Legal Compliance

The Local Plan is NOT legally compliant in that it does not consistently apply the NPPF definition of 'sustainable development' (NPPF, Paragraph 7). This requires the mutual interdependence and integration of economic, social and environmental factors. This can be seen, for our community, most obviously in the imposition of White Moss 'Quarry' – including surrounding agricultural land – in Alsager as well as the bizarre decision to approve planning permission for the adjacent Rhodes Field site.

Whatever the Local Plan claims, in practice its preparation has breached many of the **Core planning principles** outlined in NPPF (paragraph 17). In particular, planning development in Cheshire East has not been

- Genuinely plan-led, empowering local people to shape their surroundings…

Nor has it been a 'creative exercise in finding ways to enhance and improve the places in which people liver their lives.' Most particularly, the impact of this local plan will not

- Support the transition to a low carbon future in a changing climate
- Contribute to conserving and enhancing the natural environment and reducing pollution.

Its preparation has not included taking 'account of' and supporting 'local strategies' to improve infrastructure. Indeed, it is possible to argue that the requirements of the Localism Act in general have played no part whatsoever in the preparation of this Local Plan. Much of the process of preparation is widely regarded as the worst kind of 'top-down' decision-making and even a 'lottery' as a consequence of the Local Authority's failure either to develop a coherent strategy that commands widespread support or to be able to demonstrate successfully that it can provide a five-year supply of housing land.

The evidence for arriving at these conclusions can be found in the Local Plan proposals for the Key Service Centre of Alsager and this will be addressed more fully in analysis of the Local Plan's 'Soundness' and the implementation of the 'Duty to Cooperate' with neighbouring authorities. The cumulative impact of all of the development now planned for Alsager has been inadequately assessed by the Local Authority. The overall effect of these proposals will be to worsen rather than address some of the issues concerning the future of this community: poor infrastructure; lack of employment; out-commuting; carbon emissions and pollution off one of the most congested sections of the M6 as well as the A500.

The failure of the Local Authority to address the infrastructure requirements of Alsager – as required in NPPF paragraph 21 – can be found in the 'Infrastructure Delivery Plan' supporting the Local Plan. This offers no coherent strategy for infrastructure development in this

particular community other than piecemeal and unspecified CIL-funded work to enhance the capacity of a few road junctions **(Infrastructure Delivery Plan, page 23, page 30**) which does not address the total road transport infrastructure in a community that is set to grow by, minimally, 27% through these Local Plan proposals – the highest percentage growth of any community in the region.

The imposition of the White Moss as a Strategic Location by Cheshire East Council runs counter to all Local Community and Town Council objections and constitutes a significant evidence base for the comments above regarding legal compliance both with the NPPF and the Localism Act. This is not about 'nimbyism' from within this particular community as there is widespread support for development of 'the right type… in the right places' (NPPF, paragraph 7) such as the Twyford and Cardway sites: it is about pollution, carbon emissions, noise and air quality given the proximity to the congested section of the M6. To be specific the inclusion of this site does not conform to the agenda set for 'Conserving and enhancing the natural environment' in paragraph 109 of the NPPF especially given the proximity of a RAMSAR site.. There is also no evidence that the Local Plan has taken account of the **Planning Practice Guidance** issues by DCLG in March 2014 regarding the '**role of Local Plans with regard to air quality' (Paragraph:002 Reference ID: 32-002-20140306).** This is particularly significant with regard to the White Moss location as there would need to be independent critical assessment of

- *The potential cumulative impact of a number of smaller developments on air quality as well as the effect of more substantial developments* – **relevant to the Alsager Local Plan proposals**
- *The impact of point sources of air pollution (pollution that originates from one place* – **the proximity of the M6 to the White Moss site**.

Soundness

The Local Plan clearly states its 'Vision for Key Service Centres' (Local Plan, page 66):

The Key Service Centres will see growth, with high quality homes and business premises provided to meet local needs, where smaller independent traders and tourism initiatives will continue to thrive ***and where all development will contribute to creating a strong sense of place.***

There is little evidence that this 'vision' applies to the Local Plan proposals for Alsager as a community. The same argument can be made regarding

Cheshire East Council's Policy PG 2 in which it is claimed that for Key Service Centres development will be of 'a scale, location and nature that recognises and reinforces the distinctiveness of each individual town …to maintain their vitality and viability' (Local Plan, Page 67). In fact, the overall impact of this Local Plan will be to exacerbate existing problems within this community acknowledged elsewhere in the Local Plan (Paragraph 2.4) of out-commuting and lack of employment opportunities. This Local Plan will, therefore, turn Alsager into a commuter town off the most congested sections of the M6 and A500.

It is claimed that 'The Local Plan Strategy is one of jobs led growth…' (5.6) but this is clearly not a strategy that has been applied to Alsager as a community. The allocation of employment land (Radway Green) does not constitute a strategy for jobs-led growth especially when the Local Plan refers to the fact that the site may have attractions for the Logistics sector (15.208) which could bring yet more congestion and pollution and few jobs for the community.

In this context it is impossible to confirm that the Local Plan proposals for Alsager persuasively implement or manifest the **Strategic Priorities** outlined in Section 6 of the document. In particular, the priority of '**Reducing the need to travel, managing car use and promoting more sustainable modes of transport and improving the road network'** is completely contradicted by the planning decisions already taken about Alsager and emphatically does not apply to the imposition -*additional* to such development much of which is in breach of Policy PG5 (**Open Countryside**) - of the White Moss Strategic Location.

The Local Plan is also unsound in that it does not seek to address the impact of the eight additional housing sites in Alsager that have been approved or are currently under appeal during the extensive period when the Local Authority's claims to have provided a five-year supply of housing land have been disproved following examinations by the Inspectorate. In this context, the imposition of White Moss is adding insult to injury.

It can also no longer be assumed for the MMU site that anything like 350 (Cheshire East Local Plan)-450 (MMU stated maximum) houses will be deliverable. Such a high level of development on this site will certainly not have the support of the local community which has already seen its creative and deliverable proposals for this site marginalised, blocked and ignored by Cheshire East Council Leadership despite the backing these proposals had from global employers and independent agencies. More evidence about this matter could be discussed during the Public Examination of the Local Plan document and provides an evidence base for the lack of compliance with the Localism Act in the Local Plan's preparation.

It is also notable that the Local Authority is seeking to enhance its own Leisure Centre facilities through arrangements for development on the MMU site but signals intent to asset-strip such existing community facilities as currently do exist:

The sports hall, gymnasium, changing rooms and playing fields remain in use, but will be provided in Crewe in coming years. (paragraph 15.199)

These facilities would be highly valued by the community and were built and maintained originally by the taxpayer.

Finally the *Infrastructure Delivery Plan* does not create any confidence in the implementation of **Policy IN 1 – Infrastructure (Local Plan 10.2).** This makes the claim that '*Infrastructure delivery will take place in a co-ordinated manner guided by the Infrastructure Delivery Plan.'* With regard to Alsager, that Plan creates no sense of a coherent strategy for addressing the infrastructural needs of the community as a whole following significant development. It is, at best, a series of site–specific piecemeal arrangements wholly dependent upon CIL funding or 106 Agreements. Regular attendance at the Council's Strategic Planning Board meetings – at which key planning decisions are made – has not served to increase confidence either in the capacity for independent critical assessment of infrastructural needs or in the capacity to deliver a coordinated strategy.

In summary, then, the proposal to develop the White Moss area is highly controversial and completely unsupported by the local community. It is 'unsound' in every way, especially in terms of environmental quality, pollution, carbon emissions, congestion and increasing the need to travel and out-commuting. It is difficult to see how such a proposal manifests Cheshire East Council's **Policy SC3** – **Health and Well-being.**

The adopted Alsager Town Strategy did support both Twyfords and Cardway sites and development on the brown field footprint of the former MMU site. The context for the latter site has changed significantly, however, as a consequence of the cumulative impact of a number of sites in this part of Alsager that now have planning permission or may do so in the very near future following appeal decisions. The density of the housing remains an issue on the MMU site as does the intent to remove the sports facilities in due course regardless of vague promises to create a sports hub unsubstantiated by financial commitments to maintain such a facility.

Duty to Cooperate

There is a common view (e.g. Alsager Residents Action Group; Town Council) in Alsager that Cheshire East Council has, at best, 'gone through the motions' in facilitating its duty to cooperate with the neighbouring Local Authorities in the south of the borough. It is, perhaps, revealing that in 3.3 of the Local Plan the examples offered of the Council's 'strong and established record of commitment of (sic) collaboration and co-operation' are all located in the north of the borough.

Alsager has long been an 'area of restraint' owing to the regeneration policies and needs of both Stoke and Newcastle. In this Local Plan Alsager has the highest proportionate growth of any community in Cheshire East and Cheshire East Council has simply ignored the objections raised to, for instance, White Moss development by neighbouring authorities. While the

government's Planning Practice Guidance (March 2014) makes it clear that a duty to cooperate does not constitute a 'duty to agree', the public examination of the Cheshire East Local Plan must conduct a very rigorous scrutiny of the 'comprehensive and robust evidence of the efforts it [CEC] has made to cooperate and any outcomes achieved' **(Planning Practice Guidance Paragraph 003: Reference ID: 9-003-20140306**) concerning the south of the borough.