



## Poynton Update and News, 18<sup>th</sup> August 2017

### Cheshire East Local Plan – Poynton Town Council

The Cheshire East Local Plan was recently passed by Cheshire East Council. It had previously been approved by a Planning Inspector, Mr Pratt.

Poynton Town Council contributed constructively and actively to the Local Plan over several years. Councillors and our professional planning adviser attended and spoke at all relevant Local Plan Public Examination sessions. We are deeply disappointed that the arguments put forward by ourselves and hundreds of Poynton residents opposing building on the Green Belt were not accepted by Cheshire East or the Inspector. Issues such as the traffic problems from new houses, lack of infrastructure and impact on the wildlife and watercourses have been ignored.

Consequently, we are now faced with having a minimum of 650 houses being built in Poynton. We would like to thank Poynton's Cheshire East Councillors and their colleagues in Wilmslow and Handforth who voted against the Local Plan. However, they were outvoted by other councillors, most of whom represent areas not affected by these proposals.

The only positive aspect is that the Local Plan could have been much worse – local landowners and developers had lobbied Cheshire East to build at least 2,500 houses. Had this been approved, virtually every piece of Green Belt around Poynton would have been built over.

Before the Planning Inspector, Mr Pratt, published his final report on the Cheshire East Local Plan, Poynton Town Council sought advice from a barrister specialising in planning matters, regarding the possibility of mounting a legal challenge to the Cheshire East Local Plan. Cllrs Laurence Clarke and Lee Podmore, together with the Town Council's Planning Advisor, John Knight, met the barrister in June before the Inspector published his report.

After the Local Plan was approved by Cheshire East on 27 July 2017, there is a six-week period when a legal challenge could be lodged against the Local Plan. There are two legal grounds for challenging the Local Plan:

- that the Plan has not been made within the appropriate legal powers; or
- that procedural requirements have not been followed

To mount a successful legal challenge, it would be necessary to demonstrate that the plan was unlawful. Examples of unlawfulness include:

- No review of the evidence on which the Plan is based;
- An error of law or the decision was “unreasonable”, that is irrational;
- Breach of procedural requirements; or
- Procedural unfairness

The barrister highlighted several past legal cases that would be relevant to any challenge. The leading case on challenging local plans is *Grand Union Investments Limited v Dacorum Borough Council 2014*. The barrister highlighted the following points that are relevant to any challenge the Town Council are considering:

1. It is not the remit of the court to test the soundness of the Local Plan. This is a planning judgement for the Inspector alone.

2. *'A claimant who seeks to persuade the court that a planning decision maker has lapsed into irrationality will have to demonstrate an unusually bad error of judgment. He must show that the decision falls outside the range of judgment open to a reasonable decision-maker'*.
3. The guidance on "soundness" of a local plan in the National Planning Policy Framework is not law. *'So long as the inspector and the local planning authority reach a conclusion on soundness which is not "irrational (meaning perverse)", their decision cannot be questioned in the courts, and the mere fact that they have not followed relevant guidance in national policy in every respect does not make their conclusion unlawful.'*

Any challenge to the plan cannot be used by the Town Council to have a 'second bite of the cherry' and put forward new arguments against the Local Plan.

In terms of procedure the Town Council and residents had been consulted on the plan and this therefore could not be used to challenge the legality of the plan – even if we felt our comments had been ignored.

In addition, the barrister confirmed that the Inspector had interpreted the law correctly in relation to the modifications made to the plan since 2014 and that the Duty to Cooperate with neighbouring councils (such as Stockport) only applies in the earlier stages of the Plan.

In summary, the barrister felt that there were no 'knock out points' that could be used to challenge the Local Plan and that the threshold for any legal challenge to succeed is very high.

The Planning Inspector published his final report on the 21<sup>st</sup> June. He endorsed all the previous changes and modifications to the Local Plan made by Cheshire East Council. Cheshire East agreed to adopt the Local Plan on Thursday 27th July. The period within which a challenge must be made is before 7<sup>th</sup> September. The time limit is strict and there is no discretion to extend it.

The Town Council would need to identify specific legal points to look at which they think may amount to unlawfulness i.e. illegality, procedural unfairness, failure to take into account material considerations or taking into account immaterial considerations, or irrationality in the report.

This is the type of case where a senior barrister known as a Queens Counsel (QC) is normally required, and any other parties would also normally engage a QC, including Cheshire East. The potential costs of challenging the adoption of the Local Plan are therefore unknown at this stage, but would involve the legal and other associated professional costs to put together any case to challenge the Local Plan. Given the amount of research and background work over the period from 2009 to 2017, this could be in the tens of thousands of pounds for the legal advice alone, even before any Court hearings.

The Town Council has no money of its own – virtually all its funding comes from its share of the Council Tax (known as the precept). The expenses of any legal action by the Town Council would have to be charged to Poynton residents through the precept. The advice of the barrister is that it would be difficult to persuade a Judge that the Local Plan was "irrational" – in law this term implies a very perverse decision.

Another point to consider is that, even if legal action did succeed in persuading a Judge to overturn the Local Plan, this would not be the end of the matter. The Judge would order Cheshire East to prepare yet another Local Plan. This could well increase the extra housing in Poynton over the 650 houses in the current version, leading to the loss of yet more Green Belt land around the village.

It must be remembered that at the start of the Local Plan process in 2010, local landowners and developers put forward plans for more than 2,500 houses in the Green Belt all around Poynton. They would certainly look forward to an opportunity to argue for yet more houses to be built.

In conclusion, the Town Council has concluded, very reluctantly and after taking appropriate advice, that legal action against the Local Plan would be unlikely to succeed.

The Town Council is preparing a Neighbourhood Plan and hopes that this will provide an opportunity for local planning issues arising from the implementation of the Local Plan to be addressed by appropriate policies. For example, a Movement Study is being undertaken by consultants engaged by the Town Council (funded through a Government grant). The study should enable us to respond to the combination of the new relief roads and new housing and employment development together to the long-term benefit of the Poynton community.

We would like to thank the people of Poynton for their support throughout this process. One positive aspect has been the strong and unwavering belief of local people in the defence of our environment.

Poynton Town Council, 14.8.17

### **Poynton – A Dementia Friendly Town**

This is a key project for the town council, which is part of the Poynton Area Community Partnership (PACP), along with our neighbouring parish councils. PACP has therefore joined the Dementia Action Alliance and the Poynton Dementia Steering Group (PDSG) was formed in January 2017. Please see the attached leaflet for more details.

### **Dementia awareness sessions – a reminder**

Would you like to learn more about dementia and how you can help to make Poynton dementia friendly? PACP are offering free dementia awareness open to anyone working in shops, businesses, organisations or in community groups, on a paid or voluntary basis. These one hour sessions will be at Poynton civic hall on:

Saturday 9<sup>th</sup> September, 10am – 11am.

Saturday 16<sup>th</sup> September, 10am – 11am.

Thursday 14<sup>th</sup> September, 5:30pm – 6:30pm.

Thursday 21<sup>st</sup> September, 5:30pm – 6:30pm.

Please book your free place by contacting Val Burlison, Cheshire East Council, on 01625 374950 or [val.burlison@cheshireeast.gov.uk](mailto:val.burlison@cheshireeast.gov.uk).

### **Poynton's Heritage Garden**

The small band of community volunteers responsible for bringing this project to fruition is pleased to report that it was recently successful in attracting funds from Tesco's Bags of Help scheme, as well as being awarded a generous grant from the Town Council. This means that it is nearing its target of funding to complete the project. This involves the construction and planting of a large raised bed and installing a further three memorial benches in this transformed public space that the whole of our community will be able to enjoy. It is planned to finish the garden this Autumn - any donations towards this last phase and for ongoing maintenance would be very welcome! Please e-mail Di Penny at [jammydidi@aol.com](mailto:jammydidi@aol.com) if you are able to help.

### **Poynton Library**

A reminder to everyone who is doing the Summer Reading Challenge that you have until September 9<sup>th</sup> to read your six books. Let the staff know at the library after each two books

that you read so they can give you your stickers. Don't forget you need to have read six books and let the library staff or volunteers know, in order to collect your certificate and medal.

Tuesday September 12<sup>th</sup>, 2pm. Local author Charles Heathcote will be visiting Poynton Library to talk about his new book 'Indisputably Doris'. All welcome to this free event.

### The Centre in Poynton

Do you have a memory to share? The Community Centre has undergone an extensive refurbishment over the past three years. An open day is planned as a day of celebration. It takes place on the 23<sup>rd</sup> September and there will be more information at a later date. A memory lane of photographs and personal memories is planned. The Centre are asking for help with this and appeal for stories, general memories and any old photographs that could be borrowed for the event. Simply write down anything that springs to mind and hand it in at the Centre or email it to [info@thecentreinpoynton.co.uk](mailto:info@thecentreinpoynton.co.uk)

### Poynton badminton group looking for new players!

Do you want to get fit? This friendly club plays on Mondays from 8pm to 10pm from 4<sup>th</sup> September at the civic hall. For more information, contact Ann Tinson on 0161 292 2397 or on [poyntonbadders@hotmail.com](mailto:poyntonbadders@hotmail.com)

### Health and Wellbeing Fair for older people, 9am to 12 noon, 23<sup>rd</sup> September - a reminder

Free information and advice. If you are from an organisation providing services for older people and would like a display table, contact Sharon Duke on 01625 872238 for an application form.

#### August 2017

Thurs 31 <sup>st</sup>	7.30pm to 8.30pm	<b>Police working together drop-in.</b>
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#### September 2017

Sat 2 <sup>nd</sup>	10am to 12 noon	<b>Councillor and Police working together surgery.</b> Drop-in 10am to 11am. Call 01625 872238 for appts at 11am, 11.20am, 11.40am
Mon 4 <sup>th</sup>	8pm	Planning and Environment Committee meeting
Sat 9 <sup>th</sup>	10am to 11am	<b>Dementia awareness session</b>
Mon 11 <sup>th</sup>	8pm	Facilities, Infrastructure and Economic Development Committee
Thurs 14 <sup>th</sup>	5:30pm to 6:30pm	<b>Dementia awareness session</b>
Sat 16 <sup>th</sup>	10am to 11am	<b>Dementia awareness session</b>
Mon 18 <sup>th</sup>	8pm	Community, Order and Public Safety Committee
Thurs 21 <sup>st</sup>	5:30pm to 6:30pm	<b>Dementia awareness session</b>
Sat 23 <sup>rd</sup>	9am to 12 noon	<b>Health and wellbeing fair for older people</b>
Sat 23 <sup>rd</sup>	11am onwards	<b>The Centre open day, Park Lane</b>

Liz Osborn, Town Clerk, 01625 872238

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