



Strategic Planning Update

October 2022

The Strategic Planning Update is one of the ways that we aim to keep local councils in touch with planning policy matters in the Borough.

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Examination of the Site Allocations and Development Policies Document (SADPD)

Following approval by the Full Council, the SADPD was submitted to the Secretary of State for independent examination on 29 April last year. Local plan examinations are dealt with by the Planning Inspectorate and the Inspector appointed to carry out the examination of the SADPD is Mike Hayden.

The purpose of the examination is to assess whether the SADPD has been prepared in accordance with legal and procedural requirements, and if it is 'sound'. A 'sound' plan is one that has been positively prepared and is justified, effective and consistent with national policy. These four tests of 'soundness' are set out in the National Planning Policy Framework.

During the examination, the Inspector has considered the evidence provided by the Council to support the SADPD and the representations seeking changes to it that have been put forward by residents, local councils,

developers and other interested parties. Ten days of examination hearings took place between 12 October and 4 November 2021.

At the beginning of this year, the Inspector wrote to the Council with his interim views on a range of matters arising during the hearings, making clear that they were without prejudice to the conclusions that would appear in his final report.

Positively, the Inspector considered that, subject to some amendments to policies – called ‘main modifications’, the SADPD was likely to be capable of being found legally compliant and sound. To note, main modification is the term used to describe a change to the plan that the Inspector considers necessary for soundness and/or legal compliance.

His interim findings included:

- The SADPD’s approach towards meeting residual housing development needs at Local Service Centres (LSCs) through a windfall rather than allocations-led approach is sound.
- The allocation of 6ha of land adjacent to Recipharm at Holmes Chapel to meet residual employment needs at LSCs is sound.
- The site allocations proposed at Crewe and the Key Service Centres of Congleton, Poynton and Middlewich are sound – subject to some main modifications on detailed policy requirements for some of these sites.
- The SADPD’s approach towards defining settlement and infill boundaries is justified and soundly based.
- The proposed designation of the additional ‘safeguarded land’ around the Local Service Centres in the north of the borough is sound.
- The definition of Strategic Green Gap boundaries around Crewe are justified by robust evidence and are sound.
- The Council’s evidence of Gypsy and Traveller accommodation needs is robust and up to date, and the proposed supply of pitches through allocations and permissions would meet the identified need. A main modification is required to amend the local connection requirement in the case of Gypsy and Traveller windfall site development.
- The SADPD makes adequate provision for specialist housing accommodation for older people – subject to main modifications, including to alter terminology used so it is consistent with national planning policy.
- The inclusion of policies regarding accessibility standards and space standards is generally supported, subject to some main modifications.
- The SADPD’s approach towards retail and town centre development is sound but there is an outstanding matter regarding the setting of an impact threshold for ‘local urban centres’.
- Restriction on the opening hours of new hot food take-aways within 400m of schools is not justified for the whole borough but can be

applied to the 'Crewe 6' wards in line with the Cheshire East Joint Strategic Needs Assessment.

Following the receipt of these interim views, the Strategic Planning team assisted in drafting the main modifications under the direction of the Inspector. They were subject to 6 weeks' public consultation between Tuesday 19 April and Tuesday 31 May, providing an opportunity for local residents, developers and others to give their views on these changes along with proposed changes to the policies map that accompanies the plan.

Following this consultation, the Council prepared a Report of Consultation which includes a summary of the issues raised in representations. This, and a copy of all the representations in full, were sent to the Inspector for his consideration in completing the examination report.

Upon receipt of the Inspector's examination report, which will have a final schedule of recommended main modifications appended to it, the Council is able to proceed to adopt the Plan. It is hoped that the report will be received in time for a decision to be made at the Full Council meeting on 14 December.

Given that the SADPD is now at a relatively advanced stage of preparation you will see it increasingly being referred to as an important material consideration within planning application reports prepared by officers. The weight given to policies in emerging local plans generally increases as they advance towards adoption. Upon adoption, the SADPD would become part of the statutory development plan which is the starting point for planning application decision making. It would also replace the remaining saved policies in the Congleton, Crewe and Nantwich, and Macclesfield Local Plans.

More information about the examination can be [viewed here](#).

Minerals and Waste Local Plan (MWP)

On 1 July 2022 the Council's Environment and Communities Committee approved a draft Cheshire East Minerals and Waste Plan (MWP) for public consultation, together with its associated documents, call for sites exercise and mapping (via the Council's website). This includes the Sustainability Assessment, Habitats Regulation Assessment and the current supporting evidence base for the MWP. The exact dates for the consultation have yet to be finalised but it will take place over 6 weeks, most likely beginning in early November.

The MWP details the Council's planning policies on minerals and waste matters. Once adopted, it will form one of the documents that, together, make up the Council's Local Plan. The MWP will contain a mixture of both strategic and non-strategic policies and will cover the period 2021-2041.

This is different to the LPS and SADPD which cover the period 2010 to 2030.

The MWP focuses on issues that are specific to minerals and waste matters with the overall aim of achieving the sustainable provision of minerals and the sustainable management of waste within the Borough. Once adopted, it will replace saved policies in the separate Cheshire County Council Minerals and Waste Local Plans, adopted in 1999 and 2007 respectively. It would also replace policies SE 10 (minerals) and SE 11 (waste) in the LPS.

The draft MWP meets national planning guidance by containing policies that will help deliver a steady and adequate supply of the minerals found in Cheshire East over the Plan period. These include silica sand and salt, both of which are considered to be nationally significant minerals due to their relative rarity within the UK. It will also help to fill current gaps in the saved mineral policies inherited from the County Council including around the safeguarding of mineral resources and infrastructure, and the determining of any proposals for unconventional hydrocarbon extraction (i.e. fracking).

The draft MWP also contains policies that will help manage all the waste generated within the Borough over the Plan period to meet national objectives of less waste being produced and wherever possible for waste to be used as a resource. As a guide to the amounts involved, the Council's Waste Needs Assessment (WNA) refresh (2019) estimated that some 1.2 million tonnes of waste arose in Cheshire East in 2017 and that this represents a reasonable value for the Council to plan for through its MWP for the period to 2030. The WNA refresh also found that while there appears to be sufficient existing consented capacity to meet recycling and organic waste treatment management requirements to 2030, there is a predicted shortfall in capacity to manage Residual Waste (black bin) and Inert Waste to 2030. This capacity shortfall will need to be addressed through the MWP. An updated WNA will be required to cover the full plan period to 2041.

More information about the draft MWP can be [viewed here](#) (scroll down to Item 8).

Local Plan Strategy (LPS) Review

Planning law requires that all local plans must be reviewed within 5 years of their adoption. By 'review', this means assessed, to determine whether the plan needs updating. It involves checking if the policies in the plan are being successfully implemented, whether they remain in line with national planning policy and whether there have been any other changes in circumstances that require the plan to be updated.

On 1 July 2022 the Council's Environment and Communities Committee considered the review of the Local Plan Strategy, which was adopted on 27 July 2017. It was decided that an update to the Plan should be commenced to address changes that have been made to national planning policy since

its adoption and because of changes in local circumstances. These circumstances are the need to put in place planning policies to manage the development opportunities that will arise from the arrival of HS2 at Crewe and the Council's latest Corporate Plan which further prioritises actions to support well-being and protect the environment. The latter ties in with the Council's Environment Strategy and its ambition to achieve carbon neutrality and tackle climate change.

More information about the review of the Local Plan Strategy can be [viewed here](#) (scroll down to Item 9).

Supplementary Planning Documents update

Housing

A final draft Housing Supplementary Planning Document was consulted on and subsequently adopted in July 2022. Further details can be [viewed here](#).

The SPD will apply across the whole borough and provides additional planning guidance on a range of housing matters for developers, applicants, and other stakeholders. The guidance describes how the Council will expect policies in the Local Plan to be applied, for example giving more information on how financial contributions to affordable housing should be calculated and how specialist housing provision will be considered.

SPDs reliant on the SADPD

During 2021/2022, a number of first draft SPDs were prepared that will assist in the delivery of policies held in the SADPD, providing further advice guidance and detail on a range of matters. These SPDs cannot be adopted until the SADPD is complete and adopted by the Council, however the Council has ensured it is in a strong position to bring this additional guidance into place as soon as possible by beginning the process on a number of documents related to:

Biodiversity Net Gain SPD

Provides advice that will apply across the borough and sets out the process through which developers should demonstrate how they have considered habitats and biodiversity in their applications – for example how assets have been retained and improved on site and how offsite financial contributions will be calculated and used.

Sustainable Drainage Systems

Provides a guide and toolkit on how surface water should be dealt with in new development to slow down run-off, reduce flooding and integrate improved green design in development.

Environmental Protection

Provides guidance on a range of environmental issues including pollution, air quality, noise and odour. The SPD sets out the types of information and assessments that applicants will need to provide in planning applications where environmental issues may arise.

Jodrell Bank

Provides guidance on heritage and landscape matters affecting the observatory and how the electrical interference from new development should be addressed, including the type of information that applicants are required to submit to support their proposals.

First drafts of these SPDs have been prepared and consulted on. The results of these consultations and the revised final draft documents will be published once the SADPD has itself been adopted by the Council. This will then enable the SPDs to proceed to adoption.

Developer Contributions SPD

Provides advice and guidance to landowners and applicants on the type of contributions they may be required to make to address the impacts of new development - through 'Section 106' and 'Section 278' agreements. The first draft SPD is being consulted on between 26th September 2022 and 7th November. Further details about the document and the consultation can be viewed [here](#).

Neighbourhood Planning progress

Many parishes are now making good progress on their initial neighbourhood plans (notably Marbury, Church Lawton and Over Alderley) whilst others are considering updating already completed plans including Sandbach, who successfully passed examination in March.

Sound and Broomhall, Odd Rode and High Legh all completed consultation on Regulation 14 draft plans with Sound and Broomhall having now submitted their plan for examination.

As the Council nears completion of the SADPD, it's a great time for groups to start reviewing neighbourhood plans. Through its Statement of Community Involvement, the Council published a refreshed [support offer](#) to neighbourhood plan groups to assist towns and parishes to review and update their plans and can advise on all aspects of the process and how groups can make the most of government support.

The current support package from government includes up to £10,000 financial assistance and technical support to prepare a variety of assessments including housing need report, site allocations assessments

and design codes. As the government increasingly focuses on good design in plan making, we're keen to support groups to produce their own local design codes, supporting the achievement of high-quality design across the borough.

For more information, or to find out what type of support Cheshire East can provide for your neighbourhood plan please get in touch with the team. Contact details and further information are available via [this link](#).

Authority Monitoring Report (AMR)

The Council's AMR 2020-2021 has now been published and can be [viewed here](#). This is produced annually, and its purpose is to:

- monitor whether new Local Plan documents are being prepared in line with the timetable for their production published in the Local Development Scheme;
- identify how successful the adopted Local Plan policies have been at achieving their intended aims; and
- provide relevant statistical information about the borough and highlight key trends

National planning reforms

In August 2020 Government set out, through a White Paper, proposals to [reform the planning system](#) and invited public feedback. Proposals included simplified local plans in which land would be categorised for growth, renewal or protection. The government received over 40,000 responses. A number of the White Paper proposals, most notably the growth, renewal and protection land designations, have not been taken forward, however some reforms are currently being brought forward through the [Levelling Up and Regeneration Bill](#). This is quite light on detail and secondary legislation will be required to understand how the provisions in the Bill will operate in practice. Alongside these legislative changes, the Government is also intending to publish a new National Planning Policy Framework to bring about other aspects of planning reform.

It is fair to say that progress with planning reforms continues to be slow and uncertain, and following the recent appointment of a new Prime Minister and new ministers, further reforms are likely to be proposed.

In the meantime, several changes to the planning system have been introduced, including:

- permitted development rights that can allow upward extensions of existing purpose-built blocks of flats and certain other buildings by up to 2 additional storeys to create new homes;

- permitted development rights that can allow the demolition of certain vacant buildings and their redevelopment for residential use;
- changes to the Use Classes Order, particularly the creation of a new Class E, allowing for changes of use between retail and other commercial uses; with permitted development rights allowing changes from Class E uses to dwellings;
- the introduction of 'First Homes', a new type of affordable home, discounted by at least 30% for first time buyers;
- the publication of the National Model Design Code;
- the launching of the new [Green Infrastructure Framework](#) through Natural England that provides digital mapping; and
- updates to the Biodiversity Metric that help us calculate net gain contributions
- a [Written Ministerial Statement](#) on Nutrient Neutrality intended to ensure that any land use or developments occurring around vulnerable watercourses do not cause an increase in harmful nutrient levels. Where an increase will occur, it needs to be offset somehow to balance out, or neutralise, the impact on the environment. There are two locations in Cheshire East that are subject to these new rules, Rostherne Mere and Wynbunbury Moss.