

Barton Willmore on behalf of Anwyl Homes Limited (Representor ID 1227506)

Examination into the Cheshire East Local Plan

Matter 12

Matter 12: Implementation and Monitoring

Q.176 Is the framework for the implementation and monitoring of the LPS and SADPD[6] appropriate and robust? Is it necessary for soundness or legal compliance for the monitoring framework to be included in the SADPD rather than in a separate document?

1. The approach taken by the SADPD is not considered to be robust or sound in relation to implementation or monitoring.
2. We do consider that the monitoring framework for the Local Plan must sit within the Local Plan itself. For the reasons set out below (and within our Client's response to Matter 2) the proper monitoring of the Local Plan's delivery and the triggering of a Review of Safeguarded land within the Green Belt is vital to the soundness of the Local Plan, in terms of it being positively prepared, effective and justified.
3. Chapter 13 of the SADPD sets out that to enable the council to "*take a flexible approach to the monitoring of the Local Plan, a separate Local Plan Monitoring Framework (LPMF) has been published, which replaces the monitoring framework contained in Table 16.1 of the LPS*". The plan sets out that the intention is for the Council to be able to update or amend the LPMF as local plan documents are adopted or revised, as well as respond to changes in availability of information sources, whilst continuing to effectively monitor the implementation of the local plan.
4. Whilst we understand the Council's approach, the monitoring framework for the plan must be anchored in the Local Plan itself, as it was within the Local Plan Strategy, and tested for soundness as part of the plan making process. The monitoring of a Local Plan and its policies is a key tool in ensuring the 'effectiveness' of the plan through the plan period. The need for effective monitoring as part of the plan making process (and it forming part of the test for 'soundness') is emphasised in paragraph 16.1 of the LPS.
5. The implications of the Council's proposal to replace Table 16.1 of the LPS with the

[6] Local Plan Monitoring Framework 2020 – Core document ED54

LPMF is two fold. In the first instance, the proposal has the effect of removing the monitoring tool from the LPS which is considered to be vital to the soundness of the Local Plan (as set out within Chapter 16 of the LPS). The Local Plan Inspector for the LPS EIP confirms the need for a sound monitoring framework within the LPS to ensure the effectiveness of the Local Plan.

6. Secondly, the proposal for the new LPMF to sit outside of the Development Plan Documents of the Local Plan removes the ability of the EIP to test that framework now as evidence base documents are not tested for soundness. Moreover, should the Council determine to revise its monitoring framework, those revisions must necessarily also be tested for soundness to understand their impact on the effectiveness of the plan.
7. Paragraph 76 of the NPPF requires authorities (to maintain the supply of housing) to monitor progress in building out sites and where delivery fails, the authority should prepare an action plan to assess the causes of under-delivery and identify actions to increase delivery in future years. As set out later in this statement, we have concerns that the SADPD, by virtue of omitting any mechanism within the Local Plan to review its policies for housing delivery (or bring forward further sites within the LSCs, especially in the Green Belt) will be unable to effectively react to any under-delivery in the LSCs.
8. We do not consider that there is any reasonable requirement to have flexibility in the way that the Local Plan is monitored and implemented. The NPPF requires that the plan itself has flexibility within it to accommodate needs not anticipated in the plan and to enable a rapid response to changes in economic circumstances (paragraph 82 of the NPPF). The monitoring and implementation section of the Plan must, itself, build flexibility into the plan to enable it to adapt to changing circumstances.
9. MF2, MF3 and MF4 of Table 16.1 of the LPS respectively sought to monitor the completion of homes, maintenance of a 5 year housing land supply and the delivery of affordable homes. The LPS sets out targets for delivery of those matters, triggers where intervention is required and a series of measures which might be used to intervene; specifically in relation to the delivery of housing the Local Plan (Table 16.1) proposes a 'review of relevant policies' in the event that a target is not met. It is vital that such provisions exist in the Local Plan as a whole.
10. By contrast, whilst the LPMF [ED54] does include, at Chapter 4, a comprehensive list of policy indicators for measuring the delivery of the local plan's targets (including

housing), the LPMF does not propose actions to deal with the event that a target is being missed. Indeed, crucially, the LMPF does not propose the review of policies in the event that a Local Plan target is missed.

11. The key element of the Local Plan which requires flexibility (through the adoption of the SADPD) and an ability to adapt to circumstances through monitoring, is in relation to the delivery of development at the Local Service Centers and, in particular, through a review of policies relating to safeguarded land.
12. Table 4.1 of the LPMF sets out a list of proposed monitoring indicators for the Local Plan and includes Indicator SC4 "Housing Completion by Location from 2010" which is proposed to monitor Policy PG7 of the LPS and PG8 of the SADPD. Indicator SC4 has a target "*For completions to meet the spatial distribution outlined in LPS Policy PG 7 and SADPD Policy PG 8*". As above, Indicator SC4 does not propose any actions in the event this target is not met.
13. Policy PG8 no longer 'outlines' any 'spatial distribution' of completions within the LSCs as previously proposed within the Publication Draft of the SADPD. We object to that approach which we make clear in our representations to the draft SADPD and our Matter 2 Hearing Statement; those arguments will not be repeated here.
14. The wording of SC4 is somewhat misleading to suggest that there is a spatial distribution of development set out within Policy PG8. Moreover, we also have concerns that, as below, the policy wording of PG8 sets out that PG8 is "expected" to accommodate 3,500 homes. The wording of PG8 for monitoring purposes is too loose and unmeasurable. Policy PG8, and the monitoring framework should be clear that the local service centers 'will' or 'should' accommodate the level of development prescribed within the Policy. Notwithstanding the clarity we seek on the policy wording of PG8, it is clear that for the Local Plan as a whole to be effective, the development provisions of PG7 and PG8 must be monitored and delivered through the plan period.
15. Policy PG8 as amended sets out:

"The local service centres are expected to accommodate in the order of 7ha of employment land and 3,500 new homes. It is expected that the housing element will be addressed by windfall going forward, in line with other policies in the Local Plan, and the employment element will include an allocation at Homes Chapel (Site HCH 1 'Land east of London Road') as well as windfall in line with other policies in the Local

Plan."

16. With the Local Plan drafted as it is (which we object to), we consider that there are two situations in which the Council would need to review the approach taken to allocation of development within the LSCs.
17. Firstly, in the event that the above quantum of development is not delivered through windfall development the Council will need to review its approach to allocating development through the Local Plan.
18. Secondly, separate to meeting the 'overall' level of growth for the LSCs (and notwithstanding the proposed laissez-faire approach PG8 takes to distribution of development across the LSCs) for the Plan to be effective we suggest that the Council must monitor whether sustainable patterns of development are being delivered across the LSCs; and whether the sustainability of any settlements are being undermined. Table 4.1 of the LPMF contains a number of socio-economic indicators (demographics, house prices, affordability etc) which could be used to monitor the health of the LSCs and indicate whether sufficient development is being delivered at those locations. Those social-economic indicators currently do not have 'SMART' targets (as advocated in paragraph 16.3 of the LPS) and no triggers for intervention are proposed (which should be addressed). To assist in the monitoring of delivery at the LSCs the SADPD should require that the Council's Annual Monitoring Reports monitor the delivery of development at each of the LSCs rather than those settlements as a group.

N.B. For the avoidance of doubt, as set out within our representations, we say that the approach being taken to spatial distribution of development across the LSCs is already, and will inevitable continue to, lead to the under delivery of growth to the LSCs within the Green Belt, in particular Prestbury. We say that, the Council should allocate a proportionate level of growth (of the overall 3,500 homes to be delivered across the LSCs set out within the LPS) to each of the LSCs, in particular, those within the Green Belt which cannot benefit from windfall development to the same extent of other settlements outside the Green Belt. Indeed, we consider that such an approach was exactly the Inspector's understanding of what the Part 2 Local Plan would do when examining the LPS, and the approach of Policy PG7, in considering the approach to be sound.

19. In either of the above scenarios, the Council would need to review its Policies in relation to the distribution of growth across the LSCs and would, inevitably, be left seeking to

allocate further land for housing development.

20. The matter of where that growth would need to be located would be a matter for a review of those policies in line with a sound monitoring framework. However, and for the reasons set out below, we consider that such a review would inevitable need to review the Council's position with regard to safeguarded land; to either boost the overall supply of housing land in the LSCs or re-dress unsustainable patterns of development. Accordingly, the monitoring framework within the SADPD should make clear that the review of safeguarded land can be undertaken as part of the monitoring and implementation function of the SADPD.
21. With regard to the above, it is clear from the 'Council response to Inspector's initial questions (INS/02 and INS/03)' [CEC/01] the justification for release of Green Belt land to support sustainable patterns of development in the LSCs has already been confirmed. Paragraph 20 of CEC/01 sets out the exceptional circumstances "*set out in the LPS to justify the release of 200ha of GB land for SL include a spatial dimension, to avoid unsustainable patterns of development. LPS Policy PG 7 'Spatial Distribution of Development' suppresses the amount of development to be provided in the North Cheshire Green Belt settlements and channels a proportion of development to locations beyond the Green Belt. It is the suppressed proportion of housing and employment development to be provided in the North Cheshire Green Belt settlements that is projected forwards in the LPS to justify the release of 200ha of GB land for SL.*"
22. It is in the above circumstances (i.e. a shortfall across the LSCs or unsustainable patterns of growth in the LSCs) which we say safeguarded land in the LSCs should be brought forwards, in line with the Council's understanding above.
23. The following extracts from CEC/01 provide a justification as to the need to safeguard land now, even in the event that a lower housing requirement is identified after the current plan period has elapsed. We have highlighted sections which are relevant to considering whether the Local Plan requires a mechanism to review safeguarded land (and allocate it for development) within the Local Plan period (paragraph numbers included for reference):

"40. Within Cheshire East there are two separate areas of Green Belt, which are the North Cheshire Green Belt (forming part of the Green Belt surrounding the Greater Manchester conurbation) and the South Cheshire Green Belt (forming part of the Green Belt surrounding The Potteries conurbation). Together, these two areas of Green Belt

represent around 34% of the plan area. LPS Policy PG 2 'Settlement hierarchy' names all settlements in the top three tiers of the hierarchy (principal towns, key service centres, and local service centres). A number of these named settlements are located (inset) within the North Cheshire Green Belt and a number of them are located beyond the Green Belt. There are no principal towns, key service centres, or local service centres inset within the South Cheshire Green Belt.

42. *The current level of development in the North Cheshire Green Belt settlements represents a constrained level of development to account for Green Belt restraints but as demonstrated through the LPS, channelling further development to locations beyond the Green Belt would represent unsustainable patterns of development.*

43. *If a lower housing requirement figure were to be proposed in a future plan, careful consideration would need to be given to the spatial distribution of that lower figure, particularly in respect of the proportion of development that could be channelled to locations beyond the Green Belt. The spatial distribution of a lower figure would need to retain sustainable patterns of development and make sure that the amount of development to be provided in the North Cheshire Green Belt settlements was not unsustainably low.*

44. *It cannot be assumed that the same proportion of development would continue to be channelled to locations beyond the Green Belt if the overall housing requirement figure were significantly lower as this could potentially lead to unsustainably low levels of development in the North Cheshire Green Belt settlements. It might be the case that in the circumstances of a significantly lower housing requirement figure, the North Cheshire Green Belt areas may need to accommodate a larger share of that smaller requirement to maintain sustainable patterns of development.*

45. *Any future spatial distribution of development would need to be fully evidenced through the development of a future plan.*

46. *This spatial dimension also informs the quantum of safeguarded land evidenced through the LPS, as it is only the proportion of development proposed by LPS Policy PG 7 that falls in the North Cheshire Green Belt area that is projected forward in the safeguarded land calculation. The amount of safeguarded land evidenced through the LPS is not based on a projection of the overall*

housing requirement in the LPS beyond 2030. This means that the suppressed level of development in the North Cheshire Green Belt settlements is already taken forward into the next plan period through the amount of safeguarded land to be provided.

*56. In Cheshire East, the exceptional circumstances have a clear spatial dimension as set out in ¶¶39-46 above. The spatial dimension to the exceptional circumstances is set out in the LPS evidence base, written into the LPS and referenced in the Inspector's report. Under the current plan period spatial distribution of development set out the LPS, a significant proportion of development needs arising in the North Cheshire Green Belt are channelled to locations beyond the Green Belt, **but to retain sustainable patterns of development, there is a need to provide a reasonable amount of development in the North Cheshire Green Belt settlements.***

*57. The identified exceptional circumstances in Cheshire East are not based solely on the absolute level of housing need identified by the LPS. **As set out in the LPS, the importance of allocating land to go some way to meeting the identified development needs in the north of the borough, combined with the consequences for sustainable development of not doing so, constitutes the exceptional circumstances required to justify alteration of the existing detailed Green Belt boundaries, whilst maintaining the overall general extent of the Green Belt (LPS ¶63).***

*58. The LPS Inspector's final report (¶94) confirms that the council has provided sufficient evidence to establish the exceptional circumstances needed to justify altering Green Belt boundaries; **this is essentially based on the need to allocate sufficient land for market and affordable housing and employment development, combined with the adverse consequences for patterns of sustainable development of not doing so, since it is not practicable to fully meet the assessed development needs of the area without amending Green Belt boundaries.** (our emphasis)*

24. The above extracts, from the Council's own response to the Inspector's initial questions, clearly demonstrate that rationale for safeguarding land from the Green Belt to meet development needs and provide for sustainable patterns of development; including for settlements within the Green Belt (and to avoid the consequences of not doing so). As set out previously, it is our case that justification clearly exists to allocate that

safeguarded land to support sustainable patterns of development in the LSCs now. However, even if that case is not accepted, the above principles equally apply to the bringing forward of safeguarded land through monitoring mechanisms in the SADPD in the event that the Local Plan is demonstrably failing to provide sufficient growth in the Green Belt settlements to deliver sustainable patterns of growth.

25. We propose that the SADPD is amended accordingly to require the monitoring of delivery within the LSCs specifically as a function of the Local Plan (not part of its evidence base). We suggest that as a minimum, the SADPD should include a monitoring framework (similar to Table 16.1 of the LPS) and that framework should provide actions to enable the Local Plan to monitor and address shortfalls against its own targets. Specifically, we consider that the monitoring framework should include a mechanism for the bringing forward of safeguarded land to meet unmet needs where the Local Plan fails to do so.