

CONGLETON TOWN COUNCIL

COMMITTEE REPORTS AND UPDATES

COMMITTEE:	Planning		
MEETING DATE AND TIME	21 st December 2023 7.00 pm	LOCATION	Town Hall
REPORT FROM	Chief Officer David McGifford		
Agenda item	Agenda item 13 Cheshire East Council Consultations		
Background	<p>Cheshire East Council have requested consultation feedback against two Supplementary Planning Documents.</p> <ol style="list-style-type: none">1. Environmental Protection Supplementary Planning Document 20232. Developer Contributions Supplementary Planning Document 2023 <p>These are both quite complex and specialised consultations, therefore Andrew Thomson who is a Planning Consultant and advisor on our Neighbourhood Plan, has undertaken a review of both of these documents and provided a recommendation.</p>		
<p>1. Draft Environmental Protection Supplementary Planning Document 2023</p> <p>This document pulls together the Council's (CEC) approach to Environmental protection issues when considering planning applications and is limited to those matters which fall within the remit of the Council's Environmental Protection Team.</p> <p>The specific areas covered by the draft SPD are:</p> <ul style="list-style-type: none">Air quality and dust pollutionContaminated landNoiseLight pollutionOdour pollution <p>These are all important matters and can have a potential impact upon immediate neighbours to any proposed development as well as the wider community. The aim of the SPD is to offer guidance and technical advice to applicants to ensure that their proposed developments meets policy requirements and are designed to minimise impacts on public health, wellbeing and amenity.</p> <p>Planning Policy Framework</p> <p>The SPD points out that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. It is noted in the SPD that such material considerations can include national planning policy and adopted SPDs where relevant.</p> <p>The SPD then lists the relevant development plans as follows;</p>			

The National Planning Policy Framework
National Policy for Waste
Noise Policy statement for England
National Planning Practice Guidance

Cheshire East local Plan Strategy 2017
SADPD 2022
Saved policies from the Cheshire Replacements Minerals Plan 1999
Saved policies from the Cheshire Replacement Waste Local Plan 2007

Completed Neighbourhood Plans

Existing policies

Within the **Cheshire East Local Plan Strategy** there are 4 strategic priorities relating to 'protecting and enhancing environmental quality' and these are;

SD1 Sustainable development in Cheshire East
SD2 Sustainable development principles
SC3 Health and well-being
SE12 Pollution, land contamination and land instability

There are also a number of policies that are of relevance to Environmental Protection including;

Env 9 Wind energy
Env 12 Air quality
Env 13 Aircraft noise
Env 14 Light pollution
Env 15 New development and existing uses
Rur 1 New buildings for agriculture and forestry
Rur 2 farm diversification
Rur 7 Equestrian development
Rur 8 Visitor accommodation
Rur 9 Camping and caravanning
Rur 10 Employment in the open countryside

In addition

Rur 6 allows for artificial lighting only strictly where necessary
Hou12 does not allow development that would cause unacceptable harm to residential amenity
Ret 5 requires restaurants and other similar uses to have no adverse effect on residential amenity
Ret9 seeks to promote the creative use of lighting to add drama to the night-time townscape
Rec 4 requires day nurseries not to cause unacceptable harm to residential amenity

The **Cheshire East Minerals Local Plan 1999** requires applications to evaluate the direct and indirect effects of any mineral proposals including noise, dust, illumination, air-over pressure and peak particle velocity levels.

The **Cheshire Waste Local Plan 2007** includes policies relating to sustainable waste management; impact of development proposals, noise, air pollution, litter and air pollution odour.

There are 37 completed neighbourhood plans in Cheshire East and some of these plans do contain locally specific requirements in relation to Environmental Protection.

The **Draft Environmental Protection SPD** brings a lot of these policies together, updates them and includes making an application together with pre-application advice.

It goes into some detail on the following matters;

Air quality (Section 4 – page 14); including Local air quality management, air quality objectives, air quality assessments, planning conditions and mitigation, air quality during construction and heating appliances such as biomass mass boilers and combined heat and power systems.

Contaminated Land (Section 5- page 22); What is contaminated land, contaminated land and planning and site investigation and assessment

Noise (Section 6 page 32); acceptable noise levels, noise sensitive developments, noise generative developments, noise impact assessments, mitigation measures and noise during construction

Light (Section 7 page 39); what is light pollution, light and planning. Sources of light pollution, lighting assessments, mitigation measures, planning conditions and lighting during construction.

Odour (Section 8 page 42). Requirements for hot food premises and odour impact assessments.

The plan also includes a useful Glossary.

PROPOSAL :

This Draft SPD brings together a lot of the latest national and local policy which will be very useful when discussing both pre-application proposals and planning applications. It is recommended therefore that Cheshire East Council should be encouraged to adopt the SPD as soon as possible.

Final Draft Developer Contributions Supplementary Planning Document 2023

This document sets out exactly what can be considered as Developer Contributions, the purpose of the document and its status. It sets out in part 2 how views can be submitted and what happens after the consultation. Part 3 sets out the planning policy framework and part 4 explains the differences between planning obligations, Community Infrastructure Levy (CIL), Section 278 Agreements, planning conditions and how Section 106 agreements can be varied. Part 5 sets out pre- process involved including pre-application discussions, heads of terms, stages of a S106 agreement, viability, cross-boundary applications, security and timing of payments and index linking. Part 6 sets out fees and charges and parts 7 to 18 lists contributions requirements. Part 19 is a Glossary of the terminology referred to in the various sections and Part 20 includes 4 appendices.

Cheshire East Council's Local Plan Strategy (LPS) is underpinned by an Infrastructure Delivery Plan which sets out the physical, social, and green infrastructure needs associated with the Plan strategy. Developer contributions are an important source of funding to ensure that the infrastructure needs of the borough are met, and via requirements set out in the local plan, development in Cheshire East provides an important source of funding for infrastructure investment.

Whilst there are a variety of sources of funding for infrastructure (Community Infrastructure Levy, government grants, the Councils capital budget etc), since the adoption of the Local Plan Strategy in 2017, over £15 million has been spent on infrastructure projects, secured through S106 financial contributions related to mitigating impacts of development.

S106 legal agreements are not limited to securing financial contributions and are often used to ensure that development takes place in a specified way, for example ensuring delivery of a design feature that incorporates footpaths in certain parts of a site. However, where funding is secured, it is used to mitigate the impacts of development and improve infrastructure provision in multiple different ways, for example: Managing homelessness (Congleton, £166, 215):

S106 funding used to purchase a temporary accommodation property in Congleton to provide a safe and suitable place for homeless individuals and families to live on a temporary basis whilst more long-term secure housing is found.

Education provision (Crewe, £802,000):

Expansion of the Mablins Lane Primary School in Crewe to accommodate a rise in the local area population.

Recreation and play space (Wilmslow, £70,000 S106 plus £47,000 CIL):

Play area improvements delivered at Little Lindow for new/relocated play area, new equipment, path, seating, planting and maintenance.

Highways improvements (Sandbach, £285,000): Upgrade of an existing Zebra crossing on London Road, and new pedestrian crossing on Middlewich Road, alongside pedestrian crossing on Middlewich Road, and footway

improvements to Elworth Primary School and provision of secure cycle storage at Sandbach Station.

Congleton Link Road (Congleton, £22million): S106 funding secured from multiple local plan sites in Congleton to deliver improved connections to the M6, manage town centre congestion and enable development to the north of Congleton.

What are Developer Contributions?

Developer contributions or planning obligations can be required to mitigate the impacts of development and make a proposal acceptable in planning terms. Contributions levied through legal agreements (S106) set out specifically what funding should be secured and for what purpose the funding should be spent. Contributions are made through legal agreements and financial contributions are paid to the Council at agreed trigger points and usually related to the build out of the development.

For financial contributions the Council will hold such funds until the requirements of the legal agreement can be met, and the specified project started.

There are 3 main types of developer contribution;

Community Infrastructure Levy (CIL)

Highway Contributions (Section 278 agreements)

Section 106 agreements

These developer contributions must be levied in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010 which establishes that contributions must be:

Necessary to make the development acceptable in planning terms

Directly related to the development, and Fairly and reasonably related in scale and kind to the development.

Purpose of this SPD

Is to provide information about the provision of and/or contributions towards infrastructure, facilities and services for the Cheshire East Local Plan and to set out the circumstances where infrastructure provision, including financial contributions, will be sought through planning obligations.

This final draft relates to policies in the Cheshire East local plan and the SADPD.

Relevant Planning Policies

Section 106 of the Town and Country Planning Act 1990 (as amended)

Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010

Paragraphs 54 to 57 of the NPPF (February 2019)

Cheshire East Local Plan Policies;

IN1 Infrastructure

IN2 Developer Contributions

SE6 Green Infrastructure

SE7 Historic Environment

SC1 Leisure and Recreation

SC2 Indoor and Outdoor Sports Facilities

SC3 Health and Well-being

SC5 Affordable Housing

SC6 Rural Exception Housing for local needs

SE3 Biodiversity and Geodiversity
SE5 Trees, hedgerows and woodland
SE6 Green Infrastructure
SE12 Pollution, contamination and land stability
SE13 Flood Risk
CO2 Enabling Business Growth through transport infrastructure
 SADPD
 Gen 4 Recovery of forward funded infrastructure costs
 Gen 7 Recovery of planning obligations reduced on viability grounds
 Env1 Ecological networks
 Env2 Ecological implementation
 Env 6 Trees, hedgerows and woodlands implementation
 Env 11 Proposals for battery storage systems
 Rur 4 Essential rural workers occupancy conditions
 Rur 8 Visitor accommodation outside settlement boundaries
 Ret 10 Crewe town centre
 Ret11 Macclesfield town centre
 Rec 2 Indoor sports and recreation implementation
 Rec 3 Green space implementation
 Supplementary planning guidance
 Macclesfield BC SPG on 106 agreements May 2004
 Congleton Borough council Local development framework Interim Policy note – open space provision for new residential developments 2008
 (Both these documents will be revoked on adoption of the developer Contributions SPD)
 The SPD, in section 5, then sets out in some detail the difference between planning obligations, CIL, Section 278 and planning conditions as well as how and in what circumstances Section 106 Agreements can be varied.
 There is also a detailed section (6) on procedure including pre-application discussions; Heads of Terms; stages in the 106 process; cross boundary applications; security and timing of payments; index linking and fees and charges.
 Section 7 of the SPD summarises the scope and detail of likely contributions and requirements as they relate to the policies in the various Development Plans and these can be summarised as follows;
 Affordable Housing
 Cheshire Constabulary
 Climate Change
 Design and Public Realm
 Ecology
 Education
 Highways and Transport
 Sports facilities and open space and green infrastructure
 Public health and health infrastructure
 Recovery of forward funded infrastructure
 Other matters including heritage, public rights of way, flood risk and SUDS and, trees and hedgerows.
 There is a very helpful Glossary at the end of the document together with 4 appendices that relate to;
 HRA/SEA Screening assessment
 Local Plan and SADPD viability assessment and update
 Cheshire East Parking Standards
 Health Impact Screening Assessment

Proposal

It is recommended that Cheshire East Council should be encouraged to adopt the SPD as soon as possible.

