

Hearing Position Statement
of
The Estate of Marques Kingsley Deceased (ID 586279)

MATTER 2 – PLANNING FOR GROWTH

Safeguarded Land at LSCs (Policies PG11 and PG12)

15. The representation which we have already made is that the deleted Policy PG11, which relates to allocations, should be reinstated on the basis that it is a requirement of the adopted LPS to allocate additional housing, both for the LSCs (which PG11 does) as well as for KSCs such as Poynton, and that the alternative sites which we have identified separately in our representations should be added thereto in addition.

The matter of further allocations has already been determined in the LPS, and in order for the SADPD to be in compliance with the LPS, the requisite allocations are accordingly required to be made.

Further, the decision in the LPS to have further allocations does itself justify exceptional circumstances for the removal of sites from the Green Belt.

The suggestion that the potential for changes under the standard method for calculating local housing need should for the period beyond 2030 be taken into account in the consideration of allocations in this part of the plan would not be appropriate, since that method or the demographics may change prior to 2030 and might indicate a higher need. Accordingly, any further consideration of need would not be appropriate to be taken into account in this SADPD, but would be more appropriately addressed in any full review.

Further, in respect of the identification of safeguarded land generally, the Inspector will be aware that there have been recent detailed changes to National Planning Policy for Planning and flood risk contained in paragraphs 159 - 169 of the NPPF (and elaborated on in the Planning Policy guidance update on the 20 August last).

These changes institute more detailed requirements in respect of sequential testing of potential sites and of potential development, but these new requirements are not properly embodied in proposed Policy ENV 16, or in LPS Policy SE 13 of the main Plan, which is only referred

to at paragraph 4.86, but not itself included within Policies 1. to 7. of Policy ENV 16, as Policy.

There should accordingly be appropriate amendments to proposed Policy ENV 16 to accommodate the change, or the proposed Plan would not be sound.

It therefore follows in respect of Safeguarded Land that it is necessary to re-visit the allocations and the bases therefor, in view of the amendments to planning and flood risk Policy, as referred to above.

The Plan sets out its reasoning for the allocation of Safeguarded Land at paragraphs 15.1 to 15.18 of the LPS, and more specifically at paragraphs 15.14 to 15.16. Paragraph 15.15 is most specific in the perceived current and future status of Safeguarded Land, but it is not Policy, and does not reflect the fact, as stated at paragraph 15.10, that in considering any new development, "national policy - will be applicable as appropriate."

Although paragraph 15.8 states that "the Flood Risk Assessment" of selected sites have been used in "the council's Site Selection Methodology", national policy has changed, and sites which may have been selected (or which are currently proposed) which do not accord with current national Policy, cannot be assumed to be priority sites for development, particularly where there are less vulnerable alternatives.

An example of inappropriately allocated safeguarded land is the safeguarded land at Woodford Aerodrome, which falls fully within Flood Zone 3, the most vulnerable category of Flood Risk, and is thereby unsuitable for the delivery of development, particularly when judged against other reasonable alternatives, as is required. In addition, land at PYT1 has been proposed as a site for development without considering any of the reasonably alternative sites which are less vulnerable to flooding.

There should therefore be a new Policy which expressly sets out that, in accordance with paragraph 143 d) of the NPPF, "any proposal for the development of Safeguarded Land should not be granted planning permission without the assessment of those development proposals against all other reasonable alternatives or without first taking all national Policies, including flood risk, into account", or the proposed Plan would not be sound.

Development at Key Service Centres (Sites CNG1, MID 2 & 3 and PYT 1, 3 & 4)

19. The proposal to allocate further sites for housing and employment at the KSCs is consistent with the strategy for the spatial distribution of development in the LPS. (Representation in respect of question 15., above, refers)

20. Site PYT 1 is not justified on the evidence set out in the SA, SSM, or relevant settlement report, for housing, since no reasonable alternatives have been considered. (Our previous representations refer)

21. A Poynton Sports Mitigation Strategy and feasibility reports in respect of proposed sites PYT 1, 3 and 4 have recently been produced, but although they have been submitted by Cheshire East Council, as stated at 1.1 of the Strategy, the reports were for some reason not commissioned by the Council, nor does the Part 7: Conclusion of the Strategy support the allocation of the sites.

Nevertheless, the subsidiary feasibility reports appended to the strategy report confirm in their Summary and Discussion that all mitigation measures required to compensate for the loss of land at sites PYT 3 and 4 can be fully provided for within or adjacent to those two sites themselves. It is therefore evident that mitigation for the allocation of PYT 3 and 4 is not dependent on the relocation of the sports club to PYT 2 or dependant on any Sports Club improvement.

In contrast, the feasibility report in respect of the land at PYT 2 confirms the complexity of the site and the considerable difficulties associated with the relocation and enhancement of PYT 1 into PYT 2, thereby confirming the unlikelihood of the sites being available and deliverable within the plan period.

Equally, the strategy report does not confirm that there is a local need which requires or justifies the relocation of the sports club, but on analysis demonstrates at table 2.2 at paragraph 2.15 that the shortfall of sports facilities within Poynton as a whole is only 1 full size 3G pitch.

The requirement for 1 extra pitch in Poynton does not justify a gross incursion into the Green Belt and its openness by the relocation of the full Sports Club to PYT 2 and its relocation there on that basis would be contrary to both national policy and case law.

In order to satisfy the local shortfall of the 1 full size 3G pitch, we are currently preparing a planning application for the provision of a pitch on the 8 acres of land which we own at Hill Green Farm, Woodford Road, Poynton, the provision of which would be entirely funded by us and made available for community usage.

The provision of the extra pitch thereby adequately satisfies the identified local need, as a reasonable alternative and without having to relocate or expand the Sports Club. However, whilst we recognise that the Sports Club have aspirations to expand and update its facilities, they have the ability to do so by the improvement of their current clubhouse within their existing site and by creating extra playing fields on PYT 2, which was allocated for expansion (but not relocation) of the Sports Club, over 15 years ago.

Further, no explanation has been provided to explain why it has not been possible for the Sports Club to utilise site PYT 2 for expansion over the preceding 15 years; no comprehensive details have been given in respect of costs; no details have been given of how those costs are to be financed; no details of the existence of any contracts have been demonstrated; there has been no disclosure of any contractual terms; no disclosure of the Sports Club Constitution (which could make any decision to re-locate and/or any failure to use funds generated within the terms thereof ultra vires and potentially challengeable); nor has there been any proof that the site PYT 2 has in fact been secured or on what terms.

In the light of our previous representations and the above, it would be unsafe for sites PYT 1 And 2 to be allocated and the decision with regard to allocation must be taken in this Plan, since as upheld in the Supreme Court on the 14th May in the case of Fylde Coast Farms, allocation cannot be challenged subsequently in any planning application.

Both sites should therefore be removed from allocation, or the plan would not be sound.

22. b) With regard to mineral resources at PYT 2, it is evident that no assessment of potential mineral resources has been carried out, and there is accordingly no evidence to suggest that there are no workable minerals within the site. The absence of such evidence throws further doubt on the deliverability of the site and whether it will be available to provide for development as required within the plan period. Allocation of

the site to enable housing delivery within site PYT 1 would accordingly leave the Plan unsound.

Settlement Boundaries (Policy PG 9)

28. The Settlement Boundaries defined on the Draft Policies Map will not be effective in enabling further windfall sites to come forward. (Our previous representations in respect of Woodleigh, Lostock Hall Farmyard and land at Clay Lane, Handforth, refer)

In addition to our previous representations, there is a specific justification for the amendment of the settlement boundary to re-include Woodleigh in the settlement boundary, which is *inter alia* as follows:-

- a) Woodleigh was always considered to be part of the settlement of Poynton, and was in fact shown as such in what was then Town Plan 24, referred to in Figure 2.2, page 4 of the PBA report of 2018 which is appended to our representations.
- b) When the Settlement Boundaries and the extent of the Green Belt surrounding Poynton were defined in the Poynton Plan in 1984, the requirements of Circular 14/84 for the identification of White Land required for future development were not followed, and Woodleigh was removed from its designation as part of the settlement and included within designated Green Belt, without any reasoned explanation, contrary to national policy and case law.
- c) The explanation given was that it was not necessary to identify White Land within the Poynton Plan and since Woodleigh was not at that time in itself required for development, it should be designated as Green Belt until it was required for development or, since the Green Belt was only intended to be fixed for 30 years, until a review of the Green Belt was undertaken, (which is wrong in both national policy and in law).
- d) It accordingly follows that since more than 30 years has expired since Woodleigh was designated as green belt, and development is required in Poynton now, it is appropriate for Woodleigh to be re-included within the settlement boundary now.

- e) Since a green belt amendment can only be done in a plan review, it is imperative that if there is to be an adjustment, that it is made in this Plan now.

29. The substantive evidence which demonstrates that the proposed Settlement Boundary of Poynton is not justified in defining the actual boundary between the built up area and the open countryside is that the Poynton Relief Road forms a new permanent boundary between Poynton and Woodford's green belt and it would accordingly be appropriate for the settlement boundary to follow it along the county boundary line.

With regard to access to the Poynton Relief Road, it would be correct to say that there should be no restriction on development traffic taking access into it unless residual cumulative impacts on the road network would be "severe", and since the road is currently being built, all reference to safeguarding in respect of its previously proposed route over our land at Lostock Hall Farm should be removed, since in that respect, the SADPD and Policies Map thereto are clearly wrong.

At the same time, we should point out that the Policies Map is difficult to interpret, and it is not possible to adequately demonstrate the extent of designations from it. Further, such designations as may be recorded therein, insofar as they can be viewed, do not accurately record the true designations, for example, the ecological protections in the region of Woodleigh and Wigwam Wood. Perhaps there can be some discussion in respect of the effectiveness of the Policies Map in Matter 12 of the Examination?

30. With regard to Settlement Boundaries, it is important that Policy PG9 specifies that the Policies in the SADPD and the boundaries set out therein, take precedence over any Settlement Boundaries defined in any NP, and that NPs must accord with the SADPD, not vice versa, for the SADPD to be sound.

We hope these further submissions will be taken into account in addition to those made previously, which should also continue to be taken into account, but reserve our position to make further representations, should it become necessary.