



Prestbury Parish Council

CONSULTATION RESPONSE TO THE REVISED CHESHIRE EAST COUNCIL LOCAL PLAN, PART 2 – THE SITE ALLOCATIONS AND DEVELOPMENT POLICIES DOCUMENT OF SEPTEMBER 2020

EXECUTIVE SUMMARY [in response to para. 1.2 in the Introduction]

Over three years have elapsed since Cheshire East Council's Local Plan Strategy (Part 1 of the Local Plan) was endorsed, in July 2017. A great deal has changed since then. Climate change has become a much bigger issue, as recognised by Cheshire East Council (CEC) themselves – who declared a climate emergency and endorsed an Environmental Strategy in May 2019. Developers have delivered more homes than expected, population growth projections are falling and economic forecasts have altered dramatically, partly as a result of Covid-19.

Based on very bullish projections for economic growth, the Local Plan Strategy (LPS) estimated that the Borough would generate 7% growth, year on year, and create 30,000 net additional jobs between 2010 and 2030 and that these would require circa 400 hectares of employment land. No allowances were built into the calculations for economic downturns. The actuality of what has occurred since the LPS was adopted is apparent from Cheshire East Authority's Monitoring Report (AMR) for 2018/19 which recorded no growth in GVA in Cheshire East between 2017 and 2018 (<https://modern.gov.cheshireeast.gov.uk/ecminutes/documents/s74776/18-19%20AMR%20Appendix%201.pdf>, paras. 12.12 and 12.56). It revealed there was a reduction of 6,000 jobs in 2018 on 2017, that annual jobs growth stood at a negative -3.0% and that, between 2010 and 2019, only 31.10 ha. of employment land had been taken up out of 453.45 ha. allocated (AMR appendix A, Table A10, page 130).

The 2019/20 CEC Authority Monitoring Report will not be available until February or March 2021, but the Office for National Statistics Labour Market Report issued on November 10th, 2020 showed that in Cheshire East Borough 10,535 people were looking for work in October 2020 (ie. registered as 'claimants') compared to 6,215 in the same month in 2019. And, although an economic downturn has now arrived, (the UK gross domestic product contracted by 19.8% between April and June), there has been no re-assessment of the amount of employment land that was sequestered to establish if some of it might be better utilised for housing – or of the housing figures themselves.

The housing figure arrived at – and endorsed in the LPS – in order to meet the optimistic economic and population growth projections was 36,000, 3,500 of which to be in Local Service Centres (LSCs). Because Cheshire East is a very desirable place to live and the LPS opened up swathes of Green Belt for development, developers have been busily delivering the housing element of the equation. But, apart from a boom in housebuilding in areas where property can command high prices, economic growth has now been stymied everywhere by the virus. Specifically, in Cheshire East, 1,000 jobs have been lost this year at Bentley in Crewe and meanwhile the South Macclesfield Development Area, scheduled to accommodate over 1,000 houses, has so far delivered 18. In other places, promised investments have not materialised, eg. Sainsbury's have pulled out of moving into Alsager.

It would be prudent, logical and certainly more environmentally friendly under the circumstances, for CEC to desist from taking any more Green Belt altogether – whether it be for the period of this Local Plan or the next one – and to concentrate on reassessing other areas such as employment sites which are not delivering or failing town centres. Town centres were failing prior to the coronavirus pandemic due to the rise of internet shopping but have now been decimated due to it.

There is an urgent need for updated master planning exercises to be conducted for the retail centres of Crewe and Macclesfield. Also, the Key Service Centres (KSCs) should be subjected to the master plan approach. There are undoubtedly parts of some centres which could be given over to housing. The occupants of those houses would then provide business for the remaining retail and commercial units. In addition, some empty commercial units, could be considered for conversion to apartments.

Whilst Cheshire East Council (CEC) has recognised that there is no longer a case for taking Green Belt land in LSCs for housing during the course of the current Local Plan, it is still intent on removing Green Belt protection from some eight sites in five LSCs in north Cheshire, so that they can be developed for housing during the course of the next Local Plan (ie. to be designated as 'safeguarded land'). However, in order to do this, it needs to demonstrate that 'exceptional circumstances' exist. The inspector at the examination in public into Part 1 of the Local Plan, the Local Plan Strategy, said:

"I also understand that the SADPD will consider the possibility of identifying further smaller site release from the Green Belt if exceptional circumstances can be demonstrated".

(Evidence document ED05, Provision of Housing and Employment Land and Approach to Spatial Distribution, 2020, para. 4.48).

It was apparent that the inspector was expecting that, when the SADPD was prepared, there would be an up-to-date assessment regarding the further release of Green Belt land.

Evidence document ED05, misleadingly states, in paragraph 4.60:

"The consideration of the exceptional circumstances to justify the alteration of the Green Belt boundaries to accommodate the remaining amount of safeguarded land is set out separately in the LSCs in the Safeguarded Land Distribution Report ED53".

This is not correct; ED53 does not consider the need, just the distribution of the balance of 13.6ha.

According to the opinion of Counsel, who was consulted, there was no requirement in the LPS for CEC to release a set amount of safeguarded land and also CEC has failed to prove exceptional circumstances (see Appendix). Counsel's advice was:

"there is no reference in LPS policies to the release of 200 ha of land from the Green Belt to be designated as safeguarded land. Policies PG3 and PG4 achieve the designation of 186.4 ha of land as safeguarded land and simply record that there may be a need for the further identification of land within the SADPD. The policies themselves do not prejudice the existence of that need".

and: *"That approach is consistent with the understanding of the inspector who conducted the examination into the LPS" (para. 13)*

and: *"In my view, and for the SADPD to accord with the policies of the LPS, CEC is obliged to examine the need for the release of additional Green Belt land for designation as safeguarded land as part of the exercise in producing the SADPD" (para. 16)*

and also:

"It is not clear to me that CEC has conducted an up to date assessment of the need for the identification of further safeguarded land" (para. 19)

We submit that there is currently no case for removing Green Belt parcels for safeguarded land. We do support the removal of specific housing requirements from LSCs during the period of this Local Plan (ie. the deletion of Policies PG8 and 11) and we welcome the (new) acknowledgement in Policy HOU12 that low density housing is appropriate in some areas. However, without the boundaries of such areas being shown on the Adopted Policies Map and specific reference to what constitutes low density for each area, as in Policy H12 of the Macclesfield Borough Local Plan, the amended wording leaves far too much scope for interpretation.

INTRODUCTION

1.2 Prestbury Parish Council welcomes the addition of the words ‘where necessary’ to the second point in the introduction to the revised SADPD (ED01A). Para. 1.2 now says:

*“The SADPD, which will set non-strategic and detailed planning policies to guide planning decisions and allocate additional sites for development, **where necessary**, to assist in meeting the overall development requirements set out in the LPS”. (Our highlighting).*

Our case in our submission is that it is not necessary to remove any land from Green Belt for safeguarding and that ‘exceptional circumstances’ for doing so have not been proven. Once land is removed from Green Belt, it will not be returned.

PLANNING FOR GROWTH

POLICY PG 8 – DEVELOPMENT AT LOCAL SERVICE CENTRES

Prestbury Parish Council supports the removal from PG8 of specific housing requirements for each LSC, due to the significant numbers of dwellings that have been and are being delivered. Evidence document ED05, Provision of Housing & Employment Land & Approach to Spatial Distribution, para. 4.32 (October 2020), acknowledges that as at 31st March 2020 92% of the indicative level of 3,500 dwellings have been committed; it is therefore considered to lie *“in the order of”* 3,500 dwellings.

We also welcome the recognition that windfalls will continue to have a significant role to play.

POLICY PG 11 – GREEN BELT AND SAFEGUARDED LAND

Prestbury Parish Council supports the removal of this policy from the SADPD.

POLICY PG 12 – GREEN BELT AND SAFEGUARDED LAND BOUNDARIES

Prestbury Parish Council objects to this policy and maintains that it lacks soundness because:

- a) it designates Green Belt parcels of land for safeguarding without proving ‘exceptional circumstances’ to support this (reference the opinion of Counsel Ian Ponter) and
- b) it utilised a methodology which was over-reliant on the call for sites to arrive at the designated sites.

We also reference paragraph 1.2 in the ‘Introduction’ to this SADPD which states that it will allocate sites for development *“where necessary”*. Our case is that it is not ‘necessary’ to allocate land in the LSCs for safeguarding post 2030. It would merely lead to the loss of more Green Belt.

The Local Plan Strategy of July 2017 removed 186.4 hectares of Green Belt for safeguarded land from North Cheshire, mainly around Macclesfield. This represents 93% of the 200 hectares referred to in the LPS. In terms of consistency with the treatment of the supply of housing in the LSCs, (para. 4.32 of ED05), this figure must be considered to be *“in the order of”* 200 hectares.

The LPS made clear in Policies PG3 (Green Belt) and PG4 (Safeguarded land) that further Green Belt/safeguarded land would only be removed from the Green Belt around the Local Service Centres if necessary. Both policies include this phrase:

*“6. In addition to these areas of [green belt/safeguarded land] listed, it **may** also be necessary to identify additional non-strategic areas of land to be safeguarded in the Site Allocations and Development Plan Document”. (Our highlighting).*

So, whilst both policies covered the possibility of removing further Green Belt, neither stated it would be happening and was essential and the key point to make is that the evidence for the LPS is five years old. In that time there has been a huge shift in demographics. Population and economic forecasts have been amended downwards and home working and on-line shopping have grown exponentially and there has been record housebuilding in Cheshire East. There has also been a far greater recognition of the need to make adjustments to counter climate change and Cheshire East Council itself declared a climate emergency in May 2019. Despite this declaration, the principal authority does not appear to have connected growth aspirations with climate impacts.

The fact of the matter is that the existing safeguarded land of 186.4 ha. in the LPS will, based on the Council's density figure of 30 houses per hectare, provide between 5,000 and 6,000 new houses in North Cheshire. When taken together with the under provision of housing on Strategic Sites, the significant under estimate of windfall sites, and the potential for substantial numbers of houses on the surplus employment allocations, there is more than enough land already taken for safeguarding.

Additionally, the National Planning Policy Framework (NPPF) requires that 'exceptional circumstances' have to be proven before land can have its Green Belt designation removed (para. 136). We contend that no up-to-date and fully evidenced case has been made to justify that 'exceptional circumstances' exist to require further Green Belt land to be found in Cheshire East's Local Service Centres (LSCs). More specifically, this policy (PG12) quotes the Local Service Centres Safeguarded Land Distribution Report for Cheshire East Council (ED53) and the Settlement reports for Alderley Edge, Bollington, Chelford, Disley, Mobberley and Prestbury.

In this submission we focus particularly on the LSCs Safeguarded Land Distribution Report and on the Prestbury Settlement Report (below).

Local Service Centres Safeguarded Land Distribution Report (ED 53)

This report refers back (in paragraphs 1.8-1.12) to the site selection methodology used for the Local Plan Strategy (LPS) and to its arriving at the conclusion that the LSCs should contribute 13.6 ha. of the 200 ha. of safeguarded land it estimated was required, based on figures assembled some five years ago. Paragraph 1.13 then goes on to admit that the safeguarded land allocated to Macclesfield and each of the Key Service Centres in the northern part of the Borough has *"either been met or exceeded the requirement for safeguarded land"*. Table 1.2 shows that the figure achieved is 186.4ha. Paragraph 1.16 states that *"this means that only 13.6 hectares of land remains to be identified in the SADPD"*.

Paragraph 1.24 of ED53 quotes the report of the inspector who sat in judgement on the LPS, (part 1 of the Local Plan). He said:

*"I also understand the SADPD will consider the possibility of identifying further smaller scale releases of land from the Green Belt, **if exceptional circumstances can be demonstrated**, in line with the site-selection methodology" (our highlighting) and "CEC also confirms that the SADPD will consider the need to provide a modest amount of safeguarded land at the LSCs, **if necessary**, in line with the spatial distribution of safeguarded land envisaged" (our highlighting).*

It needs to be borne in mind that the LPS foresaw economic growth of 7% year on year throughout the period of the Local Plan, with no economic downturn factored into the calculations. The housing projections were based on the very robust economic vision which calculated that, during the period of the Local Plan (2010-2030), some 30,000 new jobs would be created in the Borough.

These hugely optimistic projections produced a housing need figure of circa 36,000. However, whilst there has been a boom in housebuilding – because Cheshire East is a very desirable place to live – there is no evidence to show that the vast numbers of net additional jobs have materialised.

In fact, the 2018/19 Authority's Monitoring Report (AMR) shows that there was a reduction in jobs of 6,000 between 2017 and 2018, that there was negative annual jobs growth of -3.0% that year and that only 31.10 ha of the total employment land allocation of 453.45 ha had been taken up between 2010 and 2019 (<https://moderngov.cheshireeast.gov.uk/ecminutes/documents/s74776/18-19%20AMR%20Appendix%201.pdf>; paras. 12.12 and 12.56).

The Office for National Statistics (ONS) labour market figures released on November 10th showed that over 4,000 more people were looking for work in Cheshire East in October 2020 (ie. registered as 'claimants') than were in October 2019 (10,535 compared to 6,215) (<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/bulletins/regionallabourmarket/latest> and the UK's gross domestic product contracted by 19.8% between April and June, according to the Office for National Statistics in November). Worth noting specifically is the fact that there were 1,000 recent job losses at Bentley in Crewe.

The 2018/19 AMR, on pages 96 & 97, shows that of the six (greenfield) Macclesfield Strategic Sites, (five in the Green Belt), only 18 houses were completed out of a total allocation of 2,250 houses in the first nine years of the Plan. These were on Strategic Site LPS 13 South Macclesfield Development Area (SMDA), (scheduled for 1,050 dwellings), a significant part of which is owned by Cheshire East Council. There is a realistic prospect that the remaining houses will not be delivered by 2030.

We contend that it makes no sense for CEC to press on releasing more Green Belt in the current circumstances, especially when they have not demonstrated that the remaining requirement is still 'necessary'. Nor have they have proven the 'exceptional circumstances' that the inspector deemed were essential requirements. Instead, CEC merely refers, in para. 1.26, to its justification in its evidence base for the LPS. It asserts that "*the further requirement for 13.6 ha. of safeguarded land remains the same now as it did upon adoption of the LPS in July 2017*" (para. 1.29).

According to Table 2.1 (stages in the methodology for the distribution of safeguarded land) CEC have factored in an update of the housing and employment completions as at 31.3.20, but there is no evidence to show they have carried out an up-dated justification that takes into account the factors we have outlined in our submission, ie. including the reduction in estimates of population growth, the poorer economic outlook, job losses and an assessment of the potential for employment sites and failing town centres to produce housing units. In fact, para. 3.6 reveals that the population data referred to is from 2016/17 and the Strategic Housing Market Assessment base dates to 2009.

It is also worth noting that, of the six LSCs inset in the North Cheshire Green Belt which are analysed, Prestbury does not show a high rate of housing need and its housing register share is low in comparison to population share (para. 3.11). In addition, there is no identified pent-up demand for affordable housing in Prestbury (para. 3.13) and it has a high level of home-based working. Para. 3.19 says that "*The proposed spatial distribution for safeguarded [land] around the LSCs should be broadly in keeping with the vision (which seeks to meet local needs and reduce the level of out commuting*". However, it should be noted that Prestbury, (along with Alderley Edge), experiences in-commuting for work, primarily from Macclesfield (para. 3.12).

On the matter of 'Infrastructure', it is noted that the Eastern Cheshire Clinical Commissioning Group has highlighted a concern with regards to the capacity of GP practices in Alderley Edge (para. 3.49). This is relevant because Prestbury's small surgery is an off-shoot of Alderley Edge Medical Centre.

We would also draw attention to the statement under this section that *“There are no particular infrastructure issues identified that would act as a constraint to any of the LSCs”* (para. 3.55). This fails to recognise that neither of the sites identified in Prestbury for safeguarded land have access to mains drainage (surrounding properties have septic tanks) and the Heybridge Lane site also has no access to cable broadband and cannot be accessed without demolishing a house.

The ‘Landscape Character’ section, oddly fails to mention Natural England’s characterisations (Prestbury falls within the Cheshire Plain) or the Bollin Valley local landscape designation area or the fact that the long-distance footpath, the Bollin Valley Way runs through the centre of Prestbury – although it does mention the Riverside Park part of the Bollin Valley Way towards the south of the parish in Table 3.3 on areas of nature conservation value.

Under ‘Historic environment’, Prestbury is – once more – incorrectly accredited with having one conservation area (CA). We attempted to correct this matter in our response to the last SADPD consultation. It has two CAs. The other is the small hamlet of Butley Town in the east of the parish – which is actually illustrated in the historic environment map (top right hand corner) in Appendix 5 (constraints map) of ED 53, on page 95, but is forgotten about in Table 3.2 on page 23, which lists heritage assets, where it states that Prestbury has “one conservation area”. Here it also, erroneously, states that Prestbury has “**several** listed and Locally Listed Buildings” [our highlighting]. Prestbury in fact has one grade one listed building (St. Peter’s Church), one grade two star building (the Priest’s House opposite the church), over 30 grade two listed buildings in or near the village centre, 20 grade two listed buildings outside the centre within the parish and other listed structures such as the railway tunnel southern entrance arch and the telephone kiosk. Taken together, these hardly constitute ‘several’.

The section on ‘Green Belt’ references the Green Belt Assessment Update carried out by Arup in 2014 and quotes them as follows: *“The consultants state that the higher the performance against Green Belt purposes, the greater the exceptional circumstances that will be necessary to make the case for the release of sites from the Green Belt”* (para. 3.81). What it fails to do is to give the original ratings that Arup arrived at. It merely presents, in Table 3.4, the amended rankings that Cheshire East Council has arrived at.

As explained in our response to the previous consultation, some of the ratings given to land parcels subsequently recommended for development were later downgraded by CEC. This includes the site known as Heybridge Lane (North), now designated as PRE 3, ranked by Arup as making a ‘significant contribution’ to Green Belt purposes. Cheshire East Council downgraded it to making ‘a contribution’.

The updated table of sites in Local Service Centres proposed for removal from Green Belt, (along with their Green Belt rankings), is here:

Green Belt Assessment Summary Table – updated from table in Prestbury Parish Council’s response to version 1 of the Cheshire East Council SADPD.
This table shows sites in Local Service Centres originally proposed for removal from Green Belt for use during the course of the current Local Plan, plus
(in the last column) Green Belt sites in LSCs proposed for removal for ‘safeguarding’, to be utilised after 2030 – during the period of the next Local Plan

Site ref in SADPD	Site Ref. in settlement report	Site Name	Site contribution to Green Belt purposes	Site within GBAU parcel(s)	GBAU contribution to Green Belt purpose	Land proposed, in revised CEC SADPD, for safeguarding
ALD 1	CFS301	Land adjacent to Jenny Heyes, Alderley Edge	Contribution	AE06	Major contribution	
ALD 2; ALD 3	CFS404 Plot 4	Ryleys Farm, north of Chelford Road, Alderley Edge	Significant contribution	AE19	Significant contribution	ALD 3: 2.32 ha
ALD 4	CFS130b	Land north of Beech Road, Alderley Edge	Significant contribution	AE04	Major contribution	
BOL 1	CFS561	Land at Henshall Road, Bollington	Significant contribution	BT19	Significant contribution	BOL 1 1.48 ha
BOL 2	CFS567	Land at Oak Lane / Greenfield Road, Bollington	Significant contribution	BT11	Significant contribution	BOL. 2 0.26 ha
BOL 3	FDR855b	Land at Jackson Lane, Bollington	Contribution	BT10	Contribution	
CFD 1	CFS2/48	Land off Knutsford Road, Chelford	Significant contribution	CF07	Significant contribution	CDF1 0.58 ha
CFD 2	CFS427c (smaller parcel)	Land east of Chelford Railway Station	Significant contribution	CF05	Significant contribution	CDF2 4.53 ha
DIS 2	FDR1941	Land off Jacksons Edge Road, Disley	Significant contribution	DS29	Significant contribution	DIS 2 2.43 ha
MOB 2	CFS333A	Land north of Carlisle Close, Mobberley	Significant contribution	MB05	Significant contribution	
PRE 2	CFS574	Land south of Prestbury Lane, Prestbury	Contribution	PR02	Contribution	PRE2 1.84 ha
PRE 3	FDR2001	Land off Heybridge Lane (northern site), Prestbury	Contribution	PR09	Significant contribution	PRE3 0.94 ha

In the table above, note that one of the two sites in Prestbury proposed for safeguarding (PRE3) was downgraded from the Atkins assessment of making a ‘significant contribution’ to making ‘a contribution’ by Cheshire East Council. The two sites in Alderley Edge which were downgraded in the first SADPD have now both been dropped.

Prestbury Settlement Report (ED 40)

The Prestbury Settlement Report cross references the 'Local service centres safeguarded land distribution report' (ED53) and its disaggregated figure of 2.73 ha. it has calculated for Prestbury. However, it also references Policy PG4 in the LPS and the fact that it says it only "*may be necessary to identify further areas of safeguarded land in the SADPD*" (para. 3.4). (Our highlighting). The report then runs through the site selection process and makes three categorical statements:

1. "*there is a need to identify sites to meet the remaining requirements for safeguarded land in Prestbury*" (para. 4.6)
2. "*there is a remaining requirement to identify safeguarded land around Prestbury*" (para. 4.13) &
3. "*It is clear that Prestbury's requirement for safeguarded land cannot be met from land that is currently outside of the Green Belt and there is a need to consider sites through the SSM*" (4.20)

Yet the only evidence quoted is a generic paragraph which also appears in the settlement reports for Alderley Edge, Bollington, Chelford and Disley. It is:

"The exceptional circumstances required to release this area of land from the Green Belt derive from the exceptional circumstances set out in general terms in the GBAU and confirmed through the examination of the LPS. These are the need to allocate sufficient land for market and affordable housing and employment development, combined with the significant adverse consequences of not doing so, particularly because it is not practicable to fully meet the development needs of the area without amending Green Belt boundaries. Whilst the LPS released sufficient Green Belt land to allow the overall objectively-assessed needs for market and affordable housing and employment development to be met, there remains a requirement to identify further safeguarded land to give sufficient confidence that Green Belt boundaries will not need to be altered again at the end of the plan period (as required by NPPF para. 139e)".

The Parish Council's case is that sufficient housing provision has been made to meet the need that exists in 2020 and for beyond the next 10 years which, in employment terms, is clearly less than was planned for. Some of the employment land allocated should be turned over to housing and so should some (brownfield) town centre areas.

It should also be noted that the analyses of the individual Green Belt sites are intended to show the suitability of each site for development. These analyses do not attempt to prove the case for removing the land from Green Belt in the first place. They are merely subjective appraisals which, in some instances, are questionable.

Site CFS574/ land south of Prestbury Lane (PRE 2)

The traffic light assessment of potential sites gives a green light to walking access to the village centre from the Prestbury Lane site by claiming that this site south of Prestbury Lane is "*within walking distance*" (Table Prestbury 3). In fact, it has been established prior to the publication of the latest version of the SADPD that the on-road route is virtually unwalkable. (It is worth noting here that there is a reference in the LPS to the quality of routes, whereas the traffic light assessment in the SADPD – which is more subjective – does not include this). An amber rating is given to the highways impact. Prestbury Lane from which vehicular access would be achieved is a narrow, unlit, uneven rural lane with no kerbs or footway, either end of which are seriously sub-standard junctions. (This rating should be red). And amber is awarded to flooding and drainage issues, (the access and most of the site lie at the lowest point of the surrounding land which is subject to flooding), to the ecology impact (there is evidence of endangered species) and to TPO trees.

Despite the factors we have highlighted, (there are others), the statement is made that;

“The site performs well through the site selection process and it is considered that issues noted could be mitigated” (para. 4.88).

Even if new trees were planted and any endangered species could be moved, it is difficult to understand how the fall of the land and the nature of the road can be mitigated and how access and egress onto such a substandard rural lane at such a point could be made safe for substantial extra traffic. But, that apart, the point remains that the case has not been made for removing this land from Green Belt. No ‘exceptional circumstances’ have been proved.

Site FDR2001/ land off Heybridge Lane (northern site) (PRE 3)

The assessment of this site claims that it is *“an accessible location”* and yet it would only be possible to gain proper vehicular access to it by demolishing an existing property (no. 20 Heybridge Lane). Para. 4.108 goes so far as to say: *“It is likely that this property would need to be demolished to facilitate access to the wider site”*. This is palpably an erroneous statement. There is no question that an existing property would have to be demolished to gain access to this site – which is proposed for a housing development, not just one property. As matters stand, it would not be possible for a fire engine or another large vehicle such as a large removal van or builder’s vehicles to reach the site – which the report admits is within the Bollin Valley local landscape designation area (4.112). Also, the closest highway junction to this site is the substandard Heybridge Lane/ Prestbury Lane one.

As demonstrated earlier in our submission, this parcel of land was previously given the rating of making a ‘significant contribution’ to Green Belt purposes. Its downgrading is questionable. However, even setting that aside, here again the fact of the matter is that no exceptional circumstances have been proven for removing this land from Green Belt.

Lack of a case of ‘exceptional circumstances’

All Local Planning Authorities are required to fully evidence and justify the ‘exceptional circumstances’ that exist in order to alter Green Belt boundaries (para. 136 of the NPPF).

Paragraph 4.60 of evidence document ED05, The Provision of Housing and Employment Land and the Approach of Spatial Distribution, misleadingly states that:

“The consideration of the exceptional circumstances to justify the alteration of the Green Belt boundaries to accommodate the remaining amount of safeguarded land is set out separately in the LSCs in the Safeguarded Land Distribution Report, ED53”.

This is not correct. ED53, Local Service Centres Safeguarded Land Distribution Report, 2020, does not consider the “need” but merely the ‘distribution’ of the balance of 13.6 ha.

Prestbury Parish Council – along with Bollington Town Council, Chelford Parish Council and Disley Parish Council – sought the opinion of Counsel Ian Ponter of King’s Chambers on two issues:

- 1) Whether the allocations of eight sites in five Local Service Centres for safeguarded land has been fully evidenced and the exceptional circumstances justified for the identification of safeguarded land post 2030 and
- 2) Whether the process of site selection of safeguarded sites has been sufficiently robust, transparent and consistently applied?

On the first issue, Counsel quoted paragraph 136 of the National Planning Policy Framework (NPPF):

“Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies. Including neighbourhood plans”.

Counsel examined correspondence between planning consultant Peter Yates and CEC’s cabinet member responsible for planning on this issue and also policies in the LPS and documents in the evidence base for the SADPD and pointed out that:

“there is no certainty surrounding the further release of land from the Green Belt (whether by way of allocation or as safeguarded land).

“there is no reference in LPS policies to the release of 200 ha of land from the Green Belt to be designated as safeguarded land. Policies PG3 and PG4 achieve the designation of 186.4 ha of land as safeguarded land and simply record that there may be a need for the further identification of land within the SADPD. The policies themselves do not prejudge the existence of that need.

“That approach is consistent with the understanding of the inspector who conducted the examination into the LPS. That inspector’s findings include the following:

‘CEC also confirms that the SADPD will consider the need to provide a modest amount of safeguarded land at the LSCs if necessary in line with the spatial distribution of safeguarded land envisaged in the supporting evidence” (paras. 11-13, inc., of Counsel’s advice).

His assessment was:

“In my view, and for the SADPD to accord with the policies of the LPS, CEC is obliged to examine the need for the release of additional Green Belt land for designation as safeguarded land as part of the exercise in producing the SADPD” (para. 16)

and also:

“It is not clear to me that CEC has conducted an up to date assessment of the need for the identification of further safeguarded land” (para. 19)

and also:

“I am not aware of any other part of the evidence base prepared in support of the draft SADPD that sets out an up to date assessment of the necessity for the further release of 13.6ha (or any other amount) of land from the Green Belt and its designation as safeguarded land” (para. 22)

On the second issue, Counsel concluded that, based on the CEC documents he had seen, the evidence did not exist to conclude that the Council had fallen into error in the methodology it adopted for site selection. He ended his advice with:

“Of course, that conclusion does not dilute my conclusion in respect of what is clearly the primary issue, namely whether or not the Council is required to demonstrate a need for the further release of Green Belt land for designation as safeguarded land within the draft SADPD”. (para.33).

Ian Ponter’s advice is the appendix to this submission.

GENERAL REQUIREMENTS

POLICY GEN 1 – DESIGN PRINCIPLES

Prestbury Parish Council objects to this policy. We maintain that it lacks soundness because, whilst it refers to contributing positively to the borough's (overall) quality of place and local identity through "*appropriate character, appearance and form*" and the need to "*support the **quality** of place of the local area*", (our highlighting), it only appears to view density from a safety perspective (point no. 5) and does not require the character of the local area to be protected. Nor does it link to housing policy HOU12 – Housing density – which says:

- "3. In determining an appropriate density, the following factors will be taken into account:
- i. the mix and type of housing proposed;
 - ii. the character of the surrounding area (recognising that there are some areas of the borough with an established density character that should be protected) and their wider landscape and/or townscape setting;
 - iii. the nature, setting and scale of the proposed site including site constraints and local context;
 - iv. the character of the site including its topography and biodiversity value;
 - v. local market conditions and viability;
 - vi. the need to preserve the amenity of existing or future residents; and
 - vii. availability and capacity of local services, facilities and infrastructure".

Density, mass and spaces between buildings are critical design features and should be referenced in the design principles policy. So, not only HOU12 should be referenced but also HOU 11 (Residential Standards). Similarly, design policy should be cross referenced in these density policies.

POLICY GEN 3 – ADVERTISEMENTS

Prestbury Parish Council support this policy but believes it would be strengthened by a specific reference to 'A' boards, especially in conservation areas and wherever pavement space is limited. ('A' boards, particularly in numbers and close proximity to each other, do occupy land and are therefore a land use issue). There are two issues – the visual impact of a proliferation of floor-standing advertising boards and the safety aspect, most especially for those with sight impairment.

HOUSING

POLICY HOU 1 – HOUSING TYPES

HOU1 quotes a 'Vulnerable & Older Persons Housing Strategy' dated 2014. Prestbury P.C. took part in a CEC consultation updating this strategy. Should not the updated version be the one referenced?

HOU 2 – SPECIALIST HOUSING PROVISION

Like Policy HOU1, this policy also quotes a 'Vulnerable & Older Persons Housing Strategy' dating from 2014. Should not the updated version be referenced?

HOU 6 – ACCESSIBILITY AND WHEELCHAIR HOUSING STANDARDS

This policy does not quote any version of the 'Vulnerable and Older Persons Housing Strategy' as a reference document, but ought to quote the latest one.

POLICY HOU 11 – RESIDENTIAL STANDARDS

This policy should have a cross reference to Policy GEN 1 – DESIGN PRINCIPLES.

POLICY HOU 12 – HOUSING DENSITY

Prestbury Parish Council welcomes the proposed amendment to this policy as a step in the right direction because it acknowledges that not all residential areas are the same in terms of density. HOU12 now acknowledges in 3ii that:

“In determining an appropriate density, the following factors should be taken into account The character of the surrounding area (recognising that there are some areas of the borough with an established low density character that should be protected) and their wider landscape and/or townscape setting”.

However, without these low density housing areas being identified on the Adopted Policies Map and without more specific wording Policy HOU12 allows far too much scope for interpretation. In its present form, Policy HOU12 represents a marked change from Policy H12 of the Macclesfield Borough Council (MBC) Local Plan, which sets out the approach to new development in low density housing areas. The MBC policy provides criteria to be met in these areas – not only in Prestbury, but also in Alderley Edge, Poynton, Wilmslow and Knutsford. The policy has been successfully operated by MBC and by CEC for over 30 years. It has been fully understood and recognised by local residents, Town and Parish Councils, developers and housebuilders and their planning advisers. Throughout this long period, Policy HOU12 and its objectives have been consistently supported at appeal. The result is that the policy has helped to protect and enhance the character and appearance of large parts of Prestbury and of the other towns and villages mentioned.

There does appear to be an element of perversity in abandoning such a well supported policy and replacing it with one which, due to its vagueness, risks undermining the great variation in character and appearance in some of the borough’s settlements.

We would also draw attention to the requirement in the National Planning Practice Guidance 2019, ref. ID:61-002-20190315, which states: *“The policies map should illustrate geographically the policies in the Plan”*. As this SADPD does not comply, we conclude that this policy is not sound.

In addition, reference under Policy HOU 12 and the heading ‘Related Documents’ should be made to the Prestbury Village Design Statement, Unabridged Version, of January 2008 which underpins the case we are making. We would point to the density tables which identified the lowest density areas. These were:

1. Summerhill Road, South Macclesfield Road and Four Lane Ends (average plot size 0.34 ha/0.83 acres with 2.9 houses per ha/ 1.2 per acre);
2. Prestbury Lane, Heybridge Lane and Bridge End Lane East (average plot size 0.32 ha/ 0.78 acres with 3.15 dwellings per ha/ 1.3 per acre);
3. Dale Head Road, Squirrels Chase and the part of Macclesfield Road in the vicinity of them (average plot size 0.25 ha/ 0.62 acres with 4.0 dwellings per ha/ 1.6 per acre);
4. Ardenbrook Rise, Chelford Road and Collar House Drive (average plot size 0.243 ha/ 0.60 acres with 4.12 dwellings per ha/ 1.67 dwellings per acre) and
5. Castle Hill, Saddleback, Withinlee Road (South side), Tudor Drive and Holmlea Way (average plot size 0.22 ha/ 0.55 acres with 4.5 dwellings per ha/ 1.8 dwellings per acre).

(VDS for Prestbury Parish, Unabridged Version, Jan. 2008).

[In Wilmslow there is a similar supporting document: The Three Wilmslow Parks (2004)].

In the 12 years since the Prestbury VDS was published, the limited development that has taken place in these areas has comprised mainly replacement dwellings. The densities will be roughly the same.

It is worth noting that both of the Prestbury parcels of Green Belt land identified in the SADPD for safeguarding, PRE2 (land south of Prestbury Lane) and PRE3 (land off Heybridge Lane'), adjoin the very low density area no. 2 identified above. From a visual/design perspective, if either were subsequently developed, despite the Parish Council's case to the contrary, they should be low density. If not, they would have a deleterious impact on the character of their immediate area. Also, this policy should have a cross-reference to Policy GEN 1 – DESIGN PRINCIPLES. This would be in keeping with the government's support, in the Planning White Paper of 2019, for design policies.

POLICY HOU 13 – HOUSING DELIVERY

This policy's first statement is:

- "1. The council supports the use of masterplans, design codes and area wide assessments to help bring forward and co-ordinate the delivery of housing sites and infrastructure in the borough"*

This prompts the question, where are the post-Covid master plans for Cheshire East's town centres which could re-allocate some failing retail/commercial areas for housing? (We note the promise in the Town Delivery Plans consultation to review town economic regeneration plans, but this ignores housing potential). The town centres were failing before the coronavirus due to internet shopping but have now been decimated as a result of it. Instead of continuing to target greenfield sites, it would be more environmentally sound to locate housing where possible in town centres, which would provide business to the remaining retail/commercial units, and on unused employment land.

POLICY RET 7 – SUPPORTING THE VITALITY OF TOWN AND RETAIL CENTRES

Prestbury Parish Council contends that this policy is not sound because it has not been adapted to recognise the reality of the present situation, which is that town centres have been decimated by both internet shopping and the coronavirus. It should be noted that SADPD evidence document ED17, the Retail Study Partial Update, dated July 2020, is based on health checks undertaken before February 2020, ie. prior to the first Covid-19 lockdown (ref. para. 2.1.3). (See response to HOU13).

Master planning schemes previously drawn up for the centres of Crewe and Macclesfield bear no resemblance to current day needs. They should be reviewed and master plan exercises also need to be conducted for the retail areas of all the key service centres. Parts of some centres which are failing might be better being re-allocated for housing. The occupants of such housing would then bring much needed business to the remaining retail and commercial units. This policy and Policy RET 8, residential accommodation in town centres, should commit to drawing up master plans of all the borough's town retail centres with a view to reclassifying failing parts of those centres for housing.

POLICY RET 8 – RESIDENTIAL ACCOMMODATION IN TOWN CENTRES

Prestbury Parish Council contends that this policy is not sound because it has not been adapted to recognise the reality of the present, which is that town centres have been decimated by both internet shopping and the coronavirus. This policy appears to only support mixed uses and the conversion of upper floors of existing retail premises into accommodation, as opposed to accepting that a more fundamental approach is needed. Revised master plans are required for Macclesfield and Crewe and similar exercise are needed for each key service centre to establish whether some retail and commercial areas could/should be reduced in size and re-allocated for housing use. Both this policy and Policy RET7 should commit to drawing up master plans for each town centre.

POLICY RET 10 – CREWE TOWN CENTRE AND POLICY RET 11 – MACCLESFIELD TOWN CENTRE

Following our comments on policies RET 7 and 8, these should be reviewed to align with post Covid circumstances and Policy HOU13 which states CEC supports master plans and area wide assessments.

APPENDIX

RE: SAFEGUARDED LAND IN CHESHIRE EAST

ADVICE

1. I am instructed on behalf of Bollington Town Council, Chelford Parish Council, Disley Parish Council, and Prestbury Parish Council (“the Local Councils”). The Local Councils all fall within the administrative boundary of Cheshire East Council (“CEC”).
2. CEC is engaged in the promotion of a draft Site Allocations and Development Policies Document (“SADPD”) that is intended to form part of its statutory development plan. A second publication version of a draft SADPD has been produced by CEC, and is undergoing a process of public consultation (that is due to close on 7 December 2020)¹.

¹ What is referred to by CEC as an initial publication draft of the SADPD was issued for consultation in August 2019. That document has undergone significant alteration in the current draft SADPD.

3. The Local Councils are concerned about the approach taken by CEC to the identification of safeguarded land within the draft SADPD. In particular, draft policy PG12 designates 8 sites as safeguarded land, and confirms that policy PG4 of the Local Plan Strategy (“LPS”) will apply to those sites. Within the draft supporting text for emerging policy PG12, it is stated (at paragraph 2.18) that;

“LPS Policy PG 4 'Safeguarded land' sets the policy related to land between the urban area and the inner boundary of the Green Belt that may be required to meet longerterm development needs. It also lists the areas of safeguarded land identified in the LPS and confirms that it may also be necessary to identify additional non-strategic areas of safeguarded land in the SADPD.”

4. The Local Councils are concerned that CEC’s approach to the release of land from the Green Belt to be identified as safeguarded land within draft policy PG12 is erroneous, in that it fails to address the requirements of national policy. Paragraph 136 of the National Planning Policy Framework (“the Framework”) is in the following terms;

“Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.”

5. In light of the provisions of the Framework, the Local Councils consider that CEC has not demonstrated exceptional circumstances so as to justify the release from the Green Belt of the 8 sites identified within policy PG12 of the draft SADPD.
6. That concern has been expressed to CEC. In an e-mail from Councillor Toni Fox (CEC's cabinet member for planning) to my instructing consultant dated 16 October 2020 it is stated that;

"The Local Plan Strategy is an up to date, strategic plan. It establishes that 200 hectares of safeguarded land will enable the Green Belt boundary to retain a sufficient degree of permanence so that it will not need to be reviewed again at the end of this plan period in 2030.

The provision of 200 ha of safeguarded land is established in the evidence for the LPS and confirmed in paragraph 8.57 (supporting text to LPS policy PG4 (Safeguarded Land)). The LPS identifies 186.4 hectares of safeguarded land, meaning that a further 13.6 ha needs to be identified in order to demonstrate that the Green Belt boundaries will not need to be altered again at the end of the plan period.

The evidence and justification for the Site Allocations and Development Policies Document approach to safeguarded land and its proposals is set out in full in the Local Service Centres Safeguarded Land Distribution Report [ED 53]. The exceptional circumstances required to make alterations to Green Belt boundaries are fully set out and justified in the LPS evidence base and summarised in paragraphs 8.42 to 8.49.

NPPF paragraph 136 also states that where strategic policies have established a need for changes to Green Belt boundaries, detailed amendments to those boundaries can be through non-strategic policies. The Site Allocations and Development Policies is a non-strategic Plan set within the strategic context established through the LPS."

7. Accordingly, it appears to be CEC's position that;
- (i) the LPS, as CEC's strategic plan, identifies that 200 ha of land should be identified as safeguarded land,
 - (ii) the exceptional circumstances required to justify the release of that level of safeguarded land was established within the evidence base that supported the LPS,

- (iii) the draft SADPD is a non-strategic plan that may implement detailed Green Belt boundary changes, “within the strategic context established through the LPS., and,
- (iv) as such, CEC is not required to demonstrate exceptional circumstances to support the release of sites from the Green Belt within policy PG12 of the draft SADPD.

8. I disagree. In particular, the starting premise (at point (i) above) advanced by CEC does not correspond with the policy position set out in the LPS.

9. Amongst other things, policy PG3 of the LPS identifies 26 sites for removal from the Green Belt and designation as either land allocated for development or safeguarded land. At its paragraph 6, policy PG3 states that;

“In addition to these areas listed for removal from the Green Belt, it may also be necessary to identify additional non-strategic sites to be removed in the Site

Allocations and Development Policies Document.” (emphasis added)

10. Consistent with that approach, policy PG4 of the LPS (addressing safeguarded land specifically) lists the sites designated as safeguarded land within the LPS (that are also referred to in policy PG3) and 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

and Development Policies Document.” (emphasis added)

11. Accordingly, the terminology used in policies PG3 and PG4 of the LPS is clear, and confirms that there is no certainty surrounding the further release of land from the Green Belt (whether by way of allocation for development or as safeguarded land).

12. In addition, there is no reference in LPS policies to the release of 200 ha of land from the Green Belt to be designated as safeguarded land. Policies PG3 and PG4 achieve the designation of 186.4 ha of land as safeguarded land, and simply record that there may be a need for the further identification of land within the SADPD. The policies themselves do not pre-judge the existence of that need.

13. That approach is consistent with the understanding of the inspector who conducted the examination into the LPS. That Inspector's findings include the following;

"CEC also confirms that the SADPD will consider the need to provide a modest amount of Safeguarded Land at the LSCs [Local Service Centre's], if necessary, in line with the spatial distribution of Safeguarded Land envisaged in the supporting evidence."² (emphasis added).

14. Paragraph 8.57 of the LPS forms part of the supporting text to policy PG4 and states that;

"Given the desire to protect the countryside and minimise the impact on the Green Belt, it is appropriate to provide only the minimum amount of safeguarded land needed to make sure that Green Belt boundaries do not need to be altered again in the next plan period. Considering the potential options for accommodating development post 2030, it is considered that there are grounds for a modest reduction in the timescale for projecting forward needs, to provide for between 8-10 years of safeguarded land. Factors in relation to future housing densities have also been considered, including an ageing population, increased provision of smaller units and enabling higher densities through improved urban

² at paragraph 102 of the LPS Inspector's report.

design. It is considered that there are sufficient grounds for assuming future housing densities of between 30 and 40 dwellings per hectare. A range of scenarios have been tested using the parameters on time period for projections and housing densities, which result in a requirement of between 155 ha and 244 ha of safeguarded land. Overdependence on any single influence is not appropriate given the timescales and variables involved, and a midpoint of 200 hectares is selected to take account of all factors concerned.”

15. I note;

- (i) the supporting text does not alter the plain words of the policies. Those policies confirm that the necessity for additional Green Belt release in order to designate further land as safeguarded land is a matter to be addressed in the SADPD, and,
- (ii) paragraph 8.57 confirms that the identification of a figure of 200 ha turned on a consideration of a range of factors that, in turn, generated a range of between 155ha and 244ha as the requirement for safeguarded land.

16. In my view, and for the SADPD to accord with the policies of the LPS, CEC is obliged to examine the need for the release of additional Green Belt land for designation as safeguarded land as part of the exercise in producing the SADPD.

17. That exercise would not only be consistent with the policies of the LPS, but also with the terms of national policy. In particular, with specific reference to the setting of detailed boundaries (that may be conducted in ‘non-strategic’ plans), paragraph 139 of the Framework includes the following;

“When defining Green Belt boundaries, plans should:

- a) ensure consistency with the development plan’s strategy for meeting identified requirements for sustainable development;

...c) where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period...”.

18. In order to comply with these provisions of national policy, the SADPD should examine the need for the release of further land from the Green Belt for identification as safeguarded land so as to;

- accord with policies PG3 and PG4 of the LPS and thereby ensure consistency with the development plan’s strategy, and,
- meet the express requirement of the Framework, namely, to identify safeguarded land only where necessary.

19. It is not clear to me that CEC has conducted an up to date assessment of the need for the identification of further safeguarded land. Councillor Fox’s e-mail to my instructing consultant made reference to part of the evidence base for the draft SADPD. The document with reference number ED53 is called the Local Service Centres Safeguarded Land Distribution Report (“ED53”) and is dated August 2020. Amongst other things, it makes clear that;

- (i) CEC is proceeding on the basis that the LPS has established that 200ha of land should be identified as safeguarded land, and, as a result, the SADPD is to identify 13.6ha of safeguarded land³, and,

³ e.g. paragraph 1.3. At paragraph 1.17, the 200ha is said to have been “fixed” by the LPS.

(ii) the purpose of the Report is to address the distribution of that 13.6ha⁴.

20. Before addressing CEC's methodology for distribution (within section 2 of the Report), the ED53 concludes that;

"1.29 ...Unlike the situation in relation to provision of housing and employment land during this plan period, the further requirement for 13.6 ha safeguarded land remains the same now as it did upon adoption of the LPS in July 2017.

1.30 As set out above, the LPS (¶8.57) considers that 200 ha safeguarded land will enable the Green Belt boundary to retain a sufficient degree of permanence. It is considered that exceptional circumstances still exist to justify further alterations to the Green Belt boundary in the SADPD, to enable the full 200 ha

safeguarded land required in order to comply with the requirements of NPPF ¶139 regarding the permanence of the Green Belt boundary."

21. Apart from the assertion (at ED53's paragraph 1.29) that the position remains the same as in July 2017, there is no assessment within ED53 by reference to up to date evidence that there is now a necessity for the designation of additional land (beyond that designated in the LPS) as safeguarded land.

22. I am not aware of any other part of the evidence base prepared in support of the draft SADPD that sets out an up to date assessment of the necessity for the further release of 13.6ha (or any other amount) of land from the Green Belt and its designation as safeguarded land.

⁴ at paragraph 1.4 of the Report.

23. My instructions list a series of factors that may be relevant in determining the question of the necessity for additional allocation of safeguarded land within the draft SADPD. I am not in a position to conclude whether or not those (or other factors) are relevant to that question, and if so, what weight they should carry in any proper assessment. However, it is sufficient to conclude that there will be factors relevant to the issue of need for additional Green Belt release and designation of safeguarded land⁵, and, on the face of it, CEC has not sought to assess any such factor, relying instead on the assertion that there has been no change since adoption of the LPS in 2017.

24. In conclusion, it is my view that;

- (i) the policies of the LPS (PG3 and PG4) require CEC to determine whether or not it is necessary to release further land from the Green Belt to be designated as safeguarded land,
- (ii) that clear requirement of policy is not altered by the terms of supporting text within the LPS,
- (iii) that policy approach was one that was recognised (and endorsed) by the inspector who examined the LPS,
- (iv) it is a policy approach that is consistent with national policy (at paragraph 139

⁵ for example, my instructions refer to the fact that development on brownfield/windfall sites is well in excess of the level anticipated at time of adoption of the LPS.

of the Framework), and,

- (v) CEC does not appear to have conducted an up to date assessment of the need for release of further land from the Green Belt to be designated as safeguarded land within the SADPD.

25. I acknowledge that the Framework refers to the requirement to establish exceptional circumstances to justify the alteration of Green Belt boundaries as a matter for strategic policy-making⁶. My conclusions (summarised in the preceding paragraph) are

not directed at the establishment of exceptional circumstances required to justify the alteration of Green Belt boundaries. It is clear that the principle of Green Belt boundary alteration was justified by the demonstration of exceptional circumstances through the LPS. However, when it comes to detailed boundary adjustment (that is the subject, amongst other things, of the SADPD), CEC must demonstrate the need for those adjustments so as to comply with local and national policy as set out above.

26. I also note the reference in both my instructions and the e-mail from Councillor Fox to the case of **Aireborough Neighbourhood Development Forum v Leeds City Council v Secretary of State for Housing, Communities and Local Government, Avant Homes (England) Limited, Gallagher Estates Limited**⁷. That case concerned a successful challenge to a site allocations plan on the grounds, amongst others, that inadequate reasons were given for finding exceptional circumstances to justify the release of

⁶ at paragraphs 136 and 137 of the Framework.

⁷ [2020] EWHC 1461 (Admin).

Green Belt within that plan. As stated at paragraph 103 of the Judgment;

“The job for the Inspectors in deciding whether there should be GB release was to apply the NPPF, and in particular para 83. They therefore had to determine whether there were exceptional circumstances to justify GB release. If the level of need in the CS [Core Strategy] was undermined in emerging policy then that was a matter that they had to take into account and give reasons in respect of.”

27. Accordingly, the **Aireborough** case proceeded on the basis that exceptional circumstances were required in order to justify the release of Green Belt land within

a site allocations plan in accordance with national policy advice. The national policy of application in the **Aireborough** case was the 2012 version of the Framework. Its paragraph 83 is in different terms to paragraph 136 of the current (2019) version of the Framework. It stated that;

“Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term., so that they should be capable of enduring beyond the plan period.”

28. Unlike paragraphs 136 and 137 of the current version of the Framework, the earlier national policy provision did not refer to the demonstration of exceptional circumstances only as part of the strategic policy-making process. I have acknowledged the apparent effect of paragraphs 136 and 137 of the Framework (i.e. that the requirement to demonstrate exceptional

circumstances appears to be limited to the strategic policy-making process). I have also concluded that separate to the demonstration of exceptional circumstances, the LPS policies themselves (PG3 and PG4) together with paragraph 139 of the Framework require CEC to demonstrate the need for Green Belt release and the designation of further safeguarded land.

29. Separate to the question of need for the designation of further safeguarded land through the release of Green Belt land, my instructions raise the issue of CEC's selection of sites to be designated under policy PG12 of the draft SADPD.

30. The exercise of site selection is referred to in ED53 at paragraph 3.87 in the following terms;

"The assessment of the availability of sites to accommodate safeguarded land takes account of:

- the 'Assessment of Urban Potential and Possible Development Sites Adjacent to the Principal Towns, Key Service Centres and Local Service Centres'⁸, which identified a pool of sites to be considered at SADPD stage;
- sites submitted in the LPS Proposed Changes Version that were not considered large enough to be a strategic site (as detailed in the Final Site Selection Reports); - a call for sites exercise, held by the council, which ran from 27 February 2017 to 10 April 2017, to help inform any further land allocations for development that are made through the SADPD;
- consultation on the First Draft SADPD, which took place between 11 September and 22 October 2018; and
- consultation on the initial Publication Draft SADPD, which took place between 19 August and 30 September 2019."

31. Similarly, CEC's Site Selection Methodology Report (document reference ED07, dated August 2020) states that;

"This work involved utilising existing sources of information including the results of the Assessment of the Urban Potential of the Principal Towns, Key Service Centres and Local Service Centres and Possible Development Sites Adjacent to Those Settlements (August

2015), sites submitted to the Local Plan Strategy Proposed Changes Version that were not considered to be large enough to be a strategic site (as detailed in the Final Site Selection Reports), and sites submitted through the call for sites process, the First Draft SADPD consultation and the initial Publication Draft SADPD consultation.”⁸

32. Paragraph 35 of the Framework sets out the tests of “soundness” for development plans, including the requirement that plans should be;

“Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence”.

33. The sources of data that are referred to in the Council’s evidence base (in the extracts from the evidence base documents set out above), appear to me to represent a reasonable basis for the identification of potential sites to be the subject of designation in the emerging SADPD. Whilst my instructions state that the only clear basis for CEC’s selection of sites is contained in an Urban Potential Study from 2012, that contention does not correspond with the list of sources that the Council refers to in its recent documents (ED53 and ED07). Based on the information that I have been provided with, it is not clear to me that CEC has fallen into error in the process of site selection. Of course, that conclusion does not dilute my conclusion in respect of what is clearly the primary issue, namely whether or not the Council is required to demonstrate a need for the further release of Green Belt land for designation as safeguarded land within the draft SADPD.

⁸ at paragraph 2.6.

Kings Chambers,
Manchester, Leeds, Birmingham.

Ian Ponter,
11 November 2020.

**RE: SAFEGUARDED LAND
IN CHESHIRE EAST**

ADVICE

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