

DISLEY PARISH COUNCIL

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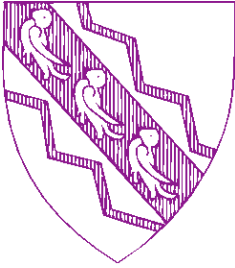
Disley Parish Council response to Cheshire East Council Local Plan Draft Site Allocation and Development Policies Document (SADPD) with reference to land at Lymewood Drive, Disley

Disley Parish Council (DPC) has, with Bollington Town Council, Chelford Parish Council and Prestbury Parish Council, obtained an independent opinion from Ian Ponter, Counsel at Kings Chambers, Manchester in respect of the approach taken to the identification of Safeguarded Land in the draft Site Allocations and Development Policies Document (SADPD) published by Cheshire East Council (CEC) that is intended to form part of the CEC statutory development plan. The draft SADPD identifies sites for Safeguarded Land which are supplemental to the sites identified as Safeguarded Land in the Local Plan Strategy (LPS) and one of the sites identified is land at Lymewood Drive in Disley. A copy of counsel's opinion is attached.

DPC believes that, put simply, counsel's opinion confirms:

1. At a strategic policy making level, the LPS justifies the principle of Green Belt boundary alteration by the demonstration of exceptional circumstances. However, when it comes to detailed boundary adjustments by the SADPD, CEC must demonstrate the need for those adjustments so as to comply with local and national policy.
2. Paragraph 139 of the National Planning Policy Framework (2019) includes the following:

“When defining Green Belt boundaries, plans should:
a) ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development;
...c) where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period...”
3. The LPS specifically identifies and designates a number of sites as areas of Safeguarded Land which have an aggregate area of 186.4 hectares.
4. The LPS notes that it may be necessary to identify additional non-strategic areas of land to be designated as Safeguarded Land in the SADPD.



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5. The LPS policies do not state that it will be necessary to identify additional non-strategic areas of land to be designated as Safeguarded Land in the SADPD and the LPS policies do not state that a total of 200 hectares of Safeguarded Land is required.
6. The question of whether, and where, there should be further release from the Green Belt (beyond the 186.4 hectares identified in the LPS) is a matter to be addressed in the SADPD. Therefore, in order for the SADPD to accord with the policies of the LPS, CEC is obliged to examine the need for the release of additional land from the Green Belt for designation as Safeguarded Land as part of the exercise of producing the SADPD. Supporting text within the LPS refers to a range of potential areas of Safeguarded Land, the figure of 200 hectares is the mid-point of the range of areas that CEC considered might be required when the LPS was being prepared. However, this supporting text is not policy and has no weight when addressing the question of whether additional Safeguarded Land is now needed. For the purposes of the SADPD and the question of whether additional Safeguarded Land is necessary it is not sufficient for CEC to say it contemplated that it might need 200 hectares when preparing the LPS, so it now has a shortfall of 13.6 hectares to fill (200-186.4).
7. CEC may not simply look back at the work undertaken prior to the adoption of the LPS in 2017 in order to justify removal of land from the Green Belt that has not been identified in the LPS policies because the question to be addressed in relation to the SADPD is whether additional Safeguarded Land is necessary *now*.
8. In order to comply with the policies of the LPS (and national planning policy) CEC must determine whether or not it is necessary to release further land from the Green Belt to be designated as Safeguarded Land. To do this CEC must conduct an up-to-date assessment of the need for release of further land from the Green Belt to be designated as Safeguarded Land in the SADPD. CEC have not produced any evidence of the preparation of any such up-to-date assessment demonstrating the necessity for the removal of further land from the Green Belt.



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In light of counsel's opinion and the fact that the site at Lymewood Drive, Disley is not within the sites identified and designated as Safeguarded Land in the LPS, it is the contention of DPC, that, because:

- CEC has not carried out a current assessment which demonstrates that it is necessary to take this land out of the Green Belt to become Safeguarded land; and
- CEC has not met the requirements of the relevant policies in the LPS and the National Planning Policy Framework,

this site should not be included in the SADPD for removal from the Green Belt to become Safeguarded Land.

CEC are also reminded that in the Disley and Newtown Neighbourhood Plan, adopted on 12th July 2018, 93% of responses cited the importance of maintaining the Green Belt in the village.

Furthermore, DPC would highlight that the A6 runs through the centre of Disley village. This is a very busy road and becomes extremely congested, particularly at peak travel times. The volume of traffic passing through the village and the degree of congestion has increased significantly since the opening of the A555 in 2018. A traffic count, conducted by Stockport MBC, in November 2019 confirmed the previously anticipated increase in vehicle numbers, particularly HGVs.

Disley contains a designated Air Quality Management Area, and already has a significant issue with poor air quality along the A6 corridor. Nitrogen dioxide levels are permanently recorded as being above the national legal maximum. A further large-scale residential development on an A6 feeder road would lead to an increase in traffic volumes, additional traffic queuing to join the A6 and a subsequent deterioration of air quality.

DPC is strongly of the opinion that there is no necessity to take any land out of the Green Belt around Disley now or at any time in the foreseeable future and consequently the SADPD should not remove any land from the Greenbelt in the Disley and Newtown area.

Cllr. Jackie Pattison
Chair of Disley Parish Council