

Peter J Yates BA (Hons) M Phil MRTPI responding to the Inspector's Questions 15, 16, 17 & 18 in relation to Matter 2 Safeguarded Land at LSCs (Policy PG12).

Introduction.

I have been involved with all stages of the preparation and Examinations leading to the adoption of the Local Plan Strategy in July 2017. I have also submitted representations on both the Publication Draft SADPD (August 2019) and the Revised Publication Draft SADPD (October 2020). These include Development in Local Services & Safeguarded Land, the Site Selection Methodology, Housing Density and Jodrell Bank. This Position Statement focuses on those aspects which relate to Safeguarded Land (PG12).

Question 15. Is the identification of additional safeguarded land at LSCs justified to meet the longer-term development requirements of the Borough, taking into account of the expectations of the LPS, the potential for the development requirements of Cheshire East beyond 2030 to change under the standard method for calculating local housing need, and the requirement in paragraph 140 of the NPPF that Green Belt boundaries should only be altered where justified by exceptional circumstances?

It is not justified by the lack of up-to- date evidence provided by Cheshire East Council.

The question raises 3 matters which need to be met to satisfy the need for additional Safeguarded Land:

- 1) The expectations of the LPS.
- 2) The potential for development requirements post 2030 to change under the standard method for calculating local housing need, and
- 3) The requirement in **para 140** of the NPPF of the existence of exceptional circumstances to justify altering the Green Belt boundaries.

1)Policy PG4 (6) of the LPS (July 2017) clearly states that:

*In addition to these areas of safeguarded land listed; **it may also be necessary** to identify additional non-strategic areas of land to be safeguarded in the Site Allocations Development Policies Document.*

This wording followed on from the inspector into the Local Plan Strategy stating in his report that he expected an -up -to date assessment of whether exceptional circumstances existed regarding the release of further safeguarded land from the Green Belt as part of the preparation of the SADPD.

The requirement of up-to-date and relevant evidence was referenced in **para 158** of the **NPPF (2012)**, the appropriate national guidance when the LPS was prepared.

Between 2017 and 2021, a considerable number of **significant changes** have taken place in Cheshire East, and these should have been considered as part of an up-to-date and relevant

assessment of whether exceptional circumstances existed to release further safeguarded land from the Green Belt in the six LSCs in the North Cheshire Green Belt.

The significant changes include the following:

Housing.

The **LPS** anticipates **1,800 houses a year** being built in order to provide **36,000 houses** in the period 2010-30.

Cheshire East Council's **Housing Monitoring Statement (31/3/21)** identified current completions and commitments to be **42,002 houses, with 9 years** of the Plan period remaining.

Over the past 3 years **(2018-21) completions** have been in the order of **3,000 houses** every year.

The annual **Local Housing Need Figure** was calculated at **1,068 houses** by the **MHCLG (Dec 2020)**.

Even though it is accepted that this is a dynamic figure, it needs to be recognised that an increase of 50% would still result in a figure well below the number of houses being delivered.

Local Housing Need figures have been increased for Greater Manchester, and to provide further Safeguarded Land would be potentially undermine the delivery of housing to meet these needs. This is relevant in relation to Prestbury and Disley Parishes, which have borders coterminous with Stockport MBC.

Employment Land take up.

In the **first 10 years** of the **LPS**, as indicated in the **AMR (2019-20)**, the **take up** of employment land allocations has been only **44.90 ha out of a total allocation of 453.45 ha**.

It is unlikely that a higher % take up will take place in the second 10 years (2020-30), as much higher percentages of employee are working from home. The **Chartered Institute of Personnel Development (CIPD) report of July 2021** concluded that across the country some 37% of employed people would work from home on a regular basis in the future. Of these 22% will work from home all of the time, compared to 9% pre-pandemic. In areas like North Cheshire that figure could be of the order of 50%.

The implications of this will make it likely that **no more than 20% of the 453.45 ha** will be **used for employment purposes**, and the balance will be available for other uses, particularly housing. This has already taken place at East Tytherington Business Park less than a mile from parts of Prestbury.

In housing terms over 300 ha of available employment land could produce over 9,000 houses.

Town Centre changes.

The percentage of **vacant retail units in town centres** in Cheshire East averages out at **10.9% (AMR 2019-20)**.

Vacant office blocks and high density housing schemes have started to characterise Macclesfield town centre, together with the redevelopment of the extensive Kings School land & buildings for large scale housing estates.

As with all brownfield sites in urban areas, such redevelopment schemes are of a higher density that green field peripheral sites, and far more sustainable.

On account of these significant changes, the capacity of the urban areas of Macclesfield, and the Key Service Centres in the North Cheshire Green Belt, needs to be reassessed and projected forward beyond 2030. The scope for large numbers of houses into the future will undoubtedly far exceed the number of houses which could be accommodated on the 13.6 ha of safeguarded land allocated in the SADPD for the five LSCs in the North Cheshire Green Belt.

This very brief summary of the changed circumstances since the adoption of the LPS, have not been considered in relation to assessing the need for further safeguarded land, using up-to-date and relevant evidence. **This is not in accordance with para 31 of the NPPF (2021)** which states that:

The preparation and review of all policies should be underpinned by relevant and up-to-date evidence.....and take account of market signals.

As the SADPD has not followed the national guidance or the requirement in Policy PG4 (6) of the LPS, the question remains on what basis has the requirement for further safeguarded land followed?

Several supporting documents, and on many occasions, have stated that the relevant document, which addresses exceptional circumstances and justifies the need for further safeguarded land is:

Local Service Centres Safeguarded Land Distribution Report (ED53).

Document ED05 is one such document which refers to **ED53** as being the one which sets out the consideration of exceptional circumstances. Planning Officers have made similar statements at Council meetings.

The **title** of the document **ED53** states that the document is concerned with the distribution of further Safeguarded Land rather than whether “**it may also be necessary**” to identify

further safeguarded land, having considered whether up-to-date and relevant evidence provided the exceptional circumstances to release further land from the Green Belt.

Instead, the expectations of the LPS, as clearly stated in **Policies PG3 & PG4**, have been set aside and Cheshire East Council has considered that exceptional circumstances have already been justified for **200 hectares** to be taken from the Green Belt in North Cheshire for safeguarded land, and the role of the SADPD is to decide where the residual 13.6 ha should be accommodated.

This approach does not follow the expectations of the LPS, the potential for development post 2030 under the standard method for calculating local housing need, and the requirements of 140 of the NPPF (2021).

Question 16. Is the selection and distribution of sites for designation of Safeguarded Land at the LSCs, as set out in the LSCs Safeguarded Land Distribution Report and the Settlement Reports for Alderley Edge, Bollington, Chelford, Disley, Mobberley and Prestbury, based on a Robust Methodology and justified by proportionate evidence and is consistent with the LPS and national policy?

The selection and distribution process for the designation was deeply flawed for several reasons, and as such was not based on a robust methodology and justified by proportionate evidence.

The response to Question 15 makes it abundantly clear that there is no need for further safeguarded land in the LSCs and the reasons why.

The fact that safeguarded land sites are the focus of this question, means that the starting point for the response must be the Green Belt status of the sites, and the need to fully evidence & justify the exceptional circumstances to warrant the land occupied by the sites being removed from the Green Belt.

There have been two Green Belt Assessment Reports, one in 2013, and a follow up one in 2015. Of the eight safeguarded sites selected for removal from the Green Belt, six sites are still classified as making a “significant contribution” to the five Green Belt purposes.

Site PRE2 Land to the south of Prestbury Lane was classified as part of a site which made a “major contribution” to the Green Belt in **2013**, yet **two years later** it was regarded as only making a “contribution”. This represents a radical downgrading of the site without an explanation or justification for it.

However, it is understood that in early 2015 this site (PRE2) was subject of a submission, on behalf of the Trustees of the G S Pearce Trust, to the Strategic Housing Land Availability Assessment , which promoted the PRE02 land for housing development. This was before the downgrading of the Green Belt status of the site. Subsequently, active interest from a house building company, Anwyl, led to it taking an option for the purchase of the land.

It is fair to assume that if the site had made a “Major Contribution to the Green Belt”, this would have discouraged any prospective purchaser of the site from proceeding.

It is considered that the actions on behalf of the agents for the Trustees, who own the site, have been a significant factor in the downgrading of the site in terms of the Green Belt, and the weighting attached on several key criteria in the Traffic Light Assessment.

The Traffic Light Assessment & its role in Site Selection Methodology.

The Traffic Light System is deeply flawed.

The sites chosen to be safeguarded are those with the highest number of “Green” ratings in the Traffic Light Assessment (RAG). An analysis of the 20 criteria used in the RAG shows it to be flawed for the following reasons:

Failure to Weight the RAG Criteria.

The chosen sites are those with the highest number of “Green Ratings”. This is based on the false premise that each of the 20 criteria has the same weighting. **This is clearly unsound.** A “Red” weighting for example for expensive highway mitigation works or significant contamination remediation works, would normally be terminal for a site’s prospects, regardless of the number of “Green” ratings.

The Prestbury Lane site, where there are several criteria which should be rated as “Red” eg the road safety issues relating to Prestbury Lane and its junctions on the surrounding highway network, which are so fundamental that they mean the site is unsuitable for development. As pointed out in Prestbury Parish Council’s previous submission, the **Prestbury Lane junction** with the **A523** has the **worst accident record** in Prestbury parish.

Absence of Evidence.

One of the key considerations in relation to site selection is the issue of **viability**. This is important at the plan making stage as referred to in **Para 57 of the NPPF (2019)**. No reference is made to this requirement in the RAG assessment. It is also of great concern that Cheshire East Council is content that **“The site promoter has confirmed that the development is deliverable”**, without the provision of any evidence or justification, and without the ability to seek an independent assessment of the assertion.

To give a site a “Green” rating on the important matter of viability on the basis of the confirmation of the prospective developer of the site, represents a serious error of judgement. In the light of the lack of viability assessment report, and the opportunity to get it independently verified, the site should be given a “Red” rating. Because of the **importance of viability of the site’s development, and the lack of any evidence to address this, the site should not go forward as a safeguarded site.**

Inconsistency of Rating.

Where there is missing evidence, Cheshire East Council has taken a precautionary approach and rated a site as “Red”. This should have been the position with regard to viability, as well as the grade of the agricultural land. **The agricultural grade is rated as “Amber”, but Para 4.57 of ED53 states that all land around Prestbury is Grade 3, and the precautionary approach would be to rate it as “Red.”** This is just one example of the lack of consistency in situations where key information is missing.

Relevance of Criteria.

It is reasonable to expect that the methodology of selecting Safeguarded Sites would use criteria which are relevant. The use of **Criteria 4 Strategic Green Gap** has no relevance to North Cheshire, as it only relates to the area around Crewe, over 20 miles away. But as the PRE2 site has no impact on a Strategic Green Gap it is provided with a “Green” rating.

Lack of use of LPS Guidance.

Criteria 14 of the RAG assessment deals with the key issue of **accessibility**. There is specific guidance, in the **LPS under Policy SD2 in Table 9.1 and paragraph 9.5**, with regard to access to services and amenities. There is however **no reference to this key Table** under the criteria of accessibility. This is despite it being used regularly by Planning Officers in the assessment of sustainability of sites which come forward as planning applications. This is a serious omission which undermines the credibility of the assessment in relation to the important criteria of accessibility.

Using the correct **Table 9.1** in the LPS results in only four of the 20 criteria for accessibility being met, and a “Red” rating, as opposed to the “Green” rating not based on any recognised system of assessing accessibility.

In the light of the above serious deficiencies in the RAG assessment it is considered that it is not a robust means of selecting Safeguarded Sites, and not consistent with national policy guidance and the Local Plan Strategy.

Question 17. How have the cumulative impacts of the future development of the sites proposed for designation as Safeguarded Land been considered, such as highway network, nature conservation assets and the green infrastructure network? What evidence is available to demonstrate this?

There is no evidence that the cumulative impacts of the sites proposed for designation as safeguarded land in the LSCs have been considered in any documentation.

The same is the case with regard to the large-scale amount of land, 186.4 ha, released for safeguarded land in the LPS.

The site selection methodology deals with impact on the highway network in a very superficial way, accepting statements from the promoter, without investigating them eg on the Prestbury Lane site there is no means of providing a safe pedestrian access into the centre of the villages, where all the services and facilities are located.

No reference is made to the need for major highway works at the junction of the A523 to the east, and Heybridge Lane to the west, and the need to acquire land not in public ownership to undertake expensive mitigation works.

Nature Conservation surveys have been left for the future, despite the evidence of protected species on the site. No reference is made to winter flooding, and the lack of any site drainage. and there is no reference to green infrastructure.

All of the points raised regarding the deficiencies of the RAG system have been made in consultation responses. All have been ignored.

In order to ensure consistency with national policy the SADPD should be seeking to secure compensatory improvements to the environmental quality and the accessibility of remaining Green Belt land close to each of the Safeguarded Sites. Whilst **Policy PG12 4.** refers to this being a requirement of any future application , there is no evidence to illustrate how this requirement could be achieved.

Question 18. Have exceptional circumstances for removing each of the eight Safeguarded Land sites from the Green Belt been fully evidenced and justified, and are sites defined by boundaries using physical features that are recognisable and likely to be permanent?

No exceptional circumstances have not been fully evidenced and justified for removing the eight sites from the Green Belt.

There is a distinct lack of evidence to show that any attempt has been made.

The responses to Questions 15, 16 & 17 clearly show the considerable deficiencies in the whole approach to safeguarded land, and the seriously flawed Site Selection process. The setting aside of the relevant policies in the LPS, and taking the view that exceptional circumstances had already been established in the preparation of the LPS for 200ha of safeguarded land to be taken out of the Green Belt, is the opposite of the fully evidenced and justified approach required by para 140 of the NPPF (2021) and Policy PG4 (6) of the LPS.

By taking the approach which is pursued in the SADPD, Cheshire East Council has also relied on evidence used in preparing the LPS, which dates back to 2015. No attempt has been made to consider the information which is available regarding the significant changes which have taken place since 2017, and are specifically referred to in the response to Question 15 in particular.

**Peter J Yates BA (Hons) M Phil MRTPI.
Planning & Development Consultant.**

