

CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting:	11 th February 2015
Report of:	Executive Director of Growth and Prosperity – Caroline Simpson
Subject/Title:	Notice of Motion - Local Plan
Portfolio Holder:	Councillor Peter Raynes - Finance

1.0 Report Summary

- 1.1 The report requests Cabinet to consider and respond to the following motion which had been moved by Councillor D Newton and seconded by Councillor S Corcoran at the Council meeting on 11 December 2014 and referred to Cabinet for consideration:

This Council notes:

1) The recent comments of Steven Pratt on the Cheshire East Local Plan; and

2) the appeal recovery criteria that enable a decision on any appeal that involves a potential conflict with an emerging (or recently made) Neighbourhood Plan to be taken by Ministers

And resolves to write to Edward Timpson MP, Fiona Bruce MP, David Rutley MP, George Osborne MP and Stephen O'Brien MP asking them to call

- a) for any appeal that involves a potential conflict with an emerging (or recently made) Neighbourhood Plan in Cheshire East to be recovered and taken by Ministers; and*
- b) for emerging Local Plans to be afforded greater weight at planning appeals.*

2.0 Recommendation

- 2.1 That Cabinet note the points raised in the motion referred to in paragraph 1:1 and confirm that all the issues raised are the subject of work already underway which was instigated immediately after the feedback from the Inspector Stephen Pratt on 6 November 2014.

3.0 Reasons for Recommendation

- 3.1 The Council has long called for emerging Plans to be given greater weight in the planning system. This request has been made previously in respect of the Local plan – and now with an accelerated programme of Neighbourhood Plans these form part of this ongoing work.

4.0 Wards Affected

4.1 All

5.0 Local Ward Members

5.1 All

6.0 Policy Implications

6.1 The Local Plan is a key Policy Document for the Council; Neighbourhood Plans provide a more detailed planning policy framework, tailored to a localised area.

7.0 Implications for Rural Communities

7.1 The majority of Neighbourhood Plans approved nationally are in villages and small towns. Cheshire East follows a similar pattern – with many rural parishes engaged – as well as some of the larger towns. Accordingly a neighbourhood plan can be a particularly important tool for the planning of villages and rural areas.

8.0 Financial Implications

8.1 There are no particular financial implications arising from the notice of motion

9.0 Legal Implications

9.1 The NPPF at paragraph 216 requires decision makers to take account of policies in emerging plans according to their progress, level of objection and conformity with the Framework. The Secretary of State has powers to recover appeals against the refusal of planning permission made under s.78 of the Planning Act – so that the final decision is made by the minister and not the individual Inspector.

10.0 Risk Management

10.1 No significant risk implications

11.0 Background and Options

11.1 This report addresses the issues raised by the motion referred to in paragraph 1.1.

11.2 The Cheshire East Local Plan was submitted in May 2014, but the examination has now been suspended following the first three weeks of hearings. Following the publication of the Planning Practice Guidance in March 2014 and the conclusion of key court cases it has become

increasingly common for Councils to encounter a delay in the progress of their local plan or a requirement to undertake further work. Recent examples include authorities as diverse as Chiltern, Uttlesford, Derbyshire Dales, Eastleigh and Birmingham.

- 11.3 In response to the Inspector's interim views, the Council established a task force to oversee its response. This has formulated a programme of additional work based on four principal themes; this was sent to the inspector in December. The necessary work is now underway and regular updates will be provide to the Inspector and public on a monthly basis.
- 11.4 The hearings held in the autumn of 2014 dealt with strategic matters but not individual sites. Accordingly, the weight to be given to sites within the emerging Local Plan remains at a level commensurate with a plan submitted to the Secretary of State but not yet examined. It is anticipated that a proportion of new development will be met through sites identified at the site allocations stage of the plan – or via Neighbourhood Plans where these are being prepared.
- 11.5 In line with many areas nationally, the Borough continues to face a large number of planning applications for housing – many of which are located on sites which are not allocated in any existing or emerging development plan. Where such applications are refused and an appeal is launched, the conflict with an emerging plan is always highlighted within the appeal statement.
- 11.4 Thus far, no draft Neighbourhood Plan has been published in Cheshire East, but the first draft plans are expected to be made public in the coming months. A steady pipeline of Neighbourhood Plans is now underway, facilitated by the comprehensive programme of support provided by the Council. As a consequence, more draft plans can be anticipated to be published as the year progresses.
- 11.5 The Secretary of State and Planning Inspectors have tended to give limited weight to emerging local plans – both in this borough and elsewhere – unless it is at a very advanced stage. With regard to Neighbourhood Plans, Ministers have displayed a greater willingness in recent months to attribute weight to emerging plans when deciding appeals. A recent example of this is the decision to refuse residential development in the town of Devises in Wiltshire because of a conflict with the neighbourhood plan currently under preparation.
- 11.6 The Decision to recover appeals is made by the planning case work unit at CLG – but not every request for recovery is accepted. The Council has seen requests made in 2014 on various appeals rejected – but where important issues arise, requests continue to be made. Accordingly the notice of motion aligns with the approach that the Council has adopted over time on emerging plans

12.0 Access to Information

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

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