

# **EiP Statement**

## **Cheshire East Site Allocations and Development Policies Document**

### **Story Homes**

### **Representor ID 1255389**

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**Our ref** 42155/11/CM/NMi  
**Date** September 2021

#### **Subject Matter 1 – Legal Compliance and Duty to Co-operate**

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#### **1.0 Introduction**

- 1.1 Lichfields is instructed by Story Homes [Story] to make representations on its behalf to the emerging Cheshire East Site Allocations and Development Policies Document [SADPD].
- 1.2 This Statement has been prepared in response to the Matters, Issues and Questions raised by the Inspector for the Matter 1 Examination in Public [EiP] hearing session.
- 1.3 Separate representations have been submitted in respect of the following Matters:
- 1 Matter 2 – Planning for Growth
  - 2 Matter 3 - Housing
  - 3 Matter 6 - General Requirements
  - 4 Matter 7 - Transport and Infrastructure
  - 5 Matter 8 - Natural Environment, Climate Change and Resources
- 1.4 These Matter Papers representations should be read in conjunction with previous submissions on the SADPD [Representator ID 1255389].
- 1.5 Story is seeking to bring forward a sustainable and high-quality residential site (including affordable homes) at Ryleys Farm, Alderley Edge. In the Publication Draft SADPD, part of this land was allocated for residential development (Site ALD2 – Ryleys Farm, north of Chelford Road) and part of the site was identified as Safeguarded Land (Site ALD3 – Ryleys Farm (Safeguarded)).
- 1.6 In the Revised Publication Draft SADPD which is the subject of this Examination, the proposed allocation has been removed. The Safeguarded land at Ryleys Farm remains but the northern and southern boundaries have been amended and the site has been reduced in size (from 2.7ha to 2.32ha).
- 1.7 Story Homes strongly objects to the removal of the allocation at Ryleys Farm in the Revised Publication Draft SADPD. The site should remain as an allocation to meet much needed market and affordable homes. The identification of the safeguarded land is supported but we consider

that the boundaries of the Safeguarded land should be amended, to provide a more permanent defensible boundary and to accommodate the re-allocation of land at Ryleys Farm.

- 1.8 This statement expands upon Story's previous representations made throughout the Local Plan preparation process in light of the Inspector's specific issues and questions. Where relevant, the comments made are assessed against the tests of soundness established by the National Planning Policy Framework and the National Planning Policy Practice Guidance [Practice Guidance].

### **Duty to Co-operate**

*1. Does the SADPD give rise to any new strategic cross-boundary issues, that were not addressed through the duty to co-operate on the LPS?*

- 1.9 Story has no comment on this matter.

*2. If so, has the Council engaged constructively, actively and on an ongoing basis with all of the relevant authorities and prescribed bodies on the 'strategic matters' applicable to the SADPD and have they been resolved?*

- 1.10 Story has no comment on this matter.

*3. Is this adequately evidenced by the SADPD Duty to Co-operate Statement of Common Ground (SsoCG)?*

- 1.11 Story has no comment on this matter.

*4. Are there any 'strategic matters' on which the DtC has not been met? If so, what is the evidence to support this?*

- 1.12 Story has no comment on this matter.

### **Other Legal and Procedural Requirements?**

*5. Has the SADPD been prepared in accordance with the Council's Local Development Scheme (LDS)? Are there any obvious omissions from the submitted DPD, in terms of its overall scope as described in the LDS and the non-strategic policies and site allocations delegated to it by the LPS? Specifically, is there a need for mineral safeguarding and the allocation of sites for mineral extraction to be included in the SADPD, given the expectations of Policy SE 10 of the LPS?*

- 1.13 Story has no comment on this matter.

*6. Has consultation on the SADPD been undertaken in accordance with the Council's adopted Statement of Community Involvement and the minimum consultation requirements in the Regulations? What evidence is there to demonstrate this and that representations submitted in response to the First Draft SADPD have been taken into account as required by Regulation 18(3)?*

- 1.14 Story has no comment on this matter.

*7. Has the formulation of the SADPD been based on a sound process of sustainability appraisal (SA), as set out in the Revised Publication Draft SADPD Sustainability Appraisal, dated August 2020 [EDO3]? In particular:*

*a. Is the baseline evidence sufficiently up-to-date and therefore adequate, particularly in respect of potential effects on mineral resources?*

1.15 Story has no comment on this matter.

*b. Does the SA test the policies and site allocations in the SADPD against reasonable alternatives? Is it justified in not doing so for all policies?*

1.16 With regard to the disaggregation of development to the LSCs, whilst the SA identifies and assesses alternatives, it is not clear why reasonable alternatives have not been selected when they clearly outperform the chosen option. We provide a more detailed response on this matter in our response to Question 7(e).

*c. Has the SA been robustly prepared with a comparative and equal assessment undertaken of each reasonable alternative?*

1.17 With regards to the disaggregation of development to the LSCs, the SA has undertaken a comparative assessment but it is not clear why reasonable alternatives have not been selected when they clearly outperform the chosen option. Option 7 would make best use of LSCs with existing services and facilities and takes into account constraints that the settlements face. The SA clearly identifies Option 7 as the best performing Option but the SADPD has instead chosen to pursue the 'Application Led' approach in Option 8. We provide a more detailed response on this matter in our response to Question 7(e).

*d. Is the SA decision making and scoring robust, justified and transparent?*

1.18 For the reasons set out in our response to Question 7(e) the decision making in the SA is not considered to be robust, justified and transparent. The wrong option has been selected as the preferred option in the SA for the Revised Publication Draft SADPD.

*e. Has the Council provided clear reasons for not selecting reasonable alternatives?*

1.19 The findings of the SA do not support the Councils proposed approach to development in the LSCs and it is not clear why reasonable alternatives have not been selected.

1.20 The SA initially identifies<sup>1</sup> seven high-level initial Options to help explore the different ways that additional housing and employment land could be distributed around the LSCs. These are:

- Option 1 – Population led
- Option 2 – Household led
- Option 3 – Services and facilities led
- Option 4 – Constraints led
- Option 5 – Green Belt led
- Option 6 – Opportunity led
- Option 7 – Hybrid approach

1.21 Option 7 'Hybrid approach', (a combination of Options 3, 4, 5, and 6) was seen as the preferred option and was progressed in the First Draft SADPD and then in the initial Publication Draft SADPD. Table 3.4 of SA identifies the reasons why this Option was pursued in the Initial Publication Draft SADPD and states:

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<sup>1</sup> Revised Publication Draft SADPD Sustainability Appraisal August 2020 §3.18

*“Option 7 (hybrid approach) has been progressed as it makes best use of those LSCs with existing services and facilities, but it takes into account any constraints that the settlements face. It also takes account of other material factors and considers NDPs. There is a focus on addressing the needs of the LSCs sustainably”.*

- 1.22 Option 7 was therefore a well-balanced approach which sought to ensure the sustainable development of LSCs with the infrastructure capable of accommodating additional development and balance this with the constraints in these settlements.
- 1.23 However, this approach has not been selected as the preferred option in the SA for the Revised Publication Draft SADPD. Instead, the SA identifies a new preferred option: ‘Option 8 – Application Led’. Option 8 takes into account housing and employment completions, take-up and commitments as at 31/3/20. The Option also assumes that future windfall commitments will help to facilitate the overall indicative level of housing development for the LSCs; these windfalls will be determined through the planning application process.
- 1.24 Table 1 replicates Table 3.8 of the SA where the reasons for progressing Option 8 are provided.

Table 1 Reasons for the progression or non-progression of revised options in plan-making

Revised option	Reasons for progression or non-progression of the option in plan-making
Option 7: Hybrid approach	This approach has not been progressed as there is no requirement for site allocations (and therefore no exceptional circumstances for Green Belt boundary alterations) and the approach to facilitating the overall indicative level of housing development planned for the LSCs has been determined through completions and commitments. Therefore it is not considered appropriate to disaggregate the overall LSC spatial distribution of housing figure further to individual LSCs.
Option 8: Application led	Option 8 (application led) has been progressed as the current supply of housing at the LSC tier (3,210 dwellings) lies in the order of 3,500 dwellings and it is likely that further housing development through windfall schemes will reinforce this position. There is a reasonable prospect that ‘in the order of’ 3,500 dwellings will come forward at LSCs by 2030 without making site allocations in LSCs

Source: Revised Publication Draft Sustainability Appraisal August 2020

- 1.25 However, the assessment in the SA does not support the identification of Option 8 as the preferred option. From the summary of appraisal findings in Table 3.7 of the SA, it is clear that Option 7 performs better than Option 8 under six of the nine sustainability topics considered, and equally on the remaining three. These findings are replicated in Table 2.

Table 2 Summary of appraisal findings: revised disaggregation options

	Option 7: Hybrid Approach	Option 8: Application led
Biodiversity, flora and fauna	1	2
Population and human health	1	2
Water and soil	1	2
Air	=	=
Climatic factors	=	=
Transport	=	=
Cultural heritage and landscape	1	2
Social inclusiveness	1	2
Economic development	1	2

Source: Revised Publication Draft SADPD Sustainability Appraisal August 2020

- 1.26 Th SA itself recognises that Option 7 is the best performing option when it states<sup>2</sup>:  
*“Although Option 7 was the best performing under six sustainability topics, Option 8 also performed well”.*
- 1.27 The greater negative impact of Option 8 and the better performance of Option 7 becomes apparent from commentary on the sustainability impacts in the SA. For example, in relation to ‘Biodiversity, Flora and Fauna’ topic the SA notes<sup>3</sup>:  
*“As the majority of LSCs are located adjacent or close to nature conservation designations, with the exception of Chelford, Haslington and Wrenbury, it is likely that Option 8 could have a negative effect on biodiversity, flora and fauna, to a greater extent than Option 7 as there is more uncertainty as to the broad location of development”.*
- 1.28 A similar conclusion is draw on the ‘Water and Soil’ topic<sup>4</sup>:  
*“Option 8 looks to rely on future windfall commitments to help facilitate the overall indicative level of housing development planned for the LSCs, determined through the planning application process. As the majority of LSCs have some areas at risk of flooding and are potentially located in areas of BMV agricultural land, it is likely that Option 8 could have a negative effect on water and soil, but to a greater extent than Option 7 as there is more uncertainty as to the broad location of development”.*
- 1.29 With regard to ‘Population and Human Health’ the benefits of Option 7 are clear<sup>5</sup>:  
*“...Option 7 is the best performing under this sustainability topic as it is the most likely of the two options to achieve a critical mass to deliver infrastructure improvements”.*
- 1.30 It is clear from the SA that the impacts caused by Option 8 stem in part from the uncertainty over the location of development and it is clear that planned growth under Option 7 is by far the best performing option and aligns far better with the policy aspirations of the CELPS.
- 1.31 We also consider that the ‘Option 8’ approach fails to meet the needs of the whole population sought by the ‘Social Inclusiveness’ objective in the SA, and the evidence in the SA supports this

<sup>2</sup> Revised Publication Draft SADPD Sustainability Appraisal August 2020 §3.58

<sup>3</sup> Revised Publication Draft SADPD Sustainability Appraisal August 2020, page 188

<sup>4</sup> Revised Publication Draft SADPD Sustainability Appraisal August 2020, page 191

<sup>5</sup> Revised Publication Draft SADPD Sustainability Appraisal August 2020, page 190

view. The ‘Social Inclusiveness’ section in the SA<sup>6</sup> notes that the majority of dwellings in the Borough are private sector and it contains Lower Super Output Areas that are some of the most deprived in England. In order to help address this matter, the ‘Social Inclusiveness’ objectives in Table 2.2 of the SA seek to:

*“provide an appropriate quantity and quality of housing to meet the needs of the Borough. This should include a mix of housing types, tenures and affordability”.*

- 1.32 When Options 7 and 8 are considered against this objective in the SA, we note that Option 7 performs better than Option 8<sup>7</sup> and the SA notes the detrimental impacts of Option 8 upon the growth of settlements, including Alderley Edge:
- “Option 8 looks to rely on future windfall commitments to help facilitate the overall indicative level of housing development planned for the LSCs, determined through the planning application process. This could mean that some settlements, for example in the north of the Borough (such as Alderley Edge, Bollington, Mobberley and Prestbury), would not have the opportunity to grow due to policy constraints ... it is considered that there would be reduced positive effects for those settlements”.*
- 1.33 We consider that this assessment significantly underplays the detrimental impacts of Option 8. The Council has failed to robustly consider the implications of not facilitating affordable housing in LSCs including those settlements constrained by the Green Belt. The Council’s decision to rely on windfall development to address outstanding housing requirements in LSCs will not provide any certainty that affordable housing is delivered in the areas which most need it, including Alderley Edge. This is in clear conflict with the Sustainability Issues (Table 2.1) with regards to social inclusiveness and issues with average house prices and Table 2.2 Sustainability Topics and Objectives also with regards to providing an appropriate quantity and quality of housing to meet the needs of the Borough and considering the needs of all sections of the community.
- 1.34 In our statement on Matter 2, we have demonstrated the acute affordable housing need in Alderley Edge which is due in part to the lack of available land for development in the settlement. In this respect, we note that the recently made Alderley Edge Neighbourhood Plan [AENP] also identifies a lack of affordable housing as a local challenge but does not allocate any sites for either market or affordable housing. It relies instead on the SADPD to allocate sites. If provision is not made in the SADPD, there is therefore no fallback position to immediately provide sites through the Neighbourhood Plan given that it has only recently been adopted. There is therefore a need to allocate sufficient land around the settlement to help ensure that the affordable housing needs of the local population can be met, and this can only be achieved by allocating sites in the SADPD.
- 1.35 The adverse social impact of not providing affordable housing in the LSCs, such as Alderley Edge, has not been robustly tested and fails to meet Strategic Priority 2 of the CELPS. Strategic Priority 2 seeks to create sustainable communities, where all members are able to contribute and where all the infrastructure required to support the community is provided including through ensuring that there is an appropriate mix of house types, sizes and tenures including affordable housing to meet the Borough's needs.
- 1.36 Option 8 also fails to align the SADPD with the policy requirements for housing in the CELPS. CELPS Policy PG7 clearly states that LSCs are expected to accommodate in the order of 3,500

<sup>6</sup> Revised Publication Draft SADPD Sustainability Appraisal August 2020 Table 2.1

<sup>7</sup> Revised Publication Draft SADPD Sustainability Appraisal August 2020 Table C.20

new homes. Whilst the findings of the SA demonstrate that this number of dwellings could be provided under Option 7, this is not the case for Option 8 as an over-reliance on windfalls cannot guarantee delivery.

- 1.37 Table 3.6 of the SA shows that 3,502 dwellings would be disaggregated to the LSCs under Option 7 (as intended in the CELPS), compared to only 3,210 under Option 8. This is because the figures for Option 8 are based upon current completions and commitments in each LSC. As the proposed reliance on windfall development in Option 8 provides no mechanism to channel new development towards LSCs, there is no guarantee that the 3,500 figure identified for LSCs in CELPS policy will be met through windfalls and that new development will be steered to these LSC as was originally intended.
- 1.38 The SA (Table 3.6) also compares the disaggregation of dwellings to the LSCs under Options 7 and 8. We note that for Alderley Edge, 255 dwellings would be disaggregated under Option 7, compared to only 165 dwellings for Option 8. Again, this is due to the fact that Option 8 relies on current completions and commitments and provides no control over the location of future development and indicates the lack of growth directed to Alderley Edge. This lack of positively planned growth fails to support the effective disaggregation of housing to the LSCs to help provide housing in the most appropriate locations, including much needed affordable housing. It fails to steer development towards the most sustainable locations and does not therefore align with the strategy for development within the CELPS.
- 1.39 The ‘application-led’ approach is reflective of the approach taken prior to the adoption of the CELPS where the Council failed to properly plan for housing delivery across the Borough which has seen a number of schemes come forward, either through application or appeal in areas where the Council had not considered suitable for development. To continue with this path for delivery is to assume this failure to properly plan for homes where they are needed will continue.
- 1.40 For the above reasons, the findings of the SA do not support the Option progressed by the Council and the approach taken is considered to be fundamentally flawed as:
- 1 It may not provide an appropriate quantity of housing in the LSCs to meet the needs of the borough.
  - 2 It will not enable the effective disaggregation of housing to the LSCs to help provide housing in the most appropriate locations.
  - 3 It will not provide any certainty that affordable housing is delivered in the areas which most need it, including Alderley Edge.
  - 4 It is not supported by the findings of the SA which identifies Option 7 as performing better.

*f. Is it clear how the SA has influenced the SADPD policies and allocations and how mitigation measures have been taken into account?*

- 1.41 Based on the findings above, we consider that there is a lack of clarity in how the proposed approach in the Revised Publication Draft SADPD has been influenced by the SA. Option 7 is clearly identified as the best performing option in the SA yet has not been carried forward into the Revised Publication Draft SADPD. The Plan is not prepared with the objective of contributing to the achievement of sustainable development.

*g. Have the requirements for Strategic Environmental Assessment been met, including in respect of the cumulative impacts of the SADPD?*

1.42 Story has no comment on this matter

*8. Is the Equality Impact Assessment at Appendix G of the SA of the Revised Publication Draft SADPD robust? Does it demonstrate whether the policies and allocations of the SADPD would have any negative effects on people with protected characteristics in Cheshire East? Are further mitigation measures required?*

1.43 Story has no comment on this matter.

*9. Is the SADPD legally compliant with respect to the Habitats Regulations<sup>11</sup>, as interpreted by recent case law, and any requirement for appropriate assessment? Does the SADPD Habitats Regulations Assessment (HRA) ensure compliance? Are any Main Modifications to the SADPD necessary to ensure it would not have any likely significant impacts in the light of the HRA?*

1.44 Story has no comment on this matter.

*10. Does the SADPD, taken as a whole, include policies designed to ensure that the development and use of land in Cheshire East contributes to the mitigation of, and adaptation to, climate change in accordance with the PCPA 2004?*

1.45 Story has no comment on this matter.