



Matter 6: General Requirements

Examination of the Cheshire East Local Plan Site
Allocations and Development Policies Document

for Jones Homes

Emery Planning project number: 17-087



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Site address : Representations to the
Cheshire East Site
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1. Introduction

- 1.1 This hearing statement is submitted on behalf of Jones Homes in relation to Matter 6: General Requirements. The hearing session is scheduled to take place on 21st October 2021.

2. Recovery of forward-fronted infrastructure costs (Policy GEN 4)

Q104. Have the costs associated with forward funded infrastructure been taken into account in the viability assessments of the LPS and SADPD? If so, do these demonstrate whether or not allocations and future windfall development on which the local plan relies can viably support those costs?

- 2.1 The Local Plan Site Allocations and Development Policies Viability Update of July 2020 (ED52) explains that Policy GEN 4 has been revised to state that the:

'council will recover the costs associated with forward funded infrastructure from applicants that rely on this infrastructure to mitigate the effects of their development and make it acceptable in planning terms'.

- 2.2 Paragraph 8.37 of the document confirms that it is assumed that all the modelled sites will contribute £5,202/unit towards infrastructure, being the reported average.
- 2.3 The viability report models a set of development sites that are broadly representative of the type of development that is likely to come forward under the new SADPD and the allocations that are to be consented. It is not clear how this has assessed windfall sites.
- 2.4 For the three sites allocations proposed for Poynton, the Viability Update concludes that although the Residual Value exceeds the Benchmark Lane Value however, the results are not so good for sites in the low and medium value areas. The report recommends that the council should consider a flexible approach to viability and potentially accept a lower level of affordable housing in these areas (paragraph 12.63). It also recommends that the council continues to engage with the site promoters.
- 2.5 In summary, the viability assessment does not demonstrate that all allocations and future windfall sites can viably support the costs.

Q105. Given the guidance in the PPG that ‘it is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents, as these would not be subject to examination’, is Policy GEN 4 consistent with national policy in relying on SPD to set out the mechanism for calculating the cost of contributions?

2.6 No.

2.7 The paragraph in the PPG which states that it is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base goes onto state that;

“Whilst standardised or formulaic evidence may have informed the identification of needs and costs and the setting of plan policies, the decision maker must still ensure that each planning obligation sought meets the statutory tests set out in regulation 122. This means that if a formulaic approach to developer contributions is adopted, the levy can be used to address the cumulative impact of infrastructure in an area, while planning obligations will be appropriate for funding a project that is directly related to that specific development.”

2.8 The PPG also states that:

- Where the Community Infrastructure Levy is in place for an area, charging authorities should work proactively with developers to ensure they are clear about the authorities' infrastructure needs (paragraph 0003 Reference ID: 23b-003-20190901).
- Policies for planning obligations should be set out in plans and examined in public. Requirements should be clear so that they can be accurately accounted for in the price paid for land (paragraph 0004 Reference ID: 23b-004-20190901).

2.9 In the case of Policy GEN 4:

- It is not clear how the Council or the applicant will determine whether an element of forward funded infrastructure has made their proposal acceptable in planning terms and over what timescales this will apply.
- It is also not clear whether schemes will continue to be expected to pay even if the cost of the infrastructure has already been covered by other schemes.
- The requirements of the policy are not clear making is difficult to account for in the price paid for land.

- 2.10 The policy is ambiguous and unclear and should be deleted in order to make the document sound.

Q106. Policy IN 2 of the LPS states that until a CIL Charging Schedule is in place, contributions from S106 agreements may be pooled to meet the costs of strategic infrastructure, subject to meeting legal tests, but once a CIL is in place S106 agreements will be used for site specific costs and affordable housing. Given that Cheshire East adopted a CIL Charging Schedule in February 2019, is Policy GEN 4 consistent with the LPS in now seeking to secure contributions to the forward funding of non-site specific infrastructure through S106 agreements?

- 2.11 No.

- 2.12 Policy IN2 of the LPS is clear that once the CIL Charging Schedule is in place, Section 106 Agreements will continue to be used for site specific costs and affordable housing. Paragraph 10.15 of the explanatory text to Policy IN2 sets out that the council has identified what strategic infrastructure is needed to support the amount and distribution of growth proposed in the Local Plan Strategy and how much it will cost, including the funding shortfall identified after taking account of already committed funding. There is no justification for now seeking to secure contributions to the forward funding of non-site specific infrastructure in light of this.

- 2.13 As set out above, Policy GEN 4 is ambiguous, provides no clarity on the infrastructure or sites to which it would apply and is inconsistent with Policy IN 2.