



Statement of Consultation: Macclesfield Local Development Orders (LDOs) – Northside and Whalley Hayes

October 2016

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Rev No	Comments	Checked by	Approved by	Date
1	First Draft report following informal consultation			

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1.0 Background

- 1.1. In line with national policy Cheshire East is committed to ensure that brownfield sites are brought forward for development and there are a number of brownfield sites that have been identified in Principal Towns and Key Service Centres across the borough, which are suitably located for residential development. Bringing these sites forward for development would reduce the need for development on greenfield land and support the regeneration of key towns. It is hoped that these pilot LDOs will act as a catalyst to bringing forward brownfield sites within Macclesfield and could result in the owners of sites which otherwise would not have been considered for residential use to explore this as viable option, over the next 5-7 years
- 1.2. On 16th September 2014 Cabinet considered a report which set out proposals to facilitate the development of more brownfield sites across Cheshire East and subsequently endorsed proposals which sought for Cheshire East Council to be at the forefront in the development of Local Development Orders (LDOs).
- 1.3. LDOs are made by local planning authorities (LPA) and give a grant of planning permission to specific types of development within a defined area. They streamline the planning process by removing the need for developers to make a planning application to a LPA. They create certainty and save time and money for those involved in the planning process. The primary function of an LDO is to accelerate delivery of much needed development.
- 1.4. As a result of the Cabinet resolution in September 2014 it was decided that a pilot approach within Macclesfield should be developed. This ultimately formed the basis of a bid for funding to The Department for Communities and Local Government (DCLG) to enable the development of two residential led LDOs in Macclesfield.
- 1.5. In April 2015 the Council was successful in their application to DCLG and was awarded funding to facilitate the development of the LDOs in Macclesfield. Two neighbourhoods were identified (see Figures 1 and 2, page 8) which have been subsequently referred to as Whalley Hayes and Northside. These neighbourhoods were chosen as they contain a cluster of brownfield sites within a specified geographical area and are seen to have the potential to be brought forward for residential use.
- 1.6. This consultation statement has been prepared to demonstrate that the legal obligations of preparing a LDO have been met (see Section 3).

2.0 Public Consultation

2.1. A number of communication tools and public engagement events have been utilised to publicise the draft LDOs and gauge views on the proposals. The appendices include the detail of these stages and communication/publication materials:

- Email invitations to April workshop (see Appendix III)
- Letter invitations to April workshop (see Appendix IV)
- 12th April Public Workshop and FAQs (see Appendix V – agenda)
- August Newsletter (see Appendix VI)
- August Survey (see Appendix VII)
- August & September Workshop Attendance (see Appendix VIII)
- Macclesfield Express Article August 2016 (Appendix VIII)

2.2. Appendix I sets out a summary of the representations and suggested amendments for the August to September consultation on the draft LDO boundaries. Appendix II sets out the results from the August survey.

2.3. Prior to the first consultation meetings and discussions Council officers conducted a detailed stakeholder mapping exercise:

- Land Registry searches were conducted and compiled for the draft areas in question in order to identify some of the key stakeholders / landowners;
- Following this Business Rates records were analysed to identify other major freeholders for a series of key properties that did not show up on Land Registry search

2.4. Individual meetings, calls and written correspondence were used with the main landowners and freeholders to further refine the draft boundaries for each area, including (but not limited to): The Royal Mail Group, BT Group, Estates and Leisure, Cyprotex, CEC Estates, Cheshire Constabulary. Subsequent to discussions with individuals and organisations (highlighted through stakeholder mapping), a wider mail out was sent in an attempt to capture any freeholders not previously contacted. The mail out invited recipients to the first public workshop on 12th April 2016 (see Appendix III and IV).

- 2.5. A further measure to publicise the LDOs project was a presentation made to the Macclesfield Town Centre Vision Stakeholder Panel on 29th September 2016 to ascertain preliminary views from those engaged on the town's visioning project.
- 2.6. The Council has sought the opinion of parties likely to be affected by the proposed areas and has been in pre-consultation with stakeholders for a number of months in order to establish support and ultimately formalise the boundaries of the two neighbourhoods. To support these early discussions a Frequently Asked Questions (FAQs) document was produced and shared with parties invited to discuss the proposals with the local planning authority (LPA) at an April workshop (see Appendix V).
- 2.7. Members representing Wards which adjoin or lie within the proposed neighbourhoods have been briefed on the LDO process throughout. Prior to the first public workshop consultation a Member briefing was held on 3rd December 2015 (attended by Cllr Jackson, Cllr Arnold and Cllr, Dooley) to discuss the process of preparing an LDO and to gauge local politicians' views on the proposed draft boundaries for Northside and Whalley Hayes. The. Further updates were provided on the 12th April (attended by Cllr Dooley) and 16th May (attended by Cllr Mannion). All workshops held to date have included invitations to local Councillors.
- 2.8. Consultation with Council officers was also undertaken to feed in the views of technical specialists as the project has evolved. Council officers met on 17th February for a Cross-Departmental Workshop attended by representatives from the following departments:
- Strategic Housing
 - Spatial Planning
 - Development Management
 - Contaminated Land / Environmental Health
 - Ecology
 - Conservation / Design / Heritage
 - Landscape Design
 - Regeneration
 - Highways
- 2.9. A defined pre-consultation period (following the stakeholder mapping and first launch workshop) running from August – September 2016 was held to invite views on the first iteration of the draft boundaries and to seek early views on the potential content of the LDOs.

- 2.10. E-mails were sent to the same recipients in advance of the public workshops held on 10th August 2016 and 6th September 2016 as part of the consultation publicity. In addition to publicising the events online an article featured in a local newspaper following a press release (see Appendix VIII). Draft boundaries for both LDO areas have emerged following these extensive attempts over a number of months to make contact with interested parties. Figures 1 and 2 (page 8) identify the current extent of the red line boundaries under consideration. The boundaries shown have evolved following the programme of pre-consultation described above. At the time of writing (November 2016) figures 1 and 2 are subject to change as some landowners have not yet fully inputted their views or specific follow up conversations are pending to confirm matters such as ownership boundaries and easements affecting particular sites.
- 2.11. Following wider consultation with landowners, developers and other local stakeholders, Council officers (including technical experts from a variety of disciplines) participated in internal workshops on 17th October and 23rd November 2016 to provide technical views on the emerging boundaries and to invite suggestions on possible parameters/conditions that should be attached to the draft LDOs in order to bring forward sustainable developments.
- 2.12. A further period of public consultation will take place on the LDOs prior to adoption. This consultation shall factor in aspects of emerging evidence pertaining to a transport, air quality, noise and shall include consideration of design issues for each area. Consultation will also encompass garnering feedback on any draft conditions and detailed provisions of the LDOs.
- 2.13. All consultation to date has been undertaken in accordance with the Council's Statement of Community Involvement¹. Formal consultation for a minimum of 28 days, as covered in the relevant LDO legislation², has not yet been held. As such all engagement thus far has been over and above the requirements set down in the legislation governing the production of an LDO. This focus on pre-consultation has been aimed at increasing awareness and understanding of LDOs as a statutory tool. Conversations with Statutory Consultees (e.g. Natural England, Historic England etc.) are expected in the next stage to inform the LDO and its related consent order.

¹ Accessed at:

http://www.cheshireeast.gov.uk/planning/spatial_planning/cheshire_east_local_plan/community_involvement.aspx

² Sections 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990, as amended, and articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Figure 1 Draft Northside LDO boundary



Figure 2 Draft Whalley Hayes LDO boundary



3.0 Statutory requirements for LDO Consultation

- 3.1. This section details the formal requirements, set down in legislation, that must be followed for the forthcoming formal consultation period. The procedures for making a Local Development Order are set out in sections 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990, as amended, and articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 3.2. The procedural requirements for publicity and consultation for a draft LDO are set out in the following section:

Publicity

- 3.3. Council's must publish information about the LDO consultation on their website (DMPO 2015 Article 38 (6)) and in the local newspaper (DMPO 2015 Article 38 (6) and (14)) to ensure that the press coverage (taken as a DMPO 2015 Article 38 (6) and (14) the local newspaper whole) extends to the whole of the area to which the LDO relates. The information should include details of:
- the draft LDO
 - the Environmental Statement (if applicable)
 - the Statement of Reasons
 - the availability of those documents for inspection, and the places where and times when they can be inspected; and
 - the date by which representations on the draft LDO must be received, which must be at least 28 days after the notification was first published.
- 3.4. The local planning authority must also give notice of their proposal to make the order by site display in at least one place on or near to the site to which the order relates a notice in the appropriate form set out in Schedule 7 (or in a form substantially to the same effect), and, leaving the notice in position for a period of not less than 28 days beginning with the date on which it is first displayed by site display. Where the notice is removed, obscured or defaced before the period referred to in that paragraph has elapsed, the authority is treated as having complied with the requirements of that paragraph if they have taken reasonable steps for the protection of the notice, and, if necessary, its replacement. The local planning authority is to serve a copy of that notice on every person whom the authority knows to be the owner or tenant of any part of the site whose name and address is known to the authority, and specifying in the notice a date by which representations on the draft LDO must be received, which must be not less than 28 days

from the date on which the notice was displayed by site display or served, as the case may be.

Consultation

3.5. Consultation with the prescribed bodies (DMPO 2015 Article 38 (3)) is required. Where a local planning authority has prepared a draft LDO, they must consult the following persons whose interests the authority consider would be affected by the order if made:

(b) a local planning authority, county council or parish council any part of whose area is in or adjoins the area of the local planning authority;

(c) Natural England;

(d) the Environment Agency;

(e) Historic England;

(f) where the Secretary of State is the highway authority for any highway in the area of the local planning authority, the Secretary of State for Transport;

(g) a strategic highways company any part of whose area is in or adjoins the area of the local planning authority;

(h) any person—

(i) to whom the electronic communications code applies by virtue of a direction given under section 106(3) (a) of the Communications Act 2003 (application of the electronic communications code) (5); and

(ii) who owns or controls electronic communications apparatus situated in any part of the area of the local planning authority;

(i) any of the following persons who exercise functions in any part of the area of the local planning authority— (i) a clinical commissioning group; (ii) the National Health Service Commissioning Board; (iii) a person to whom a licence has been granted under section 6(1)(b) and (c) of the Electricity Act 1989 (licences authorising supply, etc); (iv) a person to whom a licence has been granted under section 7(2) of the Gas Act 1986 (licensing of gas transporters); (v) a sewerage undertaker; (vi) a water undertaker;

(j) voluntary bodies some or all of whose activities benefit any part of the local planning authority's area;

(k) bodies which represent the interests of persons who share a protected characteristic in the local planning authority's area;

(l) bodies which represent the interests of persons carrying on business in the local planning authority's area.

- 3.6. Consult any person affected by the LDO as per a conventional planning application (DMPO 2015 Article 38 (4) Planning and Compulsory Purchase Act 2004 s18 (2)). The local planning authority must also consult any person with whom they would have been required to consult on an application for planning permission for the development proposed to be permitted by the order. This would be the entire authority if promoting an authority-wide LDO.
- 3.7. Councils should have consideration for the requirements of the Statement of Community Involvement³ both in the preparation of an LDO and in undertaking formal consultation. The Statement of Community Involvement is a statement of the authority's policy as to the involvement of "persons who appear to the authority to have an interest in matters relating to development in their area" in the exercise of the authority's functions for the production of Development Plan Documents and the control of development under Part 3 of the 1990 Act. Development Orders and planning permissions both fall under Part 3.
- 3.8. The Council must place the draft LDO and Statement of Reasons on the planning register (DMPO 2015 Article 41 (4) and (5)). A copy of each draft LDO and the Statement of Reasons must be placed on the planning register when the draft is sent for consultation.
- 3.9. In undertaking the consultation, the local planning authority must: (DMPO 2015 Article 38 (5)):
 - send a copy of the draft order and the Statement of Reasons to the consultees;
 - specify a consultation period of not less than 28 days; and
 - take account of all representations received by them during the period specified
- 3.10. During consultation the local planning authority must make a copy of the draft LDO, the Environmental Statement and Statement of Reasons available for inspection at their principal office during normal working hours; and at such other places within their area as they consider appropriate
- 3.11. Finally the Council must consider representations received (DMPO 2015 Article 38 (9) and (10)). Following publication on the website, display of site notice(s) and serving notice on owners or tenants; an LPA must, in considering what modifications

³ Accessed at:
http://www.cheshireeast.gov.uk/planning/spatial_planning/cheshire_east_local_plan/community_involvement.aspx

should be made to the draft LDO or whether such an order should be adopted, take into account any representations made in relation to that order.

4.0 Next Steps

- 4.1. In August 2016, AECOM (acting on behalf of CEC) formally requested an Environmental Impact Assessment (EIA) Screening Opinion from CEC in accordance with Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations (as amended 2015).
- 4.2. This EIA screening letter sent to CEC considered the likelihood for significant effects to occur as a result of the proposed LDOs. Potential environmental impacts across a range of environmental topics were considered taking into account the location of sensitive receptors, and including neighbouring residential properties and designated sites. The letter set out that construction of the proposed LDO developments would adhere to suitable impact avoidance and standard mitigation measures. It noted that operational effects of the proposed LDOs will be slight when considered in the context of the existing land uses, and the proposed LDOs are anticipated to have a beneficial effect on Macclesfield town centre. Taking these issues into account, it was considered by AECOM EIA professionals that no likely significant environmental effects will be associated with the proposed LDOs, and the LDOs do not constitute EIA development.
- 4.3. The Screening Opinion Request Letter to CEC confirmed that a number of assessments will be undertaken to support the LDO application, however, taking into account the characteristics of the proposed LDO, and the associated impact controls, it was considered that the proposals would not trigger the requirement for undertaking a formal EIA given that significant environmental effects were not likely to occur.
- 4.4. The local planning authority was invited to review the details presented in the Screening Opinion Request Letter and asked to provide an EIA screening opinion in accordance with the EIA Regulations. CEC have subsequently reported back with a formal decision confirming that the LDOs would not need to be subject to full EIA (insert ref).
- 4.5. The formal decision on the EIA has informed the final evidence base that is being produced to support the LDOs. A transport assessment and accompanying baseline evidence on air quality and noise shall supplement the completed Phase 1 Preliminary Risk Assessment. In addition, design inputs shall feature alongside the next iteration consultation version of the LDOs. Appointment of consultants to prepare the transport assessment and air quality/noise evidence will commence prior to January 2017. It is likely that masterplanning/design consultants will then be appointed shortly thereafter to use this emerging baseline evidence to help refine the parameters work that shall guide the final provisions within each LDO. Consultation on the draft LDOs shall commence in spring 2017. The representations received at this time shall then be used to refine the

final LDOs before taking the LDOs through the formal Council reporting programme with a view to adoption in the summer 2017.

- 4.6. In accordance with DMPO 2015 Article 38 (5) the next formal consultation on the draft LDOs will run for no less than 28 days. As well as the draft LDOs, a Statement of Reasons shall be published at the same time. As per the regulations, this consultation statement shall be updated to include all new representations and set out how representations have been taken into account to inform the revised LDOs.

5.0 APPENDIX I – August to September consultation summary

5.1. The following table provides a summary of the responses received and a response to each issue and concern considered.

Topic matter	Summary of Response	Response	Proposed Changes
Whalley Hayes Car Park	Concerns were raised over redevelopment of Whalley Hayes car park.	It is not the intention of CEC to remove car parking capacity from Whalley Hayes – instead the LDO seeks to explore options which may result in a mix of residential and existing car parking, options are still being tested and will be published during the next formal period of consultation	Review car parking evidence and ensure new evidence considers a range of transport impacts for any proposals within the LDO areas.
Northside boundary	Various comments have been received where landowners / stakeholders no longer wish to be included within the LDO. The inclusion of the Police Station and car park on Jordangate were questioned. Some alternative sites were suggested for inclusion.	Suggested amendments are noted and have been investigated further by the LDO project team in follow up discussions with landowners. Some alternative sites put forward had been looked at previously in the brownfield assessment that preceded the LDO project. Other alternative sites have been considered through the Local Plan process and are deemed more suitable for site allocations via the Local Plan process.	A number of areas have since been removed from later iterations of the red line boundaries. Based on feedback, discussions are ongoing with landowners to firm up the red line boundaries in advance of the next consultation.
Neighbouring uses	Some neighbouring businesses raised points about sensitive land uses in close proximity to residential units e.g. new property could have impact on operations.	Conditions or LDO content will need to reference business continuation and any relevant highways matters.	A formal response to all businesses will be prepared to deal with these issues. It is the intention that the LDO will not affect existing businesses lying in close proximity to the proposed LDO boundaries – this is to be properly tested through later stages in the preparation of the LDOs.

6.0 APPENDIX II – August Survey Results

Question	Comment	Response
To what extent do you agree or disagree that LDOs are the	Concerns that wider impacts had not been factored in e.g. insufficient	The EIA screening and forthcoming transport evidence shall assess the likely impacts which shall in

correct mechanism to promote the delivery of residential uses on brownfield land?	car parking capacity.	turn inform the draft content of the LDOs.
	Some respondents requested more information as to why some properties were in the LDO areas and others wanted to understand how the LDOs may impact landlords and small businesses will be affected.	The next stage of consultation will be accompanied by a statement of reasons setting out the rationale for the revised LDO boundaries. It is the intention that the LDO will not affect existing businesses lying in close proximity to the proposed LDO boundaries – this is to be properly tested through later stages in the preparation of the LDOs.
To what extent do you agree or disagree with the Northside LDO boundary (plan A)?	Some businesses requested more information about possible development in particular areas and some freeholders expressed concerns that their tenants were worried that their businesses would be affected. Others stated that there was sufficient housing already in the area.	At this stage the Council is seeking views on the initial draft boundaries put forward with the expectation that brownfield sites and vacant sites will come forward for residential-led development. It is the intention that the LDO will not affect existing businesses lying in close proximity to the proposed LDO boundaries – this is to be properly tested through later stages in the preparation of the LDOs. The draft Local Plan makes clear that all settlements in Cheshire East will need to deliver more housing to meet objectively assessed housing need. The LDOs are one way in which CEC are attempting to meet housing need.
	A number of neighbouring areas were suggested as additions for the LDO e.g. Foden street and Pearle Street. One respondent also wanted empty buildings and sites all over the town to be used for social housing.	Some alternative sites put forward had been looked at previously in the brownfield assessment that preceded the LDO project. Other alternative sites have been considered through the Local Plan process and are deemed more suitable for site allocations via the Local Plan process. Based on feedback, discussions are ongoing with landowners to firm up the red line boundaries in advance of the next consultation.
To what extent do you agree or disagree with the Whalley Hayes LDO boundary (plan B)?	Some respondents highlighted that their businesses were reliant on car-parking on Whalley Hayes. Others stated that further losses of car-parking in Macclesfield will adversely impact residents as well as businesses. Others were not convinced that the LDO should cover existing residential, retail and carpark areas.	It is not the intention of CEC to remove car parking capacity from Whalley Hayes – instead the LDO seeks to explore options which may result in a mix of residential and existing car parking. These options are still being tested and will be published during the next formal period of consultation. It is the intention that the LDO will not affect existing businesses lying in close proximity to the proposed LDO boundaries – this is to be properly tested through later stages in the preparation of the LDOs.
	Some welcomed the possible redevelopment of some areas e.g. Three Pigeons pub and some of the sites on Churchill Way.	Noted.

	One respondent pointed out that the Whalley Hayes area attracts positive comments from residents and visitors as it is rich in wildlife, character and community spirit. The respondent questioned whether the area required attention in comparison to 'several other brownfield sites that could be developed to meet housing need whilst maintaining the character of the area and retaining the car parking spaces'	<p>The next stage of the LDO consultation shall include details on design/masterplanning. This work shall build on the Macclesfield Design Guide and the environmental/design policies in the emerging Local Plan.</p> <p>Some alternative sites put forward had been looked at previously in the brownfield assessment that preceded the LDO project. Other alternative sites have been considered through the Local Plan process and are deemed more suitable for site allocations via the Local Plan process. Based on feedback, discussions are ongoing with landowners to firm up the red line boundaries in advance of the next consultation. Some alternative sites put forward had been looked at previously in the brownfield assessment that preceded the LDO project. Other alternative sites have been considered through the Local Plan process and are deemed more suitable for site allocations via the Local Plan process. Based on feedback, discussions are ongoing with landowners to firm up the red line boundaries in advance of the next consultation.</p>
	Some respondents questioned the impacts on existing infrastructure such as GP surgeries, the hospital and police force due to increased population. Others remarked that the town is already very populated and increasing building in this area will push people due to overcrowding and congestion.	The draft Local Plan and accompanying Infrastructure Delivery Plan set out what essential infrastructure will be required in Macclesfield over the next plan period. Development conducted under LDOs can also make contributions to local infrastructure reinforcement via CIL and also s106 payments related to prescribed conditions. Details on planning obligations shall be set out in the next consultation.
Once finalised an LDO could be in place for 5 years, to what extent do you agree or disagree that this is the correct lifespan to impose an LDO?	One respondent considered that If an LDO is intended to speed up a process then a long span would be inappropriate. However, the same respondent also questioned whether an LDO should be used at all.	An LDO can help to de-risk development sites and speed up the development process. This can be done either by limiting an LDO to a short time period (e.g. 3 or 5 years) with a 'sunset period' used to incentivise landowners/developers to bring forward development more quickly. However, for difficult sites or less buoyant markets it is arguable that more certainty is provided with a longer LDO lifespan to provide investors with certainty. The Council will continue to talk with stakeholders before the next consultation to agree what timescales will be most appropriate for Northside and Whalley Hayes.

7.0 APPENDIX III - Email invitations

From: Carlisle, David A

Sent: 18 May 2016 08:33

Subject: FW: Central Macclesfield Local Development Orders Meeting Invitation

Dear Sir/Madam,

Following my email earlier in the month I am contacting you once more to see if you would be interested in meeting with the Council officers at Cheshire East leading the LDO work (Karen Carsberg – Strategic Housing lead / Sophie Williams – planning). We are keen to speak with all major landowners or organisations involved in development in Macclesfield to gather your views. We're approaching a stage in the project where we need to finalise a draft boundary for each LDO area (prior to consultation) and we'd really welcome your feedback on where this boundary should lie. Officers have indicated that a date during the week commencing the 30th May would be preferable if that is suitable.

Best wishes,

David Carlisle, BSc (Hons) MA MRTPI

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From: Carlisle, David A

Sent: 03 May 2016 11:05

Subject: Central Macclesfield Local Development Orders Meeting Invitation

Dear Sir/Madam,

Following an initial Macclesfield Local Development Order public workshop on 12th April we're following up with all large landowners and developers to see if you would be interested in meeting on an individual basis to discuss the possible opportunities associated with the LDOs and your plans for the future. If you are interested please get in contact by replying to this email and copying in MacclesfieldLDOs@cheshireeast.gov.uk so that we can identify a suitable time and date with the CEC officers leading the LDO project.

If you are aware of any individuals that did not receive our initial invitation please forward this correspondence to landowners in the vicinity of central Macclesfield.

Please do not hesitate to call me if you have any queries: 020 7821 4194

Best wishes,

David Carlisle, BSc (Hons) MA MRTPI

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From: Carlisle, David A

Sent: 05 April 2016 16:45

Subject: Central Macclesfield Local Development Orders Workshop Invitation

Dear Sir/Madam,

You have been identified as a landowner, property owner, developer, agent or stakeholder for new developments in central Macclesfield. I am emailing you on behalf of Cheshire East Council to invite you to a workshop being held next **Tuesday 12th April 2016** at the old Macclesfield Town Hall. The workshop will cover emerging plans for two residential-led Local Development Orders as part of the Council's drive to encourage housing development on brownfield sites. Please find attached a formal invitation letter from the Council, details for next week's event and further information on the function and purpose of Local Development Orders.

If you have any queries related to this matter please do not hesitate to contact me using the project email address (MacclesfieldLDOs@cheshireeast.gov.uk) or by calling 020 7821 4194 (David Carlisle – Macclesfield LDOs Project Manager). If you are interested in the project but unable to attend the workshop on Tuesday 12th April please get in contact to register your interest or if you have any queries related to Local Development Orders.

Yours faithfully,

David Carlisle

Macclesfield LDOs Project Manager

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8.0 APPENDIX IV – Letter invitations



Westfields
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Earle Street
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CW1 2BJ

Tel: 01270 685893
Fax: 01270 529890

MacclesfieldLDOs@cheshireeast.gov.uk

Date: 5th April 2016

Dear Sir/Madam,

MACCLESFIELD TOWN CENTRE: LOCAL DEVELOPMENT ORDERS (LDOs)

Cheshire East Council received funding from the Department for Communities and Local Government during March 2015 to progress two residential-led Local Development Orders (LDOs) within Macclesfield Town Centre, provisionally named as Northside and Whalley Hayes. These potential areas were identified following a review of brownfield sites in the town. The areas could support a combination of new build and refurbishment opportunities for residential development with the potential of delivering in the region of 300 units across both sites. We are writing to all landowners and freeholders who may fall within these areas to invite you to a workshop to discuss your future plans and the potential benefits of putting LDOs in place for these locations.

What is a Local Development Order?

LDOs are made by Councils and give a grant of planning permission to specific types of development within a defined area. They streamline the planning process by removing the need for developers to make a planning application (if development complies with the content of the LDO). They create certainty and save time and money for those involved in the planning process. The primary function of an LDO is to accelerate the delivery of development.

You are invited to attend a workshop on **Tuesday 12th April 2016** at Macclesfield Town Hall, targeted at landowners, freeholders, developers/agents, local Councillors and other local stakeholders. The format of the day is a drop in session, with an opportunity to meet with officers to discuss the proposals for and preparation required in bringing forward an LDO. There will be a presentation and Q&A session held in both the morning and afternoon followed by open engagement sessions where you can ask further questions and provide your initial views. All feedback will be recorded to help inform the draft content of the LDOs. The LDOs shall then be subject to full formal public consultation later in the summer before the Council seeks to adopt the LDOs later on in the year.

All other enquiries **0300 123 5500**

www.cheshireeast.gov.uk

Figure 1 Indicative Local Development Order production timetable



Details for the format of the workshop and a *Frequently Asked Questions* sheet on the process of preparing an LDO are attached to this letter for your information. If you are interested in attending the workshop and being involved with the LDOs preparation please send your preference for either the AM or PM session along with the contact details of those who will be attending to: MacclesfieldLDOs@cheshireeast.gov.uk

If you own land or buildings within or nearby Northside and/or Whalley Hayes and are unable to attend the workshop on Tuesday 12th April we would still be interested to hear from you and would welcome a discussion on your future plans. If you would like to discuss the LDOs or proposed workshop in more detail please contact the Local Development Order Project Manager David Carlisle on 020 7821 4194 or contact us by email or letter.

Yours faithfully,

Karen Carsberg
Strategic Housing Manager, Cheshire East Council

9.0 APPENDIX V – 12th April Public Workshop and FAQs



Macclesfield Local Development Orders – Introductory Workshop

Tuesday 12th April 2016

10:00am – 16:00pm

Old Macclesfield Town Hall (*Room to be confirmed – please report to the desk in the foyer of the Town Hall on the day*)

Morning	
10.00	Welcome and Registration
10.30	Introductory Local Development Order presentation
11.00	Q&A
11.30	Open session to speak with officers, Councillors and fellow interested parties
12.00	<i>Morning workshop close</i>
Afternoon	
14.00	Welcome and Registration
14.30	Introductory Local Development Order presentation
15.00	Q&A
15.30	Open session to speak with officers, Councillors and fellow interested parties
16.00	<i>Afternoon workshop close</i>

Notes on the format of the workshop

The morning and afternoon presentations and subsequent Q&A will be laid out in a town hall style meeting format. Following the Q&A session, officers, Councillors and fellow interested parties are invited to continue discussing the issues and opportunities in an open session. The open sessions will include interactive exhibition boards/maps. Note takers shall be deployed to record your views and questions. All of the outputs from the day will be compiled into an initial findings report. This report shall feed into the preliminary work on the two Local Development Orders to help inform their draft content ahead of more detailed consultation in the summer.

This event is only the first step where we are hoping to share as much information with you as possible and gather your initial feedback. The next stage will involve formal consultation on the draft content of the Local Development Orders later in the summer. Cheshire East Council is aiming for adoption of the Local Development Orders in Autumn/Winter 2016.

Cheshire East Council: Macclesfield Local Development Orders Frequently Asked Questions	
What is a Local Development Order (LDO)?	
1. What are Local Development Orders (LDO) and who makes the LDO?	LDOs are made by Local Planning Authorities (LPA) and give a grant of planning permission to specific types of development within a defined area. They streamline the planning process by removing the need for developers to make a planning application. They create certainty and save time and money for those involved in the planning process. The primary function of a LDO is to accelerate delivery of much needed development.
2. Why do Local Planning Authorities (LPA) use Local Development Orders?	LDOs grant automatic planning permission for specified development and can reduce bureaucracy, improve the speed of decision-making and improve certainty for landowners, communities and developers. They are flexible and can be used for different uses and developments in different areas and are gaining increasing importance as the Government encourages local authorities to streamline planning in order to increase certainty and reduce both delay and cost in delivering sustainable development, such as encouraging housing development to come forward on brownfield land.
3. How do LPAs use LDOs to make investment more attractive for the regeneration of an area?	<p>LDOs embody a fundamental shift on the part of LPAs from waiting for the market to come to them with a proposal, to initiating development activity by granting permission for the kind of development that they want to see come forward on a site.</p> <p>With an LDO in place for specified development on an identified site, planning should be easier, less expensive, less risky and faster for developers as there is no need to prepare a planning application, pay fees or wait for a decision (though a light-touch prior approval/sign off process may remain).</p> <p>A LPA using this pro-active approach can enhance the reputation of an area as an attractive place to do business, encouraging landowners and developers to seize the opportunity to develop on stalled sites, creating good places by enabling faster more flexible delivery of their own development priorities.</p>
4. Can an LDO make provision for Affordable Housing and Planning Obligations?	A LDO can be either unconditional or have conditions attached (much like a planning permission). Development carried out under a LDO may be liable to pay a Community Infrastructure Levy charge where one applies. An LDO can have S106 requirements attached as conditions too. These conditions, as per any planning permission, will be enforceable. LDOs for housing can provide affordable housing in line with local policy, but this may be subject to viability testing.
5. Are you consulting with residents and businesses when making an LDO?	Where a LPA has prepared a draft LDO, they must consult bodies which represent the interests of persons carrying on business in the area, and voluntary bodies. LPAs must also consult any person with whom they would have been required to consult on an application for normal planning permission. LPAs should also have consideration for the requirements of the Statement of Community Involvement both in the preparation of an LDO and in undertaking formal consultation.
(Continued overleaf...)	

	<p>The LPA is required to publish the draft LDO with a Statement of Reasons on their website, and a statement to publicise where draft LDO documents are available for inspection and the places where and times when they can be inspected, with the date by which representations on the draft LDO must be received, which must be at least 28 days after publication on the website. The LDO must take account of all representations received by consultees during the formal consultation period specified.</p> <p>The LPA is required to publish the details of consultation in a local newspaper circulating in the locality in which the land is situated with a notice stating the location and the nature of the development referred to in the proposed LDO and where copies of the draft LDO and of any plan or other documents accompanying it may be inspected by members of the public at all reasonable hours. If you would like to join our LDO mailing list please send your details to MacclesfieldLDOs@cheshireeast.gov.uk</p>
6. What is the interaction between Local Development Orders and other planning permissions	LDOs do not remove or supersede any local authority planning permission (or permission granted on appeal) or permitted development rights which are already in place. Equally, they do not prevent a planning application being submitted to a LPA for development which is not specified in the Order. LDOs only grant planning permission, and do not remove the need to comply with other relevant legislation and regulations.
7. Are Local Development Orders permanent or time-limited?	LDOs are very flexible tools, and it may be appropriate for them to be either permanent or time-limited, depending on their aim and local circumstances. For example, LDOs in fast-developing areas may be time-limited so that they can be easily revised and updated in the future, while LDOs which extend permitted development rights in established areas may be permanent. The LPA or Secretary of State may revoke a LDO at any time.
8. Are there restrictions where a LDO cannot be used?	<p>LDOs are restricted where:</p> <ul style="list-style-type: none"> • Development affects a listed building (or where it is considered it may adversely affect the setting); • Development is likely to have a significant effect upon a European site (where a Habitat Regulations Assessment is required); and • Development requires an EIA under schedule 1 of the EIA regulations.
9. Can Local Development Orders be modified?	If a LPA wishes to modify a LDO, re-consultation may be required. The Secretary of State can also require the revision of a LDO by the LPA at any point before or after its adoption.
10. What happens after adoption and how will officers use the LDO?	In areas where LDOs have been adopted it is common for planning officers to attend informal meetings with developers to try and gauge whether a proposed development complies with the LDO. If it is adjudged to comply the developer would then need to provide paperwork demonstrating compliance with any remaining conditions/reserved matters. If it does not comply they should apply for planning permission in the normal way as it would not benefit from the automatic permission granted by the LDO.

10.0 APPENDIX VI – August Newsletter

From: MACCLESFIELD LDOS [mailto:MacclesfieldLDOs@cheshireeast.gov.uk]

Sent: 17 August 2016 15:05

Subject: Macclesfield LDOs newsletter - August 2016

Dear All,

You are receiving this email as you have previously expressed an interest, or are listed as an interested party, for the Macclesfield Local Development Orders (LDOs).

Please see the attached newsletter which shows the progress made with the LDOs so far and also outlines the next steps. It is our intention to produce a similar newsletter on a regular basis leading up to adoption of the LDOs.

We are currently consulting on the red line boundaries for the two LDOs and comments are gratefully received through both an online survey (link copied below) or to the Macclesfield LDOs inbox (MacclesfieldLDOs@cheshireeast.gov.uk). The consultation on the red line boundaries will run until 17:00 on 13th September 2016, when all responses will be considered.

http://www.cheshireeast.gov.uk/council_and_democracy/council_information/consultations/consultations.aspx

There has been a public drop in event arranged which will be held at **Macclesfield Town Hall on Tuesday 6th September 2016 from 14:00 until 19:00.**

Thanks,

Macclesfield LDOs



Macclesfield Local Development Orders Update - August 2016



Since the award of funding from DCLG, significant progress has been made with the preparation of the Macclesfield LDOs. This newsletter, to which it is the intention to provide an update every 2-3 months up until adoption of the LDOs, intends to give a simple overview of the progress made so far and the next steps to be taken in this process leading up to adoption.

Update so far

Engagement with Landowners / Stakeholders to inform the red line boundaries

LDO boundaries for both sites have been further refined as a result of these conversations

Discussions with some landowners are still to reach a conclusion with these sites labelled 'areas for further discussion'. these areas may not feature in part / or in their entirety in the final LDO boundaries this is to be discussed further over the coming weeks

Public consultation on the red line boundaries commenced on 3rd August and will run until 13th September

Consultation survey available online from 3rd August (http://www.cheshireeast.gov.uk/council_and_democracy/council_information/consultations/consultations.aspx)

Next Steps

Drop-in session held at Macclesfield Town Hall on 6th September from 14:00 until 19:00 (for more information email MacclesfieldLDOs@cheshireeast.gov.uk)

Submission of SORLs by AECOM and formal determination by the LPA within 28 days

Formal consultation on the supporting information and evidence of the LDOs as well as the Consent Order and Statement of Reasons

Amendments made to LDOs following Public Consultation with decision to adopt LDO determined by Strategic Planning Board



Any queries can be sent to MacclesfieldLDOs@cheshireeast.gov.uk

11.0 APPENDIX VII – August Survey

Macclesfield Local Development Sites (LDO's)

1. Introduction

Cheshire East Council intend to implement two Local Development Orders (LDOs) in Macclesfield. An LDO is a planning tool which effectively give a grant of planning permission to specific types of development within a defined area - streamlining the planning process by removing the need for developers to make a planning application to accelerate delivery of much needed development. For more information on LDO's please refer to the frequently asked questions document available on the [website](#).

The intention of this survey is to allow interested parties to shape the outcome of the LDOs. At present red line boundaries have been drawn up for the sites and we now seek feedback on whether these red line boundaries are correct and whether LDOs are a good idea for these sites.

As the red line boundaries are not yet fully agreed the feedback may lead to changes being made to these areas. We also hope that sites may come forward that had not previously been considered.

Please respond to the survey by 5pm on the 13th September 2016.

Any personal information you give will be held in line with the Data Protection Act 1998. Staff from Cheshire East Council will use the data you provide solely for the purpose of this consultation. We will not pass on your details to any other third parties without your prior consent

1. To what extent do you agree or disagree that LDOs are the correct mechanism to promote the delivery of residential uses on brownfield land?

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Strongly disagree
- ☐ No opinion/ don't know

If you wish to, please explain your reasoning's for the answer you gave above



The Council has engaged in discussions with landowners and the areas shown on this plan as 'areas for further discussion' are currently the subject of ongoing discussions to decide whether or not they will form part of the LDO.

2. To what extent do you agree or disagree with the Northside LDO boundary (plan A)?

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Strongly disagree
- ☐ No opinion/ don't know

If you wish to, please explain your reasoning's for the answer you gave above:

3. In your opinion are there any neighbouring areas that should be considered?



It is not the intention of this LDO to deliver residential development within the 'areas for further discussion' shown on this plan. However, the LDO is seen as having the potential to encourage the improvement of this area and so could remain within the final red line boundary.

4. To what extent do you agree or disagree with the Whalley Hayes LDO boundary (plan B)?

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Strongly disagree

If you wish to, please explain your reasoning's for the answer you gave above:

5. In your opinion are there any neighbouring areas that should be considered?

6. Once finalised an LDO could be in place for 5 years, to what extent do you agree or disagree that this is the correct lifespan to impose an LDO?

- ☐ Strongly agree
☐ Agree
☐ Neither agree nor disagree
☐ Disagree
☐ Strongly disagree
☐ No opinion/ don't know

If you disagree, what do you think would be a more appropriate lifespan?

7. In light of potential changes of circumstances how often should the LDOs be reviewed throughout their lifespan?

- ☐ Annually
☐ Midway through the lifespan of the LDO
☐ 12 months from the end of the LDO
☐ Other (please specify):

8. Do you have any further comments to make regarding the LDOs?

7. About you

The answers you give in this section will only be used to ensure that we obtain responses from a broad range of areas and types of people. Please feel free to leave blank any questions that you do not wish to answer; we will use the comments you have given us so far. No information will be released that would allow identification of you as an individual or of your household.

9. Which of the following best describes you?

- ☐ A Local Resident
- ☐ A local business
- ☐ A member of a voluntary or community organisation
- ☐ An elected town or parish councillor in Cheshire East
- ☐ An elected Member of Cheshire East Council
- ☐ Other (please specify):

10. If you are responding on behalf of a group, organisation or club please state the name and postcode in the box below (you do not need to complete the rest of the 'About you' section).

Name of group, organisation or club:

Postcode:

11. What is your gender?

- ☐ Male
- ☐ Female
- ☐ Prefer not to say

12. What age group do you belong to?

- ☐ 16-24
- ☐ 24-34
- ☐ 35-44
- ☐ 45-64
- ☐ 65 and over
- ☐ Prefer not to say

13. Postcode:

Please tell us your postcode; this is so that we can be sure we have obtained a range of views from across the borough.

14. What is your ethnic origin?

- ☐ White English/ Welsh/ Scottish/ Northern Irish/ Irish
- ☐ Any other White background
- ☐ Mixed: White and Black Caribbean /African/ Asian
- ☐ Any other mixed/ Multiple background
- ☐ Black/ African/ Caribbean/ Black British
- ☐ Any other Ethnic group
- ☐ Prefer not to say
- ☐ Other (please specify):

15. Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months? This includes problems related to old age.

- ☐ Yes
- ☐ No
- ☐ Prefer not to say

16. Which of the following best describes your religious belief/faith?

- ☐ Buddhist
- ☐ Christian
- ☐ Hindu
- ☐ Jewish
- ☐ Muslim
- ☐ Sikh
- ☐ None
- ☐ Prefer not to say
- ☐ Other (please specify):

17. Which of the following terms best describes your sexual orientation?

- ☐ Heterosexual (straight)
- ☐ Bisexual
- ☐ Gay/Lesbian
- ☐ Prefer not to say
- ☐ Other (please specify):

Thank you for taking part in this survey

12.0 APPENDIX VIII – August & September Workshop Attendance

Workshop attendance			
02/08/2016 14:00pm to 19:00pm		13/09/201614:00pm to 19:00pm	
Resident Pearle Street	1	Resident Pearle St	2
Macc Town Council	1	Resident Foden Street	2
Ward members	1	Resident Fox Street	1
TOTAL 3		Resident Station Street	1
		Macc Civic Society	1
		Local businesses	4
		Ward member	4
		TOTAL 15	

13.0 APPENDIX VIII – 13th September Public Workshop

Residential neighbourhoods plan for town centre development sites

COUNCIL chiefs are proposing to create two new residential neighbourhoods in the town centre.

The first site, known as Northside, involves an area north of Hibel Road and includes Macclesfield magistrates' court, the Toyota garage and various other businesses.

The second, known as Whalley Hayes, involves land west of the job centre towards the car park and includes the former Blockbusters building and two former pubs.

Cheshire East Council wants to create Local Development Orders (LDOs), a planning tool which speeds up the process to allow brownfield sites to be redeveloped.

A public consultation has started and will run until September 13. It will include two drop-in



● One of the development sites includes Macclesfield magistrates' court on Hibel Road

events at Macclesfield Town Hall on August 10 and September 6.

Council documents also show two other areas earmarked for future residential developments including Macclesfield police station and Whalley Hayes car park.

Councillor Ainsley Arnold, cabinet member for housing and planning, said: "This is an exciting opportunity to redevelop

specific areas of Macclesfield and at the same time meet a housing need.

"I must emphasise we are in the very early stages of this process and we will require the support of a number of property owners and stakeholders in order to progress this.

"LDOs are an expedient method for streamlining concepts and turning

them into reality for the benefit of residents and businesses. While they enable the planning process to be speeded up, all the customary due diligence, checks and balances remain in place."

In 2015 the council secured £100,000 in funding to create the LDOs in Macclesfield and started discussions with property owners and developers through its agent AECOM.

Since then there have been a number of changes to the boundaries after some landowners said they were not interested in their property forming part of one of the LDOs.

In a council report Frank Jordan, the executive director of Economic Growth and Prosperity, said: "Bringing these sites forward for development would reduce the need for

development on greenfield land and support the regeneration of our towns."

It is not known the number or type of housing that will be built on the two sites, but it is expected to be a mixture of houses and apartments.

To have your say visit www.cheshireeast.gov.uk



● The Northside residential area includes the site of the magistrates court building



● The Whalley Hayes site including the job centre