



Jeremy Owens
Development Planning Manager
Development Management
C/O PO Box 606
Municipal Buildings
Crew
Cheshire
CW1 9HP

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Dear Jeremy

Bollington's Objections to the Cheshire East Site Allocation and Development Policies Document. Urgent Request for an Executive Meeting

In our view, the present situation is that the SADPD is at serious risk of formal legal challenge at the Inspector's hearing.

In July 2017 Cheshire East Council adopted the Local Strategy Plan which paved the way for the Site Allocation and Development Policies Document (SADPD). Published in September 2018, the draft SADPD required Bollington to accommodate up to 400 houses during the period 2010 – 2030; 318 of which were already built or in the planning pipeline. Importantly, all the identified development sites were in the Green Belt. Bollington Town Council, and residents, strongly objected to the proposals contained in the SADPD. Briefly our key objections were:

- Bollington had a made Neighbourhood Plan (NP) - adopted on 10th May 2018 – which emphatically stressed that any future housing developments should be restricted to brown field sites, small-scale infill sites and windfall sites. The decision to only consider Green Belt sites was in contradiction to the NP and suggested that CEC had chosen to ignore this document.
- The so-called “exceptional circumstances” for approving building on Green Belt required by the NPPF were, in our opinion, in no way demonstrated.
- The use of the “blended approach” to determine the number of houses required was flawed and had no scientific basis. When David Malcolm was asked in a Bollington Town Council (BTC) meeting if the methodology had been validated and verified, he replied that it had not, and that it (the “blended approach”) had no scientific basis.

At a meeting in March 2019 between Bollington Town and Borough councillors, our Town Clerk and Jeremy Owens and Stella Kemp from CEC Planning Department to discuss the revised SADPD, we were disappointed to learn that none of our objections to the draft document had been considered and, especially, the ill-defined justification of “exceptional circumstances”. Following a public meeting in April it was resolved that

Bollington Town Council (BTC) would take legal advice on the approach adopted, and decisions made by CEC Planning Department in the housing allocation process.

We have now received formal legal advice from Martin Carter of Kings Chambers, Manchester and the key paragraphs of the advice are shown below:

In my view, the Council have fallen into error in its appraisal of exceptional circumstances. I accept that the adoption of the LPS means that exceptional circumstances exist to make Green Belt changes to some degree somewhere in the north of the Borough in order to meet the northern part of the Borough's needs. However, the LPS provides no basis for saying that exceptional circumstances exist to make the requisite Green Belt changes at Bollington to allow the town to accommodate 400 dwellings over the plan period. That is a matter which needs to be demonstrated through the SADPD process.

On the basis of the material I have been sent and found on the Council's website, I am far from convinced that CEC has approached the question of whether exceptional circumstances exist to justify the extent of Green Belt change at Bollington correctly. That is for the following reasons:

- a. The Green Belt Assessment Update, 2015 (GBAU) deals with exceptional circumstances at a high level and says nothing about whether exceptional circumstances exist for the extent of Green Belt changes proposed at Bollington;
- b. The 400 dwelling figure for Bollington emerges from the Disaggregation Report. That document does not address the exceptional circumstances test in the specific context of Bollington, let alone in a site specific context, and the selection of the hybrid option does not contain any assessment of the exceptional circumstances test justifies the requisite degree of Green Belt release at Bollington; and
- c. The Bollington Settlement Report does address Green Belt purposes (noting that the sites make a significant contribution to Green Belt purposes) but falls back on the high level issues in the GBAU as the exceptional circumstances relied upon.

Martin Carter's report also observes that;

The Bollington Settlement Report assesses various parcels around Bollington, including those now proposed to be allocated, against a range of factors. They include the sites' roles in fulfilling Green Belt purposes. In respect of every site now proposed for release, the exceptional circumstances relied upon are simply a reference back to the high-level exceptional circumstances set out in the GBAU.

The report also casts serious doubt on the validity and accuracy of the "blended approach" in determining the figure of 400 houses. Bollington Town Council believes that the findings of the highly respected, and independent, experts not only fully justify our original objections to the SADPD, but also adds greater strength to our arguments and suggests that CEC's planning judgements with respect to Bollington, are unsatisfactory.

Given that the next draft of the SADPD is due for issue on 26 June and will go to Cabinet on 9 July BTC wishes to seek an urgent meeting with senior executives within CEC and CEC planning at the earliest opportunity. Such a meeting, which would be attended by the mayor of BTC, town clerk and a borough councillor would allow a constructive discussion regarding the independent advice and how this could influence the content of the SADPD.

I await your response

Regards

A handwritten signature in black ink, appearing to read 'D. Naylor', with a horizontal line underneath the name.

David Naylor
Town Clerk
On behalf of Bollington Town Council

Copy to Adrian Fisher Head of Planning Strategy