

# CHESHIRE EAST COUNCIL

## Cabinet

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<b>Date of Meeting:</b>	21 <sup>st</sup> April 2015
<b>Report of:</b>	Executive Director of Economic Growth and Prosperity
<b>Subject/Title:</b>	Notice of Motion - Planning Policy on Method Statements
<b>Portfolio Holder:</b>	Cllr Don Stockton, Housing and Jobs

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### 1.0 Report Summary

- 1.1 The purpose of this report is to consider and respond to the following motion which had been moved by Councillor B Murphy and seconded by Councillor M Parsons at the Council meeting on 26<sup>th</sup> February 2015 and referred to Cabinet for consideration:

*“The Council requests the production of a planning protocol to ensure Method Statements entailed in Planning Applications contain a “neighbourhood impact appraisal” and that the Statement should be submitted to affected ward members at pre-application discussion stage when applicable.”*

### 2.0 Recommendation

- 2.1 That for the reasons set out in this report, Cabinet reject the motion referred to in paragraph 1.1, but, in the interest of openness and transparency in decision making, Cabinet agree to the modification of the planning management system as soon as it practicably possible to provide for the automatic notification of ward members of the receipt of applications for the discharge of conditions.

### 3.0 Reason for Recommendation

- 3.1 To enable ward members to be alerted of discharge of conditions applications in the interest of openness and transparency in decision making.

### 4.0 Wards Affected

- 4.1 All

### 5.0 Local Ward Members

- 5.1 All

## **6.0 Policy Implications**

6.1 None

## **7.0 Implications for Rural Communities**

7.1 None

## **8.0 Financial Implications**

8.1 Unless an automated solution is available, additional resources will be required to notify members. Increased level of responses to discharge applications will increase work load for planning officers. The quantum of this additional work will have to be assessed once the system is in operation to ascertain if it warrants additional resources.

## **9.0 Legal Implications**

9.1 Section 70 of the planning Act enables planning authorities to grant planning permission subject to conditions. Conditions governing construction methods are commonly applied on major or more complex developments

## **10.0 Risk Management**

10.1 Risks associated with the issue are limited; if an automated solution of notification is possible they are very minimal. If a manual measure is required, this will place additional but modest service demands that cannot readily be mitigated.

## **11.0 Background and Options**

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

11.2 When a developer obtains planning permission, a condition may be attached requiring the submission of a Construction Method Statement before any work starts on site. This is to ensure that, amongst other things, the construction of the development does not create a nuisance to nearby residents from effects such as noise, vibration, mud on roads or dust. It will address issues such as hours of working, demolition, use of machinery and provision of wheel washes or road sweepers. Therefore, it is not necessary for the Method Statement to include any additional information, such as a "*neighbourhood impact appraisal*" as the relevant information should already be included.

- 11.3 The Construction Method Statement is not available at pre-application stage and it would be unreasonable to require it be submitted before consent is given.
- 11.3 The concern that the motion seeks to address is that the Method Statement may not fully address matters of concern to local residents and examples of issues that were not adequately addressed in the past include sites where inadequate wheel wash facilities were installed resulting in muddy roads and where pile driving was required for foundations; resulting in noise and vibration.
- 11.4 Construction Method Statements are approved by the discharge of conditions which are not consulted upon, although they are placed upon the website and are therefore publicly available. Conditions attached to planning applications that require the submission of details are primarily related to technical matters and therefore any consultations carried out are with the relevant technical expert(s) rather than matters which require the issues surrounding the application to be opened up to public discussion.
- 11.5 However, Cheshire East is committed to greater transparency and openness in its decision making and as part of this philosophy, applications for the discharge of conditions are now accessible online. In the interests of greater transparency and openness, the Cheshire East Council website has recently been further developed to make this and other information regarding planning applications more accessible for members. Further amendments to the system could be made to provide email alerts to ward members when applications for the discharge of conditions are received, thereby giving members the opportunity of commenting on the details. This would not just relate to applications for the approval of Construction Method Statements but for all condition discharges.
- 11.5 The notification of ward members will raise awareness and give an opportunity for local members to express a view. This would not require additional resources to carry out this notification as long as the system can be modified so as to generate an automatic alert to the relevant ward members on receipt of a discharge application. There is insufficient capacity within existing resources to carry out this additional work otherwise.

## **12.0 Access to Information**

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

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