

Cheshire East Council

Council, Cabinet & Strategic Planning Board

Date of Meeting:	Strategic Planning Board: 24 July 2017 Cabinet: 26 July 2017 Council: 27 July 2017
Report of:	Director of Planning and Sustainable Development
Subject/Title:	Adoption of the Local Plan Strategy
Portfolio Holder:	Cllr Ainsley Arnold

1. Report Summary

- 1.1. This report requests that Council approves the adoption of the Cheshire East Local Plan Strategy as part of the Council's Statutory Development Plan. This follows previous approvals by Council for the Submission version of the Local Plan Strategy (28 February 2014), the Proposed Changes version of the Local Plan Strategy (26 February 2016) and the approval to consult on proposed Main Modifications (15 Dec 2016).
- 1.2. The Examination into the Local Plan Strategy has now concluded and the Inspector has issued his final report into the legal compliance and soundness of the Cheshire East Local Plan Strategy'. This concludes that, subject to a series of recommended Main Modifications, the Cheshire East Local Plan Strategy is legally compliant and sound, and therefore capable of adoption by the Council.
- 1.3. A schedule of further additional modifications to the Local Plan Strategy, prepared by the Council is attached to this report. These mainly correct minor errors and re-word elements of the document to reflect the status of the plan once adopted. These further additional modifications do not materially affect the policies in the plan and are consistent with the Main Modifications recommended by the Inspector.
- 1.4. Should the Council decide to adopt the Local Plan Strategy, the adoption will be effective from the date the decision is made (i.e. 27 July 2017). From that date, the Local Plan Strategy will immediately form part of the Statutory Development Plan, replacing a number of 'saved' policies from the existing Local Plans as listed in Appendix B of the Local Plan Strategy. It will be a vital tool for achieving the aim of sustainable development in Cheshire East and will provide an up to date planning framework by which to assess and determine planning applications, providing increased

certainty and supporting the wider aims and objectives of the Council and its partners.

- 1.5. In accordance with government regulations and the Council's Statement of Community Involvement, all participants in the Local Plan process will be notified of the adoption as soon as is reasonably practicable. The adopted Local Plan Strategy, together with the accompanying Sustainability Appraisal, Habitats Regulations Assessment and Adoption Statement will be made available at the Council's main offices and on its website. A press release and press notice will also be published to raise awareness of the Plan's adoption.
- 1.6. The Inspector's Report is attached as Appendix 1 – and this report has three sub appendices which comprises his two sets of Interim views and a schedule of main modifications. Appendix 2 comprises the list of Additional Modifications (those alterations which are non-material in character). Appendix 3 is the final Version of the Local Plan Strategy which is to be adopted, incorporating all the relevant modifications. Appendix 4 is the Sustainability Appraisal Adoption Statement and Appendix 5 is a schedule which enables the reader to translate the paragraph numbers referred to by the Inspector into the new paragraphs of the Adopted Local Plan Strategy document

2. Recommendation

- 2.1. That the Strategic Planning Board recommends that Council adopts the Local Plan Strategy, as submitted to the Secretary of State on 20th May 2014, subject to the inclusion of:
 - (i) the Main Modifications recommended by the Inspector necessary to make the Plan sound (Appendix 1c);
 - (ii) the schedule of Additional Modifications (Appendix 2).
- 2.2. That the Cabinet recommends that the Council adopts the Local Plan Strategy, as submitted to the Secretary of State on 20th May 2014, subject to the inclusion of:
 - (i) the Main Modifications recommended by the Inspector necessary to make the Plan sound (Appendix 1c);
 - (ii) the schedule of Additional Modifications (Appendix 2).
- 2.3. That the Council considers any recommendations from Cabinet and Strategic Planning Board
- 2.4. That the Council adopts the Local Plan Strategy, as submitted to the Secretary of State on 20th May 2014, subject to the inclusion of:
 - (i) the Main Modifications recommended by the Inspector necessary to make the Plan sound (Appendix 1c);
 - (ii) the schedule of Additional Modifications (Appendix 2).

3. Other Options Considered

- 3.1. The Council could choose not to adopt the Local Plan Strategy. This would mean that there is no up to date planning framework in place for the Borough. Under the plan-led system, this would create considerable uncertainty over the location, type and quality of new development and the infrastructure needed to support it. Without an up to date planning framework, the Council will lack control over new development and will remain vulnerable to speculative planning applications for major schemes.
- 3.2. The Local Plan has been through a significant process locally to engage communities and other interests in discussions about the future of the area. Therefore it is to be expected that the Council will proceed quickly with adopting a plan that has been found sound. As set out elsewhere in this report, there are numerous benefits in adopting the Plan without delay

4. Reasons for Recommendation

- 4.1. The process for preparing Local Plan's is set out in legislation, regulations and national planning policy and guidance. These prescribe how the Council must engage with stakeholders in the plan preparation process, define the strategic issues which local plan's must address and set out the extensive range of evidence that is required to support and justify policies in the Local Plan.
- 4.2. The National Planning Policy Framework (the Framework) sets out the tests of soundness that all local plans must meet. Plans must be:
 - **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
 - **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.
- 4.3. It is these principles that have guided the Examination of the Local Plan Strategy

- 4.4. The final Inspector's Report was received by the Council on 20 June 2017 and is attached as Appendix 1 to this report. In accordance with the Regulations, this report was published on the Council's website and those parties previously involved in the Examination were notified of its availability.
- 4.5. The report concludes that the Cheshire East Local Plan Strategy provides an appropriate basis for the planning of the Borough providing a number of Main Modifications are made to the Plan. These are summarised at the start of the report. The Inspector goes on to set out his conclusions on all of the main matters considered during the course of the Examination.
- 4.6. Legal compliance. The report considers whether the Local Plan has complied with all necessary legislation – notably around Sustainability Appraisal and Duty to Co-operate with relevant bodies. The Inspector concludes that the Plan has met all relevant legal requirements
- 4.7. Development strategy. Having looked at various economic scenarios, the Inspector has concluded that the Plan should anticipate an average jobs growth rate of 0.7% pa or 31,400 additional jobs over 20 years. This will require around 380 hectares of new employment land to be identified inclusive of a 20% margin of flexibility. This then informs the calculation of housing needs. Basic demographic need is around 1,100 homes per annum, but that would lead to a shortfall in working age population and insufficient employees to sustain economic performance. Overall a target of 1800 homes per annum (36,000) would meet all economic and social needs for housing, including older persons accommodation.
- 4.8. Five Year Supply of Housing. The inspector has considered all of the relevant factors affecting housing supply. In particular he has addressed the issue of how to deal with the significant backlog of housing arising from the years of recession. He has endorsed the Council's preferred approach of catching up backlog over 8 years and so concludes that the Local Plan makes sufficient provision for at least 5 years supply of housing land.
- 4.9. Spatial Distribution. During the examination suspension a fresh assessment of the distribution of development was made. This gave a better balance between the north and south of Cheshire East, but implied more Green Belt would be lost. A higher proportion of housing is assigned to the two principal towns Crewe (7,700 homes) and Macclesfield (4,250 homes) with lesser amounts being apportioned to the nine key service centres – ranging between 4,150 homes for Congleton and 650 homes for Poynton. In order to be sure that these homes get built, the Inspector endorsed the Plan's approach of allocating additional homes over and above these totals in each settlement. This flexibility factor averages around 6.5% and with windfalls provides the plan with 10% flexibility overall. A parallel distribution is made for employment land and this has its own flexibility allowance built in to it.
- 4.10. Green Belt & Green Gap. The additional work carried out during 2015 assessed over 400 individual parcels of Green Belt land to see which, if

any, might be suitable to develop. This approach is supported by the Inspector and it subsequently informs the selection of development sites. It is accepted that the 'exceptional circumstances' necessary for Green Belt release have been demonstrated.

- 4.11. The Submitted Plan proposed that Green Belt in the south of Cheshire East be extended to ensure the separation of Crewe and Nantwich and adjoining villages. The Inspector rejected this strategy in his earlier Interim Views, but has now supported a revised Strategic Green Gap policy. This new policy faced considerable challenge from the development industry but the Inspector is satisfied that the new approach is justified, sound and effective.
- 4.12. Other Policies. The plan contains a wide range of other policies on matters such as infrastructure, design, the environment and retailing. Many of these policies are supportive of wider Council ambitions regarding public health, education and caring for vulnerable and older people. Affordable housing policies plan at least 355 homes per annum and support independent living for residents in need of care and support. The Inspector has endorsed each of these policies, with Main Modifications as appropriate .
- 4.13. Site Specific Policies. The plan includes over 60 new development sites. Some of these have planning consent already, but the Inspector has now supported the allocation of all of the sites necessary to meet the housing employment and related development needs of the Borough. The proposed allocations on land currently in the Green Belt will be removed from it once the plan is adopted.
- 4.14. Every Principal Town and Key Service Centre features a number of new development sites. Although some of these sites are already under construction, it is likely that a start will be made on many more after the Plan is adopted. The Inspector has also supported the development of two new villages – at Handforth and Crewe Hall. Where a change has been made to Green Belt boundaries in the north of Cheshire East safeguarded land has also been identified. This is land that is taken out of the Green Belt at this stage but is kept open to potentially meet development needs after 2030.
- 4.15. The Local Plan Strategy identifies how the vast majority of development requirements will be met, however there remains a limited amount of housing and employment land that will need to be identified in the second part of the Local Plan, the Site Allocations and Development Policies Document (SADPD). Work is underway on the SADPD and public consultation took place on an Issues Paper earlier this year.

Sustainability Appraisal

- 4.16. A Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA) has been undertaken during the preparation of the

Local Plan Strategy. The SA has been carried out on an iterative basis at all stages of preparation and has informed the evolution of the Plan. A Habitat Regulations Assessment (HRA) has also been undertaken. Both the SA and HRA have helped shape the Local Plan Strategy, ensuring that the Plan, as adopted, delivers sustainable development in the Borough. A SA adoption statement has been prepared (in Appendix 4) which describes how each of the requirements of the SEA regulations have been met during the SA process supporting the Plan. The SA adoption statement also highlights how the monitoring framework in the Local Plan Strategy will be an important track of the implementation and performance of the Plan.

Adopting the Cheshire East Local Plan Strategy

- 4.17. Following the completion of the examination process, adoption is the final stage of putting a Local Plan in place. This requires a decision by the full Council. This is a requirement of regulation 4(1) and (3) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. In line with the Council's Constitution the adoption of the Plan must also first be considered at meetings of the Strategic Planning Board and the Cabinet
- 4.18. On adopting the Local Plan, the Council has to make publicly available a copy of the Plan, an Adoption Statement and Sustainability Appraisal in line with regulations 26 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and regulation 16 of the Environmental Assessment of Plans and Programmes Regulations 2004.
- 4.19. Following adoption the council will print and publish the Local Plan Strategy so it is widely available for ongoing use.

5. Background/Chronology

- 5.1. Each local planning authority is required to prepare a Local Plan, setting out a vision and strategy for future development of an area. A Local Plan can be prepared as a single document, or alternatively as a series of separate documents. Together, the documents within a Local Plan form the statutory development plan for that area, which is the basis for determining planning applications.
- 5.2. The Local Plan Strategy is the central part of the Local Plan in Cheshire East, covering the period 2010 to 2030. It sets the overall vision and planning strategy for development in the Borough (excluding the Peak District National Park) and contains planning policies to make sure that new development addresses the economic, environmental and social needs of the area. It also identifies strategic sites and strategic locations that will accommodate the majority of the new development needed over the plan period.
- 5.3. The Local Plan Strategy represents an important tool for implementing the wider aims and objectives of the Council and its partners as it will support:

- The delivery of 36,000 new homes, including affordable housing and housing for older people and specialist housing over the plan period.
 - Provision of 380ha of employment land, to support an additional 31,000 jobs in the Borough;
 - The provision of infrastructure necessary to support development and sustainable growth;
 - Continued protection for Green Belt and confidence in the longevity of the boundary through the provision of Safeguarded Land;
 - The separation of settlements in south Cheshire through the updated Strategic Green Gap;
 - Sustainable development, by setting out the principles for sustainable development in Cheshire East;
 - Policies that provide for protection and enhancement of the environment, including ecology, landscape, trees, renewable energy, energy efficiency, flooding, green infrastructure and the historic environment;
 - Policies that support the well-being of the population including leisure and recreation, sports facilities, health, residential mix, design, affordable housing and sustainable travel; and
 - Policies that support the local economy, including protection of employment premises, support for town centres, the rural economy, tourism, transport infrastructure and digital connections.
- 5.4. The Local Plan Strategy will replace a number of 'saved' policies from the existing Congleton Borough Local Plan First Review, the Borough of Crewe and Nantwich Replacement Local Plan, the Macclesfield Borough Local Plan, the Cheshire Replacement Minerals Local Plan and the Cheshire Replacement Waste Local Plan.
- 5.5. Work is currently underway on the "Site Allocations and Development Policies Document" and the "Minerals and Waste Development Plan Document". These will form the second and third parts of the Local Plan respectively and, once adopted, will replace the remaining 'saved' policies from the existing Local Plans.
- 5.6. The Local Plan Strategy document approved by Council on 28 February 2014 was submitted to the Secretary of State on 20 May 2014 for Examination and was subject to examination hearing sessions in September of that year. Following three weeks of hearing sessions, the examination hearings were adjourned in October 2014 and on 6 November 2014, the Inspector published his Interim Views. In December 2014 the Examination was formally suspended to allow further work to be carried out on key areas of evidence to address the shortcomings in the soundness of the submitted Local Plan Strategy identified by the Inspector. That additional work was undertaken by 31 July 2015 and submitted to the Inspector to address and rectify the shortcomings in soundness identified.
- 5.7. In August 2015 the Examination was reconvened and the Inspector held two weeks of additional hearings to consider this additional evidence between 21 and 30 October 2015. The Inspector's Further Interim Views

were received on 11 December 2015 and, as agreed with him, the Local Plan Strategy Proposed Changes Version was prepared, incorporating all of the revisions suggested to date alongside new and amended strategic sites. Council approved the Proposed Changes Local Plan Strategy on 26 February 2016, which was then subject to full public consultation and re-submission to the Inspector.

- 5.8. The hearing sessions were re-convened for another six weeks in September and October 2016 to consider further issues arising from the public consultation exercise as well as the proposed sites and strategic locations. During the course of the Examination the Council requested that the Inspector recommend any modifications that he might consider necessary in order for the Plan to be found sound. The Inspector issued his Views on the Further Modifications Needed to the Local Plan Strategy on 13 December 2016. Council approved the publication and consultation on draft recommended Main Modifications on 15 December 2016 and this consultation ran from 6 February to 20 March 2017.
- 5.9. The Inspector issued his Final Report into the Legal Compliance and Soundness of the Cheshire East Local Plan Strategy (CELPS) on 20 June 2017

6. Wards Affected and Local Ward Members

- 6.1. All Wards and all Members.

7. Implications of Recommendation

7.1. Policy Implications

- 7.1.1. The Local Plan is a key component of the Council's policy framework. Whilst it will form the starting point for considering planning applications it will also feed into numerous other agendas such as infrastructure, transport, economic development, recreation, public health, education and adult social care.

7.2. Legal Implications

- 7.3. Local authorities must prepare and maintain a local development scheme which specifies the local development documents that are to be development plan documents. Development plan documents must be prepared in accordance with the local development scheme. The CELPS is a development plan document which has been prepared pursuant to the Council's local development scheme.

- 7.4. During the examination of the CELPS, the Council produced a Self-Assessment of Legal Compliance of the CELPS. The Inspector has accepted that all relevant legal requirements have been met including the preparation of a sustainability appraisal as explained above. He also concludes, after taking into account representations by objectors and the Council that the progress and examination of the CELPS is not legally flawed (see paragraphs 13-24 of the report).
- 7.5. As part of the examination process, the Council requested the Inspector to recommend any modifications needed to rectify matters that make the Plan unsound or not legally compliant. The Inspector recommended Main Modifications, all of which relate to matters discussed at the examination hearings, and has explained why these are necessary to ensure that the CELPS is sound. The Council is able to make other minor changes which do not affect its overall soundness and do not need any endorsement from the Inspector.
- 7.6. The Council is not required as a matter of law to adopt the CELPS after considering the Inspector's report. However, it can only adopt a development plan document in accordance with the recommendations of the Inspector, save for additional modifications which do not materially affect the substance of the policies.
- 7.7. These legal requirements relating to adoption have been followed by the Council and reflected in the recommendations of this report. Following adoption, the CELPS would become part of the statutory development plan for the administrative area of the Council.
- 7.8. There are post-adoption procedures to be followed, including the preparation of an adoption statement and SA adoption statement, which have been explained above.
- 7.9. Adoption will trigger a six-week period within which any person aggrieved by the CELPS may make an application to the High Court on limited grounds, namely that either: (a) the document is not within the appropriate power; or (b) a procedural requirement has not been complied with. The legal compliance of the CELPS has been addressed by the Council and the Inspector through the examination process.

7.10. Financial Implications

7.10.1. The costs associated with the adoption of the Local Plan Strategy are covered by the existing revenue budget for Planning and Sustainable Development.

7.10.2. If the Council decides not to adopt the Local Plan Strategy, this could result in considerable financial and resource implications for the Council, in relation to cost of defending planning decisions at appeal that result from the Council not having an up to date Local Plan, and in relation to the significant costs involved in producing and examining a new Local Plan Strategy.

7.10.3. An adopted Local Plan is also a pre-requisite of implementing the Community Infrastructure Levy (CIL). Without the Local Plan it would not be possible to progress CIL as a means of funding future infrastructure. There would also be further financial implications resulting from a decision not to adopt the Local Plan Strategy. This includes the cost of preparing an alternative Local Plan, the likely increase in planning appeals and the increased uncertainty that would surround major developments and infrastructure proposals. Costs would arise in order to mitigate this uncertainty – and the risk of lost investment would also increase.

7.11. Equality & Human Rights Implications

7.11.1. The CELPS has been subjected to equalities impact assessment throughout the preparation of the plan, as part of the sustainability appraisal process. The Inspector also confirmed in his report that he had applied the Public Sector Equalities Duty as part of the examination.

7.11.2. As regards Human Rights, if and in so far as Convention rights are engaged by the preparation and adoption of the CELP, officers are satisfied that the adoption of the CELPS would not involve any breach of those rights having regard to the necessary balancing exercise between the interests protected by the Convention and the wider planning interests of the community

7.12. Rural Community Implications

7.12.1. The Local Plan Strategy provides a planning framework for all areas of the Borough outside the Peak District National Park. Consequently, it covers much of the rural area of the Borough in a geographic sense – but also it addresses numerous matters of importance to rural areas within its policies and provisions. Importantly, the Local Plan Strategy will facilitate the drawing up of more detailed policies for rural areas, via either the Site Allocations development Plan Document or Neighbourhood Plans.

7.13. Human Resources Implications

7.13.1. No new Implications arising from this report

7.14. Public Health Implications

7.14.1. The adoption of the Local Plan Strategy creates benefits for public health through the creation of healthier new communities which incorporate good standards of open space, recreation, housing and green infrastructure. Policy SC3 of the Local Plan Strategy addresses health and well being and will carry full weight in decision making.

7.15. Implications for Children and Young People

7.15.1. The Adoption of the Local Plan will provide a more secure and certain framework for investment in new school infrastructure. It will also ensure that the children and young people of Cheshire East will be provided with sufficient homes and employment opportunities in future years.

7.16. Other Implications – Older & Vulnerable People

7.16.1. A key theme within the Local Plan Strategy is planning for the needs of an older population. For the first time, older person's accommodation is embedded within the housing requirement for the Borough and a number of policies are designed to promote independent living for older and vulnerable residents.

8. Risk Management

8.1. An adopted Local Plan has many benefits for the Council, local communities and business. It provides certainty over future growth, infrastructure and a secure framework for investment. Accordingly delay in the planning process poses risks for the Council with potential uncertainty over the decision making framework continuing in the short term.

9. Access to Information/Bibliography

9.1. The Local Plan Strategy examination library contains all published material relating to the Examination process. This can be accessed online at <http://cheshireeast-consult.limehouse.co.uk/portal/planning/cs/library>

10. Contact Information

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APPENDICES

Appendix 1	Inspector's Final Report June 2017
Appendix 1a	Inspector's Interim Views November 2014
Appendix 1b	Inspector's Further Interim Views December 2015
Appendix1c	Schedule of Main Modifications
Appendix 2	Schedule of Additional Modifications
Appendix 3	Local Plan Strategy Adoption Version July 2017
Appendix 4	Sustainability Appraisal Adoption Statement
Appendix 5	Cross-references Between the Adoption Version and Draft Versions of the Local Plan Strategy