



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

LOCAL PLAN EXAMINATION

MATTER 6 – GENERAL REQUIREMENTS

ON BEHALF OF THE TATTON ESTATE

Date: September 2021

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1. INTRODUCTION

- 1.1 Pegasus Group has been instructed on behalf of their client, Tatton Estate, to prepare Hearing Statements to the Cheshire East Site Allocations and Development Policies Document in support of their land interests in the Borough.
- 1.2 This Statement deals with **Matter 6 – General Requirements.**

2. ISSUE: GENERAL REQUIREMENTS

Design Principles (Policy GEN 1)

2.1 Question 100 - Does Policy GEN 1 serve a clear purpose, avoiding unnecessary duplication of policies in the NPPF and in the LPS, including Policies SD 1 and SD 2?

2.2 No. The policy is repetitive in nature when read alongside Policy SE1. It outlines a further 13 generalised design principles placed in no particular order, which is in addition to the 23 separate design criteria which must be satisfied in adopted Policy SE1 of the LPS, that are set out under topic headings. This leads to the plan as a whole becoming burdensome, repetitive and fragmented. This conflicts with NPPF paragraph 16, which states that Plans should serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area. Policy GEN 1 should be simplified and refined to avoid duplication of the existing design policies of the LPS.

2.3 If additional design criteria are to be added, it would be helpful if they were ordered in line with the headings in Policy SE1 so the reader can see what additional points will apply when considering the design policies as a whole. The policy could then be worded as follows at the outset:

'In addition to the design criteria set out in Policy SE1, the following design considerations and criteria should be added to the relevant topics:'

2.4 Point 1 in GEN 1 could be added as point vii under a Sense of Place heading and point 2 could be listed as point iv under a Designing in Safety heading, etc. This would make it far easier for applicants and decision makers to then address and consider development the development when writing and structuring supporting planning application reports and committee reports. New headings could be applied accordingly but at least there would be a consistent Design policy structure to work from.

2.5 However, in light of the recent changes to the NPPF (section 12), the building beautiful agenda and the increased importance/role of masterplans, design guides and design codes, we consider the entire policy should be re-written to ensure Policy SE1 is complemented in a manner that reflects these national changes. Paragraph 127 calls for a clear design vision and expectations and those policies should be designed with local communities. Despite having informally adopted a Boroughwide Residential Design Guide, there is no reference to this under Policy GEN 1 (albeit we note that it is referred to under other housing policies).

Question 101 – Is principle 1 of Policy GEN 1 clearly written and unambiguous, so it is evident how a development proposal would 'fail to take the opportunity to support the quality of place of the local area'? Is the policy justified in only determining failure against this principle as a basis for resisting a proposal on design grounds?

2.6 No- as principle 1 is negatively worded. Instead, the policy should be amended to state:

"Development should take the opportunity to support the quality of place of the local area"

- 2.7 If it does not, a development could still be resisted on design grounds, but by being more positively worded it allows for a more pragmatic approach to design matters which would secure better results. Indeed, this goes to the heart of policy making, with NPPF paragraph 16 outlining how plans should be prepared positively, in a way that is aspirational but deliverable.

Aerodrome safeguarding and Airport public safety zone (Policies GEN 5 & GEN 6)

Question 103 - Regulation 9 of the of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires the adopted policies map to illustrate geographically the application of policies in the development plan. In the light of this, does the Council consider that, to ensure legal compliance, those parts of the Aerodrome Safeguarding area and the Airport public safety zone for Manchester Airport that are located within Cheshire East and to which Policies GEN 5 and GEN 6 apply, should be shown on the Policies Map?

- 2.8 Yes, these should be illustrated on the proposals map. We reserve the right to comment further on this once the areas are accurately shown.

Recovery of forward-funded infrastructure costs (Policy GEN 4)

Question 104 - 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?

- 2.9 Paragraphs 8.35 to 8.38 in ED52 (SADPD Viability Assessment) comment on this policy and confirm that CIL has been applied to the modelled sites. A value of £5,202 per unit (based on a reported average) is cited but the report referred to does not appear to form part of the evidence base and therefore we have not been able to cross check this and what the average payment cited above comprises of when broken down into infrastructure categories (i.e. education, open space, highways, etc).
- 2.10 It is also unclear from these paragraphs as to whether the above figure is the average CIL payment per dwelling or the average s106 payment per dwellings. Even if it is the latter, it is not clear from within the various schedules as to what is accounted for on each modelled site in respect of CIL and s106 payments because the figures are merged in the models.
- 2.11 Ultimately, the policy seeks the recovery of costs through a s106 agreement, which will therefore relate to infrastructure delivery that sits outside of the CIL IDP. As such, the payments sought through this policy will presumably be in addition to lawfully required CIL payments. However, bearing in mind the amounts proposed are to be set out in separate SPD guidance, we cannot corroborate whether these payments are included in the aforementioned £5,202 per unit figure or not. Noting the payments expected will be set out in future SPD guidance, we have to assume the viability assessment has not accounted for them.
- 2.12 We would welcome clarity on this matter from the Council and reserve the right to respond further on this question once we see and hear the Council's response through the examination process.
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Question 105 - 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?

- 2.13 We do not consider this to be appropriate and the matter would be better and more appropriately dealt with through revisions to the Council's CIL rates now that this system has been put into place.

Question 106 - 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?

- 2.14 No, for the reasons set out above.

Recovery of planning obligations reduced on viability grounds (Policy GEN 7)

Question 107 - In the light of the guidance in the PPG34, is Policy GEN 7 justified and consistent with national policy in setting out the circumstances where viability review mechanisms may be appropriate, as well as the process for how and when viability will be reassessed over the lifetime of a development?

- 2.15 Whilst we have not commented on this policy in the past, we consider the policy is sufficiently clear and recognises that there will inevitably be instances where unforeseen site issues (for instances below ground constraints/contamination) may render a suitable site undeliverable if certain contributions have to be met. We consider it provides sufficient clarity over what actions the Council will be able to take in reviewing financial payments should market circumstances allow.

Viability of SADPD policies as a whole

Question 108 – Does the evidence on viability demonstrate whether the additional costs of policies proposed in the SADPD could be viably supported by as yet uncommitted development sites in the borough, in particular for residential development? Is there any substantive evidence to demonstrate that these additional policy costs would put at risk the delivery of the development requirements in the LPS or planned development in the SADPD?

- 2.16 We cannot corroborate this given the issues cited above and reserve the right to comment further once we have seen and heard the Council's response on these matters.