



CEC SADPD Examination Hearing: Matter 12 – Implementation and Monitoring

Land at Heybridge Lane, Prestbury

On behalf of PH Property Holdings Ltd
September 2021

CONTENTS

1. INTRODUCTION	1
2. IMPLEMENTATION AND MONITORING	2

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1. INTRODUCTION

- 1.1 This Hearing Statement has been prepared by Asteer Planning LLP on behalf of PH Property Holdings Ltd (PH Property) and responds to the Matters Issues and Questions for the Examination (MIQs) into Cheshire East Council's Site Allocations Development Plan Document (SADPD) prepared by the Inspector.
- 1.2 This Hearing Statement relates to Matter 12 – Implementation and Monitoring, Question 176.
- 1.3 PH Property is an SME housebuilder focused on delivering high quality residential development in Cheshire. Over the past 25 years, PH Property has developed a strong track record of developing housing in Cheshire East and their recent developments include: Alderley Park, Alderley Edge, Somerford Booths Hall, Somerford, Congleton and Heys Green, Henbury, Macclesfield.
- 1.4 Our representations in this Hearing Statement reflect PH Property's role as an experienced regional housebuilder with various land interests in Cheshire East. These representations intrinsically relate to PH Property's representations made in relation to Policy PG12: Safeguarded Land and should be read in conjunction with our Hearing Statement to Matter 2.
- 1.5 Abbreviations follow those used in the MIQs.

2. MATTER 12 – IMPLEMENTATION AND MONITORING

- 2.1 This chapter presents PH Property’s representations in response to the following question from the Inspector under Matter 12 – Implementation and Monitoring:

Question 176. Is the framework for the implementation and monitoring of the LPS and SADPD 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?

- 2.2 PH Property considers that the framework for the implementation and monitoring of the LPS and SADPD is not robust or positively prepared for the following reasons:

Safeguarded Land Monitoring

- 2.3 The LPMF at paragraph 3.5 correctly states that clear outputs are required for housing delivery policies. Table 4.1 however does not address Policy PG 12 and the need to review safeguarded land as part of future Local Plan reviews should housing needs and / or housing performance against the Local Plan and SADPD targets require this. The omission of Policy PG 12 from Table 4.1 is an onerous omission and needs to be remedied for the Plan to be positively prepared and found sound.
- 2.4 PH Property’s Hearing Statement to Matter 2 at paragraph 3.4 addresses this in the context of Policy PG 12 and states that neither the LPS, SADPD or the Local Plan Monitoring Framework (ED54) contains a review mechanism to allow development to come forwards on safeguarded sites should the Council fail to meet its housing needs and specifically the housing needs of Local Service Centres (LSC).
- 2.5 The Inspectors at the St Helen’s Local Plan Examination recently held in May – June of this year issued a Post Hearing Advice letter addressing Main Modifications and related matters dated 1 September 2021. The letter states at page 3 in relation to Policy LPA06 (St Helen’s Safeguarded Land Policy) that:

“The wording of Policy LPA06: There is a need for Policy LPA06 and its explanation to be modified so that the policy is positively prepared in the context of bringing forward safeguarded sites through a partial update of the plan during the proposed plan period of 2020-37, should housing, employment or infrastructure needs justify this (MM)”.

2.6 It is PH Property's view that an early release mechanism for safeguarded land, to meet any unmet housing needs and other policy objectives (such as spatial distribution), is incorporated into the SADPD. This should form part of Policy PG 12 and be referred to in the SADPD monitoring framework. This is particularly important given that the Council is relying on windfall developments to meet its LSC housing need which is contrary to the plan making approach promoted by the NPPF. Furthermore, the Council's evidence base for LSC's such as Prestbury, shows that the LSC has no urban capacity and is shrink wrapped by the Green Belt which provides no flexibility should the windfall housing development expected by the Council fail to be delivered.

Action

2.7 The proposed actions set out at paragraph 3.9 of the LPMF is not positively drafted. Paragraph 3.9 states (with Asteer Planning's emphasis in **bold**):

*"Where it would appear through monitoring that targets are not being met, **it may be necessary to:***

- *Review the policies in the Local Plan to see if they need to be amended in order to deliver the Strategic Priorities*
- *Consider alternative strategies*
- *Take appropriate management action to remedy the cause of under-performance.*

2.8 Paragraph 3.5 of the LPMF states (with Asteer Planning's emphasis in **bold**):

*"For policies where clear outputs are required, such as those relating to housing delivery, specific targets have been included in the LPMF. **Performance against such targets can inform whether Local Plan policies should be reviewed.**"*

2.9 In preparing the LPMF, the Council has acknowledged that housing delivery is a policy which requires a clear output and that performance against such targets can inform whether Local Plan policies should be reviewed.

2.10 However, the proposed action at paragraph 3.9 is not as positively drafted. Rather the wording used is *"it may be necessary to"*. As such paragraph 3.9 is unclear and ambiguous. There are no clear indicators to trigger a review of the Local Plan. Decision makers and stakeholders are left unclear about what constitutes a target not being met; at what point would action be taken; and what form would this take.

2.11 The Council at Table 4.1 lists housing delivery targets but the action stated is not clear and precis and it is proposed that the wording at paragraph 3.9 should be amended to ensure that there is certainty that the Council will immediately undertake the actions specified and specifically undertake a review of the Local Plan policies.

2.12 Furthermore, bullet point 1 of paragraph 3.9 states introduces footnote 4 which states:

“Paragraph 33 of the National Planning Policy Framework (February 2019) requires Local Plan policies to be reviewed every five years. Relevant strategic policies may need an earlier review if local housing need is expected to change significantly in the near future”.

2.13 Footnote 4 of the LPMF is also not worded as positively as paragraph 33 of the NPPF which requires Local Plan reviews to be **completed** no later than 5 years from the adoption date of the plan. Paragraph 33 states (with Asteer Planning’s emphasis in **bold**):

*“Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. **Reviews should be completed no later than five years from the adoption date of a plan**, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future”.*

SADPD Monitoring Framework

2.14 In terms of the Inspector’s second question regarding the LPMF forming a separate document, it is PH Property’s view that for the SADPD to be consistent with the NPPF, the monitoring framework should form part of the SADPD.

2.15 We note the justification provided by CEC at paragraph 2.3 of the LPMF (ED 54):

“The use of a separate document to define the LPMF, instead of incorporating it into the Revised Publication Draft SADPD, allows for greater flexibility and more robust Local Plan monitoring mechanisms, enabling the LPMF to adapt to changes in national guidance and legislation as well as Local Plan policies and monitoring practices. It will also enable the identification of additional indicators to meet the monitoring requirements of future Local

Plan documents, such as the Minerals and Waste Development Plan Document, without the need to review the SADPD”.

2.16 PH Property’s concern with this approach is that whilst the LPMF would be flexible to adapt to changes, it provides no certainty to decision makers and stakeholders about when any remedial action would be taken and what form this may be. Furthermore, it would be possible to amend the monitoring framework without independent scrutiny and examination because the LPMF would not form part of the Development Plan rather it is an evidence base document.

2.17 The National Planning Practice Guidance requires indicators to form part of the Development Plan as identified at Paragraphs 065 and 072. Firstly, paragraph 065 states (with Asteer Planning’s emphasis in **bold**):

WHAT CAN AUTHORITIES CONSIDER WHEN DETERMINING WHETHER A PLAN OR POLICIES WITHIN A PLAN SHOULD BE UPDATED?

The authority can consider information such as (but not exclusively):

- *...success of policies against **indicators in the Development Plan** as set out in their Authority Monitoring Report;*

2.18 Furthermore, paragraph 072 states (with Asteer Planning’s emphasis in **bold**):

*“Local planning authorities must publish information at least annually that shows progress with local plan preparation, reports any activity relating to the duty to cooperate, any information collected which relates to **indicators in the plan**, and any policies which are not being implemented”.*

2.19 It is clear that Local Plan monitoring frameworks should be incorporated within the Development Plan and as a result the LPMF should be provided within the SADPD for the SADPD to be consistent with national planning policy and to be found sound.