



**CHESHIRE EAST LOCAL PLAN SITE ALLOCATIONS AND  
DEVELOPMENT POLICIES DOCUMENT (SADPD)  
SEPTEMBER 2020**

**LOCAL PLAN EXAMINATION**

**MATTER 12 – IMPLEMENTATION AND MONITORING**

**ON BEHALF OF THE TATTON ESTATE**

Date: October 2021

Pegasus Reference: ST/P17-0388/R014

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## 1. ISSUE: 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?**

- 1.1 The Council is obligated to prepare an Annual Monitoring Report as advised by the NPPG and Regulation 34 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The regulations set out the basic requirements, but the NPPG confirms that such reports can include additional information.
- 1.2 Whilst there is no legal obligation to provide a monitoring framework within a SADPD itself, the Council specifically chose to add a set of monitoring criteria to the LPS which is an adopted statutory Development Plan and contains Cheshire East's strategic planning policies and was found to be sound (and therefore it must have been found to be effective).
- 1.3 Ensuring a plan is effective is one of the key tests of soundness as prescribed by paragraph 35 of the NPPF, where it is stated:
- Plans are 'sound' if they are: c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground;*
- 1.4 Indeed, throughout the examination process of the LPS, we recall that the Council's officers often referred to the robustness of the monitoring framework to dispel any concerns put forward that the plan would not deliver Cheshire East's needs in full.
- 1.5 The very purpose of monitoring is to ensure the plan is effective during its lifetime and if it isn't, to determine what action should be taken. As such, the Council set a comprehensive set of monitoring indicators within Table 16.1 of the LPS.
- 1.6 We have compared Table 16.1 of the LPS to the Table in ED54 and notwithstanding all of the additional SADPD policies referred to, the indicators and target appear to be largely the same. The main omission / change in approach is the newly proposed omission of the 'triggers' and the specified action thereafter as identified in Table 16.1.
- 1.7 For instance, in relation to the delivery of affordable housing (Indicator MF4 in the LPS and SC7 in ED54), the target of 355 homes per annum remains the same. However, the previous trigger of 'a shortfall of net affordable housing completions of more than 20% on a rolling three-year average' is no longer applicable. No alternative trigger is applied and no actions are cited in ED54, not just for this indicator but for all original indicators relating the strategic policies in the LPS and the non-strategic policies put forward in the SADPD.
- 1.8 To remove reference to all triggers and actions removes any form of genuine accountability when reviewing the effectiveness of the LPS policies, which is not considered to be in line with the

requirements of the NPPF, particularly when considering strategic policies. Indeed, paragraph 26 of the NPPF states:

*"Effective **and on-going** joint working between strategic policy-making authorities **and relevant bodies** is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere."*

- 1.9 Whilst the above issue is centred on joint plans and cross boundary issues, the monitoring process agreed at the LPS stage is pertinent to these goals, where monitoring, transparency and co-operation is integral to an effective plan making process that doesn't end once the plan is adopted. To remove the triggers and the actions set out in Table 16.1 of the LPS dilutes any accountability or the need for any recourse.
- 1.10 Removing the monitoring framework for the LPS undermines the effectiveness of the strategic policies within it. As such, should the Council wish to take this action, we consider this should only be undertaken through a full review of the LPS itself. Given the LPS is reaching its 5-year review period anyway, that would be a perfectly attainable objective but one that could then be fully considered as part of a consultation and examination process that reconsiders those strategic policies afresh and in light of any new evidence.
- 1.11 This SADPD does not seek to re-address the LPS strategic policies and only seeks to deal with non-strategic policies. As such, we consider a separate monitoring framework for the SADPD policies would be appropriate.