

## **Urgent Non-Controversial decision**

### **Cheshire East Local Plan: Memorandum of Understanding**

**Submitted by** : Executive Director of Regeneration and Development

**Portfolio**: Councillor Williams - Planning, and Assets

**Wards Affected**: All Wards

#### **Purpose of Report**

To seek approval for the signing of a Memorandum of Understanding (MOU) with regard to the submission version of the Cheshire East Local Plan. The MOU is to be signed jointly with Stoke-on-Trent City Council as the issues covered affect both areas. The Local Plan was the subject of Planning Committee report on the 10<sup>th</sup> April 2013 and following approval of that report comments were submitted to Cheshire East. The MOU will be used at the examination of the Cheshire East Local Plan to help highlight where the agreements and disagreements are between the authorities and to help satisfy the 'Duty to Cooperate' requirement.

#### **Recommendation(s)**

- 1) That the content of this report be endorsed and that the Memorandum of Understanding be signed by the Executive Director of Regeneration and Development, the Cabinet Member for Planning and Assets and then submitted to Cheshire East Borough Council.

#### **Reasons**

The attached memorandum of Understanding once signed by the Director and Cabinet Member will thereafter act as evidence of the discussions which have taken place and provide a statement on the outstanding issues prior to Cheshire East Council Local Plan Strategy Examination in Public.

## **1.0 Background**

- 1.1 All local authorities have a statutory 'duty to cooperate'. The agreement brought about through the Localism Act and the National Planning Policy Framework places a legal requirement on local authorities to discuss and consider cross boundary issues such as housing, transport and employment development. The procedural requirement of fulfilling the duty to cooperate is now considered a key test of soundness in the examination of development plan documents.
- 1.2 The Borough Council has been involved in discussions with Cheshire East for the last 2/3 years, and has made representations on all consultations on the various stages of the production of the Core Strategy, now renamed Local Plan Strategy. The Local Plan Strategy sets out the Council's case for sustainable economic growth and is the strategy that the Council wants to adopt to manage development in Cheshire East up to 2030.
- 1.3 As part of the examination into the document the Planning Inspectorate will be interested in the Duty to Cooperate. This effectively considers how well Cheshire East have engaged with their neighbouring authorities in the preparation of their plan, to ensure that any cross boundary issues have been adequately considered. The MOU is part of this process, and highlights the main areas of discussion which have taken place between the authorities. It is important to note that the requirement is for

cooperation and consultation between neighbouring authorities, not necessarily for consensus or full agreement.

## **2.0 Policy Context**

- 2.1 Local Authorities have an obligation to produce Local Plans in order to set guidelines and levels for new development and to allocated appropriate sites to meet objectively assessed needs.
- 2.2 Cheshire East have produced a submission version of their Local Plan Strategy in order to meet this requirement. The document produced is done in accordance with the current planning policy framework set out at the national level in the NPPF. The MOU is a part of this process.

## **3.0 Options Considered**

- 3.1 Option 1 – To not enter into a MOU with Cheshire East. This option has been rejected as it would create considerably more work in that the differences and agreements between the authorities with regard to the Cheshire East Local Plan would not be clear. This would waste officer time and examination time when the Planning Inspectorate are considering the Cheshire East Local Plan. It may for example require the production of additional material requested by the Inspector at the examination, and/or additional attendance in person at hearings.
- 3.2 Option 2 (Preferred) – To enter into a MOU with Cheshire East. The document clearly addresses the areas of agreement and disagreement and where future joint working is required. This will allow the examination of the document to proceed with a clear understanding as to the positions of both authorities. It will also set a precedent for cooperation between the two authorities which will be important in the preparation of our own Local Plan which is currently on-going. This is an important consideration as the requirement for cooperation between authorities is a key fundamental test in the preparation of Local Plans.

## **4.0 Proposal**

- 4.1 The MOU covers the issues which have been discussed at length with Cheshire East and which have previously been the subject of reports to authorise responses to previous consultations. The MOU sets out where the agreements and disagreements are between the authorities with regard to these previous consultation responses. All of the points have previously been approved as part of previous consultation responses and have been discussed with the Cabinet Member for Planning, and Assets and at Strategic Planning Consultative Group.
- 4.2 The key points of agreement outlined in the MOU are detailed below.
  - That proper consultation between the authorities has taken place at every stage of plan preparation.
  - The authorities have engaged with each other on specific cross boundary matters arising during the preparation of the Cheshire East Local Plan.
  - The amount of overall housing and employment development proposed by the authorities, as listed in the current Local Plans, can be met without the contribution of sites in other areas.
  - Cheshire East's proposed development levels for housing and employment are derived appropriately.
  - Proposed stepped approach to housing in Cheshire East should assist in mitigating the adverse impacts of growth on the regeneration of North Staffordshire
  - There are significant migration and travel to work movements between Cheshire East and North Staffordshire.

- Designation of new Green Belt between Crewe and Nantwich is supported in principle.
- Works at Junction 16 have been factored in to proposed development levels. Further work will be needed on the Junction towards the end of the plan period in 2030.
- There are significant transport and connectivity issues between Cheshire East and Newcastle-under-Lyme.
- The impact of a HS2 hub station being awarded to Crewe would require significant reworking of the current plan.

4.5 Key areas of divergence in the MOU.

- Your officers are firmly of the view that should a HS2 station be awarded to Crewe then the Local Plan would require immediate review, an Area Action Plan would not be able to adequately cover the level of change which would not only affect Crewe but much wider areas of South Cheshire and North Staffordshire.
- Cheshire East do not accept the above point and believe the Local Plan is currently correctly worded in saying that an Area Action Plan may suffice.

4.6 The above issue may be considered by the Planning Inspectorate at the hearing into the Local Plan. Whilst it is unlikely to be an issue which will influence the overall soundness of the plan the Inspector will be able to judge what is the most appropriate wording for the policy in question.

4.7 Key areas for on-going and further work on which further cooperation is required and agreed.

- Further up to date information on existing and future migration and travel to work patterns between North Staffordshire and South Cheshire.
- Delivery of improvements, in association with the Highways Agency to Junction 16 of the M6.
- Facilitate improved cross boundary connectivity.

4.8 The above points are generic work streams which will need to continue not only to support the Cheshire East Local Plan, but also to help underpin the work currently being prepared by ourselves on our own Local Plan.

4.9 As mentioned earlier in this report all of these points have been discussed previously at length and the subject of this report is to sign off the MOU which highlights the agreements and disagreements between the two authorities so that these can be presented to the Planning Inspectorate.

## 5.0 Next Steps

5.1 The signed MOU (signed by all parties) will be returned to Cheshire East and be submitted to the Planning Inspectorate, the inspector will then consider it in his examination into the soundness of the Cheshire East Local Plan

5.2 The hearings into the Cheshire East Local Plan will begin on the 16<sup>th</sup> September, a final decision by the inspectorate into the soundness of the plan is not anticipated until early 2015.

## 6.0 Legal and Statutory Implications

6.1 Section 110 of the Localism Act amended the Planning and Compulsory Purchase Act 2004 by inserting into that act a new section 33A. This new section within the 2004 Act sets out a new mandatory 'duty to co-operate' between authorities in relation to cross-border strategic matters. This applies to all local planning authorities, national park authorities and county councils in England –

and to a number of other public bodies.

6.2 Paragraph 179 of the NPPF requires councils to work together to address strategic priorities across boundaries and development requirements which cannot be wholly met within their own areas. Failure to do this will:

- lead to less sustainable plans;
- reduce the ability to deliver infrastructure and inward investment;
- undermine confidence in the ability of councils generally to make difficult political decisions and deliver on newly won freedoms

## **7.0 Equality Impact Assessment**

7.1 There is no legal requirement in the plan making process to produce an Equalities Impact Assessment and on the 1 July, 2013, the Department for Communities and Local Government revoked the practice guidance Diversity and equality in planning, which was issued by the Office of the Deputy Prime Minister in 2005.

## **7.0 Financial and Resources Implications**

7.1 None

## **8.0 Major Risks**

8.1 There are no major risks arising from the MOU being signed. Newcastle-under-Lyme Borough Council has not been called to attend the forthcoming public examination process, now scheduled to take place between 16 September and 31 October 2014.

## **9.1 Earlier Cabinet/Committee Resolutions**

8.2 In April 2014 Planning Committee agreed to submit representations to the Submission version of Cheshire East Local Plan strategy.

## **10.0 List of Appendices**

Appendix 1 – Duty to Cooperate memorandum of Understanding

## **11.0 Background Papers**

[Cheshire East Local Plan: Local Plan Strategy Submission Version](#)