

CHESHIRE EAST COUNCIL
EXAMINATION OF THE CHESHIRE EAST LOCAL PLAN STRATEGY
INSPECTOR'S VIEWS ON FURTHER MODIFICATIONS NEEDED TO THE
LOCAL PLAN STRATEGY (PROPOSED CHANGES)

1. Following the resumed hearing sessions completed on 20 October 2016, I indicated that I would inform Cheshire East Council (CEC) about any further work and further modifications needed to ensure that the Cheshire East Local Plan Strategy (Proposed Changes – March 2016) (the “Revised Plan”) is legally compliant and sound. CEC has confirmed that it wishes me to recommend Main Modifications to ensure that the Plan is legally compliant and sound.
2. This report only outlines the further work and further modifications that are needed to ensure that the Local Plan Strategy is sound. My conclusions on the wide range of matters and issues raised in the representations and discussed at the hearing sessions will be set out in my final report to the Council, following public consultation on the Main Modifications. **Any views given in this interim report are entirely without prejudice to my consideration of representations on the Main Modifications and my final conclusions on the soundness and legal compliance of the submitted or any Revised Plan.**
3. I have already issued my Interim Views on the Plan as originally submitted, along with my Further Interim Views on the additional evidence produced during and after the suspension of the examination¹. I have also considered all the evidence, representations, responses and discussions at the latest hearing sessions relating to the Revised Plan. At this stage, I consider that no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions on the Duty to Co-operate, the overall development strategy, including the revised amount of housing and employment land proposed and the objective assessment of housing need, the settlement hierarchy, the policies for the Green Belt and Safeguarded Land, and the revised spatial distribution of development.
4. CEC also seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations. The principle of establishing a Strategic Green Gap around Crewe seems soundly based and the development strategy for the Principal Towns, Key & Local Service Centres, Other Settlements & Rural Areas and Other Sites, including the amounts of development and the strategic sites/locations, seems to be appropriate, justified, effective, deliverable and soundly based. There is also no need to consider in detail any “omission” sites at this stage in the examination, and issues relating to the other strategic policies in the Plan seem to be capable of resolution by modifications.
5. CEC has put forward a large number of further proposed changes to the Revised Plan, as a result of the representations received and the discussions at the recent hearing sessions. I have considered CEC’s Schedule of Further Proposed Changes² and make the following comments and recommendations:
 - i. The latest Schedule of Further Proposed Changes seems to address most of the changes to the policies and accompanying text necessary to ensure that the Revised Plan is sound and legally compliant.
 - ii. The original Submission version of the Local Plan Strategy (March 2014)³ has not been formally withdrawn, but has effectively been superseded by the Local Plan Strategy – Proposed Changes (Consultation Draft - March 2016)⁴. CEC should therefore consider how this situation can be addressed, so that the Main Modifications stage of public consultation can continue on a legally sound basis. I understand that CEC is currently taking legal advice on this matter. Since changes to the Submitted Plan, now incorporated into the Proposed Changes (March 2016) version, have already been subject to formal public

¹ PS/A017ab, PS/A018 & RE/A021

² RH/D008

³ SD/001

⁴ RE/F003

consultation, any further representations should focus on “new” Main Modifications to the Revised Plan not previously subject to consultation.

- iii. In terms of housing land supply, there is clear and compelling evidence which confirms that a significant number of windfall developments has been coming forward consistently in recent years⁵, particularly in the main urban areas. CEC’s Urban Potential Study⁶ and later evidence⁷ also shows that such sites are likely to continue to come forward in the future. The Revised Plan already takes account of such windfalls coming forward in the urban areas of Crewe and Macclesfield (Sites SL1 & SL4), and CEC’s evidence suggests that a further allowance of at least 100-125 units/year could be made for windfalls elsewhere⁸. Consequently, in line with guidance in the NPPF⁹, CEC should review the realistic amount of housing development that is likely to come forward from windfalls within the urban areas of the Principal Towns and Key & Local Service Centres within the remaining Plan period. A realistic total allowance for housing from this source should be included in the housing figures for both 5-year and overall supply, to provide further flexibility in housing provision. The text and tables accompanying Policy PG1 should also summarise how the Plan intends to fully meet the objectively assessed housing need, including the contributions expected from past completions, commitments, strategic sites/locations, SADPPD sites and windfall allowance.
- iv. CEC puts forward various further amendments to the other strategic policies. These are necessary to update and clarify the application and approach of these policies and ensure they are fully justified, effective, positively prepared and consistent with the latest national policy.
- v. CEC has put forward several amendments to the details of the policies for the proposed strategic sites and strategic locations. These are needed to clarify the application and approach of the policies, ensure that they are up-to-date and address relevant site-specific factors. Apart from a few exceptions (listed below and later), no further modifications are needed to the development strategy, proposed amounts of housing and employment land, and the site-specific policies for Crewe, Macclesfield, the Key & Local Service Centres, Other Settlements & Rural Areas, and Other Sites.
- vi. The overall amount of Safeguarded Land proposed at Macclesfield (103ha) exceeds that set out in the preferred distribution of Safeguarded Land (95ha)¹⁰. At Site CS32, concern has been expressed about the possible impact of future development on Cock Wood, an area of Ancient Woodland and a designated Local Wildlife Site. As Safeguarded Land, this area would not be developed unless needed at a review of the Local Plan. However, in order to secure the long-term future of this woodland, part of this site should be excluded from the area of Safeguarded Land and retained within the Green Belt, as suggested in CEC’s homework item¹¹. This would provide a firm, defensible, long-term boundary to the Green Belt and avoid an excessive amount of Safeguarded Land being identified at Macclesfield.
- vii. CEC has put forward some further amendments to the Monitoring & Implementation Framework, which are needed to ensure the effectiveness of the policies and their consistent monitoring.
- viii. CEC also proposes to update Appendix A, to reflect the latest position on the Proposed Growth Distribution and housing land supply. In addition to including the latest housing trajectory, Appendix E should also summarise how the Plan intends to fully meet the objectively assessed need for housing in terms of 5-year and overall housing supply, including how it addresses the 20% buffer and the shortfall in past housing provision (the “Sedgepool 8”

⁵ PC/B037

⁶ PS/E039

⁷ RH/D003

⁸ PC/B037; PCM2.031.001

⁹ National Planning Policy Framework (NPPF; ¶ 48)

¹⁰ RE/F010 (Appx 2); PC/B015 (¶ 6.1); PC/M3.001 (¶ 13-20); RH/B002.013

¹¹ RH/B002.023 & RH/B002.044.010

approach), using information in the latest Housing Topic Paper¹². Other consequential changes are proposed to be made to several tables, diagrams and figures in the Revised Plan, along with the Key Diagram and site allocations, where amended.

- ix. At this stage of the examination, apart from the further amendments proposed by CEC and those recommended by me, my initial conclusion is that no other modifications are needed to the Revised Plan in the interests of legal compliance and soundness.
6. I attach a list of other comments and queries as an annex to this report.
Future progress of the examination
7. CEC should consider these comments and make the necessary amendments to the Revised Plan as outlined in the Schedule of Further Proposed Changes and my above recommendations. I would wish to see the final version of the Schedule of Main Modifications before it is formally published for consultation. Amendments which are directly related to the soundness of the Plan should be identified as Main Modifications, excluding any minor "Additional Modifications" which are not related to soundness. The Main Modifications should be subject to a 6-week period of public consultation, accompanied by any addenda to the Sustainability Appraisal and Habitats Regulations Assessment. Representations should only be invited on the Main Modifications, and not about the absence of any modifications. The Council should consider these representations and respond where necessary, and I will also take account of these representations and any responses.
8. Main Modifications are put forward without prejudice to my final conclusions on the soundness and legal compliance of the Plan. The Planning Inspectorate's guidance¹³ confirms the general expectation that issues raised during consultation on the Main Modifications will be considered through the written representations process and further hearing sessions will only be scheduled exceptionally.
9. In presenting these comments and recommendations, I am fully aware of CEC's ambition to adopt a sound Local Plan for Cheshire East as soon as practicable and to avoid any unnecessary delays to the examination. This local plan has taken a considerable time to prepare and examine, and it is in everyone's interest to ensure that the process is completed as efficiently as practicable. In saying this, I understand that the Local Plan Strategy is only the first part of the local plan for Cheshire East; it is to be followed by a second part, the Site Allocations & Development Policies DPD (SADPPD), which will address more detailed aspects of development management, as well as defining boundaries for specific policies. It will also consider making smaller-scale land allocations for housing, employment and other uses, including the possibility of further small-scale releases of land from the Green Belt. When completed and seen alongside the Local Plan Strategy, it will provide a comprehensive planning framework for development within Cheshire East.
10. These comments and recommendations for further modifications are made in the context of Ministerial and PINS guidance which advises inspectors to adopt a consensual, positive, pragmatic and supportive approach when examining local plans, with the objective of getting an up-to-date, sound plan in place¹⁴. They are being sent to CEC for them to take the necessary action, and are being made available to other parties for information only; no further responses should be submitted. In making these comments and recommendations, I have considered all the evidence, representations, discussions at the hearing sessions and responses to all the documents and evidence up to this stage of the examination.
11. Consequently, I would ask the Council to consider the implications of these comments and recommendations before advising me on their preferred course of action and timetable for consultation on the Main Modifications.

Stephen J Pratt – Local Plan Inspector

13 December 2016

¹² PC/B037

¹³ Procedural Practice in the Examination of Local Plans (¶ 5.27) [PINS; June 2016 – 4th edition]

¹⁴ Procedural Practice in the Examination of Local Plans (¶ 5-6) [PINS; June 2016 – 4th edition]

ANNEX

INSPECTOR'S OTHER COMMENTS AND QUERIES ON THE SCHEDULE OF FURTHER PROPOSED CHANGES TO THE REVISED PLAN

- i. In the Vision, CEC should consider amending the first sentence of the third paragraph, to refer to "fully meet *identified* needs", in order to clarify the nature and extent of the needs being met.
- ii. The text accompanying Policy PG1 should also refer to the latest DCLG 2014-based Household Projections and briefly summarise its implications for housing needs¹⁵, to ensure that the Plan is up-to-date and is informed by the latest available information, in line with PPG guidance [ID-2a-016].
- iii. Policy PG4a – Strategic Green Gaps: I understand that the latest plan¹⁶ showing the broad extent of the proposed Strategic Green Gap to the east and south of Crewe and between Crewe and Nantwich (Fig. 8.3a) reflects the area of the Green Gap as defined by saved Policy NE4 of the Borough of Crewe & Nantwich Replacement Local Plan (2011), amended to reflect changes proposed in the Local Plan Strategy (Proposed Changes). CEC may wish to consider whether it also needs to be amended to take account of any planning permissions granted for built development within the defined area since then.
- iv. In the Enterprise and Growth chapter, Fig 11.1 (in the submitted/revised Plan and as proposed to be amended) does not seem to accurately reflect the diagram or initiatives in the "All Change for Crewe: High Growth City" report¹⁷, or the relevant diagram in the LEP's Strategic Economic Plan¹⁸ (SEP); it should be deleted or replaced with a more accurate diagram, without referring to the Green Belt to the south of Crewe. Similarly, although Fig 11.2 identifies the specific sites in Cheshire East within the Cheshire Science Corridor (with Alderley Park now designated as an Enterprise Zone), it seems to interpret a wider vision and spatial extent than that set out in the LEP's SEP¹⁹, including technology and a rectangular Growth Corridor not specified in the SEP. CEC should review the content and terminology of these diagrams, in order to avoid any inaccuracies and confusion.
- v. FPC031: Policy SC1- Key Evidence list: the Playing Field Strategy was included in the Proposed Changes version and proposed for deletion in the July 2016 version; is it now to be re-included, in which case no amendment is needed?
- vi. I note that CEC has reviewed and amended the wording of Policy SE3 (Biodiversity and Geodiversity), in response to representations and in order to be consistent with national policy and the Habitats Directive.
- vii. I understand that CEC has reviewed the Secretary of State's recent appeal decision on housing development at Main Road, Goostrey²⁰, and proposes no further changes to Policy SE14 (Jodrell Bank).
- viii. I note that CEC has now decided to amend Policy CO2 to refer to the latest position on the HS2 Safeguarding Directions²¹, along with proposed additions to the text, Policies Map and Figures within the Crewe section of the Plan (Chapter 15) (FPC 057; 062-065 & 067).
- ix. Site CS38 – Leighton: Principles of Development "k": The Proposed Changes (July 2016 version) proposed to delete the reference to "improved education facilities, as required", but this amendment is not included in the Further Proposed Changes. CEC was going to review this matter, so has it now been decided to retain this phrase in the final version of the Plan?
- x. Site CS43 – Radway Green North: FPC 108 refers to Radway Green Extension rather than Radway Green North.

¹⁵ PC/M2.001; PS/E032

¹⁶ PC/B041 (Fig.8.3a; RH/B002.010

¹⁷ BE122A (p.11 & 18)

¹⁸ BE124 (Fig 8; p.42)

¹⁹ BE124 (p.40-41)

²⁰ RH/B002.007; RH/D005: Appeal ref: APP/R0660/W/15/3129954 (23 November 2016)

²¹ RH/D002; RH/D004

- xi. Site CS57 – Hazelbadge Road: FPC 188 refers to flood risk, but duplicates much of the accompanying text currently in para 15.338o.
- xii. Site CS59 – Land south of Chester Road: the heading above para 15.338ah should be amended to refer to Site CS59 rather than CS15.
- xiii. I note that CEC proposes to delete reference to the Cheshire Gateway site (CS64) as Safeguarded Land (Policies PG3 & PG4) and in the associated diagrams (Figs.8.1, 8.3 & 15.50a).
- xiv. Table 15.41: both the March & July 2016 versions of the Local Plan Strategy (Proposed Changes) indicate that this table is to be updated to reflect the position at 31 March 2016. Is it intended that the revisions set out in FPC221 are to replace the previous Table 15.41 (Committed Strategic Sites)?
- xv. Where several amendments are being proposed to a particular policy, part of a policy, paragraph or figure/table, they could be incorporated into one modification.
- xvi. The following Further Proposed Changes seem to fall within the category of "Additional Modifications", since they delete duplicated text, and do not need to be subject to consultation as part of the Main Modifications procedure: FPC 002; FPC 110; FPC 155; FPC 227. Any amendment which materially alters the content or approach of a policy, or introduces new or amended requirements, to ensure that the Plan is legally compliant and sound should normally constitute a Main Modification. Since changes to the Submitted Plan have already been incorporated into the Revised Plan and have been subject to full and unfettered public consultation, there may not need to be further public consultation on these Main Modifications.
- xvii. I note that the Schedule of Further Proposed Changes includes several amendments to the Figures relating to the town diagrams and proposed site allocations. I understand that these Figures do not themselves constitute extracts from the Policies Map, since Proposed Changes to the Policies Map were published separately for the Proposed Changes version (March 2016) of the Plan²². Since the Policies Map is not actually a Development Plan Document²³, I cannot formally recommend any amendments to it as part of the Main Modifications process. Any changes to the Policies Map should be published for consultation alongside the Main Modifications, in the form of an annex to the Schedule, as currently envisaged. When the Plan is adopted, CEC will need to update the Policies Map to include all the proposed changes.
- xviii. I assume that CEC has included all the amendments to the Proposed Changes (March 2016 version) included in the later Proposed Changes (July 2016 version) and indicated in the homework items, as well as any others agreed during the recent hearing sessions and put forward as a result of considering the responses to CEC's homework and late documents.
- xix. Reference has been made in several representations and responses to the Draft Greater Manchester Spatial Framework, published on 28 October 2016; this has now been added to the examination library, for information²⁴. However, I understand that this is an initial draft for consultation, which can carry little weight at this time, since there is no certainty about the content of the final Plan, and the strategy may need to be reviewed before formal consultation takes place on a Publication version of the Plan later in 2017.

²² RE/F007

²³ Town & Country Planning (Local Planning) (England) Regulations 2012 [2012 No.767] (Regs. 2(1); 5-6; 9)

²⁴ RH/D001