlow, L Brown and L Roberts left the meeting whenever issues relating to the Kings School and Macclesfield were discussed. Throughout the course of the meeting Cllr Rachel Bailey left the meeting whenever issues relating to Reaseheath

College, Nantwich and policy CS21, relating to Kingsley Field, Nantwich were discussed).

Consideration was given to the recommendation from the Strategic Planning Board, which had met on 26 February 2014 and had considered the Cheshire East Local Plan Strategy. Although it was not common practice for officers to speak at full Council meetings, in this instance and in view of the importance of the Local Plan to the Council, a presentation was given by Adrian Fisher, the Council's Head of Strategy and Economic Planning.

Following the presentation, the recommendations of the Strategic Planning Board were proposed by Cllr David Brown, the Strategic Communities Portfolio Holder and seconded by Cllr Groves, as follows:-

1. That Council endorse the evidence base, including the Habitats Regulations Assessment (HRA) and Sustainability Appraisal (SA), which has informed the *Cheshire East Local Plan Strategy - Submission Version*
2. That Council endorse the Officer responses to the consultations on the Cheshire East Local Plan *Pre-Submission Core Strategy* documents published in November, 2013;
3. (i) That Council approve the attached *Cheshire East Local Plan Strategy - Submission Version* (Appendix A) for publication and submission to the Secretary of State;

(ii) That Council agree the amendments as outlined in the written update and circulated at the meeting subject to the inclusion of the following further amendments:-

Your Views and How to Comment Section, document page iii -Add 5.00pm to the end of the period for representations.

- (a) Paragraph 16.10, document page 345-Insert the words "Cheshire Brine Compensation Board" to the list.
- (b) Policy EG4, document page 104, Point 1 (ii) – Delete the words "unless it can be proven that the use is no longer economically viable".
- (c) Policy EG4, document page 104- Add additional bullet point to the list "improving access to our natural and historic landscapes through enhancing our vital public rights of way network".
- (d) In relation to site CS30, document page 395-Point e within the Site Specific Principles of Development should be amended to state that "Public Rights of Way footpaths should be retained and/or diverted".

- (e) In relation to site CS30, document page 395-Point i within the Site Specific Principles of Development should be amended to state that "Development should aim to deliver the preservation and refurbishment of the Grade II listed Dairy House Farm.
 - (f) Paragraph 16.2, document page 344 – Insert the word "annually" after "a monitoring report which will be published"
 - 4. That Council delegate authority to the Head of Strategic and Economic Planning, in consultation with the Portfolio Holder for Strategic Communities, to agree any minor modifications to the *Cheshire East Local Plan Strategy - Submission Version* during the publication phase and during its subsequent Examination; and
 - 5. That Council resolve that the *Cheshire East Local Plan Strategy - Submission Version* be given weight as a material consideration for Development Management purposes with immediate effect.
- B) In the interests of consensus, Strategic Planning Board encouraged the Head of - *Submission Version* during the publication phase and during its subsequent Examination.

Amendment 1

The following amendment was proposed and seconded :-

Cllr M Murphy proposed an amendment, which was seconded by Cllr Brickhill as follows:-

"That the following strategic sites be deleted from the Cheshire East Local Plan Strategy:-

CS26 – Royal London, Wilmslow
 CS27 – Wilmslow Business Park
 CS30 – Handforth East Growth Village
 CS34 – (Safeguarded) Handforth East Growth Village
 CS35 - (Safeguarded) Prestbury Road, Wilmslow
 CS36 - (Safeguarded) Upcast Lane, Wilmslow
 CS7 – Shavington East"

A requisition for a named vote on the amendment was submitted and duly supported in accordance with Council Procedure Rule 15.2, with the following result:-.

For

Councillors D Brickhill, B Burkhill, P Edwards, D Mahon, B Murphy, M Parsons, L Roberts.

Against

Councillors C Andrew, Rachel Bailey, Rhoda Bailey, A Barratt, G Barton, G Baxendale, D Bebbington, D Brown, L Brown, S Carter, J Clowes,

H Davenport, R Domleo, D Druce, K Edwards, I Faseyi, J P Findlow, S Gardiner, L Gilbert, P Groves, J Hammond, M Hardy, A Harewood, O Hunter, J Jackson, F Keegan, A Kolker, J Macrae, A Martin, M Martin, P Mason, R Menlove, G Merry, B Moran, P Raynes, M Simon, L Smetham, C Thorley, A Thwaite, D Topping, G Wait, G M Walton, M J Weatherill, P Whiteley, J Wray.

Not Voting

S Corcoran, W Fitzgerald, R Fletcher, D Flude, S Hogben, D Hough, S Jones, D Neilson.

The amendment was lost, with 7 votes for, 45 against and 8 not voting.

Amendment 2

Cllr P Edwards proposed an amendment, which was seconded by Cllr Parsons as follows:-

“That site MPS 34 be removed from the Cheshire East Local Plan Strategy”

The amendment was lost by 8 votes for, 39 against and 8 abstentions.

Amendment 3

Cllr K Edwards proposed an amendment, which was seconded by Cllr Jackson as follows:-

“That the following clause be added to policy SC3 (Health and wellbeing):-

8. Strongly encouraging the maintenance of community spirit and identification by ensuring protection, whenever possible, of clear boundaries for towns and villages, through maintenance of the green belt by green gap policies and

9. Strongly encouraging the support for communities by ensuring wherever possible, the support for community infrastructure, including community halls, general stores and health centre, using CIL and Section 106 Agreements to support localism and community identity”.

The amendment was lost by 12 votes for, 36 against and 8 abstentions.

Amendment 4

Cllr D Neilson proposed an amendment, which was seconded by Cllr Carter as follows:-

“That the word “focus” in the second line of paragraph 1 of the policy CS9 on page 300 of the report be replaced with the words “will be” “

The amendment was lost by 16 votes for, 33 against and 5 abstentions.

Amendment 5

Cllr Fletcher proposed an amendment, which was seconded by Cllr S Jones as follows:-

“That site SL5, White Moss, be deleted and that the allocation for Alsager be reduced from 1600 to 1400.

The amendment was lost by 8 votes for, 38 against and 8 abstentions.

Amendment 6

Cllr Walton proposed an amendment, which was seconded by Cllr Hardy as follows:-

“That the following wording be added to paragraph 15.401 on page 392 of the report:

“and the Council intends to work with the new owner on a detailed site master plan, to determine future uses to the deliver the site’s vision” ”.

The amendment was lost by 14 votes for, 38 against and 5 abstentions.

Amendment 7

Cllr Murphy proposed an amendment, which was seconded by Cllr Brickhill as follows:-

“That the following strategic sites be deleted from the Cheshire East Local Plan Strategy:-

CS11 – Gaw End Lane

CS31 (Safeguarded) Lyme Green

The amendment was lost by 5 votes for, 39 against and 8 abstentions.

The substantive motion was then voted on and it was :-

RESOLVED

1. That the evidence base, including the Habitats Regulations Assessment (HRA) and Sustainability Appraisal (SA), which informed the *Cheshire East Local Plan Strategy - Submission Version*, be endorsed.
2. That the Officer responses to the consultations on the Cheshire East Local Plan *Pre-Submission Core Strategy* documents published in November, 2013; be endorsed.

3. That the *Cheshire East Local Plan Strategy - Submission Version*, as set out at Appendix A of the report, be approved for publication and submission to the Secretary of State;
4. That delegated authority be granted to the Head of Strategic and Economic Planning, in consultation with the Portfolio Holder for Strategic Communities, to agree any minor modifications to the *Cheshire East Local Plan Strategy – Submission Version* during the publication phase and during its subsequent Examination; and
5. That the *Cheshire East Local Plan Strategy - Submission Version* be given weight as a material consideration for Development Management purposes, with immediate effect.

The Head of Economic & Strategic Planning to keep all Group Leaders aware of any minor modifications made to the *Cheshire East Local Plan Strategy - Submission Version* during the publication phase and during its subsequent Examination.

The meeting commenced at 4.00 pm and concluded at 10.30 pm

Councillor D Flude (Chairman)
CHAIRMAN