

Environment and Communities Committee

Agenda

Date: Thursday, 9th November, 2023
Time: 10.00 am
Venue: Committee Suite 1,2 & 3, Westfields, Middlewich Road,
Sandbach CW11 1HZ

1. **Apologies for Absence**

To note any apologies for absence from Members.

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. **Minutes of Previous Meeting** (Pages 5 - 14)

To approve as a correct record the minutes of the previous meeting held on 28 September 2023.

4. **Public Speaking/Open Session**

In accordance with paragraph 2.24 of the Council's Committee Procedure Rules and Appendix on Public Speaking, set out in the [Constitution](#), a total period of 15 minutes is allocated for members of the public to put questions to the committee on any matter relating to this agenda. Each member of the public will be allowed up to two minutes each to speak, and the Chair will have discretion to vary this where they consider it appropriate.

Members of the public wishing to speak are required to provide notice of this at least three clear working days in advance of the meeting.

For requests for further information

Contact: Josie Lloyd

Tel: 01270 686466

E-Mail: josie.lloyd@cheshireeast.gov.uk with any apologies

5. **Local Plan Next Steps** (Pages 15 - 28)

To consider the implications of the government's national planning reforms on the Council's new Local Plan programme and decide whether the Plan will be taken forward under the current legislative and national policy framework or be prepared as a 'new style' plan under the revised legislative and national policy framework.

6. **S106 Key Findings - Internal Audit Report** (Pages 29 - 36)

To receive the key findings from Internal Audit's review of arrangements for the management and monitoring of Section 106 funds.

7. **Developer Contributions Supplementary Planning Document** (Pages 37 - 396)

To receive a report seeking approval to consult on the final draft of the Developer Contributions Supplementary Planning Document for a period of four weeks.

8. **Environmental Protection Supplementary Planning Document** (Pages 397 - 510)

To receive a report seeking approval to consult on the Environmental Protection Supplementary Planning Document for a period of four weeks.

9. **Update on the Planning Modernisation Plan** (Pages 511 - 530)

To receive an update on the progress made so far on the Planning Modernisation Plan that was endorsed by the Environment & Communities Committee on 31 October 2022.

10. **Medium Term Financial Strategy Consultation 2024/25 - 2027/28 (Environment and Communities Committee)** (Pages 531 - 544)

To receive a report on the Medium Term Financial Strategy Consultation for 2024/25 – 2027/28.

11. **Second Financial Review 2023/24 (Environment and Communities Committee)** (Pages 545 - 580)

To receive the second financial review of 2023-24.

12. **Mid-Year Performance Review 2023/24** (Pages 581 - 600)

To receive a report on the mid-year performance of Environment and Neighbourhood Services for 2023/24.

13. **MTFS 90 Strategic Leisure Review - Update** (Pages 601 - 688)

To receive an update on progress with the Strategic Leisure Review and proposed approach in advance of a formal public consultation in late 2023.

14. **Work Programme** (Pages 689 - 692)

To consider the work programme and determine any required amendments.

15. **Exclusion of the Press and Public**

The reports relating to the remaining items on the agenda have been withheld from public circulation and deposit pursuant to Section 100(B)(2) of the Local Government Act 1972 on the grounds that the matters may be determined with the press and public excluded.

The Committee may decide that the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

16. **MTFS 90 Strategic Leisure Review - Update (Part 2)** (Pages 693 - 788)

Membership: Councillors J Bird, M Brooks, L Buchanan, T Dean, A Farrall, S Gardiner, D Jefferay, B Posnett, H Seddon, L Smetham, J Snowball (Vice-Chair), M Warren (Chair) and H Whitaker

This page is intentionally left blank

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Environment and Communities Committee**
held on Thursday, 28th September, 2023 in the Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor M Warren (Chair)
Councillor J Snowball (Vice-Chair)

Councillors J Bird, M Brooks, L Buchanan, T Dean, A Farrall, S Gardiner,
D Jefferay, B Posnett, H Seddon, L Smetham and J Saunders

OFFICERS IN ATTENDANCE

Tom Shuttleworth, Interim Director of Environment and Neighbourhoods
Chris Allman, Head of Neighbourhood Services
Ralph Kemp, Head of Environmental Services
Tom Evans, Neighbourhood Planning Manager and Interim Environmental
Planning Manager
Laura Woodrow-Hirst, ASB and Community Enforcement Manager
Tracy Baldwin, Finance Manager
James Thomas, Principal Solicitor
Josie Lloyd, Democratic Services Officer

95 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Whitaker. Cllr Saunders
attended as a substitute.

96 DECLARATIONS OF INTEREST

In the interest of openness, Cllr Gardiner declared that he had ongoing and
regular contact with the Chief Executive of Barratt David Wilson Homes,
which was a company referred to in an appendix of item 5 – Biodiversity Net
Gain Supplement. The contact was work related and therefore not related
to this report.

97 MINUTES OF PREVIOUS MEETING

Cllr Jefferay stated that, at the previous meeting, members had declared
interests in the Libraries Service Review by a show of hands to indicate that
they were members of the Cheshire East library service but that his name
had not been included.

RESOLVED:

That the minutes of the meeting held on 27 July 2023 be agreed as a correct record, subject to the above amendment.

98 PUBLIC SPEAKING/OPEN SESSION

Ms Cathy Bruderer attended the meeting to speak in relation to item 9 – Green Spaces Maintenance Review. Ms Bruderer stated that the land on the Co-op estate in Elworth had been maintained by the local authority since the 1970s. Three plots were adopted at the start of the estate being built and residents had been told by a former Cheshire East Councillor that it was human error that the rest of the land was not adopted. Ms Bruderer felt that this was negligence and that the Council had a duty of care to the residents. Ms Bruderer stated that there were a number of anomalies and that the consultation should not take place until the facts were correct. Ms Bruderer raised a number of queries including:

- The land at Manifold Close/Lawton Way and Richmond Close was highway land, therefore why was land on Pickmere Close not
- Whether a report provided by Highways in May 2022 in respect of visibility splays had been considered
- Why the land at the Co-op estate was not classed as rural open space, as the Tatton Estate and others in Sandbach were
- Why the amenity level was classed as 'N/A' despite planning applications referring to it as designated amenity land
- Why other land in Sandbach was classed as category 2 when this estate was category 3
- Why the footpaths on this estate were the only footpaths in Sandbach being excluded
- Whether the impact on residents' wellbeing had been considered
- Why maintenance was continuing in other areas of the town where the land was owned by the Duchy of Lancaster

Officers undertook to provide a written response to the questions raised.

Mr Steve McDermott addressed the committee in relation to item 9 – Green Spaces Maintenance Review. Mr McDermott stated that the review was flawed and the Grange Way estate in Elworth was being treated differently to other privately owned plots by having its maintenance stopped, for example by Cheshire East intending to continue maintaining privately owned plots on the Tatton Drive estate in Sandbach which was land owned through the Crown Estates. The residents wanted equality and felt that if maintenance was to be stopped then it should be stopped on all private plots in the borough at the same time. Mr McDermott stated that Cheshire East had failed to adopt all the open spaces on the Grange Way estate despite requests from the Town Council and felt that the fact that the land had been maintained for more than 50 years meant Cheshire East had adopted the land without ownership. A previous Cheshire East Councillor had confirmed in writing that maintenance of land on this estate was paid for from the

residents' community charge. The Grange Way estate had a primary school and supermarket so high volumes of people visited the estate. Residents felt that stopping maintenance would impact on house prices.

Cllr Robert Douglas from Congleton Town Council spoke in relation to item 10 – Household Waste Recycling Centres Update and referred to other local authorities which had built new recycling sites and had lower costs than those estimated by Cheshire East for a replacement site in Congleton. Cllr Douglas felt that the estimate within the report was unrealistic and was disregarding the interests of Congleton and surrounding areas. Cllr Douglas urged the committee to pass an amendment rejecting this estimate and requiring officers to provide a realistic estimate together with fully detailed calculations and evidence at the next meeting.

Cllr Laurence Clarke from Poynton Town Council addressed the committee in relation to item 10 – Household Waste Recycling Centres Update. Cllr Clarke raised a number of queries in relation to the following:

- Why Poynton was the only waste site suggested for closure in 'Option Do Something 1' within the report
- Why the matter was being discussed before the results of the recent survey of usage at Poynton and other waste sites had been analysed or reviewed
- Whether any estimate had been made of the additional car journeys that would be made if the Poynton site closed, and the air pollution and congestion that would result
- Why Poynton had been singled out for closure. Cllr Clarke stated that it was 7 miles from the Poynton site to the Bollington site and 10.4 miles to the Macclesfield site. However, it was only 5 miles from the Bollington site to the Macclesfield site and the population of Poynton was almost twice that of Bollington
- Whether the Council agreed that the access to the Bollington waste site along Albert Road, past two schools, a day nursery, fire station, several factories and numerous houses, and which is blocked with parked cars 24/7, was unsuitable
- Whether Cheshire East had made any provision for legal costs in the event of the decision being challenged

Cllr Clarke also stated that the introduction of the green waste subscription charge was likely to have an impact on the use of household waste sites and that any review of the household waste sites should be delayed until after the impact of the green waste charge is known. Cllr Clarke urged the committee to withdraw the item.

99 BIODIVERSITY NET GAIN SUPPLEMENTARY PLANNING DOCUMENT

The committee considered the report which sought approval to consult on the final draft of the Biodiversity Net Gain Supplementary Planning Document. The document provided guidance on policies held in the Development Plan and contributed to reducing the impact on the environment by improving biodiversity and natural habitats within the borough.

The committee noted that there would be a further proof read of the document to ensure that any typographical errors would be rectified.

RESOLVED (unanimously):

That the Environment and Communities Committee:

1. Agree to the publication of the final draft BNG SPD and report of consultation for public representations for a period of a minimum of four weeks.
2. Publish the associated Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report ("SEA").
3. Publish the associated Equalities Impact Assessment Screening Report ("EQIA").

100 EXTENSION OF PUBLIC SPACE PROTECTION ORDERS FOR RESPONSIBLE DOG OWNERSHIP

The committee considered the report which sought approval to extend the Borough wide Public Space Protection Order (PSPO) originally made in October 2017 and extended until October 2023, relating to Dog Fouling and Dog Control, and the separate but related order for The Carrs Park at Wilmslow, also made in October 2020. The extended use of these orders would allow a consistent and manageable approach in tackling irresponsible and anti-social dog ownership, therefore promoting safe use of open spaces and protecting residents.

A query was raised regarding enforcement and whether fixed penalty notices could be issued by anyone other than Council officers. It was noted that this was a criminal matter, not civil, so would need a delegation which would require caveats to be in place. It was suggested that this be looked into outside of the meeting.

RESOLVED (unanimously):

That the Environment and Communities Committee:

1. Note the result of the consultation in relation to extending the current Public Space Protection Orders.
2. Approve an extension for a further three years the borough wide Public Space Protection Order (PSPO), relating to Dog Fouling and Dog Control.
3. Approve an extension for a further three years the Carrs Park, Wilmslow Public Space Protection Order (PSPO) relating to Dog Fouling and Dog Control.

101 EXTENSION AND VARIATION OF PUBLIC SPACE PROTECTION ORDER FOR ALLEY GATING

The committee received the report which sought approval to extend and vary the Public Space Protection Order (PSPO) made in October 2020, relating to Alley Gating. The extended use of this Order would allow a consistent and manageable approach to tackling anti-social behaviour and protect residents from being victims of crime.

RESOLVED (unanimously):

That the Environment and Communities Committee:

1. Note the result of the consultation in relation to extending the current Public Space Protection Order related to Alley Gating.
2. Approve an extension for a further three years the Public Space Protection Order (PSPO), relating to Alley Gating.
3. Approve a variation to the same PSPO to ensure that it covers all alley gates which are currently in place across the borough, as included in the appended schedule attached to the draft Order.

102 PROCUREMENT OF A FOOTBALL DEVELOPMENT PARTNER FOR KING GEORGE V PLAYING FIELD, CREWE

The committee considered the report which provided an update on the development of the proposed new all weather (3G) pitch and improvements to the clubhouse (Pavilion) at King George V Playing Fields and to seek the necessary delegations to enable the scheme to continue moving forward.

Cllr Anthony Critchley attended to speak as a visiting member. Cllr Critchley encouraged the committee to support the recommendations and consider the long-term benefits this proposal could bring to Crewe and the wider community. Cllr Critchley stated that this was a unique opportunity to

promote a healthier lifestyle and wellbeing as well as bringing economic benefits by attracting more sporting events to the area, while remaining cost neutral. This would be an opportunity to make a positive impact without compromising other essential services. Cllr Critchley thanked the officers involved.

Cllr Dean read out a statement on behalf of Cllr Allen Gage which stated that this was a well-established sports site with adequate on-site parking and he did not believe that the repurposing of existing space would impact on current activities. Cllr Gage highlighted that the addition of an all-weather surface would not only extend the usage until 9pm but would expand its scope to football groups that catered for all ages.

A query was raised as to when facilities in other areas of the borough could be improved and it was noted that this would be addressed in the Updated Playing Pitch and Open Spaces Strategy report which was scheduled for the Environment and Communities Committee meeting on 28 March 2024.

RESOLVED (unanimously):

That the Environment and Communities Committee:

1. Approve the undertaking of a competitive procurement exercise for the appointment of a Football Development Partner to work in partnership with the Council in delivering the scheme.
2. Delegate authority to the Head of Neighbourhood services to enter into the agreement with a development partner.
3. Delegate authority to the Director of Environment and Neighbourhood Services to undertake any public consultation on the proposal that maybe required in support of a subsequent planning application.
4. Delegate authority to the Director of Finance and Customers Services to authorise the entering into a grant agreement for the scheme once the final terms and conditions of funding are known and subject to all of the required statutory consents being in place.
5. Delegate authority to the Director of Environment and Neighbourhood Services in consultation with the Chair of Environment and Communities Committee and the Chair of Economy and Growth Committee to authorise the formal advertising of disposal of open space, prior to entering into a formal agreement with a development partner.

GREEN SPACES MAINTENANCE REVIEW UPDATE

The committee considered the report which detailed the progress in delivering the Green Spaces Maintenance Review which was a key element of the Council's adopted Medium Term Financial Strategy 2023-27.

Cllr Nicola Cook attended to speak as a visiting member and highlighted what were believed to be a number of errors within the report. Cllr Cook stated that there was a need to engage with consultees in a meaningful way and ask for the consultation to be deferred in light of the errors.

A query was raised as to whether the Council had a legal obligation to treat the Duchy of Lancaster land differently to the land the residents referred to under public speaking. Officers undertook to provide a written response.

A further query was raised regarding enforcement if third party landowners do not maintain the land, specifically whether enforcement action can be based solely on aesthetics. Officers would look into this following the meeting.

In response to concerns raised regarding visibility splays, officers advised that checks had already been undertaken but the specific issues raised under public speaking would be checked to provide assurances.

A motion was moved and seconded which sought to amend recommendation 2 of the report to include the following wording, prior to 'delegate':

'Following a review of the data concerning land ownership, securing confirmation that none of the land identified as unregistered or whose ownership is unknown and clarification of any other anomalies'

The motion was carried unanimously.

The Interim Director of Environment and Neighbourhoods undertook to contact the committee to provide assurance once the checks had been completed and any anomalies corrected, and the public consultation would then go ahead without referral back to committee.

RESOLVED (unanimously):

That the Environment and Communities Committee:

1. Note the objectives of and progress to date of the work to bring forward the Green Spaces Maintenance Review alongside its contribution to delivering the Council's Medium-Term Financial Strategy, as adopted at Council on 22 February 2023.
2. Following a review of the data concerning land ownership, securing confirmation that none of the land identified as unregistered or whose ownership is unknown and clarification of any other anomalies, delegate to the Interim Director of Environment and Neighbourhood Services to take all necessary steps to deliver a public consultation to seek views on:
 - a. the Green Spaces Maintenance Policy contained within Appendix A of the report and the associated schedule at Appendix B and;
 - b. the recommendations from the review of maintained sites – not registered in Council ownership as contained at paragraphs 36-42 of the report and the associated schedule at Appendix C
3. Note the subsequent timeline for bringing back to Committee a clear recommendation on implementation, which is to include the outcome of the public consultation.

104 **HOUSEHOLD WASTE RECYCLING CENTRES - REVIEW UPDATE**

The committee considered the report which detailed the progress in bringing forward a review of Household Waste Recycling Centre (HWRC) service provision across Cheshire East.

Officers advised that a further recommendation had been added following the publication of the agenda. The additional recommendation would read:

'That the Environment and Communities Committee note that, with regard to the actions required by the review of household waste recycling centres being legitimate transformational activity, a supplementary capital estimate for £200,000, fully funded by flexible use of capital receipts, will be approved by the Acting Executive Director of Place, in consultation with the Director of Finance & Customer Services, in accordance with the Constitution.'

A request was made for a breakdown of the cost of the procurement exercise. Officers would provide this detail following the meeting.

A motion was moved and seconded to amend recommendation 2 of the report to state that 'do something 1' in the options set out at paragraph 35

should include 'Poynton or Bollington', as opposed to only Poynton. The motion was carried by majority.

RESOLVED (unanimously):

That the Environment and Communities Committee:

1. Note the actions taken or planned by officers to refresh the evidence base for the appropriate provision of household waste recycling centres in Cheshire East.
2. Delegate to the Interim Director of Environment and Neighbourhood Services to take all necessary steps to deliver a public consultation to seek views on those options for future HWRC service delivery as presented at paragraph 35, with the addition of the wording 'Poynton or Bollington' in option 'do something 1'.
3. Delegate to the Interim Director of Environment and Neighbourhood Services to take all necessary steps to undertake a procurement exercise, based on those same options detailed at paragraph 35, to ensure continuity of HWRC service provision post the expiry of the current contract extension.
4. Note the subsequent timeline for bringing back to Committee a business plan with clear recommendation on option to progress, which is to include the implications of any capital investment requirements.
5. Note that, with regard to the actions required by the review of household waste recycling centres being legitimate transformational activity, a supplementary capital estimate for £200,000, fully funded by flexible use of capital receipts, will be approved by the Acting Executive Director of Place, in consultation with the Director of Finance & Customer Services, in accordance with the Constitution.

105 **WORK PROGRAMME**

The committee received the work programme.

It was noted that the Approval of Cemeteries Strategy report would be deferred from November to February committee and that the Strategic Leisure Review final recommendations had been brought forward from March to February 2024.

A request was made in relation to the 9 November meeting for members to receive the papers earlier and for officers to look into extending the meeting, due to the size of the agenda.

Cllr Farrall requested an item to come forward, either in this municipal year or next depending on resource availability, in relation to the Cleaner Crewe project and which aspects of the scheme could be rolled out to other areas of the borough.

RESOLVED:

That the work programme be noted.

The meeting commenced at 10.00 and concluded at 14.28

Councillor M Warren (Chair)

OPEN

**Environment and Communities
Committee**

9 November 2023

Local Plan Next Steps

Report of: Peter Skates, Acting Executive Director of Place

Report Reference No: EC/02/23-24

Ward(s) Affected: All Wards

Purpose of Report

- 1 The purpose of this report is to:
 - advise the Committee of the transitional arrangements for local plan preparation now confirmed by the Department for Levelling Up, Housing and Communities (DLUHC) as part of its proposed reforms to the planning system;
 - highlight the impact these arrangements will have on the Council's programme for preparing the new Local Plan; and
 - set out some proposed next steps to support the preparation of the new Local Plan in the light of the above.

Executive Summary

- 2 The Local Plan is a key corporate strategy aimed at achieving sustainable development, which includes meeting the development needs of the area. It is a statutory requirement to prepare a Local Plan and keep it up to date through regular reviews. The Council has committed to preparing a new Local Plan and agreed a timetable for its preparation in November 2022. However, DLUHC is also taking forward proposals to reform the planning system, including radical changes to

the way in which local plans are prepared¹. In December 2022, it announced proposed transitional arrangements for plan-making and set out deadlines for plans being prepared under the current legal framework and the timing of new style plans under a reformed planning system. These timings were subsequently confirmed in July this year. The transitional arrangements will require the Council to amend its published plan making timetable.

- 3 Specifically, the deadline date of 30 June 2025 for the submission of a current style local plan cannot realistically be met. This means that Cheshire East would need to prepare a new style local plan under the reformed planning system. The opportunity to formally commence the preparation of a new style local plan is expected to be towards the end of 2024, although a phased take-up by councils is an option being considered by DLUHC to prevent the Planning Inspectorate being overwhelmed with examination work. Although DLUHC has described, in broad terms, how the new plan making process is intended to work, the detail is largely missing and will emerge over the next twelve months or so. This uncertainty prevents a clear work programme and detailed costings for the new Local Plan being established at this time.
- 4 However, despite this uncertainty, and recognising the importance of maintaining a longer-term development strategy for the borough, this Committee report recommends that an Issues Paper is published to provide valuable early feedback on key matters that the new Plan will need to address. It is also recommended that progress is made in preparing a Land Availability Assessment (including through a call for sites), a Sustainability Appraisal Scoping Report and a Settlement Hierarchy Review. These are likely to assist the development of the Plan when the opportunity arises to formally commence its preparation.

¹ Through the Levelling Up and Regeneration Act, regulations that will follow, and changes to national planning policy.

RECOMMENDATIONS

The Environment and Communities Committee is recommended to agree that:

1. the Council prepares a 'new style' local plan under the reforms to the plan-making system being taken forward by the Department for Levelling Up, Housing and Communities;
2. an issues paper is prepared to provide an initial opportunity for public engagement to help shape the direction of the Council's new Local Plan; and
3. alongside the issues paper:
 - a. public consultation is carried out on a draft Land Availability Assessment Methodology, a draft Sustainability Appraisal Scoping Report and a draft Settlement Hierarchy Review; and
 - b. a 'call for sites' is carried out.

Background

- 5 In July 2022 the Environment and Communities Committee resolved to prepare a new Local Plan². This followed a review of the Local Plan Strategy (LPS), which found that aspects of the Plan needed to be updated to bring it in line with changes to national planning policy following its adoption in 2017 and to address changes in local circumstances. In terms of national planning policy, the review found that changes had been made to the way in which housing requirements were expected to be set through local plans and how new affordable housing should be provided in future, most significantly through the inclusion of First Homes, now the government's preferred type of discount market housing. The review also found that there were changes in local circumstances warranting an update to LPS policies. Firstly, it identified the need to put in place appropriate policies to respond to the then expected arrival of HS2 at Crewe. Secondly, local planning policies needed to be strengthened to reflect the greater emphasis given in the Council's corporate priorities on achieving good health and well-being for all its residents and the protection and enhancement of the environment, including tackling climate change.

2

<https://moderngov.cheshireeast.gov.uk/ecMinutes/ieListDocuments.aspx?CId=962&MId=9277&Ver=4>

- 6 Although the review found that several policies within the LPS needed to be updated, importantly it concluded that the Plan remained well-aligned with national planning policy overall.
- 7 Maintaining an up-to-date, longer term planning strategy for the borough is an important priority for the Council. It has several benefits including:
 - providing greater confidence to residents about where and what type of development will take place;
 - providing greater certainty for developers and investors;
 - enabling the more effective co-ordination of new development and infrastructure provision; and
 - maintaining a 5-year housing land supply and keeping decision making plan-led.
- 8 These benefits are readily illustrated by the adoption of the LPS in 2017. Prior to 2017 numerous unwelcome, speculative windfall housing schemes on the edge of towns and villages were allowed at appeal in the absence of a 5-year supply of deliverable housing land. Since 2017, the situation has changed. A robust 5-year housing land supply has been established and a predominantly plan-led approach towards new housing development has been followed. The Council has also seen a substantial increase in housing delivery, including affordable housing, reversing an under-delivery of housing during each of the first seven years of the Plan period³.
- 9 The July 2022 Committee report did not define the exact scope of the new Local Plan, stating that this would be a matter for the update process itself. It was also highlighted that:
 - the new Local Plan would be brought forward in the context of national planning reforms that will alter the way in which local plans are prepared;
 - the new Plan would set longer-term development requirements which, in turn, would also necessitate updates to a range of other key strategic policies; and
 - the new Plan period would, most likely, extend into the 2040s given the current national planning policy requirement that strategic

³ In the six years from 2017/2018 to 2022/2023, 15,948 (net) new homes were completed in the borough, an average of 2,658 homes/year compared to the Local Plan requirement for 1,800 homes/year. At 31 March 2017, the level of past under-delivery against the Local Plan requirement stood at 5,365 homes. At 31 March 2023, this had reduced to 217 homes.

policies should look ahead over a minimum 15-year period from adoption.

- 10 A revised Local Development Scheme (LDS) was subsequently considered and approved by the Committee in November 2022⁴. This set out a programme for the preparation of the new Local Plan. All local planning authorities are currently required to prepare and maintain a LDS to enable local communities, businesses, developers, service and infrastructure providers, alongside other interested parties, to find out what local plan documents are proposed and the timetable for their preparation.
- 11 The LDS identifies a five-year programme to prepare and adopt the new Local Plan. The programme includes three rounds of public consultation and provides for a twelve-month public examination following its submission to the Secretary of State. It envisages the Plan's adoption towards the end of 2027.
- 12 The government is reforming many aspects of the planning system including the way that local plans are prepared. The plan-making changes are aimed at speeding up and simplifying plan preparation, enabling them to be updated more regularly and thereby kept up to date. In turn, this is seen as the most effective way to achieve plan-led decision making and provide the jobs and homes needed locally.
- 13 The reforms are being brought about through the Levelling-up and Regeneration Act (LURA), granted Royal Assent on 26 October, and through changes to national planning policy. Most of the Act's sections relating to plan-making will require secondary legislation (regulations) to take effect. A number of changes to the National Planning Policy Framework (NPPF) were consulted on between December 2022 and March 2023 and originally expected to be published in spring 2023⁵, however these are still awaited. A more comprehensive update to the NPPF is expected during 2024, following further public consultation.

⁴ <https://www.cheshireeast.gov.uk/planning/spatial-planning/cheshire-east-local-plan/local-development-scheme.aspx>

⁵ <https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>

- 14 Changes to plan-making under the proposed reforms include:
- New style local plans which will be shorter and simpler, taking 30 months from start to adoption. This will allow 23 months for the preparation of a plan, 6 months for its examination by a planning inspector and a further month for its adoption following the receipt of the inspector's report. It is proposed that three 'gateway reviews' will take place by an independent examiner/planning inspector ahead of a plan's submission for final examination. The purpose of 'gateway reviews' is to keep plan preparation on track and minimise the length of the plan's final examination.
 - General development management policies that are used by most local planning authorities will be provided through National Development Management Policies (NDMPs), taking away the need to include these policies in individual local plans. The aim of this is to reduce the length of plans and the time taken to prepare them.
 - The current 'Duty to co-operate' which requires local planning authorities and other bodies to engage positively on strategic cross-boundary issues will be replaced by an 'alignment test'. The current requirement for a Sustainability Appraisal (incorporating Strategic Environmental Assessment) to be carried out as part of plan-making will be replaced by an 'Environmental outcomes report'. The detailed arrangements for how these will work will be set out in regulations, following public consultation.
- 15 Within the December 2022 consultation paper regarding changes to the NPPF, the government also set out proposed draft transitional arrangements for local plan preparation. On 25 July 2023, DLUHC confirmed these arrangements within a further consultation document regarding plan-making reforms⁶. However, the transitional arrangements will remain contingent on parliamentary approval of follow-on regulations.
- 16 The transitional arrangements require local plans prepared under the current legislative framework to be submitted for examination by 30 June 2025 and adopted by 30 December 2026. The Council's LDS envisages that a new, current style Local Plan would be submitted for examination in August 2026, around 14 months later than the deadline under the transitional arrangements.

⁶ <https://www.gov.uk/government/consultations/plan-making-reforms-consultation-on-implementation/levelling-up-and-regeneration-bill-consultation-on-implementation-of-plan-making-reforms#chapter14>

- 17 DLUHC envisages that work on new style local plans under the reformed system will be able to formally commence from autumn 2024, giving time ahead of that for the full, new statutory framework to be put in place, and for national planning policy to be fully updated, including the introduction of NDMPs. If an authority misses the submission deadline for a 'current-style' plan, that plan-making process would stop, and work would need to commence immediately on preparing a new style plan.
- 18 The transitional arrangements will require the Council's current timetable for preparing the new Local Plan to change and reconsideration of how the Plan is brought forward.
- 19 This report recommends that Cheshire East prepares a new style Local Plan under the reformed system. The Council is at the very start of the plan-making process, and it is considered that DLUHC's deadline for current style local plans to be submitted for examination cannot realistically be achieved. Although the scope of the Plan has not been fully defined, it has already been acknowledged that it will involve setting new, longer-term development requirements for the borough and identifying how these will be met. It is a major undertaking that will attract considerable interest from residents, local councils, developers and other organisations. Over 60,000 representations were received about the LPS as it was developed. The new Local Plan will need to be informed and supported by a wide range of up-to-date reports and studies. The Council would need to address forthcoming changes to national planning policy. As noted earlier, a number of revisions are expected to be published to the NPPF in the shorter-term and a comprehensive update to the NPPF is expected to take place in 2024. Consideration would need to be given to the implications of NDMPs when they are published, also expected in 2024. The government's intention is that NDMPs will take precedence where there is an inconsistency between them and policies within local plans.
- 20 In addition, the way in which authorities are expected to establish their housing requirements within local plans may change again during 2025. The government is intending to review the implications on the standard method of new household projections data based on the 2021 Census, which is due to be published by mid-2025. The current standard method still utilises 2014-based household projections and any shift to using up to date projections would alter local housing need figures. This could introduce another significant change in circumstances that may require amendments to an emerging local plan.
- 21 Finally, there is a general concern about how long a current style local plan would remain up to date. Where key policies for determining

planning applications become out of date, the 'tilted balance' may be engaged in decision making.

- 22 Therefore, the preparation of a new style Local Plan is considered to be the only feasible option, although not without its own challenges. Cheshire East would be one of the first authorities to prepare this new type of plan and may encounter teething problems arising from the implementation of the new plan-making provisions. Much of the detail about how the new plan making system will work is still to be published. There is also concern that DLUHC's target of autumn 2024 for the new system to go live may slip. It is over three years since the government published its White Paper *Planning for the Future* setting out proposals to reform the planning system⁷. In the intervening period there has been a stop start approach towards the reforms. DLUHC's July 2023 consultation paper indicates that there could be around 90 authorities needing to commence the preparation of a new style plan by the end of 2024 when the new plan making system is expected to come into effect. The paper highlights a potential lack of examiners/inspectors in the system to support early 'gateway reviews' and seeks views on a possible phased roll-out, whereby some authorities would be encouraged to delay, or even be temporarily prevented from, commencing their plan preparation.

Proposed next steps

- 23 Given the lack of certainty about the details of the national plan making reforms, it is not possible at the moment to establish a clear programme for the next Cheshire East Local Plan. Although the reforms are intended to speed up plan making, for many authorities they are currently having the reverse effect⁸.
- 24 Even though the preparation of a new style Local Plan cannot be formally commenced until at least the end of 2024, there is merit in carrying out some initial public engagement on the scope of the new Plan through an 'issues paper'. This would be the subject of a further report to the Committee in the new year and reflect the latest understanding of the new plan preparation arrangements. It would assist the Council to hit the ground running when it is able to formally commence its new Plan.

⁷ <https://www.gov.uk/government/consultations/planning-for-the-future>

⁸ <https://lichfields.uk/blog/2023/april/20/failing-to-plan-or-planning-to-fail-the-state-of-local-plan-making/>

- 25 Through the reforms, DLUHC is intending to reduce the amount of evidence required in preparing local plans, although with the expectation that there will still be a strong evidence base to inform and support them. This is a welcomed element of the reforms although detail is currently lacking about how this reduction will be achieved.
- 26 The Council therefore needs to be cautious about preparing evidence in advance of understanding what the expectations of future national planning policy and guidance will be. That said, it would be helpful to progress some aspects of the Plan's evidence base, particularly where reports and studies are expected to remain necessary under the reformed system. With this in mind, the Committee's agreement is sought for the preparation of three draft reports with a view to public consultation being carried out on them at the same time as the issues paper. The documents would also be brought to the Committee for approval prior to their publication and comprise:
- A draft Housing Land Availability Assessment (LAA) Methodology. This is required by current national planning policy and is expected to continue being a necessary part of a local plan's evidence base. Its purpose would be to provide a clear understanding of the land available within the borough and inform a future site selection process to meet the development needs identified over the Plan period. The LAA would cover housing and employment along with a range of other land uses. It is proposed that this is accompanied by a 'call for sites' enabling landowners, developers and others to submit sites for consideration through the LAA, once the Methodology has been finalised.
 - A Sustainability Appraisal Scoping Report. All local plans must be informed by a Sustainability Appraisal (SA) through which emerging policies and proposals are assessed against environmental, social and economic factors. This initial stage would set the scope of the assessment and seek feedback on it so that the eventual SA is focussed on relevant issues that could influence or be influenced by the Plan. As noted earlier, SAs are expected to be replaced by Environmental Outcome Reports, however, it is currently not known when details of this new assessment framework will be published and brought into effect.
 - A draft Settlement Hierarchy Review (SHR). The establishment of a clear settlement hierarchy helps to inform, alongside other evidence, how future development needs will be met. The SHR will revisit the settlement hierarchy set out in the current Local Plan and take account of any changes in circumstances since the original evidence was prepared to inform it.

Evidence work already underway

- 27 Work is already underway on a new Strategic Flood Risk Assessment (SFRA), Open Spaces Assessment and Playing Pitch Strategy. The first two will replace assessments originally completed around ten years ago to inform the current Local Plan. The new Playing Pitch Strategy will comprehensively replace the one published by the Council in 2017, although regular regular updates to it have been issued since then.
- 28 All local planning authorities are expected to prepare at least a Level 1 SFRA to inform their Local Plans and it is expected that the need for this will continue. A Level 1 SFRA collates information on all known sources of flooding that may affect future development, with particular attention being given to 'priority areas' where flood risk is considered to be significant. SFRAs are used for several purposes including plan-making, decision making on planning applications and emergency planning. A Level 2 SFRA may also need to be carried out for the new Local Plan, depending on where future development is envisaged to take place. This would look in more detail at flood risk in relation to candidate sites or locations for new development.
- 29 The Open Space Assessment will collate information about the quantity and quality of open spaces (excluding playing pitches which are addressed in the Playing Pitch Strategy). It will enable these characteristics to be analysed across a range of open space typologies and across particular areas. This will inform decisions about the protection and improvement of existing open spaces and the need for additional provision in the new Local Plan.
- 30 The Playing Pitch Strategy will assess the supply of, and demand for, playing pitch and outdoor sport facilities across Cheshire East. The strategy will serve several purposes including to act as a tool for the Council and partner organisations to guide resource allocation and set priorities for pitch and outdoor sports in the future, to provide evidence to support capital funding bids and to guide how the additional playing pitch needs generated by new development should be met.

Consultation and Engagement

- 31 The preparation of the new Local Plan will involve a considerable amount of public consultation. The Statement of Community Involvement (SCI), which came into effect in January 2022, sets out how the Council intends to involve all sectors of the community in the planning process, including the preparation of planning policy. Through the national planning reforms the requirement for councils to prepare SCIs is expected to be removed. They will be replaced with a requirement to include engagement and consultation arrangements

within a Project Initiation Document prepared at the start of the plan-making process.

- 32 Proposals for consultation and engagement in connection with the issues paper would also be brought to the Committee for its agreement.

Reasons for Recommendations

- 33 There are considerable benefits in maintaining an up-to-date Local Plan, including to achieve plan-led decision making. Policies and proposals in the Local Plan support many corporate priorities, particularly those relating to promoting good health, providing good housing for all, achieving a thriving economy for all, enhancing biodiversity and tackling climate change.

Other Options Considered

- 34 The Council could wait for the full legal and policy framework for the reformed local plan making system to be put in place before it takes any substantive step towards progressing the new Local Plan. The aim of seeking feedback on an issues paper, and particular evidence work in parallel with that, is to assist the Council advance its Plan within the new plan-making system once that opportunity is available.

Implications and Comments

Monitoring Officer/Legal

- 35 In preparing a new style Local Plan, the Council will need to comply with the relevant requirements of the Levelling-up and Regeneration Act, and in the regulations that will follow which will implement its provisions. These requirements will cover various matters including the content of the plan and how it is prepared.

Section 151 Officer/Finance

- 36 As far as possible, the cost of preparing the new Local Plan has been reflected in the Medium Term Financial Strategy (MTFS) 2023-27, however this will need to be kept under review in the light of future changes to the legal and national policy framework for local plan preparation. The MTFS takes account of an existing earmarked reserve for Local Plan preparation.
- 37 Through national planning reforms, the Government is intending to speed up and streamline the local plan preparation process. However, in the absence of much of the detail governing how the new plan making process will operate, it is not yet possible to gauge whether new style plans will cost less to prepare than current style local plans. This detail is expected to emerge over the next 12 months or so, and further

reports about the new Local Plan process will provide additional information on plan preparation costs.

Policy

- 38 The Local Plan sets out the Council's policy for sustainable development in the Borough The new Local Plan will be prepared within the context of the new Corporate Plan.

Equality, Diversity and Inclusion

- 39 Equality Impact Assessment will be carried out during the preparation of the Plan.

Human Resources

- 40 There are no additional human resource implications arising from this report.

Risk Management

- 41 Appropriate risk management will be carried out as an integral part of the Plan's project management.

Rural Communities

- 42 An update to the LPS would contain planning policies for the whole of the borough, including rural areas.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

- 43 The well-being of young people and cared for children would be an important objective that any revised policies will seek to support.

Public Health

- 44 Promoting good health for all will be a central objective of the new Local Plan.

Climate Change

- 45 The new Local Plan will provide an opportunity to go further with planning policies to mitigate climate change, recognising the Council's pledge to become a carbon neutral borough by 2045.

Access to Information	
Contact Officer:	Jeremy Owens, Development Planning Manager
Appendices:	No appendices
Background Papers:	These are referenced in the report and links are provided in footnotes.

This page is intentionally left blank

OPEN

Environment and Communities Committee

9 November 2023

S106 Audit Report Update

Report of: Peter Skates Acting Executive Director of Place

Report Reference No: EC/23/23-24

Purpose of Report

- 1 To update Committee following the recent Internal Audit review of arrangements for the management and monitoring of Section 106 (S106) agreements, to provide an update on progress since that report was received and to set out draft terms of reference for the Members Working Group relating to S106.
- 2 The report will also set out for clarity, the roles of the respective committees who have some oversight of the process and decision making relating to S106.

Executive Summary

- 3 The planning service has undertaken a wide-ranging review and has previously reported to Environment and Communities Committee on the work being undertaken as part of a Modernisation Plan for the service. An update on the progress made with that review is reported elsewhere on this agenda. This report is presented in the context of that wider review and supports the work programme underway in the planning service.
- 4 Internal Audit have completed an extensive review of the council's arrangements for the management and monitoring of Section 106 agreements.
- 5 The overall assurance opinion for this review is "No Assurance". This reflects that there are currently significant areas of risk which are not

being managed effectively in relation to the effective and efficient use of S106 agreements and contributions. This audit report findings relate to operational processes, governance, and a lack of strategic oversight in place for senior officers and service committees. “No Assurance” opinion reports are considered for inclusion in the council’s Annual Governance Statement.

- 6 The outcome of this review has been subject to consideration by the council’s Audit and Governance committee and the Finance Sub Committee. Since the audit report was received, the service has already started to implement many of the actions that have been agreed as part of the outcomes from the audit.

RECOMMENDATIONS

The Environment and Communities Committee is recommended to:

1. Note the findings of the internal audit report and the progress made to date implementing the recommendations.
2. Agree the Terms of Reference for the Members working group relating to S106

Background

- 7 Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as S106 agreements, are a mechanism which make a development proposal acceptable in planning terms, that would not otherwise be acceptable. Each 106 agreement is a specific deed attached to an individual planning permission. They are usually place and purpose specific.
- 8 Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary. They must be:
 - necessary to make the development acceptable in planning terms,
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 9 These tests are set out as statutory tests in regulation 122 (as amended by the 2011 and 2019 Regulations) and as policy tests in the National

Planning Policy Framework. These tests apply whether or not there is a Community Infrastructure Levy charging schedule for the area. They are focused on site specific mitigation of the impact of development. S106 agreements are often referred to as 'developer contributions' along with the Community Infrastructure Levy.

- 10 It is the role of the Planning Officer as case officer to use their knowledge and professional experience to review individual applications and apply relevant policies and the above tests when forming a recommendation on applications. This involves taking into account the relevant legislation and council policies, specifically the adopted Local Plan and other planning policies, in order to identify and engage with the relevant consultees and ensure that all consultation responses are appropriately considered.
- 11 Internal Audit carried out a review of the policies, systems and procedures in place to provide assurance that key risks were managed effectively. The review concluded that there is a lack of strategic oversight of the management of S106 internally within planning and across other relevant service areas, as well as by the Environment and Communities Committee. Each of the recommended actions has been agreed and accepted by the service. The internal audit process has been supported positively by planning and finance services, and recognition and support for the changes needed have been endorsed by the Corporate Leadership Team. There are actions in place to respond to each of the findings, with responsibilities and expected timescales for their implementation set out.
- 12 The full report submitted to Audit and Governance Committee in September can be found [S106 Audit Report to Audit & Governance Committee](#).
- 13 Following receipt of the audit report the service responded immediately to consider the findings and recommendations through the submission of a detailed management response – this committed to various actions and allocated resources and timescales to the actions needed. This report had provided the detail needed to move forward and implement change in this part of the service (and beyond, in various other council departments) as part of the modernisation plan work programme. Good progress has already been made implementing recommendations including;
 - Recruitment to one vacant S106 post to add capacity and some resilience to the resource in the team. Advert for this post closed at the end of October.

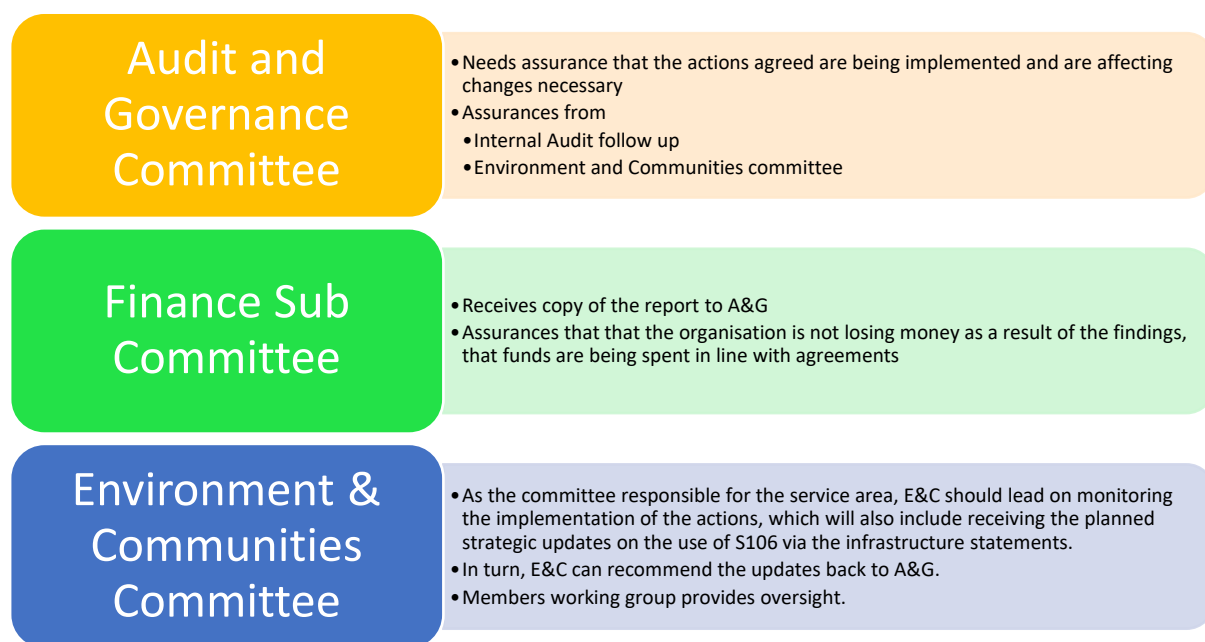
- Contract secured with the Obligations Office to update and complete outstanding records in Exacom (back office system)
- Reconciliation of received funds to correct agreements/data cleansing.
- Reviewed priorities of Section 106 Monitoring Officer role to ensure efficient use of time to progress audit recommendations.
- Officer workshop completed; led by Acting Executive Director of Place and Interim Director of Planning Services to bring all relevant services together to begin process and governance review. Identifying new ways of working, achieving consistent approaches across different services and providing challenge to identify opportunities for change and improvement.
- Process mapping of current processes underway – to be replaced with new process maps and updated governance model.
- Follow up detailed discussion sessions, led by Interim Director of Planning Services, with all consultee teams to refine process and build in new ways of working – teams include planning, legal, finance, greenspace, highways, education, NHS, Public Rights of Way, and regeneration.
- Joint meeting held of Chairs and Vice Chairs of Audit and Governance, Finance Sub and Environment and Communities committees to clarify the different responsibilities of the three committees and to ensure appropriate oversight moving forward.
- Drafted terms of reference for S106 Members Working Group
- Initial Planning Officer training on Exacom scheduled for early November.

Members Working Group – Draft Terms of Reference

- 14 Following agreement of the membership of the S106 members working group draft terms of reference are suggested;
- To oversee delivery of the recommended actions arising from the S106 audit – including providing guidance and challenge to new processes and governance being developed.
 - To ensure the actions arising from the audit compliment and assist delivery of the wider modernisation plan for planning services

- To co opt Chairs and/or Vice Chairs of the Audit and Governance Committee and Finance Sub Committee to the working group as may be necessary to facilitate wider oversight of implementation of the findings of the audit.

15 It is also considered useful for clarity to set out the respective responsibilities of the three committees in relation to this work. The diagram below clarifies the different roles of the three committees so that their remits are understood and work programmes can be informed.



Consultation and Engagement

16 No formal consultation and engagement has taken place however this report is being widely reported for openness and transparency. In addition, engagement across different Council departments is underway, and will continue, in order to deliver the recommendations of the audit review.

Reasons for Recommendations

17 To ensure committee is aware of the issues arising from the audit, the response to it and the steps already taken to address issues raised. It is important to agree the terms of reference for the members working group so that their remit is clear and maximum benefit is achieved from their involvement.

Other Options Considered

- 18 No other options were considered.

Implications and Comments

Monitoring Officer/Legal

- 19 This report is provided to ensure transparency and compliance with good audit practice. Although there are no direct legal implications arising from the recommendations of this report ongoing support will be provided.

Section 151 Officer/Finance

- 20 There are no direct financial implications arising from the recommendations of this report; Internal Audit resource had already been allocated within the 2022/23 and 2023/24 plans for this work. Any further resource to implement the actions arising from the report would be subject to the relevant decision making and approval processes.

Policy

- 21 The Environment and Communities Committee receives reports and recommendations which support the corporate objective of being an open and enabling organisation.

Equality, Diversity and Inclusion

- 22 There are no direct implications for equality, diversity and inclusion arising from the recommendations of this report.

Human Resources

- 23 There are no direct implications for human resources arising from the recommendations of this report.

Risk Management

- 24 Considering the recommendations arising from the audit report and maintaining oversight of the effective implementation of the actions required will contribute to the improvement of the organisations use of S106 agreements and contributions, managing the risks set out in the internal audit review.

Rural Communities

- 25 There are no direct implications for rural communities arising from the recommendations of this report.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

- 26 There are no direct implications for children and young people arising from the recommendations of this report.

Public Health

- 27 There are no direct implications for public health arising from the recommendations of this report.

Climate Change

- 28 There are no direct implications for climate change arising from the recommendations of this report.

Access to Information	
Contact Officer:	Jane Gowing Jane.gowing@cheshireeast.gov.uk
Appendices:	None.
Background Papers:	Report to Audit and Governance Committee 28 th September 2023 – link within this report

This page is intentionally left blank

OPEN FOR PUBLICATION

By virtue of paragraph(s) X of Part 1 Schedule 1 of the Local Government Act 1972.

Environment and Communities Committee**[09 November 2023]****Developer Contributions Supplementary Planning Document**

Report of: Jane Gowing, Interim Director – Planning**Report Reference No: EC/29/23-24****Ward(s) Affected: All****Purpose of Report**

- 1 This report seeks approval to carry out a minimum of four weeks public consultation on the final draft Developer Contributions Supplementary Planning Document (“SPD”).
- 2 The document provides guidance on policies held in the Development Plan related to the delivery of a range of infrastructure across the borough.

Executive Summary

- 3 Cheshire East Council’s Corporate Plan sets out three aims. These are: to be an open and enabling organisation; to be a Council that empowers and cares about people; and to create thriving and sustainable places. In striving to create thriving and sustainable places, a key objective is to improve the physical and social infrastructure that supports sustainable and inclusive growth across the borough.
- 4 As such, this SPD (Supplementary Planning Document) sets out guidance on policies contained in the Local Plan Strategy (LPS) that support these aims and, through clarifying how development plan policies will apply, will support funding and delivery of a range of physical, social and green infrastructure across the borough.
- 5 Via requirements set out in the local plan, development in Cheshire East provides a crucial source of funding for investment in infrastructure. Since the adoption of the Local Plan Strategy in 2017, over £15 million has been spent on infrastructure projects through S106 financial contributions related to development.

- 6 Developer contributions, or planning obligations, can be required to mitigate the impacts of development and make a proposal acceptable in planning terms. Section 106 legal agreements are used to allow the Planning Authority to enter into a legal agreement with a developer to secure a commitment related to planning approval. This may relate to how development is carried out or the direct provision of infrastructure on site. Where on-site delivery is not possible, a financial contribution in lieu of on-site provision can be secured via S106 agreements. To be lawful, S106 agreements must meet certain tests set out in the CIL (Community Infrastructure Levy) regulations (See para.15 below).
- 7 Contributions levied through legal agreements will set out specifically what funding should be secured and for what purpose that funding should be spent. Once agreed, funding must be spent in accordance with the agreement, however S106 agreements may be varied where the applicant and Local Planning Authority (LPA) agree the change and a 'Section 73' Application is submitted, or a new planning application can be submitted and allow the renegotiation of the S106 agreement

8

RECOMMENDATIONS

The Environment and Communities Committee is recommended to:

1. Agree to the publication of the final draft Developer Contributions SPD (appendix 2) and report of consultation (appendix 1) for public representations for a period of a minimum of four weeks.
2. Publish the associated Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report ("SEA") (appendix 3).
3. Publish the associated Equalities Impact Assessment Screening Report ("EQIA") (appendix 4).

Background

- 9 The Final Draft Developer Contributions SPD provides additional guidance to applicants on how they should respond to the policy requirements in the Local Plan Strategy and Site Allocations and Development Policies Document (SADPD). It also 'signposts' sources of information, including relevant documentation and Council services.
- 10 This SPD aims to give greater clarity to developers, landowners, communities, and decision makers on matters related to the circumstances when contributions are likely to be required, how such contributions are calculated, the type of information that will be required

at submission stage and the process within which S106 agreements will be established. Some contributions are levied based on formulaic calculations which the SPD sets out in detail, and some contributions are established through negotiation taking into account variable factors related to the site, and the impact of development on the wider location. In these circumstances guidance in the SPD is based on providing clarity on the relevant factors that will be considered during negotiations.

- 11 The final draft SPD has been jointly prepared by Strategic Planning and multiple services in the council.
- 12 Developer contributions, or planning obligations, can be required to mitigate the impacts of development and make a proposal acceptable in planning terms. For example, providing a financial contribution to education facilities where a proposal would lead to an increase the number of school age children in an area.
- 13 Contributions are made via legal agreements and paid to the council at various trigger points related to the build out of development (for example, financial contributions to off-site affordable housing may be levied at the completion of the 100th house on a scheme).
- 14 The council will hold such funds until the requirements of the legal agreement can be met.
- 15 There are various ways in which contributions from development can be secured. The three most common mechanisms to secure developer contributions are:
 - (a) Community Infrastructure Levy (CIL): this is a fee, paid by the developer, which is fixed, dependent on the location of development, it's use and floorspace. CIL is primarily used to fund infrastructure identified in the Councils Infrastructure Plan
 - (b) Section 278 agreements: these allow developers to enter into a legal agreement with the council, in its capacity as the Highway Authority, to make permanent alterations or improvements to a public highway as part of a planning approval.
 - (c) Section 106 agreements: Section 106 (S106) agreements are legal agreements between the council and a developer, that commit the developer to undertake certain obligations or development, or to restrict something, and/or pay the council a financial contribution toward measures that would mitigate the impact of development and make a proposal acceptable to meet policy requirements. S106 are usually written up to ensure a payment is received at a 'trigger point' in the development process, for example on completion of the 100th house, and reserved specifically for the

investment identified in the S106 legal agreement. The ability to vary what S106 funding is spent on is very limited.

- 16 Section 106 contributions must be levied in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010 which establishes that contributions must be:
 - (a) Necessary to make the development acceptable in planning terms
 - (b) Directly related to the development; and
 - (c) Fairly and reasonable related in scale and kind to the development
- 17 Developer contributions are therefore a very regulated area of planning practice, designed to mitigate specific impacts of development and once the funds are received, the investment must be carried out in accordance with the terms of the legal agreement under which they were agreed.
- 18 In Cheshire East, multiple projects are invested in annually across a range of infrastructure. For example, S106 has funded, or part funded, projects including the expansion of Mablings Lane primary school in Crewe, Congleton Link Road, grassland improvements in multiple locations across the borough, improvements to Hall Wood green way at Handforth, play area improvements at Little Lindow in Wilmslow and temporary homeless accommodation in Congleton.
- 19 The Developer Contributions SPD primarily provides additional guidance on S106 agreements, setting out the Council's approach to these agreements over a range of issues including contributions to affordable housing, highways, education, leisure and recreation, green space, public health, blue light services, ecology and other matters such as surface water management, heritage and design.
- 20 The Developer Contributions SPD does not provide further guidance on the application of CIL as these matters are covered by advice held in the [CIL Charging Schedule 2019](#).

The Development Plan for Cheshire East sets the framework within which developer contributions will be levied. Cheshire East is a large unitary authority with unique and diverse communities and therefore, because needs and priorities vary across the borough the Development Plan does not establish a hierarchy of that prioritises the purpose for which S106 will be levied. Rather, the approach is tailor agreements to be site specific and respond to the specific needs of host communities. The SPD provides guidance on:

- (a) The mechanics of the S106 process, including the types of fees the council will charge for monitoring and, in some cases, administration of legal agreements.
- (b) Climate Change: The Development Plan includes policies that seek to tackle climate change. This SPD clarifies the type of information that applicants must submit and the circumstances where offsite or financial contributions may be required.
- (c) Ecology: guidance is provided primarily in relation to Biodiversity Net Gain contributions and fees which are covered in further detail on the Biodiversity Net Gain SPD.
- (d) Urban Design and Regeneration: Many towns across Cheshire East have plans for town centre investment and public realm improvements through both locally produced neighbourhood plans, Strategic Regeneration Frameworks, Town Centre Vitality Plans or other local strategies. The SPD highlights that contributions may be required from development to support delivery of the ambitions set out in these plans.
- (e) Highways and Transport: advice is included in relation to major development and the delivery of mitigation identified in transport plans, required levels of parking and in relation to finding for strategic infrastructure.
- (f) Recovery of Infrastructure Costs: Policy GEN4 of the SADPD (Site Allocations and Development Policies Document) provides the policy basis for the council to recovery of funding for infrastructure that has already been invested but which development may rely upon. The SPD provides guidance on how this will be applied.
- (g) Education: The SPD sets out the approach to how contributions regarding education will be levied, including various financial formula the council base their calculations on.
- (h) Health Infrastructure: The Council will seek contributions to new or enhanced health or social care facilities (including care homes) where development results in a shortfall or worsening of provision. The SPD clarifies how Health Impact Assessments (HIA) should be used to identify such needs (and others) and inform the approach to scheme design. In instances where a direct link between a proposed development and appropriate health care needs can be demonstrated, the SPD provides advice on the type of information that applicants are required to submit to

underpin how contributions are calculated for provision of health-based services.

- (i) Sport facilities, public open space and green infrastructure: the council regularly levies contributions toward delivery and long-term maintenance of these facilities and the SPD sets out the financial formula used to calculate contributions and the detail on information that applicants should submit.
 - (j) Affordable housing: most of the detail on how contributions are levied regarding affordable housing is set out in the Affordable Housing SPD. Therefore this document summarises that approach and signposts to the primary SPD.
 - (k) Cheshire Constabulary: guidance is provided on when contributions are likely to be sought to support the constabulary, and how such contributions will be calculated.
 - (l) Other matters: the SPD provides some guidance on matters which would not normally trigger the need for financial contributions but may be secured by S106 or conditions on planning applications. Matters such as flood risk, heritage and public rights of way are covered in the SPD, which provides guidance on the type of commitments that may be required and the type of information that applicants should submit.
- 21 Recently, an audit has been carried out into the Council's processes around CIL and S106. The audit identified a need to better communicate processes around S106. This SPD helps to clarify the processes that are in place to manage the collection and investment of developer contributions and provides guidance to all stakeholders to ensure that practices are carried out in a consistent way across services within the council.
- 22 The first draft of the Developer Contributions SPD was published for consultation during August and September 2022. It has been amended in response to comments received during that consultation. The report of consultation summarises the feedback received and how the Council has responded to that feedback (Appendix 1).
- 23 A screening exercise has been carried out to determine whether the final draft Developer Contributions SPD gives rise to the need for further Sustainability Appraisal or Appropriate Assessment (under the Habitats Regulations). This screening assessment was consulted upon and concludes that further assessment is not necessary (Appendix 3). No feedback on these conclusions was received from the relevant statutory bodies.

- 24 Subject to the approval of the recommendations of this report, the SPD will be consulted on in accordance with the Council's Statement of Community Involvement for a period of four weeks.
- 25 Once adopted, the effectiveness of this SPD will be monitored as part of the Authority Monitoring Report, using information from planning applications and decisions. The outcome of this ongoing monitoring work will help inform future decisions about the SPD and the development of planning policy.

Consultation and Engagement

- 26 During August and September 2022, the first draft SPD was consulted on. Multiple matters were raised, and 254 comments were received from 36 consultees. The full extent of representations is included at Appendix 1a of this report and a summary at Appendix 1b.
- 27 Some of the key changes that have been made to the SPD since its first consultation include:
 - (a) Further explanation of the administrative processes related to S106 contributions
 - (b) Additional guidance on education contributions
 - (c) More explanation on the council's approach to public health infrastructure and the Cheshire Constabulary
 - (d) Additional sections are included to address matters related to climate change, public realm and town centres
- 28 It is proposed that the final publication draft SPD will be subject to a minimum of four weeks consultation to take place during November and December 2023. Following this, all comments will be considered, and reported back to the Environment and Communities Committee to consider, prior to adoption of the SPD.

Reasons for Recommendations

- 29 An SPD is not part of the statutory development plan. It is a recognised way of putting in place additional planning guidance and is a material consideration in determining planning applications in the borough.
- 30 Providing clear, detailed guidance on policy expectations should enable applicants to better understand policy requirements. The SPD should assist applicants when making relevant planning applications, and the Council in determining them.

- 31 Providing improved guidance on how contributions will be levied, particularly through the provision of financial formula, allows site promoters to integrate policy compliant approaches within the viability envelope of their sites.
- 32 Providing such guidance should assist the Council to secure sustainable development and improve a range of infrastructure provision.

Other Options Considered

- 33 The Council could choose not to prepare a SPD on Developer Contributions or not to progress the first draft document to completion. Any relevant planning application would continue to be assessed against existing planning policies. However, this would not allow the Council to provide additional practical guidance on how contributions will be approached that should be employed by all parties in a consistent way that gives certainty to applicants and decision makers.

34

Option	Impact	Risk
Do not nothing / not progress the first draft	The Developer Contributions SPD could not progress through the stages required by legislation and therefore could not be adopted.	The improved outcomes and clarity on process and expectation that could be achieved through additional guidance on how developers are expected to address policies of the local plan, would not be achieved.

35

Implications and Comments

Monitoring Officer/Legal

- 36 The Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Development) (England) Regulations 2012 provide the statutory Framework governing the preparation and adoption of SPDs (Supplementary Planning Document). These include the requirements in Section 19 of the 2004 Act and various requirements in the 2012 Regulations including in Regulations 11 to 16 that apply exclusively to producing SPDs.

- 37 Amongst other things, the 2012 regulations require that an SPD contain a reasoned justification of the policies within it and for it not to conflict with adopted development plan policies.
- 38 The National Planning Policy Framework and the associated Planning Practice Guidance also set out national policy about the circumstances in which SPDs should be prepared.
- 39 SPDs provide more detailed guidance on how adopted local plan policies should be applied. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. SPDs are capable of being a material consideration in planning decisions but are not part of the development plan.

Section 151 Officer/Finance

- 40 There are no significant direct financial costs arising from consultation on the SPD. The costs of printing and the staff time in developing the SPD are covered from existing budgets of the planning service.
- 41 The SPD will help to improve the process through which financial contributions are secured and provide further clarity for developers and decision makers in relation to the policy requirements of the Development Plan. If S106 is not secured appropriately, in a timely manner, there could be a risk that monies do not come forward and delivery of infrastructure may be delayed.

Policy

- 42 The SPD will provide guidance on the application of existing development plan policies related to the provision of funding for infrastructure and developer contributions through S106. The SPD will give additional advice to applicants on how they can show they have followed relevant policies of the development plan related to this matter.
- 43 It should be noted that as part of the government's planning reform, the Levelling Up Bill includes proposals to replace SPDs with Supplementary Plans, which are documents that are prepared in a more onerous way than SPDs, and which are reliant on examination much like a local plan. If this proposal happens any adopted SPDs will automatically expire.
- 44 The reforms also propose to replace both S106 agreements and CIL with a single 'infrastructure levy' capturing all contribution requirements in a single mechanism. Should this proposal happen, the guidance in the Developer Contributions SPD will be superseded. However, implementation of planning reform is likely to take considerable time and continuing developing this SPD will ensure the council has a single

document that summarises contribution requirements across a wide range of issues, helping to clarify processes for applicants, staff and members.

- 45 Therefore, although the SPD may ultimately be superseded by measures set out in the proposed planning reforms, it will be useable for some time before such reform is implemented and can inform the Council's future work on an Infrastructure Levy and the review of the Local Plan Strategy.

An open and enabling organisation	A Council which empowers and cares about people	To reduce our impact on our environment.
The SPD helps improve transparency in relation to how funding is calculated and the process through which such funding is agreed. The SPD also provides clarity on how such funding may be spent.	Whilst the SPD is not related to this objective, some funding elements, especially related to education, would support the objective.	<p>Better guidance on how developer contributions are levied helps the Local Planning Authority secure delivery of improved design, habitats, transport and flood risk measures in new development schemes.</p> <p>The SPD helps the authority collect the correct level of financial contributions required, reducing risk to the LPA (Local Planning Authorities) and increasing certainty in the development process across the borough.</p>

Equality, Diversity and Inclusion

- 46 The Council has a duty under Section 149 of the Equalities Act to have due regard to the need to: eliminate discrimination; advance equality of opportunity between persons who share a "relevant protected characteristic" and persons who do not share it; foster good relations between persons who share a "relevant protected characteristic" and persons who do not share it.
- 47 The final draft Developer Contributions SPD provides further guidance on the approach that is expected from developers on this matter and provides clarity on how the Council will apply policies of the Development Plan. The SPD is consistent with the LPS (Local Plan Strategy) which was itself the subject of an Equalities Impact Assessment (EqIA) as part of an integrated Sustainability Appraisal. A draft EqIA on the draft Developer Contributions SPD has been prepared (appendix C) and will be published alongside the draft SPD for comment.

Human Resources

- 48 The subject matter of the report does not give rise to any particular risk management measures because the process for the preparation of an SPD is governed by legislative provisions (as set out in the legal section of the report).

Risk Management

- 49 The subject matter of the report does not give rise for any particular risk management measures because the process for the preparation of an SPD is governed by legislative provisions (as set out in the legal section of the report).

Rural Communities

- 50 The final draft Developer Contributions SPD seeks to provide further guidance on the financial mechanisms to secure infrastructure funding. Infrastructure has a wide definition and includes provision of assets and services that will benefit many rural communities, whether directly or indirectly.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

- 51 The final draft SPD does not have direct implications for children and young people or cared for children but will assist in securing growth that is properly serviced and inclusive for all. Guidance in the document will support the provision of education services that children and young people will access.

Public Health

- 52 Through clarifying the role of Health Impact Assessments in the development process, the final draft SPD may assist in securing contributions to essential services that indirectly improve public health (the delivery of walking and cycling measures in a new road scheme for example) as well as direct funding for health and social care provision.

Climate Change

- 53 The final draft SPD does not have any direct climate change implications but may indirectly help reduce the impacts of climate change through providing funding or more sustainable travel options (for example) or helping clarify the process through which contributions toward other climate mitigation measures would be levied.

Contact Officer:	Tom Evans Neighbourhood Planning Manager Tom.Evans@cheshireeast.gov.uk 01625 650023
Appendices:	Appendix 1a: Summary of Representations Appendix 1b: Draft DC SPD – Full Log of Representations Appendix 2: Final Draft Developer Contributions Supplementary Planning Document Appendix 3: SEA (Strategic Environmental Assessment) / HRA Screening Report Appendix 4: Final Draft Equalities Impact Assessment Screening Report
Background Papers:	N/A

Appendix 1

OPEN/NOT FOR PUBLICATION

By virtue of paragraph(s) X of Part 1 Schedule 1 of the Local Government Act 1972.

Approvals trail: to be removed before Committee

Name	Title	Comments	Date
Contributors:			
Approvers:			

Appendix 4: First Draft Developer Contributions SPD Report of Consultation

Document section	Summary of the main issues raised	Representors	Council response including any changes proposed
General Comments on overall document	The council should consider the inclusion of developer contributions being used for enhancements at railway stations as a result of increased footfall from both residential and business developments in addition to any highways or green infrastructure works. Enhancements at stations could include (but not limited too) CCTV, Customer Information Systems, Help Points, heated waiting shelters, cycle storage, car parking.	Network Rail	Where direct impact on rail stations arise from development then such contributions may be feasible as long as they meet the CIL tests of being directly related to development, reasonable in scale and kind, and fairly applied.
	SPD should cover climate/carbon, trees, and other infrastructure such as waste recycling, air quality monitoring or maintenance	Poynton Council Town	The document has been updated to clarify that in some instances contributions toward climate change mitigate may be required. The LPS and SADPD include policies that require mitigation measures, and in some instances it is feasible that they could be delivered offsite via S106 contribution.
	Request reference to local participation in S106 process	Multiple councils town	S106 are legal agreements entered into between a developer and the Local Planning Authority. They are designed to be specific to mitigate an identified impact from development and currently there is no scope for third parties to be involved in the process. Communities can, via a neighbourhood plan or other local document, produce a list of local infrastructure priorities/projects that can be useful when determining how to address an impact of development through investment elsewhere.
	Indoor and outdoor sports facilities to have its own section separate from Public Open Space; Local standards are not appropriate as they do not take account of catchment areas. The need to include Sports Needs Assessment for indoor and outdoor sports pitches	Sport England	Whilst the contributions for distinct uses are calculated separately, Open Space and Recreation are addressed in a single policy in the LPS. Therefore, given SPDs provide guidance on policies, it is more clear to interpret

			the advice by attaching the guidance to a specific policy wherever possible.
	Not all matters include a approach/methodology and the information that the approach will be based on is not entirely clear.	Asteer Planning on behalf of Barratt, David Wilson Homes, Jones Homes and Orbit Investments	Where possible, further information has been provided to clarify the approach set out. Not every matter will have a formula with a specific set of calculations but where the SPD does include this, explanation has been provided about how that formula is derived. Other approaches may be based more on setting out the factors that will be taken into account in establishing a fair contribution.
	Viability should be retested and a full review of the LPS should therefore be undertaken with the inclusion of an up-to-date viability assessment to ensure planning obligations are fully assessed	Multiple	Since the first draft SPD consultation, a decision has been taken to review the LPS. Therefore, within that process viability testing will be undertaken. The guidance in this SPD recognises that viability may mean that all policy requirements cannot be met and a balanced view will need to be taken in decision making. Where an applicant believes viability is an issue they must submit their own assessment to demonstrate the full suite of policy obligations cannot realistically be met due to specific site conditions.
	The Trust welcome a Developer Contribution SPD that will enable contributions to be sought to support access to and maintenance of the quality of our inland waterways, and protect and enhance our green infrastructure, ecological networks and sustainable travel routes, when impacted by development, to contribute to the health and well-being of communities through benefits such as biodiversity, conservation, and recreation opportunities.	Canal and River Trust	The Canal and River Network is highly valued asset in Cheshire East and where development has impacts that can be mitigated through investment in the network, Local Plan policies enable such solutions to be investigated.
5.24	Role of parish councils and access to information		Through its dedicated S106 officer, the Council is able to provide Parish Councils with S106 data related to their specific areas. Whilst parish Councils are a third party within the S106 process, Cheshire East Council will seek to

			share information wherever appropriate and support parish councils to articulate their local infrastructure needs through the preparation of neighbourhood plans.
7. Ecology	Clarity on fees	McCarthy and Stone	Further advice on fees in regard to BNG have been included setting out the approach in more detail
	Comments on the process for using the metric	Cheshire Wildlife Trust	Guidance on the biodiversity metric is provided by DEFRA and therefore only the key issues are addressed in this SPD (which relates to the BNG SPD)
	Section to reference relevant parts of neighbourhood plans	Transition Wilmslow	Reference to neighbourhood plans has been included to clarify that some plans do have a local infrastructure plan that may be referred to when considering how to mitigate impacts from development.
	Overall, achieving biodiversity net gain as put forward in the draft SPD in on and off site locations does create a significant additional financial burden for developers which was not accounted for previously in the adopted Local Plan or adopted Community Infrastructure Levy (CIL). As such, each site and development proposal will need to be assessed on a case by case basis, and where it is evident that the requirements of BNG have a large cost implication, this should be accounted for by the Local Planning Authority accordingly when considering the overall viability of a development and requests for other s106 contributions or other developer obligations.	Pegasus on behalf of Tatton Estate, Bloor and Taylor Wimpey	Since the original SPD was consulted the BNG SPD has been updated, as has national guidance on how BNG will be implemented. The current SPD reflects these updated positions.
	Various comments on terminology, clarification of process and viability implications, and setting of the tariff via the DEFRA Biodiversity Metric	various	Multiple terms have been clarified, updated and included in the Glossary.
Highways and Transport	Paragraph 8.16 onwards sets out a series of schemes and formula for obtaining contributions. The impact on development viability in the context of CIL and the Viability Assessment Update is not	Multiple	The Schemes identified in the SPD are drawn from policy GEN4 of the now adopted SADPD and represent key strategic highways projects.

	<p>clear. Clarification is required, together with clarification as to which proposals this would relate to.</p> <p>No clear list of projects identified in the MTFS for which CIL will be used.</p>		The MTFS can be used to identify which projects will be the focus of investment
	<p>Whilst the draft SPD states that contributions will be calculated proportionately, there is no specific detail on how the contributions will be calculated. For example, what methodology, calculations and sources of information will be used to work out the costs and the percentage impacts that a scheme has on receptors in the network.</p> <p>Furthermore, there is no clarity on how contributions will be collected from multiple developments coming forward at different times (or not at all). For example, if the impacts on the highways network are only significant as a result of cumulative impacts, then the first application will presumably not be required to make a contribution until such time that the second and/or subsequently consented sites comes forward.</p>	Asteer Planning on behalf of Barratt, David Wilson Homes, Jones Homes and Orbit Investments	<p>In many instances, recognising the variable local condition and context of sites, the council does not have a standardised and formulaic approach to contributions. Instead, to respond to localised conditions, costs and land values, contributions will be calculated based on a proportionate approach.</p> <p>In instance where multiple developments contribute to an investment in infrastructure, the council holds funds until the relevant trigger points are reached, as set out in the S106 agreements, and then invests accordingly.</p>
	More clarity should be provided on definition of strategic highways schemes	various	Strategic highways schemes are set out in policy GEN4 of the SADPD.
	There must surely be some 'wiggle room' to allow a degree of strategic planning in how it is spent. For example, Paras 8.22, 8.23 and 8.24 show that CEC is prioritising funding for certain "Strategic and Major" highways schemes. Whilst we have seen that prioritisation in some areas, we have seen no evidence of it being applied to Holmes Chapel and other areas.	Holmes Chapel Parish Council	S106 must be spent in accordance with the signed agreement. Whether agreements are written to specify a particular investment, only delivery of that specified investment is possible. The SPD sets out the mechanism to negotiate S106 agreements.
Recovery of Infrastructure Costs	clarity is required as to the statement at paragraph 9.13 that: "In the event that it is determined that the proposed obligation does not meet the CIL tests, CEC intends to use other general powers available to secure funds from development sites for this purpose." If the obligation does not meet the CIL tests, then it should not be taken into account in the grant of planning permission, and, as such, the Council should not be seeking the contribution.	Barton Willmore on behalf of Crown Estate	The SPD now sets out that this approach will be employed on the basis of contractual obligations, contained within planning agreements and that if the approach is taken, it will be discussed at an early stage of the application process.
	there are clearly significant funds available within the CIL Funding Statement which have not yet been allocated which could make a	Pegasus Planning Group on behalf of	S106 is used to fund site specific mitigation measures and can be pooled to fund

	contribution to the infrastructure needs of the Borough. This should be prioritised by the Council and reflected in the SPD to reduce reliance upon developer contributions going forward.	Bloor and Taylor Wimpey	infrastructure that multiple site rely on. CIL funds are spent in accordance with the Councils Regulation 123 List and focused on specific strategic projects.
9.13	In the event that Cheshire East Council use this method to secure funds that sit outside of the CIL regulations, they will make the applicant aware at an early stage of the application process that they intend to request said contributions and publish full details of fully justified reasons as to the need for the contribution.	Gladman Developments	Text has been included in the document to clarify that this will be raised early in the process.
Education	Where the Council is to produce housing impact assessments, there should also be a mechanism for: applicants to assess and if necessary challenge the evidence/conclusions therein; and, for arbitration where necessary.	Asteer Planning on behalf of Barratt, David Wilson Homes, Jones Homes and Orbit Investments	It is the applicants responsibility to submit sufficient and proportionate information to in order for the Council to determine the application. If an applicant disagrees with the council assessment they may present an alternative case. The council will work proactively and pragmatically to reach agreement with applicants on key issues but where this is not possible, and an application is refused, the appeals processes is design to resolve such disputes.
	Clarify terms related to the education section	multiple	Multiple terms have been included on the Glossary section
	We consider the SPD should also make it clear that, where justified, alternative ratios could be applied where there is clear local evidence that the existing and anticipated demographic for the development would result in lower impacts.	Pegasus Planning Group	The SPD sets out the preferred approach. It is the applicants role to justify why an alternative approach is suitable.
Affordable Housing	We would also request that the Council include reference within the SPD that schemes for 100% affordable housing would also be considered as being exempt from being required to make developer contributions. With this in mind, we would request that the SPD includes a specific reference at the appropriate section of the document that the Council will review planning applications for 100% affordable housing carefully at development management stage, noting that it	Hourigan Planning	There is no policy basis to take this blanket approach. An assessment of site circumstances and viability can be undertaken to determine whether it is appropriate to reduce or remove an affordable housing requirement.

	will be unlikely that developer contributions will be secured on such schemes without adversely affecting the viability of the development.		
Health Infrastructure p	Assumptions should not be made on standard occupancy assumptions.	The Planning Bureau on behalf of McCarthy and Stone	Where evidence is available that alternative occupancy should be considered, applicants may submit such information for consideration. In such circumstances the applicant will need to evidence why an alternative approach is appropriate.
	Mitigation measures sought should be of a scale to ensure the development does not result in undue impacts and will be of a scale proportionate to the development. Indeed, it is not the developer's responsibility to address existing needs of the community.	Pegasus Planning Group / Asteer Planning	The SPD does not seek to imply that contributions should be sought to address existing shortfalls and has been updated to clarify that contributions are intended only for mitigation of the impact of new development.
	Local needs, rather than national needs should be considered. Whilst there may well be a national shortage the needs of the local area should be given greater weight than the overall need.	Residents of Wilmslow	Recognising that some needs are met over larger geographies, both factors are taken into account.
Planning Policy Framework	Updates required to reflect adoption of SADPD		The SADPD has now been adopted and this SPD now reflects that position.
	Carbon Neutrality should be addressed	Prestbury Parish Council	Whilst the current national planning policy framework does not allow planning policies to seek carbon neutrality, adopted policies in Cheshire East seek to address the impact of development in terms of climate change. Climate Change policies have now been included in this version of the SPD.
	The SPD does introduce new requirements over and above what has been tested and examined through the adopted and emerging Development Plan Documents and Community Infrastructure Levy rates for the area. As such, the SPD proposes additional obligations that have not been thoroughly tested or examined in order to	Pegasus Planning Group Ltd	Viability matters are addressed in the SPD at section. The SPD does not introduce new areas of cost, rather provides further detail on how adopted policy will be applied, including the recognition that where viability issues arise, it

	test the deliverability and viability of these sites.		may not be possible to meet all policy requirements.
Indoor and Outdoor Sports Facilities	The Parish Council objects to the continuation of policies to place future responsibilities and liabilities for green spaces and play areas on residents. These should be managed by CEC with appropriate S106 contributions. Public Rights of Way upgrades and new provisions should be subject to prior discussion with Town and Parish Councils.	Holmes Chapel Parish Council	The document does not address responsibilities for maintenance and management of facilities but focuses on how policies of the local plan will be applied.
	The basis of the figures needs to be justified	multiple	Further explanation has been provided in the document
	If the figures are correct for family homes, the consortia consider 105 sq m per family home is a considerable amount of open space and there should be an allowance for sustainable drainage areas and BNG area to fall within these areas and not be seen to be in addition to. Moreover, there should be scope to overlap some of the above requirements across the typologies rather than these being rigidly adhered to. It should therefore be made clear that where development proposals provide more than the required open space provision set out in the SPD in one or more areas, this could be used to off-set the need to provide alternative forms of open space (or other recreation facilities and contributions such as indoor sport contributions) in order to recognise developments that deliver significant green infrastructure over and above these requirements.	Pegasus Planning Group	Detailed matters of stacking and multiple use are to be resolved through the design of the scheme, related to viability and can be negotiated with the Planning Authority during pre-application stages.
	We strongly support this objective and we would expect communities to be heavily involved and their views on what is necessary to be taken into account when drawing up agreements for s106 expenditure on such facilities.	Ken Edwards, Bollington Town Council	The S106 process is an agreement between the developer and Local Planning Authority with no scope for community involvement. Communities may establish local plans or neighbourhood plans that identify community facilities that would benefit from investment. Such plan scan be

			helpful in determining how to mitigate development impacts in a local area.
	<p>In relation to paragraph 12.18 of the SPD, Sport England have the following queries:</p> <ul style="list-style-type: none"> • How has the standards have been derived? • Which sports would benefit from the standards, e.g. 40sqm for a football pitch? • What is considered to be a family home? • When would the Council use standards and when would the Council use the Sport England Sports Pitch calculator to determine sports provision? • Particularly for mixed use developments, how can the Council be sure that the proposed commercial development does not 'double count' with the proposed residential for the additional demand generated for sport provision? • How will the standards establish a sustainable sporting facility? <p>For example, an 'hub site' with 5 sports pitches with ancillary facilities is preferred to an individual pitch developed for 5 development sites.</p>	Sport England	Further explanation has now been included in the document
	Reference to providing either a commuted sum or an open space area of 20sq m for Residential homes / supported living /sheltered housing schemes should be deleted from the table at 12.18 as this is not justified. The table should confirm that open space for Residential homes / supported living /sheltered housing schemes will be negotiated on a case by case basis.	The Planning Bureau	Where applicants demonstrate a viability issue, policy contributions can be negotiated.
Affordable Housing	As the Housing SPD is up to date and in order to prevent repetition and ensure that this section and calculations are not scrutinised again this section should purely refer to the housing SPD rather than detailing out the methodology and para 13.4 to 13.22 should be deleted.	The Planning Bureau	Most of the Affordable Housing section, except for AH calculations, has now been removed and now refers to the separate AH SPD.
	Affordable housing should dnot be subject to negotiation due to viabaility	Emmerson	This matter is outside the scope of the SPD
	There should be an ambition to increase AH provision above 30%	Emmerson	This matter is outside the scope of the SPD

	We would prefer in developments where types of housing are already mixed in tenures affordable housing was pepper potted throughout the development and standards should be maintained. Indeed we would like to see detailed standards for affordable housing clearly established and stated by the Cheshire East Planning Authorities.	Ken Edwards, Bollington Town Council	This is the preference expressed by local plan policy however, the exact matter is outside of the scope of this SPD.
Cheshire Constabulary	The draft SPD sets out that contributions will be sought towards staff set up, vehicles and premises. The Council should ensure that any planning obligations towards these items are in accordance with CIL Regulations – that is, the three tests – and that there are no other funding streams available so that developments are not subject to an unnecessary burdensome scale of obligations.	The Planning Bureau	This section has been reviewed and updated to clarify when contributions to constabulary may be required and for what purpose. The section has been significantly edited to recognise that only in limit circumstances, primarily as part of the largest strategic level sites, will it be appropriate to seek contributions toward policing
	There is no specific policy in either the LPS or the SADPD that refers to policing and there does not appear to be any specific policy basis for the contributions set out in Section 14 of the draft SPD. The ‘required contributions’ paragraphs (14.7 – 14.29) of the draft SPD relate to staff set up, vehicles and premises. Not all of these costs, and specifically costs for staff set-up and vehicles relate to infrastructure in the context of Policies IN 1 and IN2 of the LPS and should not therefore be included in the SPD.	Asteer Planning	As above
	Contributions towards Cheshire Constabulary (and indeed the Fire Service if that is the intention) are not supported by any specific policy in the LPS and/or SADPD. As such, they should not be included in the SPD. Notwithstanding this, Section 13 of the draft SPD is poorly drafted and it is therefore not possible to fully understand and comment on: <ul style="list-style-type: none"> • What the Council’s proposed methodology for calculating requested contributions from developments is; • Where the information on which calculations will be based is/will be sourced from or evidenced; • How such contributions will be necessary and directly related to developments (in order to pass the tests at Regulation 122 of the CIL Regulations). 	Asteer Planning	As above

Other Matters	The Local Lead Flood Authority (LLFA) should provide an assessment of the potential impacts on the drainage network and the above paragraph should be amended as according.	Asteer Planning	Such matters are to be addressed during pre-application or through the consideration of a planning application and are outside the scope of this SPD.
	Reconsider para 15.2 as to which areas can and can't be addressed through condition rather than S106 as many of the requirements identified in the paragraph are easily implemented via condition.	The Planning Bureau	
	The Trust welcomes the overall principle of adopting an updated SPD on Developer Contributions. We would seek to highlight the diverse roles our waterways can play and ensure that appropriate contributions can be sought to mitigate the direct impact of development on our waterways and maximise the opportunities they present to delivering the Council's objectives and benefits to the wider community.	Canal and Rivers Trust	The Local Plan and SADPD include a variety of policies relevant to canals and waterways. The request is outside the scope of the SPD
	In line with PPG (ID: 23b-034-20190901), greater clarity and transparency is required, for both developers and communities, on future spending priorities and, to ensure that there is no over provision, the extent to which the Council intends to fund the infrastructure type or projects by planning obligations, CIL and/or other funding streams. In respect of the latter, the draft SPD should also set out that the Council will seek to identify all other sources of funding available to deliver infrastructure required as part of its overall approach, for example, Government funding streams.	Barton Willmore LLP	The local Plan does not establish a hierarchy of spending priorities and therefore an SPD cannot elaborate further on such priorities. Other spending priorities related to infrastructure are established through the Council's Medium Term Financial Strategy.
	There needs to be a clear if brief description of the pre-application process including, of course, the position of Local councils in that process and the expectation for them to be consulted.	multiple	Pre-application discussions are not the focus of this SPD. Pre-application is undertaken between the Local Planning Authority and developer, third parties are only consulted if requested by the developer (who pays for the pre-application advice).

Summary of Representations by CP for Draft DC SPD

First Draft Developer Contributions SPD

Consultee First Name	Alan
Consultee Surname	Murdoch
Consultation Point	First Draft Developer Contributions SPD
Comment ID	DC SPD-14
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	Contribution should be made on a proportionate basis towards improving health and education infrastructure for the increased demand generated by the development
Consultee First Name	Diane
Consultee Surname	Clarke
Consultee Organisation	Network Rail
Consultation Point	First Draft Developer Contributions SPD
Comment ID	DC SPD-20
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>Network Rail is a statutory consultee for any planning applications within 10 metres of relevant railway land (as the Rail Infrastructure Managers for the railway, set out in Article 16 of the Development Management Procedure Order) and for any development likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway (as the Rail Network Operators, set out in Schedule 4 (J) of the Development Management Procedure Order).</p> <p>Network Rail is also a statutory undertaker responsible for maintaining and operating the railway infrastructure and associated estate. It owns, operates and develops the main rail network. Network Rail aims to protect and enhance the railway infrastructure, therefore any proposed development which is in close proximity to the railway line or could potentially affect Network Rail's specific land interests will need to be carefully considered.</p> <p>Network Rail has the following comments to make.</p> <p>The council should consider the inclusion of developer contributions being used for enhancements at railway stations as a result of increased footfall from both residential and business developments in addition to any highways or green infrastructure works. Enhancements at stations could include (but not limited too) CCTV, Customer Information Systems, HelpPoints, heated waiting shelters, cycle storage, car parking.</p> <p>Any uplift in residential development should take cognisance of existing station capacity and an allocation of CIL should be made to improve facilities at the relevant local station. Network Rail would welcome the opportunity</p>

	to discuss opportunities for enhancements to rail facilities and we encourage early engagement in the development process in order to ensure that any necessary enhancements are suitably incorporated into development proposals.
Consultee First Name	Kate
Consultee Surname	McDowell
Consultee Organisation	Poynton Town Council
Consultation Point	First Draft Developer Contributions SPD
Comment ID	DC SPD-21
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>Please find below Poynton Town Council's response to the Consultation on developer contributions: Draft Supplementary Planning Document (SPD)</p> <ol style="list-style-type: none"> 1. There is some lack of clarity in the SPD over the roles of town and parish councils and borough councillors in negotiating section 106 agreements. It is suggested it may be good practice to involve town and parish councils and also possibly the local community and access groups along with borough councillors at an early stage of discussions over infrastructure provision and prior to drawing up section 106 agreements. This may also be particularly useful in circumstances where these groups may have detailed knowledge of local infrastructure needs and costs. 2. It may be appropriate and/or preferable for town and parish councils to have prepared a separate internal section 106 protocol agreement with the local planning authority. Such a protocol document could then provide clarity for town and parish councillors on their roles and responsibilities; it might also include detailed information on the procedure for the signing of section 106 agreements. There is an advantage of having a standalone document in that there may be scope for procedural information to be quickly updated as and when required. 3. The organisation "Fields in Trust" is working with some local planning authorities (including Liverpool City) in order to protect city parks and green spaces for the good. Their support may be available to support such a vision and also ensure local parks do not become a memory. 4. There appear to be no references to carbon reduction measures to help address the global climate emergency within the draft SPD document. 5. In terms of healthcare needs, developer contributions may be set out as monetary contributions and as an appendix to the SPD. 6. An explicit reference to securing section 106 contributions towards affordable extra care and specialist housing for vulnerable groups may be possible (such as the elderly with care needs and those with physical and learning disabilities or complete autism). 7. It may be helpful to include information within the SPD (possible as an appendix) which sets out how developer contributions towards affordable housing (including off site provision) may be calculated.

	8. Suggestions for other infrastructure items could be referred to within the SPD. These might include retention and maintenance of hedgerows and mature trees, mobile air quality stations, household waste recycling centres and controls and security infrastructure, water, sewage, electricity and gas.
Consultee First Name	Robert James
Consultee Surname	McCluskey
Consultation Point	First Draft Developer Contributions SPD
Comment ID	DC SPD-23
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	<p>Infrastructure Facilities</p> <p>Monies/funds need to go urgently to support G.P and clinic units long promised and not yet delivered.</p> <p>To include diagnostics - eyes and dentistry. Physiotherapy</p> <p>Parks and Play</p> <p>Urgently need provision of further infant and junior play and skateboard/BMX for young adults - not on agenda.</p> <p>Roads/pedestrian</p> <p>Provision for pedestrian town centre mobility for all ages and level of mobility. Still not delivered. Urgent need to increase public transport/ bus provision.</p>
Consultee First Name	Adam
Consultee Surname	Keppel-Green
Consultee Organisation	Knutsford Town Council
Consultation Point	First Draft Developer Contributions SPD
Comment ID	DC SPD-50
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	<p>Knutsford Town Council supports the production of the SPD to provide clarity in planning contributions.</p> <p>Cheshire East Council has previously stated its commitment to working with Town and Parish Councils and the Town Council requests reference to this is included within the document to state that where appropriate Cheshire East Council will consult with the town/parish council for the area in advance of the relevant planning committee meeting such that the s106 proposals put to the committee have had local input to ensure they meet local need.</p> <p>In addition, the Town Council requests that the SPD requires Cheshire East Highways to consult with Town and Parish Councils in advance of submitting a scheme for funding through s106 to ensure communities can input early in the process of designing strategic network upgrades in their areas.</p>
Consultee First Name	Nicola

Consultee Surname	Clarke
Consultee Organisation	Alsager Town Council
Consultation Point	First Draft Developer Contributions SPD
Comment ID	DC SPD-45
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	Maximum contributions from developers should be sought and that contributions are spent locally and not used to fund any projects outside Alsager.
Consultee First Name	Jacob
Consultee Surname	Desmond
Consultee Organisation	Natural England
Consultation Point	First Draft Developer Contributions SPD
Comment ID	DC SPD-51
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>Thank you for your consultation on the above, received by Natural England on 26 September 2022.</p> <p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Our remit includes protected sites and landscapes, biodiversity, geodiversity, soils, protected species, landscape character, green infrastructure and access to and enjoyment of nature.</p> <p>Whilst we welcome this opportunity to give our views, the topic of the Supplementary Planning Document does not appear to relate to our interests to any significant extent. We therefore do not wish to comment.</p> <p>Should the plan be amended in a way which significantly affects its impact on the natural environment, then, please consult Natural England again.</p>
Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Consultation Point	First Draft Developer Contributions SPD
Comment ID	DC SPD-122
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	Bollington Town Council welcomes the Draft Developer Contributions SDP and the opportunity to comment on it in detail.

	<p>In general, we support the SDP strongly but we would like to see specific references to local participation in the planning decision process at particular points in that process as indicated in our detailed comments.</p> <p>We believe it is good practice as Statutory Consultees in the management of Development Control to ensure local Councils have a strong voice in the decisions taken over major developments in our communities and in particular specific decisions over developers contributions to community infrastructure. through Planning Obligations and s106 and s278 agreements.. In the SADPD about to be adopted the smaller communities and Local Service Centres figure prominently. Many communities now have made Neighbourhood Plans and we are pleased to see reference made to those Plans in this SPD. The significance of the voice of local communities now needs to be formally recognised in this SDP.</p>
Consultee First Name	Diane
Consultee Surname	Clarke
Consultee Organisation	Network Rail
Consultation Point	First Draft Developer Contributions SPD
Comment ID	DC SPD-160
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>Network Rail is a statutory consultee for any planning applications within 10 metres of relevant railway land (as the Rail Infrastructure Managers for the railway, set out in Article 16 of the Development Management Procedure Order) and for any development likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway (as the Rail Network Operators, set out in Schedule 4 (J) of the Development Management Procedure Order).</p> <p>Network Rail is also a statutory undertaker responsible for maintaining and operating the railway infrastructure and associated estate. It owns, operates and develops the main rail network. Network Rail aims to protect and enhance the railway infrastructure, therefore any proposed development which is in close proximity to the railway line or could potentially affect Network Rail's specific land interests will need to be carefully considered.</p> <p>Network Rail would comment that any uplift in residential development in the Cheshire East Council area should take cognisance of existing railway station(s) capacity and an allocation of CIL / S106 should be made to improve facilities at the relevant local station(s).</p>
Consultee Organisation	Homes England
Consultation Point	First Draft Developer Contributions SPD
Comment ID	DC SPD-179
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	As a prescribed body, we would firstly like to thank you for the opportunity to comment on the above consultation.

	<p>Homes England is the government's housing accelerator. We have the appetite, influence, expertise, and resources to drive positive market change. By releasing more land to developers who want to make a difference, we're making possible the new homes England needs, helping to improve neighbourhoods and grow communities.</p> <p>Homes England does not wish to make any representations on the above consultation. We will however continue to engage with you as appropriate.</p>
Consultee Organisation	Sport England
Consultation Point	First Draft Developer Contributions SPD
Comment ID	DC SPD-211
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>Sport England has an established role within the planning system which includes providing advice and guidance on all relevant areas of national and local policy as well as supporting Local Authorities in developing their evidence base for sport. Sport England aims to ensure positive planning for sport by enabling the right facilities to be provided in the right places based on robust and up-to-date assessments of need for all levels of sport and for all sectors of the community. To achieve this aim our planning objectives are to PROTECT sports facilities from loss as a result of redevelopment, ENHANCE existing facilities through improving their quality, accessibility and management and to PROVIDE new facilities that are fit for purpose and meet demands for participation now and in the future. You will also be aware that Sport England is a statutory consultee on planning applications affecting playing fields. Further detail on Sport England's role and objectives within the planning system can be found via the following link: https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport?section=planning_for_sport_guidance</p> <p>Sport England support the positive approach to trying to meet the demand generated from developments for sport and recreation provision taking account of the findings of the relevant evidence based produced to inform the Adopted Local Plan in line with NPPF paragraph 98.</p> <p>It is important for the long-term viability and sustainability of community sporting infrastructure that sufficient resources are provided for long-term management, maintenance and for a sink fund so that communities have continued access to facilities that provides them the opportunities to be, and remain, physically active. A robust evidence base/audit for sporting and recreation provision is a requirement highlighted in paragraph 98 of the NPPF. It is important that the Council's evidence base is kept up to date, i.e. the Playing Pitch (and Outdoor Space) Strategy and the Building Facilities Strategy are kept up to date in order to identify the current supply and demand issues for sport and recreation facilities in the Cheshire East Council area based on quality, quantity and accessibility. This will enable the Council to provide practical proposals for securing investment into sport and develop a means of calculating developer contributions to fund schemes to meet local needs.</p> <p>Sport England request that 'Indoor and Outdoor Sports Facilities' has its own section within the SPD, separate from 'Public Open Space, Play Space and Green Infrastructure.' The reason being is that Sport England do not consider the use of standards for outdoor sport or any sports facility is appropriate as proposed in paragraph 12.18. Local standards are not appropriate for sports because they do not and cannot take into account sports catchment areas or the variable units of demand for individual pitch/court types. For example, the unit of demand for a court/pitch ranges from two people if a tennis court to 30 people if a full sized adult rugby pitch. In addition</p>

the catchment area for sports ranges from Ward level if a junior football pitch to Borough wide if rugby or hockey. This means the accessibility standards cannot accurately reflect where the demand for outdoor sport is derived from. It is understood that this is likely the reason as to why the policies in the Local Plan were not combined and are separate for indoor and outdoor sport provision, open space and green infrastructure.

Quantitative standards are not appropriate because although it is widely acknowledged housing growth generates additional demand for sport not everyone from that housing site will want to participate in sport. In reality the application of standards has led to single pitch sites being constructed within housing developments that are unsupported by ancillary facilities and are not located in areas of demand. These pitches do not contribute to the supply of pitches and all too often become informal kick about areas or semi natural open space. The use of generic standards such as this for securing provision in new development would not fully satisfy the CIL Regulation 122 tests. Sport England has prepared an advice note on this matter, which is attached for your convenience.

Other comments:

- It should be noted that Sport England do not object the use of standards for other open space typologies.
- Paragraph 12.14 should include the requirement for a Sports Needs Assessment for indoor as well as outdoor sports pitches.
- Although, reference to the Sport England Guidance Assessing Needs and Opportunities Guide for Indoor and Outdoor Sports Facilities July 2014 is welcomed, access to the weblink should be provided for convenience: https://www.sportengland.org/guidance-and-support/facilities-and-planning/planning-sport?section=assessing_needs_and_playing_pitch_strategy_guidance
- It is unclear as what the Council would request if the Sports Need Assessment provides findings that require 'x' amount of sports pitches and courts but the standards outlined in paragraph 12.18 only requires 'y' amount of pitches and courts?
- It is considered that more emphasis needs to be given within the SPD as to how the Local Plan already has some site allocation policies with specific requirements for the delivery of on-site sports pitches and ancillary facilities, as well as other sporting facilities.
- At present Sport England's cost figures are 2022 Q3
https://www.sportengland.org/guidance-and-support/facilities-and-planning/planning-sport?section=assessing_needs_and_playing_pitch_strategy_guidance
- Sport England would advise a step prior to on site provision would be to assess whether the demand generated from the development could be accommodated within existing sites within the catchment area of the site. Should the existing playing field site have capacity to accommodate the additional demand through pitch and ancillary improvements then an off site contribution might be appropriate.

Sport England welcomes that obligations would be sought to improve aspects of the public realm, parks, open space and active travel. Sport England considers that the design of where communities live and work is key to keeping people active and placemaking should create environments that make the active choice the easy choice. Sport England along with Public Health England have launched, Active Design, which intends to inform the urban design of places, neighbourhoods, buildings, streets and active open spaces to promote sport and active lifestyles. The guide sets out ten principles to consider when designing places that would contribute to creating well designed healthy communities which has considerable synergy with some of the improvements for which

	obligations would be sought. More information on Active Design, including the guidance, can be found via the following link: http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/active-design/
Include files	CIL and Planning Obligations Advice Note [Nov 2018].pdf
Consultee Organisation	The Coal Authority
Consultation Point	First Draft Developer Contributions SPD
Comment ID	DC SPD-159
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>Thank you for your notification received on the 29th September 2022 in respect of the above consultation.</p> <p>The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.</p> <p>Our records indicate that within the Cheshire East area there are recorded coal mining features present at surface and shallow depth including; mine entries, shallow coal workings, surface coal mining and reported surface hazards. These recorded features may pose a potential risk to surface stability and public safety.</p> <p>The Coal Authority's records also indicate that surface coal resource is present in the area, although this should not be taken to imply that mineral extraction would be economically viable, technically feasible or environmentally acceptable. As you will be aware those authorities with responsibility for minerals planning and safeguarding will have identified where they consider minerals of national importance are present in your area and related policy considerations. As part of the planning process consideration should be given to such advice in respect of the indicated surface coal resource.</p> <p>It is noted that this current consultation relates to a Draft Supplementary Planning Document for Developer Contributions. I can confirm that the Planning team at the Coal Authority have no specific comments to make on this consultation document.</p>
Consultee First Name	Kieran
Consultee Surname	Mullan MP
Consultation Point	First Draft Developer Contributions SPD
Comment ID	DC SPD-171
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>Thank you for notifying me of the consultation concerning the Draft Developer Contributions Supplementary Planning Document.</p> <p>When constituents complain to me about the emergence of new housing developments their concerns usually centre on the pressure that healthcare providers such as doctors' surgeries, dentists, and hospitals already face without the addition of a significant number of new residents. Many residents already express disappointment</p>

over the time taken to access appointments or the inability to find NHS dentists. Following this their concern then turns towards pressure on school places, loss of green open space, and the capacity of our already busy highway system.

having read the draft policy, I am pleased to see that the Council consulted with local NHS partners and the ICB in development of this policy – discussing with them the planned level of growth and proposed housing allocations, so they could better understand the likely impact on their service delivery. I have been working with local healthcare providers, both primary and secondary, to ensure that they interact more with the planning process to enable them to secure funds from upcoming developments S106 agreements. Having spoken with the service providers, their concerns are not only about physical infrastructure like buildings, but also in terms of staffing to be able to support the building. I note that the police have interacted with you about recruitment start-up costs such as the need for additional cars, workstations, radios and body cameras - has similar been addressed with our health providers?

However, when these rules are formally put in place there needs to be commitment from the Council to ensure they are adhered to prevent the developer reneging on the commitment – as the developers of Hazelmere, in Haslington recently attempted.

I also note that the policy covers care and maintenance of green open community spaces and outlines how long a developer's contribution lasts. Again, if this is now formally instituted as a policy are the procedures in place to ensure enforcement action is taken swiftly, to avoid long ranging debates as have occurred with (Wychwood Village).

Similarly, the policy also covers flood mitigation. The Council are aware of the concerns that I have regarding the validity and reliability of some of the modelling used to judge what mitigation developers should put in place, to reduce the impact on the wider drainage system, but I understand that this is being reviewed in line with a report conducted as a result of an LGO decision.

Consultee First Name	Barratt Homes (North West), David W
Agent First Name	Paul
Agent Surname	Nellist
Agent Organisation	Asteer Planning LLP
Consultation Point	First Draft Developer Contributions SPD
Comment ID	DC SPD-231
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>These representations have been prepared by Asteer Planning to CEC's consultation on the draft Developer Contributions SPD on behalf of the consortium comprising Barratt Homes (North West), David Wilson Homes (North West), Jones Homes, and Orbit Investments (Properties) Limited.</p> <p>Whilst the consortium is generally supportive of the preparation of an SPD and the objective to clarify the policy requirements found in the Cheshire East Local Plan Strategy and Strategic Allocations DPDs, these representations raise a large number of concerns that the consortium has on specific parts of the draft SPD.</p>

The consortiums primary concerns are that:

- Many parts of the SPD completely lack detail on the Council's proposed approach/methodology for calculating required contributions; and/or,
- In many instances, even where a methodology is proposed, the drafting/presentation within the draft SPD is unclear and/or the information/evidence/data sources that have or will be used are not clearly set out; and,
- As a result of the above, and the fact that it is not clear in many instances where CIL monies will be spent, it is not possible for applicants to work out whether requested contributions will meet the tests of Regulation 122 of the CIL Regulations; and,
- As a result of the above, it is not possible for the Consortium and other potential applicants to fully understand, and therefore fully comment on, what the Council's proposed approach to many contributions is, and whether it is appropriate;
- In its current form, the SPD does not achieve its purposes as set out in Paragraphs 1.1-1.6 of its 'Introduction' Section.

The Consortium considers it essential that the SPD is fully updated and then reconsulted on for an appropriate period of time.

The consortium respectfully requests that these representations are considered fully and wishes to be kept informed of any further progress on the SPD and any other related documents.

Consultee First Name	John
Consultee Surname	Coxon
Consultee Organisation	Emery Planning Partnership
Consultation Point	First Draft Developer Contributions SPD
Comment ID	DC SPD-246
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	The total impact of the contributions on a typical development would appear to be significantly in excess of the figures relied upon in the Viability Assessment Update. The viability assessment should be re-run to include for the latest contributions sought through this SPD, in the context of other economic conditions.
Consultee First Name	Valerie
Consultee Surname	Herbert
Consultee Organisation	Prestbury Parish Council
Consultation Point	First Draft Developer Contributions SPD
Comment ID	DC SPD-218
Q3 - What is your overall view on this section?	Comment only

Q4 - Your comments on this section:	<p>We are pleased to note that this SPD covers heritage, public rights of way and flood risk.</p> <p>It is apparent that some parts of this document were written some time ago and have not been updated since and other parts have either been updated or only written recently. We have pointed out where we think updating is necessary and some instances where we think there is room for elaboration/ improvement. We trust you will find these comments useful.</p>
Consultee First Name	Rebecca
Consultee Surname	Wyllie
Consultee Organisation	Canal & River Trust
Consultation Point	First Draft Developer Contributions SPD
Comment ID	DC SPD-232
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>The Trust welcome a Developer Contribution SPD that will enable contributions to be sought to support access to and maintenance of the quality of our inland waterways, and protect and enhance our green infrastructure, ecological networks and sustainable travel routes, when impacted by development, to contribute to the health and well-being of communities through benefits such as biodiversity, conservation, and recreation opportunities.</p> <p>We would like to be kept informed of the progress of this document and be included on future consultations for this SPD as the document evolves.</p>
Consultee First Name	Tatton Estate, Bloor, Taylor Wimpey
Agent First Name	Joe
Agent Surname	Davis
Agent Organisation	Pegasus Planning Group Ltd
Consultation Point	First Draft Developer Contributions SPD
Comment ID	DC SPD-258
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>These representations are submitted to the Draft Developer Contributions Supplementary Planning Document ("SPD") for Cheshire East Council. The consultation period is ongoing, running from 26th September 2022 to 7th November 2022.</p> <p>The SPD provides information regarding the provision of and contributions towards a range of infrastructure, facilities and services for the Borough, setting out where infrastructure and financial contributions will be sought through planning obligations.</p>

The representations are submitted on behalf of the Tatton Estate, Bloor Homes and Taylor Wimpey (the Consortia). The Consortia have various interests across the Borough ranging from existing allocations within the Local Plan Strategy, sites that are currently being developed and future, longer term development opportunities.

The Consortia accept the need to provide a reasonable contribution to the provision of new services and infrastructure as part of developments. The primary concern of the Consortia is the potential for double counting of contributions within the SPD and Cheshire East Council's adopted CIL Levy. Such a scenario would place additional burdens/costs on the development over and above what is required by CIL charges and the SPD requirements. The Council should ensure annual monitoring/tracking is undertaken of SPD and CIL contributions, with reference made to this monitoring within the SPD here.

Also included with this submission is recently published evidence by the Home Builders Federation which identifies significant additional costs and estimated cumulative impact on house builders which are coming forward in the next few years. This is discussed in section 2 of this report.

Particular focus is provided on the following sections of the draft SPD:

- Planning Policy Framework and Procedures for this SPD
- Ecology
- Highways and Transport
- Recovery of Infrastructure Costs
- Education
- Sports Facilities, Public Open Space, Play Space and Green Infrastructure
- Cheshire Constabulary

These representations are submitted to the Draft Developer Contributions SPD, setting out a range of comments and concerns in relation to the document.

The Consortia accept the need to provide a reasonable contribution to the provision of new services and infrastructure as part of developments. The primary concern of the Consortia is the potential for double counting of contributions within the SPD and Cheshire East Council's adopted CIL Levy. Such a scenario would place additional burdens/costs on the development over and above what is required by CIL charges and the SPD requirements. The Council should ensure annual monitoring/tracking is undertaken of SPD and CIL contributions, with reference made to this monitoring within the SPD here.

Section 2 of these representations provide important evidence from the House Building Federation of the dozen changes to the regulatory and tax environment for house builders totalling just under £4.5bn per year. These significant additional costs are an important consideration in the context of the draft SPD, demonstrating a rising financial burden for developers on top of the financial contributions requested by the Council. The level of contributions requested by the Council within the draft SPD should therefore be given careful consideration given the rising financial burden placed on developers and the knock-on impacts this may have on the delivery of homes within the Borough.

Section 3 of these representations demonstrate the adopted LPS does not accord with the most up to date viability guidance set out within the NPPF and NPPG. The guidance is clear in that planning obligations should

be set out in plans and examined in public, with it not being appropriate to set new formulaic approaches to planning obligations in supplementary planning documents. A full review of the LPS should therefore be undertaken with the inclusion of an up-to-date viability assessment to ensure planning obligations are fully assessed.

In summary of the different subsections of the SPD, our main concerns/comments on these matters are as follows:

- Ecology – consideration is needed to the level of contributions required to ensure significant additional costs are not placed on developers which does not reflect the Council's existing viability/planning policy. We suggest this is addressed through Local Plan review which represents the most appropriate measure to state the contributions required.
- Highways - it would appear that the SPD introduces other strategic highway schemes that were not fully considered as part of the LPS and CIL process and whilst there is not an explicit suggestion that development will have to contribute to all of these schemes, it does raise confusion and imply that a greater burden could be placed on developers to fund strategic infrastructure within the Borough not currently captured by CIL. A review of the CIL 123 List should be undertaken to provide clarity on these matters.
- Infrastructure Costs - funds are available within the CIL Funding Statement which could make a contribution to the infrastructure. This should be prioritised by the Council and reflected in the SPD to reduce reliance upon developer contributions going forward.
- Education - early years education and further education contribution figures required to provide total contributions. Where justified, alternative ratios could also be applied where there is clear local evidence that the existing and anticipated demographic for the development would result in lower impacts.
- Health Facilities – greater clarification is required in relation to the source figures associated with the requested per dwelling contribution and the amount needs to take account of the fact that not every new dwelling developed will result in additional population being added to the Borough (e.g. new homes occupied by residents that already live in Cheshire East in concealed households).
- Sports Facilities, Public Open Space, Play Space and Green Infrastructure – greater clarity is required in terms of the amount of open space being sought by each type of development. Where local CIL funds have been made available to town councils, this should also be regarded as a contribution as these will contribute to areas of existing open space in some instances to avoid double counting. Clarification should also be provided on open space typologies and requirements, including overlap between different types and uses of open space.
- Cheshire Constabulary - policing is matter which should be dealt with at central government level, with it not being appropriate to request contributions at a local level from residential developers to fund policing. Capacity issues were not identified by the Constabulary at the time of preparing the Council's CIL rates and therefore this was not added as an anticipated developer infrastructure cost at the time. Should that position have not altered, the Council must update their CIL Regulation 123 list and/or update their plan before they can claim funding through s106 agreements.

Include files

[R001v7 PL - SPD Representations - Final.pdf](#)

1 Introduction

Consultee First Name	Tina
Consultee Surname	Cartlidge
Consultee Organisation	Holmes Chapel Parish Council
Reference Number	1
Consultation Point	Introduction
Comment ID	DC SPD-25
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>General Comment on the whole of the Document:</p> <p>There is no role for Parish Councils mentioned in the SPD. In fact, the words 'Parish Council' don't appear anywhere in the document, except for one reference in the glossary definition of a Neighbourhood Plan. There has also been no dialogue with Town & Parish Councils with regards to local requirements and priorities in compiling this draft SPD.</p> <p>The SPD recommends that applicants should have pre-application discussions with CEC on likely planning obligations. It also encourages applicants to consult other bodies such as Cheshire Wildlife Trust. Why not Parish Councils? Pre-application discussions with Developers should include wider local participation.</p> <p>Parish Councils are the future representatives of the residents who will eventually live on the proposed developments. Parish Council's should therefore be automatically involved in all procedures and plans concerning S106 monies, on behalf of the residents affected. Parish Councils should be informed and consulted, both during the planning application process and also during the planning and implementation of S106-funded projects.</p> <p>This document is vague and gives no clear information on who from Cheshire East is carrying out these negotiations.</p> <p>Section 6 appears to be missing.</p>
Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	1
Consultation Point	Introduction
Comment ID	DC SPD-176
Consultee First Name	Valerie
Consultee Surname	Herbert

Consultee Organisation	Prestbury Parish Council
Reference Number	1
Consultation Point	Introduction
Comment ID	DC SPD-213
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>The introduction would benefit from a few words to the effect that the SPD's key aims are to improve the public realm, protect important buildings and open spaces, secure sufficient affordable housing and ensure adequate services and infrastructure are provided in the most sustainable way.</p> <p>Para. 1.2, page 1. In view of the fact that Cheshire East Council (CEC) is due to adopt the final version of the Site Allocations and Development Policies Document (SADPD) on December 14th, 2022, it does not seem relevant to reference the 'saved' policies from the previous Local Plans, because there will not be any after that date and this SPD will not be adopted prior to that. Also, the same comment applies to paragraph 1.8 on page 2 because no Supplementary Planning Guidance attached to the District Local Plans is being taken forward with the adoption of the SADPD.</p> <p>Para. 1.9, page 2. This paragraph confirms that the Draft Developer Contributions SPD will not be adopted until after the SAD PD has been sanctioned (see our statement in relation to para. 1.2), but it wrongly says that the SADPD will be adopted in autumn 2022. This statement clearly needs to be updated in the light of the announcement on CEC's own Local Plan website confirming that adoption will take place at a meeting of the full CEC council on December 14th•</p>

Legal Fees

Consultee First Name	Ian
Consultee Surname	Kershaw
Consultation Point	Legal Fees
Comment ID	DC SPD-56
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	Just a query. Should it read reasonable legal fees? Can the fee ever be challenged, and would there be a service agreement with regard to timescales?

5.24 Paragraph

Consultee First Name	Alan
Consultee Surname	Murdoch
Reference Number	5.24
Consultation Point	Paragraph
Comment ID	DC SPD-10
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	In my experience monitoring of performance of S106 obligations is completely inadequate- council staff need to be focused on timely implementation of work specified and on the provision of community benefits to be provided by cash sums - there are many work obligations not undertaken and many cash contributions unspent
Consultee First Name	Tina
Consultee Surname	Cartlidge
Consultee Organisation	Holmes Chapel Parish Council
Reference Number	5.24
Consultation Point	Paragraph
Comment ID	DC SPD-43
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>For paras 5.24 - 5.26</p> <p>These refer to Monitoring and Enforcement, but there is nothing here about providing Parish Councils or indeed residents with reports on how and when S106 money is being spent. We have had considerable difficulty in obtaining accurate and up to date reports on S106 expenditure. A single CEC Officer should be responsible for monitoring and collating S106 information from other CEC departments and providing regular reports to Parish Councils, without PCs having to request them. It should be made clear:</p> <ul style="list-style-type: none"> - Who is responsible for monitoring the contributions from developers and how this is spent. - Who ensures/how is it ensured that the contributions are spent in the areas that the development actually occurs, i.e. that the money is spent in Holmes Chapel, not in another area of Cheshire East - What happens to the money if not spent? - What is the timescale for the contributions to be made and for the money to be spent?

6 Contributions and Requirements

Consultee First Name	Richard
Consultee Surname	Hovey
Reference Number	6
Consultation Point	Contributions and Requirements
Comment ID	DC SPD-48
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	This section is lacking any content or narrative to explain what should be here and when it will arrive.
Consultee First Name	Steve
Consultee Surname	Melligan
Consultee Organisation	The Crown Estate
Agent First Name	Stephenie
Agent Surname	Hawkins
Agent Organisation	Barton Willmore LLP
Reference Number	6
Consultation Point	Contributions and Requirements
Comment ID	DC SPD-166
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>Overall, greater clarity is required as to what obligations relate to residential developments and non-residential developments, including but not limited to confirmation that contributions towards Education (Chapter 10), Health Infrastructure (Chapter 11) and Cheshire Constabulary (Chapter 14) are applicable to residential development only.</p> <p>Furthermore, terms such as “large scale” should be defined within the Glossary. It is noted that, in respect of Indoor and Outdoor Sports Facilities, Public Open Space, Play Space and Green Infrastructure the reader is directed at paragraph 12.14, to the Glossary for a definition of “large scale major development” but that no such definition appears to be included in the Glossary.</p> <p>Following on from our comments above in respect of viability, it should be ensured that scope and level of potential contributions being sought cumulatively accord with the policy requirements that have been tested in the adopted LPS, and in due course the SADPD.</p>

7 Ecology

Consultee First Name	Natasha
Consultee Surname	Styles
Consultee Organisation	McCarthy Stone
Agent First Name	Natasha
Agent Surname	Styles
Agent Organisation	The Planning Bureau
Reference Number	7
Consultation Point	Ecology
Comment ID	DC SPD-181
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	<p>Section 7 - Ecology</p> <p>The soon to be approved SADPD will introduce a policy ENV 2 'Ecological Implementation' policy into the development plan. This has been amended through the examination and once adopted requires that sites should 'provide for a net gain in biodiversity in line with the expectations of national policy and be supported by a biodiversity metric calculation'. Therefore, this section should be updated to make it clear that the council will have a policy requiring net gain once this SADPD is approved.</p> <p>Para 7.12 confirms that the Natural England version 3.1 metric (April 2022) should be used to calculate commuted sums and that this clarification is welcomed.</p> <p>Para 7.15 to 7.17 suggests that 'in some instances it may be appropriate to pay an off-site commuted sum and that a fee of £1,200 per biodiversity unit is anticipated to cover the council's, partners and cost of implementing habitat creation and management'. Although this flexibility in delivery method of BNG is welcomed the SPD should make it clear how this has been calculated and that the fee may change as more becomes known about BNG, for example has this used Natural England's BNG metric 3.1 as detailed in 7.12 been used? This should be confirmed to ensure that the SPD is not adding unnecessarily financial burden to development beyond the Natural England metric and would be contrary to Paragraph: 008 Reference ID: 61-008-20190315 of the PPG.</p> <p>Recommendation:</p> <p>It is recommended that if the fee of £1200 has been calculated using Natural England's BNG metric 3.1 this should be clarified and paragraph 7.17 should reference back to paragraph 7.12 to make it clear that the anticipated amount was calculated using this metric. If the metric was not used the method of identifying the fee of £1,200 should be published.</p>

	Para 7.22 identifies that off-site financial contributions, and contributions to habitat maintenance, will be secured via S106 agreements. Para 7.22 should be amended to enable BNG to be secured via a conservation covenant to be in line with the Environment Act.
Consultee First Name	Rachel
Consultee Surname	Giles
Consultee Organisation	Cheshire Wildlife Trust
Reference Number	7
Consultation Point	Ecology
Comment ID	DC SPD-249
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>Paragraph 7.2. We would like to see reference to the forthcoming Local Nature Recovery Network for the Cheshire region.</p> <p>Paragraph 7.3. We would like to see this paragraph reference Biodiversity Net Gain as the overarching objective.</p> <p>Paragraph 7.7. We would like to see reference to the forthcoming Local Nature Recovery Network for the Cheshire region and that measurable BNG should be achieved using the government's BNG metric to calculate losses and gains of biodiversity associated with development.</p> <p>Paragraph 7.9. It would be helpful to include 'assesses the impacts of the proposal and net losses measured using the government's most recent BNG metric' Paragraph 7.11. We would like to see amended wording i.e. 'clearly set out how measurable enhancements to biodiversity will be achieved.'</p> <p>Paragraph 7.12. The metric does not calculate or provide guidance on the sums required and is a tool to calculate the impact of a development in biodiversity units.</p> <p>Paragraph 7.13 The metric calculation does not calculate indirect impacts and these should sit outside the metric and may require additional compensatory measures</p> <p>Paragraph 7.15 Impacts should be measured and offsite compensation should be calculated accordingly.</p> <p>Paragraph 7.19 In addition we suggest that this includes any additional costs incurred by the habitat provider as a result of entering into an agreement.</p> <p>Paragraph 7.20 There is no cost calculation in the Defra metric.</p> <p>Paragraph 7.21 CWT only offers bespoke habitat creation/enhancement and price each scheme individually</p>
Consultee First Name	Jean
Consultee Surname	Hill
Consultee Organisation	Transition Wilmslow
Reference Number	7

Consultation Point	Ecology
Comment ID	DC SPD-247
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	7.6 Add – “Applicants should also refer to relevant sections of Local Neighbourhood Plans” e.g. Wilmslow neighbourhood Plan Policy NE5 Biodiversity Conservation”
Consultee First Name	Steve
Consultee Surname	Melligan
Consultee Organisation	The Crown Estate
Agent First Name	Stephenie
Agent Surname	Hawkins
Agent Organisation	Barton Willmore LLP
Reference Number	7
Consultation Point	Ecology
Comment ID	DC SPD-167
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	The use of the national Natural England/ Defra metric to calculate commuted sums is welcome as it provides some consistency between local planning authorities and a level of certainty for developers and stakeholders. However, detail as to how the proposed fee of £1,200 per biodiversity unit to cover the Council’s costs of developing and implementing habitat and creation management measures using the commuted funds is required. With reference to our overarching comments above, clarity as to what would constitute “Very large large-scale habitat creation schemes” (paragraph 7.21) and thus may require a bespoke commuted sum payment is required.
Consultee First Name	Rebecca
Consultee Surname	Wyllie
Consultee Organisation	Canal & River Trust
Reference Number	7
Consultation Point	Ecology
Comment ID	DC SPD-235
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	The Trust would highlight the opportunities that our canal network can provide to retain and strengthen ecological networks. In accordance with paragraph 174 of the NPPF, the Trust support planning policies and decisions

	<p>that minimise impacts on and provide net gains for biodiversity, and establish coherent ecological networks. Equally, in line with Local Plan Strategy Policy SE 3 'Biodiversity and Geodiversity' and SADPD Policies ENV1 'Ecological Network' and ENV2 'Ecological Implementation', inland waterways can help promote the conservation and enhancement of priority habitats and ecological networks and contribute towards the creation of new or enhancement of existing green infrastructure.</p> <p>The consultation SPD document refers to the Environment Act and how Biodiversity Net Gain will be a statutory obligation from 2023. The Trust recognise the importance of engaging with stakeholders to identify ecological assets and networks and requirements to contribute to and strengthen the network.</p>
Consultee First Name	Tatton Estate, Bloor, Taylor Wimpey
Agent First Name	Joe
Agent Surname	Davis
Agent Organisation	Pegasus Planning Group Ltd
Reference Number	7
Consultation Point	Ecology
Comment ID	DC SPD-251
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>Section 7 of the draft SPD sets out the level of contributions required for ecological mitigation/enhancement where this cannot be achieved on site, including long-term management and monitoring.</p> <p>The introduction of a minimum 10% Biodiversity Net Gain ("BNG") will become a statutory obligation from 2023 onwards, introduced through the Environment Act. In line with this requirement, the draft SPD provides guidance on the required financial contributions for the implementation, including long-term management and maintenance over a 30 year period.</p> <p>As confirmed within the draft SPD, the LPS does not include a specific policy related to BNG. The most relevant policy is SE3 of the Local Plan Strategy relating to biodiversity and geodiversity, with point 5 stating the following in regards to biodiversity enhancement:</p> <p>"All development (including conversions and that on brownfield and greenfield sites) must aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests. When appropriate, conditions will be put in place to make sure appropriate monitoring is undertaken and make sure mitigation, compensation and offsetting is effective."</p> <p>The existing approach aims to make a positive contribution to conservation/enhancement of biodiversity, but does not quantify the level of mitigation or contributions required either in percentage or financial terms. The financial impacts of BNG should be considered as part of a Local Plan Review, given the financial implications are not reflected in the Local Plan.</p> <p>Policy ENV2 of the emerging SADPD does make provision for development proposals achieving an overall net gain at point (1) and the long-term maintenance and management of on-site and off-site habitat creation or</p>

enhancement works at point (4). Achieving such biodiversity enhancement and continued maintenance is however not quantified in financial terms within the policy. Furthermore, the associated Local Plan SADPD Viability Assessment (2020) does not include costs associated with biodiversity, given firm details of the requirements for BNG had not been published at this time.

Paragraph 8.14 of the Viability Assessment merely states the costs of BNG are likely to be 'relatively modest', which we contest.

Indeed, a 2019 study by Defra on biodiversity net gain (included in full at Appendix 2) estimated the tariff per biodiversity unit at around £11,000 and a total cost per year of £200m for delivery 2017 prices. The Building Homes in a Changing Business Environment report (included at Appendix A) notes the Defra figures underestimates costs to developers given they are not modelled specifically and subject to site specific factors. The report therefore estimates that the cost per plot estimated on 2023 prices in the North West represents £1,324 on greenfield land and £282 on brownfield land. This represents a significant additional cost to developers.

In terms of biodiversity units, there is also currently huge variety in prices per unit agreed to date, with some local authorities charges closer to £40,000. There remains significant ambiguity regarding the cost of biodiversity units for developers at present. No figures for the cost of biodiversity units are provided within the draft SPD for Cheshire East, creating uncertainty over the level of contributions required by developers.

At paragraph 7.17 of the SPD, we note that the Council anticipate there will be an administrative cost of £1,200 per biodiversity unit to deal with sites/development proposals where BNG will have to be provided off site. It is stated that this cost will be reviewed periodically and is only an anticipated cost at this stage. The SPD should make it clear how this cost will be monitored and tested by the LPA. Indeed, there is a danger that this cost could be increased without due scrutiny or the ability for developers to comment on its validity and effectiveness.

Whilst currently anticipated to be lower than aforementioned HBF estimated per unit cost, it could clearly amount to a significant cost in certain cases. Indeed, addressing BNG on certain sites will be extremely costly. Paragraph 7.21 of the SPD confirms that very large habitat creation schemes will require bespoke commuted sum calculations, and paragraph 7.20 notes that other offset providers may ask for lower or higher prices than the Council.

Even if BNG can be addressed on site, it could have a significant impact on the developable area of a site and therefore the number of homes or employment land that is capable of being delivered, thereby impacting on the viability of a site significantly.

Overall, achieving biodiversity net gain as put forward in the draft SPD in on and off site locations does create a significant additional financial burden for developers which was not accounted for previously in the adopted Local Plan or adopted Community Infrastructure Levy (CIL). As such, each site and development proposal will need to be assessed on a case by case basis, and where it is evident that the requirements of BNG have a large cost implication, this should be accounted for by the Local Planning Authority accordingly when considering the overall viability of a development and requests for other s106 contributions or other developer obligations.

Finally, given the extent of land and/or financial contributions required for BNG are not reflected within the adopted Local Plan or emerging SADPD policies, a Local Plan review should be progressed at the earliest opportunity to ensure the full impacts of BNG are considered.

Include files	R001v7 PL - SPD Representations - Final.pdf
Consultee First Name	Yvonne
Consultee Surname	Lam
Consultee Organisation	Sandbach Town Council
Reference Number	7
Consultation Point	Ecology
Comment ID	DC SPD-208
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	Without saying, Ecology, Highways & Transport, Parking, infrastructure, Education, Medical, sports, open space and green infrastructure should be considered. (not restricted to aforementioned).
Consultee First Name	John
Consultee Surname	Coxon
Consultee Organisation	Emery Planning Partnership
Reference Number	7
Consultation Point	Ecology
Comment ID	DC SPD-240
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	Paragraph 7.11 states that applicants will be expected to submit detailed worked-up proposals that clearly set out how enhancements to biodiversity will be achieved. However, this appears to be inconsistent with the general condition of planning permission included at Schedule 14 of the Environment Act 2021, which essentially requires the provision of these details at a later stage (i.e., at the time of discharging the condition). In relation to the proposed monitoring fee of £1,200 per unit, this figure appears to be excessive and requires justification.
Consultee First Name	Barratt Homes (North West), David W
Agent First Name	Paul
Agent Surname	Nellist
Agent Organisation	Asteer Planning LLP
Reference Number	7
Consultation Point	Ecology

Comment ID	DC SPD-222
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>Required Contributions (Paragraphs 7.10 – 7.21)</p> <p>Paragraph 7.17 states the fees are anticipated to be £1,200 per biodiversity unit required.</p> <p>It is entirely unclear as to where the figure “£1,200” is derived from. The SPD should set this out. Without this, it is currently not possible for the consortium to fully comment.</p> <p>Paragraph 7.19 states the overall costings for offsite contributions will include habitat creation, 30 years management, land costs and monitoring of the site.</p> <p>It is unclear as to where the 30 years timeframe is derived from. Presumably this is derived from the Environment Act 2021. If so this should be clearly set out.</p> <p>Paragraph 7.21 states:</p> <p>“Very large-scale habitat creation schemes involving multiple habitat types on substantial areas of land may require substantial additional staff and infrastructure resources to deliver and maintain. A bespoke commuted sum calculation is likely to be required for these schemes.”</p> <p>The above refers to “a bespoke commuted sum” however, it is not set out how this ‘bespoke sum’ will be determined. Therefore, paragraph 7.21 should clearly set out the what process and source of information will be used.</p>

7.1 Paragraph

Consultee Surname	Emmerson
Reference Number	7.1
Consultation Point	Paragraph
Comment ID	DC SPD-137
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	Rather than no overall loss of biodiversity, should this not be set to a positive 10% net gain? Also more effort should be made to work around existing biodiversity rather than simply destroying it in the first instance - a key example of this is newly planted trees are not like for like against mature trees which take many decades to reach their full ecological potential and carbon intake

7.3 Paragraph

Consultee Surname	Emmerson
Reference Number	7.3
Consultation Point	Paragraph
Comment ID	DC SPD-138
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	Ecological mitigation needs clear definition - a full EIA should be completed for all greenfield applications with proper investigation rather than a reliance on desktop studies or a letter from Natural England, too many developments are being agreed where the full impact on biodiversity and climate change are not being quantified in any meaningful way.
Consultee First Name	Roger
Consultee Surname	Bagguley
Consultee Organisation	Residents of Wilmslow
Reference Number	7.3
Consultation Point	Paragraph
Comment ID	DC SPD-192
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	<p>Generally supportive but have concerns that deficit biodiversity can be mitigated off-site. An example of a large site with negative biodiversity is Royal East of Alderley Road. Here the developer is suggesting mitigation on a site in Adlington. We take the view that wildlife habitats are not transferable, discreet to areas. The policy here needs to attach strict criteria to hierarchy and insist that any off-site mitigation is as close as possible to the site and not lost to the town or locality.</p> <p>We would like to see these policies giving greater weight to Neighbourhood Plans. In this case to WNP Policy NE5, Biodiversity Conservation.</p> <p>We are keen to have more weight given to Neighbourhood Plans. In this case WNP Policy NE5, Biodiversity Conservation.</p>
Consultee First Name	Stuart
Consultee Surname	Kinsey
Consultee Organisation	Wilmslow Civic Trust
Agent First Name	Stuart

Agent Surname	Kinsey
Reference Number	7.3
Consultation Point	Paragraph
Comment ID	DC SPD-201
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	There needs to be a more robust statement requiring ecological mitigation and enhancement on site. Is such mitigation or enhancement cannot be provided on site then the development is unsuitable and should be reduced in scale. It is unacceptable that development where local ecological detriment will result is permitted to be offset at a site where there is no benefit to the locality of the development

7.4 Paragraph

Consultee First Name	Tina
Consultee Surname	Cartlidge
Consultee Organisation	Holmes Chapel Parish Council
Reference Number	7.4
Consultation Point	Paragraph
Comment ID	DC SPD-29
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	Will there be a definition/parameter for what counts as 'minimising impacts'?

1.9 Paragraph

Consultee First Name	Ian
Consultee Surname	Kershaw
Reference Number	1.9
Consultation Point	Paragraph
Comment ID	DC SPD-52
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	Will the SADPD be adopted in autumn 2022, given its now November 2022?
Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	1.9
Consultation Point	Paragraph
Comment ID	DC SPD-66
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	It would be useful to point out the Local Plan and the SADPD together provide the planning framework for the whole of Cheshire East. They are distinct documents but only in the sense they have a different focus in that the first deals with the major population centres and the second deals with the local service areas and the collective of the smaller villages and hamlets.

7.6 Paragraph

Consultee Surname	Emmerson
Reference Number	7.6
Consultation Point	Paragraph
Comment ID	DC SPD-139
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	Please can habitats classed as section 41 habitats of principal importance be made to be forcibly taken into account and not swept aside/ignored on planning applications as they currently are.

7.7 Paragraph

Consultee Surname	Emmerson
Reference Number	7.7
Consultation Point	Paragraph
Comment ID	DC SPD-140
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	<p>Please can habitats classed as section 41 habitats of principal importance be made to be forcibly taken into account and not swept aside/ignored on planning applications as they currently are.</p> <p>If sites are found to have nationally important species can this also be included to a very important factor within an application.</p>

7.8 Paragraph

Consultee First Name	Roger
Consultee Surname	Bagguley
Consultee Organisation	Residents of Wilmslow
Reference Number	7.8
Consultation Point	Paragraph
Comment ID	DC SPD-174
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	<p>Comment elsewhere. We are very supportive of Transition Wilmslow, their research and suggested changes to policy.</p> <p>We feel the policy needs to state strict criteria need to be met to address hierarchy and for loss of biodiversity to be mitigated off-site.</p> <p>if this has to happen then the mitigation site must be as close as possible to the loss site. Wildlife habitats are not transferable. They are discrete to the area habited over time given the ecology.</p>
Consultee Surname	Emmerson
Reference Number	7.8
Consultation Point	Paragraph
Comment ID	DC SPD-141
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	<p>Further research and explanation of mitigation is needed and clear definitions stated for applications to follow. This should take into account feeding habitat as well as roosting/nesting locations. For example the mitigation of erecting nest-boxes is worthless if all specialist habitat for a particular species is to be destroyed. A clear definition of the scientific reasoning is required for a suggested mitigation to ensure it will make a difference and is not worthless - this should be required from ecological consultants to ensure accountability for any advice they may give.</p>
Consultee First Name	Stuart
Consultee Surname	Kinsey
Consultee Organisation	Wilmslow Civic Trust
Agent First Name	Stuart
Agent Surname	Kinsey

Reference Number	7.8
Consultation Point	Paragraph
Comment ID	DC SPD-202
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	As above ... If the ecological enhancement and mitigation is not possible on site the development should be deemed to be "inappropriate".

7.10 Paragraph

Consultee First Name	Tina
Consultee Surname	Cartlidge
Consultee Organisation	Holmes Chapel Parish Council
Reference Number	7.10
Consultation Point	Paragraph
Comment ID	DC SPD-30
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	This implies ecological contribution is well defined, but this is not true for the Cottons/Persimmon estate in Holmes Chapel. What accountability is there for it? It also needs to provide a local benefit not a borough-wide benefit.

7.14 Paragraph

Consultee Surname	Emmerson
Reference Number	7.14
Consultation Point	Paragraph
Comment ID	DC SPD-142
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	This should be mandatory for all applications - not just advised.

7.15 Paragraph

Consultee Surname	Emmerson
Reference Number	7.15
Consultation Point	Paragraph
Comment ID	DC SPD-143
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	This is not acceptable, all applications should have to action the appropriate gain within the application and as part of the development, this comment allows 'buy off' of the net gain that should be implemented. This should happen at the location of the development as well so that it benefits the immediate area and is not hidden/lost elsewhere.

7.16 Paragraph

Consultee Surname	Emmerson
Reference Number	7.16
Consultation Point	Paragraph
Comment ID	DC SPD-144
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	This fee should be tiered and be higher for greenfield sites as these generally will have far higher negative impacts.

7.17 Paragraph

Consultee Surname	Emmerson
Reference Number	7.17
Consultation Point	Paragraph
Comment ID	DC SPD-145
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	A clear definition of 'biodiversity unit' is required with this document so that it can clearly be seen what this will cover. £1,200 seems an incredibly low tariff compared to the value of new housing sold, again this should be tiered with higher amounts charged for greenfield sites to balance so they are no longer more profitable than brownfield sites - an even balance is needed to stop developers pressuring to cherry pick the easiest most profitable greenfield sites.
Consultee First Name	Natasha
Consultee Surname	Styles
Consultee Organisation	McCarthy Stone
Agent First Name	Natasha
Agent Surname	Styles
Agent Organisation	The Planning Bureau
Reference Number	7.17
Consultation Point	Paragraph
Comment ID	DC SPD-182
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	It is recommended that if the fee of £1200 has been calculated using Natural England's BNG metric 3.1 this should be clarified and paragraph 7.17 should reference back to paragraph 7.12 to make it clear that the anticipated amount was calculated using this metric. If the metric was not used the method of identifying the for of £1,200 should be published.

7.18 Paragraph

Consultee Surname	Emmerson
Reference Number	7.18
Consultation Point	Paragraph
Comment ID	DC SPD-146
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	More clarity is needed on this statement - a push for contributing towards joined up landscape level biodiversity improvements with a clear statement of acquiring more land in order to do this. A recent comment on one application was 'there is no council land nearby so we are looking at a site of existing land 5 miles away', this is not acceptable - 'The Council will utilise the funding to create habitat that delivers best value for biodiversity' is not a clear statement that is measurable.

7.22 Paragraph

Consultee First Name	Natasha
Consultee Surname	Styles
Consultee Organisation	McCarthy Stone
Agent First Name	Natasha
Agent Surname	Styles
Agent Organisation	The Planning Bureau
Reference Number	7.22
Consultation Point	Paragraph
Comment ID	DC SPD-183
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	Para 7.22 identifies that off-site financial contributions, and contributions to habitat maintenance, will be secured via S106 agreements. Para 7.22 should be amended to enable BNG to be secured via a conservation covenant to be in line with the Environment Act.

8 Highways and Transport

Consultee First Name	Tina
Consultee Surname	Cartlidge
Consultee Organisation	Holmes Chapel Parish Council
Reference Number	8
Consultation Point	Highways and Transport
Comment ID	DC SPD-31
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>General Comment on this Section:</p> <p>The document states that the objective of CEC is to encourage walking and cycling and to ensure good connectivity in respect of new developments. We make the observation that CEC have failed to fulfil this objective hitherto, by allowing the major developments surrounding Holmes Chapel to be built as 'islands' with poor walking connectivity to the village centre. This has been clearly demonstrated through the Safe Walking to School campaign.</p>
Consultee First Name	Steve
Consultee Surname	Melligan
Consultee Organisation	The Crown Estate
Agent First Name	Stephenie
Agent Surname	Hawkins
Agent Organisation	Barton Willmore LLP
Reference Number	8
Consultation Point	Highways and Transport
Comment ID	DC SPD-168
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>The draft SPD, at paragraph 8.4, sets out that CIL will be used for strategic projects identified in the Council's MTFS, with planning obligations applied on a case-by-case basis to address needs arising directly from development. However, as our comments above on Chapter 4 – Planning Obligations, greater clarity and transparency is required on infrastructure projects and funding streams to ensure that there is no over provision. In respect of highways and transport, this includes clarity as to the relationship between CIL funded strategic infrastructure and the strategic infrastructure projects listed at paragraph 8.16 of the draft SPD to be funded through S278 agreements.</p>

	Furthermore, the draft SPD should clarify which allocated sites rely on and, as such, will be expected to contribute towards, which of the projects listed at paragraph 8.16.
Consultee First Name	Andy
Consultee Surname	Baddeley
Consultee Organisation	Liberty Properties
Agent First Name	Tom
Agent Surname	Robinson
Reference Number	8
Consultation Point	Highways and Transport
Comment ID	DC SPD-172
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	Please see attached letter setting out comments in relation to Highways and Transport matters.
Include files	Response Letter 071122.pdf
Consultee First Name	John
Consultee Surname	Coxon
Consultee Organisation	Emery Planning Partnership
Reference Number	8
Consultation Point	Highways and Transport
Comment ID	DC SPD-241
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	Paragraph 8.16 onwards sets out a series of schemes and formula for obtaining contributions. The impact on development viability in the context of CIL and the Viability Assessment Update is not clear. Clarification is required, together with clarification as to which proposals this would relate to.
Consultee First Name	Barratt Homes (North West), David W
Agent First Name	Paul
Agent Surname	Nellist
Agent Organisation	Asteer Planning LLP
Reference Number	8
Consultation Point	Highways and Transport

Comment ID	DC SPD-223
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>Objective (Paragraphs 8.1 – 8.4)</p> <p>Paragraph 8.4 states that CIL contributions will be used for strategic projects identified in the Council's medium term financial strategy.</p> <p>There does not appear to be a clear list of projects in the medium term financial strategy Paragraph 8.4 does not mention the Annual Infrastructure Funding Statement at all. Furthermore, it is unclear how paragraph 8.4 relates to tables 3.1 and 3.2 of the SADPD which relate to specific forward funded schemes and their costs.</p> <p>This position should be clarified in the SPD so that there is clarity over which strategic projects contributions will be sought towards (forward funded or otherwise).</p> <p>Paragraph 8.10 refers to 'large-scale development sites'</p> <p>The term 'large-scale development sites' is not included in the Glossary and it is not clear what this is referring to. This term should be clarified.</p> <p>Required Contributions (Paragraphs 8.13 – 8.21)</p> <p>Paragraph 8.15 states:</p> <p>"Where modelling identifies a significant impact on the highways network, contributions will be required. Such contributions will be calculated proportionately and based on the percentage impact that the scheme has on the capacity of key receptors in the network, and the costs of delivering improvements that ensure the continued safe and efficient operation of the network."</p> <p>Whilst the draft SPD states that contributions will be calculated proportionately, there is no specific detail on how the contributions will be calculated. For example, what methodology, calculations and sources of information will be used to work out the costs and the percentage impacts that a scheme has on receptors in the network. Furthermore, there is no clarity on how contributions will be collected from multiple developments coming forward at different times (or not at all). For example, if the impacts on the highways network are only significant as a result of cumulative impacts, then the first application will presumably not be required to make a contribution until such time that the second and/or subsequent developments are approved/come forwards. The SPD should clearly set out this information to provide clarity.</p> <p>Paragraph 8.16 states that development sites will be required to contribute to the delivery of identified strategic infrastructure on a proportionate basis, normally on a tariff style basis secured through a S278 agreement.</p> <p>Paragraph 8.17 lists the strategic and major schemes this will apply to. Paragraph 8.18 states that:</p> <p>"Sites allocated in the CELPS, and other sites that rely on schemes that have been forward funded and have already been built out (or have funding secured), will also be required to contribute, retrospectively to the above infrastructure schemes."</p> <p>Paragraph 8.19 goes on to state that:</p>

“The approach the Council will use as a starting point for calculating contributions to the schemes listed above is based on establishing proportionate contributions per residential unit and/or employment floorspace and is set out in SADPD Policy GEN4 ‘Recovery of Forward Funded Infrastructure.’”

Policy GEN4 in the SADPD relates specifically to ‘Recovery of forward funded infrastructure’ and sets out a clear methodology for calculating contributions from sites. Policy GEN4 is also supported by Table 3.1, which sets out a list of forward funded infrastructure projects, and the sites/schemes that will be expected to contribute towards them. However, Section 9 of the draft SPD relates to ‘recovery of infrastructure costs’ and it is unclear why Policy GEN4 is referred to here in Section 8 (Paragraph 8.19). The approach for calculating contributions in Policy GEN4 is associated with ‘forward funded infrastructure’ and specifically those projects in Table 3.1 of the SADPD.

The schemes set out at Paragraph 8.17 of the draft SPD do include some of the schemes in Table 3.1 of the SADPD, but also some additional schemes. It is not clear how or where these schemes have been identified.

The SPD should:

- Make clear where the list of schemes at Paragraph 8.17 has come from (i.e. what evidence base/documents is it taken from);
- Identify which of the schemes are also subject to SADPD Policy GEN4 and Section 9 of the SPD; and,
- Rather than referring to Policy GEN4, identify what approach/methodology the Council proposes to use for calculating contributions towards the schemes in this list.

The SPD should also make clear that none of the above can be applied retrospectively to schemes that already have planning permission.

Paragraphs 8.19 and 8.20 refer to residential units, number of homes, and ‘employment floorspace’.

Whilst number of residential units would be self-explanatory, ‘employment floorspace’ is not defined in the glossary or elsewhere in the draft SPD and it is unclear what specifically (e.g. type and quantity) this refers to.

Consultee First Name	Rebecca
Consultee Surname	Wyllie
Consultee Organisation	Canal & River Trust
Reference Number	8
Consultation Point	Highways and Transport
Comment ID	DC SPD-236
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	In line with the provisions of Policy CO1 of the CELP, ‘Sustainable Travel and Transport’, waterway networks can help promote sustainable alternative transport routes and help encourage a modal shift away from car travel to cycling and walking. The canal network and towpaths can operate as sustainable active travel links and contribute to securing good connectivity for new development. The increased use and footfall generated by

	<p>development near waterways can lead to the need for towpath surface improvements and/or enhanced access provision, and we would highlight the importance of being able to secure developer contributions for such works to mitigate potential impacts from new travel movements arising from development. This is in line with the tests, as outlined in the CIL regulations 2010 and Paragraph 57 of the NPPF, for if an obligation can be sought: when an obligation is necessary to make a development acceptable in planning terms; directly related to a development; and fairly and reasonably related in scale and kind to the development.</p> <p>The Trust would suggest the inclusion of 'canal towpath' in Paragraph 8.13, as an example of direct mitigation that may be necessary within the vicinity of a site.</p>
Consultee First Name	Tatton Estate, Bloor, Taylor Wimpey
Agent First Name	Joe
Agent Surname	Davis
Agent Organisation	Pegasus Planning Group Ltd
Reference Number	8
Consultation Point	Highways and Transport
Comment ID	DC SPD-252
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>Section 8 deals with highway and transport obligations. We note and support the need for Travel Plans and Transport Assessments, where necessary to determine what the specific impacts of a development are.</p> <p>As set out in paragraph 8.4, we note that CIL is used as a medium term financial strategy to deliver strategic projects and s106/s278 agreements will be applied on a case-by-case basis to address needs arising directly from development.</p> <p>In light of this, the SPD should set out what constitutes a strategic project from a highway perspective either in value, scale or wider impact. For instance, any scheme not physically adjoined to an application site requiring over £1m worth of funding and delivering wider benefits to the community would appear to be a fitting definition for a strategic highway scheme. This reflects the example provided at paragraph 8.16 of the SPD, which refers to a £1m roundabout and proportional contributions being made towards it.</p> <p>Fourteen Strategic and Major Schemes are referred to in paragraph 8.17 of the SPD and include:</p> <ol style="list-style-type: none"> 1. M56 Junction 6-8 2. M6 Junction 19 Improvements 3. M6 Junction 16-19 4. A556 Knutsford to Bowden 5. M6 J17 Improvements (Sandbach) 6. M6 J16 Improvements (Stoke on Trent)

7. Crewe Green Roundabout
8. Sydney Road Bridge
9. Middlewich Easter Bypass
10. Congleton Link Road
11. A6 to Manchester Airport Relief Road (A6MARR)
12. A500 Dualling (Crewe)
13. Poynton Relief Road
14. Southern Link Road Bridge (Crewe)

However, not all of these strategic schemes are listed within the adopted LPS. Paragraph 14.18 of the LPS lists the following 11 schemes:

1. A6 to Manchester Airport Relief Road
2. Improvements to the Crewe Green Roundabout junction and completion of Crewe Green Link Road South
3. Macclesfield Town Centre Movement Strategy
4. Congleton Link Road
5. Poynton Relief Road
6. Middlewich Eastern Bypass
7. Junction improvements on the A51 corridor north of Nantwich
8. Improvements to the A534 corridor in Sandbach, including the M6 and A533 junctions
9. Improvements to the A34 and A555 corridors in Handforth
10. Improvements to the A537/A50 corridor through Knutsford
11. Improvements to the junction of B5077 Crewe Road/B5078 Sandbach Road in Alsager.

It would therefore appear that the SPD is referring to more strategic highway schemes than has been envisaged through the adopted development plan.

We have checked the Local Transport Plan and note all of the above projects are listed in that document. However, the Local Transport Plan was adopted in 2019 and therefore post adoption of the LPS and CIL. As such, there has been no examination as to whether strategic development identified within the LPS can viably contribute to all of these schemes. Whilst we appreciate the funding for some strategic highway schemes may come from other sources, this is not made explicitly clear within the SPD.

More worryingly is that many of the schemes listed above are not referred to on the Council CIL Regulation 123 which has not been altered / updated since it was adopted 2019. Whilst the 123 list includes schemes in Alsager, Crewe, Macclesfield Nantwich and Wilmslow, most do not marry with the lists above. As such, the SPD seems to imply that s106 funding may be sought towards a good number of the schemes listed in paragraph 8.17 of the SPD despite them being strategic projects having wider benefits for the community and are of a scale where CIL would be an appropriate funding mechanism.

	<p>We anticipate that other schemes could also be added to the list including highway works within Knutsford Town Centre and elsewhere.</p> <p>The above further highlights why it is important to update the Local Plan and CIL Infrastructure List on a regular basis and why we consider this SPD is introducing additional burdens on the developers of strategic sites identified within the LPS.</p> <p>Overall, we recommend that the Council amends its CIL 123 list and makes it clear within the SPD how each strategic highway scheme will be funded to avoid double counting.</p>
Include files	R001v7 PL - SPD Representations - Final.pdf

8.1 Paragraph

Consultee First Name	Debbie
Consultee Surname	Jamison
Reference Number	8.1
Consultation Point	Paragraph
Comment ID	DC SPD-22
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	Travel plans should be submitted at outline planning stage to ensure Highways negotiations include active travel modes at the earliest stage and influence the design of the site thereafter

8.2 Paragraph

Consultee Surname	Emmerson
Reference Number	8.2
Consultation Point	Paragraph
Comment ID	DC SPD-147
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	Can this include a statement to say new road building will be avoided as policy? Building new roads is known to increase car use and also counterintuitively increases congestion.
Consultee First Name	Roger
Consultee Surname	Bagguley
Consultee Organisation	Residents of Wilmslow
Reference Number	8.2
Consultation Point	Paragraph
Comment ID	DC SPD-175
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	Provision of public transport is proving problematic. An example is the 130 bus runs along Manchester Road, Wilmslow when the need is for it to run through the Lacey Green estate - a region of high population including older people.

8.3 Paragraph

Consultee Surname	Emmerson
Reference Number	8.3
Consultation Point	Paragraph
Comment ID	DC SPD-148
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	A clear definition of highway impacts is required with regard to new roadbuilding - in recent applications there has been woefully ignored and in one climate change impacts were specifically excluded without public consultation.
Consultee First Name	Stuart
Consultee Surname	Kinsey
Consultee Organisation	Wilmslow Civic Trust
Agent First Name	Stuart
Agent Surname	Kinsey
Reference Number	8.3
Consultation Point	Paragraph
Comment ID	DC SPD-203
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	Travel Plans or Transport Plans should be prepared only by independent consultants selected by the Borough (paid for by the applicant)

Background

Consultee First Name	Valerie
Consultee Surname	Herbert
Consultee Organisation	Prestbury Parish Council
Consultation Point	Background
Comment ID	DC SPD-215
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	There is reference, in para. 8.8, to 'Local Towns Delivery Plans' and the statement is made that these are being consulted on. Prestbury P.C. would like to know where information about them can be accessed.

8.8 Paragraph

Consultee First Name	Neil S
Consultee Surname	Collie
Consultee Organisation	East Cheshire Ramblers
Reference Number	8.8
Consultation Point	Paragraph
Comment ID	DC SPD-131
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	Please consider adding a reference to the CEC Rights of Way Improvement plan 2011-2026 alongside the Local Transport Plan

8.9 Paragraph

Consultee First Name	Tina
Consultee Surname	Cartlidge
Consultee Organisation	Holmes Chapel Parish Council
Reference Number	8.9
Consultation Point	Paragraph
Comment ID	DC SPD-32
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	Neighbourhood plans need to be looked at in more detail.

Travel Assessments and Travel Plans

Consultee First Name	Valerie
Consultee Surname	Herbert
Consultee Organisation	Prestbury Parish Council
Consultation Point	Travel Assessments and Travel Plans
Comment ID	DC SPD-216
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>Para. 8.12, page 25. We would suggest that more examples are provided of the sort of developer contributions that can be made than simply "to local transport infrastructure". We propose the addition of: signage, street furniture, speed indicator devices and average speed cameras.</p> <p>Also, there are a couple of typos. At the beginning of para. 8.1, the apostrophe is missing from 'Council's' and the same omission occurs in para. 8.7.</p>

8.14 Paragraph

Consultee First Name	Tina
Consultee Surname	Cartlidge
Consultee Organisation	Holmes Chapel Parish Council
Reference Number	8.14
Consultation Point	Paragraph
Comment ID	DC SPD-33
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	Parking standards do not reflect reality. Recent new developments amply illustrate the inadequacies of current policies.

8.17 Paragraph

Consultee Surname	Emmerson
Reference Number	8.17
Consultation Point	Paragraph
Comment ID	DC SPD-149
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	These strategic schemes do not have a long term strategic goals with regard to biodiversity loss and climate change - much more needs to be done to add this into these plans.

8.21 Paragraph

Consultee First Name	Tina
Consultee Surname	Cartlidge
Consultee Organisation	Holmes Chapel Parish Council
Reference Number	8.21
Consultation Point	Paragraph
Comment ID	DC SPD-34
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>This paragraph is meaningless. Piecemeal contributions from individual developments are of little benefit in addressing the cumulative effect of multiple developments. For example, the S106 funding for a roundabout on the A54/A50 junction is not possible as the remaining funding cannot be found. What is needed is for CEC to work with the Parish Council to prepare a strategic plan for the future development of the village so that S106 funds can be prioritised and used effectively. We realise that, legally, S106 expenditure has to be directly connected to the individual development. But there must surely be some 'wiggle room' to allow a degree of strategic planning in how it is spent. For example, Paras 8.22, 8.23 and 8.24 show that CEC is prioritising funding for certain "Strategic and Major" highways schemes. Whilst we have seen that prioritisation in some areas, we have seen no evidence of it being applied to Holmes Chapel and other areas.</p>

8.22 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	8.22
Consultation Point	Paragraph
Comment ID	DC SPD-89
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	After site developer add please 'and after consultation with the local community where appropriate.'

8.24 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	8.24
Consultation Point	Paragraph
Comment ID	DC SPD-90
Q3 - What is your overall view on this section?	Support

9 Recovery of Infrastructure Costs

Consultee First Name	Steve
Consultee Surname	Melligan
Consultee Organisation	The Crown Estate
Agent First Name	Stephenie
Agent Surname	Hawkins
Agent Organisation	Barton Willmore LLP
Reference Number	9
Consultation Point	Recovery of Infrastructure Costs
Comment ID	DC SPD-169
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>This chapter does not cross reference the draft Recovery of Forward Funded Infrastructure Costs SPD which was subject to consultation October-November 2021. Given the Inspector's Report on the SADPD, dated 17th October 2022, finds such details should not be delegated to an SPD, and, as such, recommends Main Modifications to Policy GEN4, it is assumed that the SPD is not being progressed, but this should be confirmed.</p> <p>It is noted that paragraph 9.5 of the draft SPD states that the applicable schemes are identified in Table 3.1 of SADPD Policy GEN4 (which reflects MM3 with the Schedule of Main Modifications to the Inspector's Report) and reproduced in the draft SPD at paragraph 8.22. However, this is not reproduced at paragraph 8.22, and it is noted that the schemes listed at paragraph 8.16 of the draft SPD do not fully correspond to those proposed at Table 3.1 of Policy GEN4. Again, confirmation on this is required.</p> <p>Furthermore, clarity is required as to the statement at paragraph 9.13 that: "In the event that it is determined that the proposed obligation does not meet the CIL tests, CEC intends to use other general powers available to secure funds from development sites for this purpose." If the obligation does not meet the CIL tests, then it should not be taken into account in the grant of planning permission, and, as such, the Council should not be seeking the contribution.</p>
Consultee First Name	Tatton Estate, Bloor, Taylor Wimpey
Agent First Name	Joe
Agent Surname	Davis
Agent Organisation	Pegasus Planning Group Ltd
Reference Number	9
Consultation Point	Recovery of Infrastructure Costs

Comment ID	DC SPD-253
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>Section 9 of the SPD sets out the approach to contributions for the delivery of infrastructure in line with the objectives and policies set out within the Local Plan Strategy and emerging SADPD.</p> <p>We note that this matter was considered at the recent SADPD examination and have no comments other than to ensure that this approach is only utilised on those sites and schemes identified in Policy GEN4 of the SADPD and in no other instances.</p> <p>Where the Council is seeking to fund other strategic projects not listed in Policy GEN4, CIL should be utilised and the 123 list and Infrastructure Delivery plan updated accordingly. Indeed, as identified by the NPPG and SPD, strategic projects should be funded by CIL.</p> <p>In this regard, we note there are significant CIL funds available within Cheshire East which have yet to be spent and allocated for infrastructure needs.</p> <p>The Council's latest Annual Infrastructure Funding Statement for Community Infrastructure Levy and Section 106 covers the period 1st April 2021 to 31st March 2022. The statement confirms that no CIL money has yet to be spent on providing new infrastructure within the Borough, with there being a significant amount of money collected via CIL which remains unallocated. The total amount of CIL collected, not assigned to other organisations or CIL administration, from 1 March 2019 (when CIL was implemented) to the end of the reported year that had not been spent is £2,093,306.</p> <p>The £2,093,306 of CIL funds available has yet to be allocated to specific infrastructure projects and provides significant funds to meet local infrastructure needs. The allocation of these CIL funds for infrastructure projects should be prioritised by the Council. Such funds would enable developer contributions via other means put forward in the draft SPD (notably S106 agreements) to be reduced, reducing reliance on developer contributions.</p> <p>In summary, there are clearly significant funds available within the CIL Funding Statement which have not yet been allocated which could make a contribution to the infrastructure needs of the Borough. This should be prioritised by the Council and reflected in the SPD to reduce reliance upon developer contributions going forward.</p>
Include files	R001v7 PL - SPD Representations - Final.pdf
Consultee First Name	Barratt Homes (North West), David W
Agent First Name	Paul
Agent Surname	Nellist
Agent Organisation	Asteer Planning LLP
Reference Number	9
Consultation Point	Recovery of Infrastructure Costs
Comment ID	DC SPD-224
Q3 - What is your overall view on this section?	Comment only

<p>Q4 - Your comments on this section:</p>	<p>Background (Paragraphs 9.4 – 9.6)</p> <p>Paragraph 9.5 refers to paragraph 8.22 of the draft SPD as a ‘reproduced list’ identified in Table 3.1 of the SADPD.</p> <p>This reference appears to be a drafting error as the relevant paragraph is 8.17. In any case, as set out in the consortium’s comments at 2.17 above, the list of ‘strategic and major sites’ at Paragraph 8.17 of the draft SPD does not match Table 3.1 of the SADPD.</p> <p>Paragraph 9.7 refers to number of residential units and ‘employment floorspace’.</p> <p>Whilst number of residential units would be self-explanatory, ‘employment floorspace’ is not defined in the glossary or elsewhere in the draft SPD and it is unclear what specifically (e.g. type and quantity) this refers to.</p>
---	---

9.3 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	9.3
Consultation Point	Paragraph
Comment ID	DC SPD-91
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	<p>BUT there is a problem here. Small and modest developments over time add slowly but surely to the pressure on infrastructure, particularly roads, educational facilities, and health facilities, but also on open and green space and recreational facilities and generally on the environment in terms of pressure on pollution levels, habitat destruction etc.</p> <p>Yet it is only large developments that generate huge returns that contribute any meaningful sums to infrastructure as described. Should not all development including household development which adds accommodation units and therefore potentially population pressure contribute proportionately?</p> <p>The situation in Nether Alderley comes to mind where huge sums are spent in a very modest community through the arbitrary good fortune that Astra Zeneca left a large research area to be exploited for housing. Does CIL compensate?</p>

9.4 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	9.4
Consultation Point	Paragraph
Comment ID	DC SPD-92
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	<p>Forward expenditure of this kind requires very careful planning and contractual agreements with developers if public money is not going to be threatened.</p> <p>Such policies may work where you can assume long-term financial stability and rising house prices but in the current climate Planning Authorities need to be circumspect. If long-term development is required then the case needs to be made, and developers signed up to make firm enforceable commitments before any infrastructure investment is committed. Therefore some restrictions need to be integrated into these policies.</p>

9.7 Paragraph

Consultee First Name	Tina
Consultee Surname	Cartlidge
Consultee Organisation	Holmes Chapel Parish Council
Reference Number	9.7
Consultation Point	Paragraph
Comment ID	DC SPD-35
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	Is this in addition to £5,202 or part of it? Education and health talk about additional funds.

9.10 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	9.10
Consultation Point	Paragraph
Comment ID	DC SPD-93
Q3 - What is your overall view on this section?	Support

9.11 Paragraph

Consultee First Name	Stuart
Consultee Surname	Kinsey
Consultee Organisation	Wilmslow Civic Trust
Agent First Name	Stuart
Agent Surname	Kinsey
Reference Number	9.11
Consultation Point	Paragraph
Comment ID	DC SPD-204
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	As worded there is no requirement for CEC to apply funds with any sense of urgency ... effectively holding recovered costs as interest free loans ... there should be some incentive applied such that benefits are provided within a reasonable life span of the residents affected by the development

9.12 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	9.12
Consultation Point	Paragraph
Comment ID	DC SPD-94
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	Agreed but you do need to have the professional resources to follow through with action as this policy recommends. We would like to see Planning Enforcement strengthened and more visible as a force for good.

2.5 Paragraph

Consultee First Name	Walter
Consultee Surname	Thomas
Reference Number	2.5
Consultation Point	Paragraph
Comment ID	DC SPD-46
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>I am a resident of Poynton and I would like to see some of those £sum helping this community, more than that, I would like to see a more open and transparent system of allocation at a local level involving community leaders and representatives.</p> <p>My priorities are :</p> <p>Reduce ASB by provision of permanent and supervised Community Base for teenage activities.</p> <p>Make real and proper reductions to traffic movements to local schools by installing more cycle ways.</p> <p>Give greater value to our local green environment. Establish a BAP (Biodiversity Action Plan) after an Environmental Impact Assessment</p>

9.13 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	9.13
Consultation Point	Paragraph
Comment ID	DC SPD-95
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	Good to have back up but will the Planning Department have an array of solicitors to carry out actions as necessary or will you be relying on the CE legal department? If so do they have the relevant knowledge, skills and expertise? We know the level of expertise developers can access as necessary.
Consultee First Name	Richard
Consultee Surname	Naylor
Consultee Organisation	Gladman Developments Ltd
Agent First Name	Richard
Agent Surname	Naylor
Reference Number	9.13
Consultation Point	Paragraph
Comment ID	DC SPD-118
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>In order to ensure that developers are able to fully consider and factor in non CIL compliant obligations, we suggest that the following text is added to the end of the paragraph:</p> <p>In the event that Cheshire East Council use this method to secure funds that sit outside of the CIL regulations, they will make the applicant aware at an early stage of the application process that they intend to request said contributions and publish full details of fully justified reasons as to the need for the contribution.</p>

10 Education

Consultee First Name	Amanda
Consultee Surname	Stott
Reference Number	10
Consultation Point	Education
Comment ID	DC SPD-7
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	Town and Parish councils should have more understanding of S106 and the part they can play, particularly in education and highways awards. A better understanding of the whole subject may be beneficial.
Consultee First Name	Barratt Homes (North West), David W
Agent First Name	Paul
Agent Surname	Nellist
Agent Organisation	Asteer Planning LLP
Reference Number	10
Consultation Point	Education
Comment ID	DC SPD-225
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>Background (Paragraphs 10.2 – 10.15)</p> <p>Paragraph 10.1 states:</p> <p>“The Council's objective is to secure excellent educational facilities to meet the needs of the current and future population of all ages, to improve educational attainment and provide a wide skills base (Strategic Priority 1). The Council will seek contributions from development toward the delivery of education provision and infrastructure. including education of all phases (age 0-19) and special educational needs.”</p> <p>The word ‘residential’ should be inserted before ‘development in the above paragraph for clarity.</p> <p>Paragraph 10.2 states a housing impact assessment will be carried out to determine whether there would be a surplus or deficit of school places arising from the impact of a proposed development.</p> <p>Paragraph 10.2 should make clear who will carry out the housing impact assessment. Presumably this will be done by the local education authority rather than by applicants themselves.</p> <p>Where the Council is to produce housing impact assessments, there should also be a mechanism for: applicants to assess and if necessary challenge the evidence/conclusions therein; and, for arbitration where necessary.</p>

Paragraph 10.4 states:

“Applications of fewer than 11 dwellings will be considered for assessment if their location, in relation to other development sites, may give rise to a cumulative impact on education provision.”

For consistency and clarity, the reference to “11 dwellings” in paragraph 10.4 should be amended to “11 dwellings (2 bedroom +)” to reflect paragraph 10.3.

Paragraph 10.6 states:

“Where the Service has built school provision/infrastructure in anticipation of forthcoming Local Plan sites, The Service will require a proportionate share of a retrospective contribution where the development is directly relatable to the project.”

The term ‘the service’ is not set out in the draft SPD or its glossary and should be clarified.

Paragraph 10.9 states forecasts are used to estimate the future need for school places.

It is not clear what forecasts paragraph 10.9 is referring to. The paragraph should specify data source, along with who will produces the forecasts.

Paragraph 10.10 states:

“A housing impact assessment is carried out to determine whether the impact of a proposed development would result in a surplus or deficit of school places and therefore whether a developer contribution is required.”

The draft SPD refers to a housing impact assessment, however it does not state who will conduct the assessment or what methodology will be used.

Paragraph 10.12 states:

“When a housing impact assessment is carried out, assessment of primary schools identified within either a two-mile straight line, or a two-mile safe walking distance, will be carried out. For secondary schools, assessments will be carried out based on either a three-mile straight line or a three-mile safe walking distance.”

Two alternative approaches are referenced (i.e.2 mile straight line v 2 mile safe walking) but no clarity over which method will be used in what circumstances.

Paragraph 10.13 states:

“The Council will seek contributions from developers towards Early Years, Primary, Secondary, Further Education and Special Educational Needs, where a proposed development creates a need for any of those types of educational provision.”

Paragraph 10.13 contradicts paragraph 10.8 which states “Contributions to EYFS and Further Education are not currently sought.”

There is absolutely no reasoning or justification provided for EYFS or Further Education Contributions and this paragraph (10.13) should be removed form the SPD.

Required Contributions (Paragraphs 10.16 – 10.28)

Paragraphs 10.16 - 10.19 appear to set out the Council’s proposed methodology for calculating contributions, with a ‘worked example’ at Paragraphs 10.21-10.28.

	<p>Paragraph 10.19 states that the yields are derived from the 2011 Census and relatable to Cheshire East only. However the methodology set out does not appear to take into account live birth data, parent choice through admission process and other trends as referred to in Paragraph 10.11. Furthermore, it is not clear where the figures used in the 'worked example' have come from (i.e. what source and evidence base) and/or whether they are actual figures or just arbitrary figures used in a worked example.</p> <p>In any case, the draft SPD does not provide clarity over the Council's proposed approach/methodology for calculating contributions.</p> <p>Furthermore, the draft SPD refers to 2011 Census data (which is over 10 years old) but there is no mention how any updated data (e.g. 2021 Census data) will be used instead where appropriate.</p>
Consultee First Name	John
Consultee Surname	Coxon
Consultee Organisation	Emery Planning Partnership
Reference Number	10
Consultation Point	Education
Comment ID	DC SPD-242
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	Clarification is required in relation to the methodology referred to for forecasting pupil places (paragraphs 10.9 onwards). Regard needs to be had to latent capacity in nearby schools and the impacts of parental preference (i.e., whether local schools are at capacity because of pupils attending from outside of the catchment area). The SPD should make clear that the relevant data will be provided in full to applicants to enable an informed response. Clarification is also required in relation to the pupil yield figures applied (paragraph 10.17).
Consultee First Name	Tatton Estate, Bloor, Taylor Wimpey
Agent First Name	Joe
Agent Surname	Davis
Agent Organisation	Pegasus Planning Group Ltd
Reference Number	10
Consultation Point	Education
Comment ID	DC SPD-254
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	Section 10 of the SPD sets out contributions from development towards to delivery of education provision and infrastructure. We support the Council's aspirations set out in paragraph 10.1 in securing excellent education

facilities to meet the need of current and future populations of all ages and we accept that new housing will have some impact on population levels and school placements.

Contributions are required from residential developments with some exceptions, including smaller residential schemes, specialist accommodation, student accommodation and elderly accommodation. Funding will be secured via S106 Agreements.

The draft SPD sets out how a housing impact assessment is carried out to determine whether the impact of a proposed development would result in a surplus or deficit of school places and therefore whether a developer contribution is required. We note the various ratios included for primary (19:100), secondary (15:100), early years (13:100) and further education (4:100), as set out at paragraph 10.17. Whilst we accept these are relevant Boroughwide, they are still based on the 2011 Census data. We note that the Council accept that SEN needs are reviewed on a regular basis and may change. However, the 2021 Census data for the Borough will be available shortly and therefore the SPD should make reference to this and the need for a future update on the yields.

We consider the SPD should also make it clear that, where justified, alternative ratios could be applied where there is clear local evidence that the existing and anticipated demographic for the development would result in lower impacts.

We welcome sight of the placement costs at paragraphs 10.25 to 10.26 but these are only presented in the worked example. The SPD should specifically highlight what the costs will be for each type of placement at Appendix 2, but this has yet to be provided and we note is missing the per placement cost for.

Considerations is needed in relation to further education and Early Years education. As the draft SPD does not provide the contributions for all educational needs, there is currently no way for developers to assess the total educational need contributions and how this compares to what was considered at the time of preparing the LPS viability assessment and CIL viability assessments. The SPD should be reconsulted upon once these requirements are known so they can be reviewed and commented upon.

However, given the Council do not currently seek funding for further education and early years education, it would certainly appear that this SPD is seeking to introduce a further developer contribution over and above what will have been previously tested as part of the Development Plan and CIL process, which is contrary to the guidance set out in the NPPG.

Finally, in relation to the final paragraph at 10.31, we note that the Council's current approach is to re-assess s106 contribution each time an application is approved within an area. It is noted that where approved housing makes no s106 contribution this could lead to capacity in one location being exhausted and mean the next application is required to make a significant contribution. Whilst we note that this is quite common, it does promote a 'first past the post' approach which is arguably not equitable or fair and could lead to certain sites and development proposals being rendered unviable when seeking to achieve a range of other policy requirements. As such, we would welcome additional paragraphs being added to the SPD. Firstly, the SPD should encourage Neighborhood Plans and Neighborhood Infrastructure Development Plans to identify local education establishments, where locally collected CIL payments (i.e. those provided to town and parish Councils) could be spent.

	The SPD should then confirm 'where there is evidence that neighborhood infrastructure plans have identified education provision as an area where locally collected CIL payments could be spent, this will be taken into account in determining the amount of funding required through a s106 obligation'.
Include files	R001v7 PL - SPD Representations - Final.pdf

10.3 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	10.3
Consultation Point	Paragraph
Comment ID	DC SPD-96
Q3 - What is your overall view on this section?	Support
Consultee First Name	Andrea
Consultee Surname	Booth
Consultee Organisation	Handforth Grange Primary and Nursery
Agent First Name	Andrea
Agent Surname	Booth
Reference Number	10.3
Consultation Point	Paragraph
Comment ID	DC SPD-196
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	We feel that additional high school provision will be required for children within Handforth. The current high school in Wilmslow is already at capacity and in some years children from Handforth Grange have not been allocated places due to being at the furthest end of the catchment area. We would support the building of a 3-18 provision on the site of the Handforth Garden Village.

10.4 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	10.4
Consultation Point	Paragraph
Comment ID	DC SPD-97
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	We support this policy as it has been known for some developers to break the progress of development up into smaller tranches to avoid contributions that would have been due if all units had been completed as part of the same project.

10.5 Paragraph

Consultee First Name	Marc
Consultee Surname	Hourigan
Consultee Organisation	Hourigan Planning
Reference Number	10.5
Consultation Point	Paragraph
Comment ID	DC SPD-162
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>It is noted that at Paragraph 10.5 of the DC SPD that some specialist accommodation is exempt from the education assessment 'as it is assumed that no children would reside there'. This is reasonable and understandable.</p> <p>However, we would also request that the Council include reference within the SPD that schemes for 100% affordable housing would also be considered as being exempt from being required to make developer contributions.</p> <p>Typically our clients secure land for development which has been deemed unsuitable or unviable by open market residential developers, and therefore a scheme for 100% affordable housing (with support from the necessary funding partners such as Homes England) is a much more viable prospect for some landowners. However, other Local Planning Authorities recognise the financial challenges which such schemes present, alongside understanding the material benefits that the provision of significant numbers of new affordable dwellings can make to an authority area, and they have adopted an approach whereby no developer contributions would be sought on such 100% affordable housing schemes. One such authority is Fenland District Council, who has an adopted Developer Contributions SPD (February 2015) which confirms that affordable housing schemes are not required to make any developer contributions (other than the affordable homes themselves).</p> <p>The 2020 Viability Update Assessment makes no reference to having undertaken any assessments in relation to schemes for 100% affordable housing; it considers the sheltered and extracare sectors, but not the types of schemes which our clients specialise in.</p> <p>With this in mind, we would request that the SPD includes a specific reference at the appropriate section of the document that the Council will review planning applications for 100% affordable housing carefully at development management stage, noting that it will be unlikely that developer contributions will be secured on such schemes without adversely affecting the viability of the development.</p> <p>Given that the Council's most recent viability evidence base is silent on this matter, and there is no mention of it in the Council's adopted policy requirements, we feel it would be reasonable for the Council to address this specific issue within the Developer Contributions SPD.</p>
Consultee First Name	Natasha

Consultee Surname	Styles
Consultee Organisation	McCarthy Stone
Agent First Name	Natasha
Agent Surname	Styles
Agent Organisation	The Planning Bureau
Reference Number	10.5
Consultation Point	Paragraph
Comment ID	DC SPD-184
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	<p>Section 10 – Education</p> <p>We support paragraph 10.5 as it exempts older peoples housing from education contributions as it is assumed that no children would reside there.</p>

10.6 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	10.6
Consultation Point	Paragraph
Comment ID	DC SPD-98
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	BUT should the means of determining the proportionate share be specified to aid clarity for developers and the community?

10.7 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	10.7
Consultation Point	Paragraph
Comment ID	DC SPD-99
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	We think this statement could do with some clarification as we need to have some explanation of 'pooling' before we can begin to understand what the policy means.

10.8 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	10.8
Consultation Point	Paragraph
Comment ID	DC SPD-100
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	Generally speaking there is no Youth Service external to schools any more with the exception of some funds directed at young people who are considered vulnerable in one way or another. We strongly believe that ignoring this general service for young people particularly from later primary through teenage years is detrimental to the quality of life of young people in particular and family life in general. We would ask for a review of this policy neglect and consider the power inherent in the funds from development as a means of resurrecting a Youth /Service we can be proud of and that the local communities throughout Cheshire East could support by voluntary effort and precept contribution.

10.14 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	10.14
Consultation Point	Paragraph
Comment ID	DC SPD-101
Q3 - What is your overall view on this section?	Support

10.15 Paragraph

Consultee First Name	Alan
Consultee Surname	Murdoch
Reference Number	10.15
Consultation Point	Paragraph
Comment ID	DC SPD-11
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	Agreed
Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	10.15
Consultation Point	Paragraph
Comment ID	DC SPD-102
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	Excellent

2.7 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	2.7
Consultation Point	Paragraph
Comment ID	DC SPD-75
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	This framework of consultation once it becomes familiar should be very effective BUT far more publicity needs to be given to the process. It should be the duty of CE Councillors as part of the Code of Conduct that they should publicise consultations in their wards so that as wide a spread of residents as possible have the opportunity if they wish to contribute. At the moment it is only 'professional' people with interest that tend to comment. Your offer of 'careful consideration' has only a limited number of comments to work with.

11 Health Infrastructure

Consultee First Name	Natasha
Consultee Surname	Styles
Consultee Organisation	McCarthy Stone
Agent First Name	Natasha
Agent Surname	Styles
Agent Organisation	The Planning Bureau
Reference Number	11
Consultation Point	Health Infrastructure
Comment ID	DC SPD-185
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	<p>Section 11 – Healthcare Infrastructure</p> <p>Section 11 looks at healthcare infrastructure and for major development requires a 'screening report to determine if a full health impact assessment will be required. Where increased demand on local health services can be demonstrated, the Council will seek contributions towards new or enhanced health and social care facilities'. The draft SPD then sets a financial contribution based on standard occupancy assumptions of housing at para 11.12.</p> <p>This section should recognise that:</p> <p>A) some specialist housing, such as older person's housing has lower occupancy per unit. The average occupancy of a McCarthy Stone apartment is 1.3 persons. This is to ensure that where any such contribution is justified and fairly and reasonably related in scale and kind to the development and does not place an unnecessary financial burden on specialist development.</p> <p>B) That there is a common misconception that older persons housing places an additional burden on healthcare infrastructure and therefore any such screening should recognise this and/or the threshold for screening of such housing should be set much higher (say 75 units). There is much evidence to support this such as from the Homes for Later Living report, September 2019 which identifies that 'Each person living in a home for later living enjoys a reduced risk of health challenges, contributing fiscal savings to the NHS and social care services of approximately £3,500 per year'.</p> <p>Recommendation: Amend para 11.12 so it reads as follows:</p> <p>'The table below sets out the required financial contributions on 1st April 2022 and will be adjusted annually for inflation. Occupancy assumptions should also be amended for specialist forms of housing such as older persons housing that has an average occupancy of 1.3 persons per unit with the threshold for screening for a full healthcare impact assessment increased accordingly to say 75 units'.</p>

Consultee First Name	Andy
Consultee Surname	Baddeley
Consultee Organisation	Liberty Properties
Agent First Name	Tom
Agent Surname	Robinson
Reference Number	11
Consultation Point	Health Infrastructure
Comment ID	DC SPD-173
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	Please see attached letter setting out comments in relation to Health Infrastructure matters.
Include files	Response Letter 071122.pdf (1)
Consultee First Name	Tatton Estate, Bloor, Taylor Wimpey
Agent First Name	Joe
Agent Surname	Davis
Agent Organisation	Pegasus Planning Group Ltd
Reference Number	11
Consultation Point	Health Infrastructure
Comment ID	DC SPD-255
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>The Consortia accepts that there will be occasions when large scale development will have to make contributions to health facilities where these are at or close to capacity and where new facilities are required.</p> <p>We note that the SPD references policy SC3 in the LPS which requires Screening or Rapid Impact Assessments as part of all major proposals to review the possible health impact of a policy or proposal and to determine if a full Health Impact Assessment is required. An example of a screening assessment is referred to in the SPD at paragraph 11.6 and referred to as Appendix 4, but this appendix is not provided as part of the consultation draft and therefore we are unable to comment in full towards the appropriateness of the considerations that will be taken into account. The example screening assessment should be provided as a priority and the SPD consulted on again once available.</p> <p>At paragraph 11.8, it is stated that advice will be sought from Integrated Care Boards to establish the likely impact of development on health services in the area to determine the necessary mitigation measures that will be required to meet the needs of the community. This paragraph should be amended to confirm that mitigation</p>

measures sought will be of a scale to ensure the development does not result in undue impacts and will be of a scale proportionate to the development. Indeed, it is not the developer's responsibility to address existing needs of the community.

We note that paragraphs 11.11 of the SPD sets out a financial cost of new residents on local health services in Cheshire East and this is stated to equate to £360 per resident. The associated footnote also provides little information in terms of the source of this figure other than stating NHS Cheshire and Merseyside. A specific reference to a document or active webpage should be provided so this figure can be reviewed by developers.

The Table after paragraph 11.12 in the SPD then sets out expected occupancy ratios per dwelling size with 1.4 persons per 1 bed unit, 2.0 persons per 2 bed unit, 2.8 persons per 3 bed unit and so on. However, the costs do not correlate with the above figure. For instance, a 2 bed unit is expected to contribute £875 as of April 2022. This is substantially more than double the figure set out in paragraph 11.11, which is for one resident. Whilst we note the requirements will be adjusted annually for inflation, as stipulated by paragraph 11.12, we would suggest that the inflation rates are set out in the SPD so it is made clear as to how the contribution figures are calculated so these can be cross checked.

Of greater concern, however, is the assumption made by the Council that every new dwelling will result in a new resident for the Borough. Such an assumption is incorrect as many new homes developed may be occupied by existing local residents in the area. Many could derive from concealed households within Cheshire East. For instance, older children living with their parents currently living in Cheshire East but then acquiring their own home within the Borough. Such households will not impact on the health service because they will be utilising that service already. Indeed, the Borough's increase in population will not automatically track housing development. This needs to be explored in greater detail within the SPD and revised and reduced contribution sought accordingly.

Include files	R001v7 PL - SPD Representations - Final.pdf
Consultee First Name	Roger
Consultee Surname	Bagguley
Consultee Organisation	Residents of Wilmslow
Reference Number	11
Consultation Point	Health Infrastructure
Comment ID	DC SPD-194
Consultee First Name	Barratt Homes (North West), David W
Agent First Name	Paul
Agent Surname	Nellist
Agent Organisation	Asteer Planning LLP
Reference Number	11

Consultation Point	Health Infrastructure
Comment ID	DC SPD-226
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>Paragraph 11.6 states:</p> <p>“An example screening assessment is set out at Appendix 4 and should be submitted with all major development applications.”</p> <p>For clarity, the word ‘residential’ should be added before ‘major development applications’ in the above paragraph.</p> <p>Required Contributions (Paragraphs 11.10 – 11.12)</p> <p>Paragraph 11.10 states development sites will be required to contribute to the delivery of health infrastructure where appropriate health care needs can be demonstrated.</p> <p>It is clear from Paragraphs 11.1 -11.9 that contributions will relate to additional needs generated by developments. Developments cannot be expected to contribute towards existing need and such requested contributions would not pass the tests at Regulation 122 of the CIL Regulations. Therefore the word “appropriate” at Paragraph 11.10 should be amended to ‘additional’ or ‘increased’ for clarity.</p> <p>Paragraph 11.11 refers to footnote 9 “NHS Cheshire and Merseyside” as the source of information for the financial effect a new resident has on local health services in Cheshire East – which equates to £360.</p> <p>Footnote 9 is extremely vague and provides no clarity over where the £360 figure has come from and should be updated (i.e. what document/evidence is it based on) so that applicants can assess its accuracy.</p> <p>Paragraph 11.12 provides a table which sets out the required financial contributions on 1 April 2022 and will be adjusted annual for inflation.</p> <p>It is not clear how the table will be updated. Will this be as part of an annual SPD update or will it be published elsewhere?</p> <p>In any case, the figures in the table do not add up based upon the £360 per new resident figure. It should be made clear where the numbers have come from and how the figures in the table were calculated.</p>

11.1 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	11.1
Consultation Point	Paragraph
Comment ID	DC SPD-103
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	<p>We would prefer to see the 'variety of community facilities' specified in more detail. Do they include general youth facilities for example like a youth centre with indoor games facilities? There is a great deal of emphasis on outdoor play facilities which is welcome but the weather especially for the autumn and winter months prevents reasonable use of such facilities for much of the time yet recreation is needed for the mental and physical health of young people as well as for developing rules based behaviour and social skills.</p> <p>This aspect of social life for young people is sadly very much neglected at the present time and considering it as part of the development needs of communities should be strongly supported by new development contributions.</p>
Consultee First Name	Roger
Consultee Surname	Bagguley
Consultee Organisation	Residents of Wilmslow
Reference Number	11.1
Consultation Point	Paragraph
Comment ID	DC SPD-177
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	<p>There is too much emphasis placed upon national data in meeting a need. We particularly refer to the approval of a 60 beds care home on Manchester Road at the same time as a 63 beds home was near to completion on Handforth Road, Wilmslow. A local survey of existing care homes within this area of Cheshire East clearly indicated there is no need for additional care home provision. Whilst there may well be a national shortage the needs of the local area should be given greater weight than the overall need. We would like policy to address the hierarchy.</p>

2.8 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	2.8
Consultation Point	Paragraph
Comment ID	DC SPD-76
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	Supplementary guidance is needed and therefore the publication of such a document relating to developer contributions as a material consideration will be welcomed by the 'planning community'.

11.2 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	11.2
Consultation Point	Paragraph
Comment ID	DC SPD-104
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	We strongly support this statement but surely it must be expanded to say exactly how the SPD policies for developers can help to make sure ' that local health and social care facilities are provided to meet the needs of the community.'? Please expand this aspirational statement to make it operational!

11.4 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	11.4
Consultation Point	Paragraph
Comment ID	DC SPD-105
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	<p>Much more detail is required in this section.</p> <p>We all know that local health services have deteriorated in the last 12 years. The government expects all elderly people to have a personal doctor who can know their full range of needs and respond to changes in their health from a holistic perspective. This service may be available at a considerable cost in the private sector of medicine BUT it is completely unobtainable through the National Health Service although some noble individual doctors try to maintain such a relationship.</p> <p>So whatever the NPPF requires it appears that neither government funding nor local government organisation through the planning system can stop the rot. So 11.4 and other paragraphs relating to the health service are pie in the sky unless there is as much attention to the health needs of residents as there is to the educational needs of children. We suspect that any taxonomy of needs generated by increased residential development, if genuinely met through development contributions, would render development unviable.</p> <p>So exactly what is this SPD going to require of developers to fulfil this serious need?</p>

11.5 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	11.5
Consultation Point	Paragraph
Comment ID	DC SPD-106
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	We strongly support this approach but would ask why has this policy not been implemented before. And what is the definition of a major application? Please specify. And is 'major' just a number or is defined as a proportion of the community to which it is attached as well as a number? As far as we know three substantial developments have been added to our community and no health impact assessments have been made that generated support for the health service or care provision.

11.6 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	11.6
Consultation Point	Paragraph
Comment ID	DC SPD-108
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	Always helpful to provide descriptions of practical examples. Though we recognise that makes the document longer!

3 Planning Policy Framework

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	3
Consultation Point	Planning Policy Framework
Comment ID	DC SPD-107
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	<p>We think this section should come at the beginning of the SPD, not at the end. It should come with a straightforward summary of the current purpose of planning as the government sees it and as the Planning authority sees it with an emphasis on long-term sustainability, local community involvement, and some awareness of the need to manage climate change.</p> <p>We think this is a very important document and it needs to be as clearly expressed and as informative as possible not only for planning experts and developers' legal teams but for Town and Parish councilors who are responsible for commenting on Planning Applications in ways that both enable development but protect their communities. Developers are interested in profit but they also need good reputations to gain public support so they will want to cooperate with communities. That is why at the pre-application stage communities need to be involved. And again they need to be heavily involved with the legal agreements drawn up in relation to S106 contracts s278 contracts and any planning obligations through conditioning that are negotiated by the Planning Authority on their behalf.</p> <p>We all need to work together and if this document helps us to do that with long term sustainable development in mind it will have done a very good service to us all and enable residents to have confidence in our planning system.</p>
Consultee First Name	Steve
Consultee Surname	Melligan
Consultee Organisation	The Crown Estate
Agent First Name	Stephenie
Agent Surname	Hawkins
Agent Organisation	Barton Willmore LLP
Reference Number	3
Consultation Point	Planning Policy Framework

Comment ID	DC SPD-163
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	The draft SPD, at paragraph 3.2, references the National Planning Policy Framework (NPPF) as published February 2019. However, the NPPF was updated in 2021 and the draft SPD as a whole should be reviewed and updated accordingly.
Consultee First Name	Barratt Homes (North West), David W
Agent First Name	Paul
Agent Surname	Nellist
Agent Organisation	Asteer Planning LLP
Reference Number	3
Consultation Point	Planning Policy Framework
Comment ID	DC SPD-219
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>Paragraph 3.7 refers to NPPF paragraph 57.</p> <p>This reference is incorrect and should be amended to 'paragraph 58'.</p> <p>Paragraph 3.10 of the SPD states:</p> <p>"It should be noted that the Government's Levelling-Up and Regeneration Bill includes proposals to consolidate CIL and S106 into a single 'Infrastructure Levy'. At the time of writing it is unclear when the Levelling-Up Bill will achieve Royal Assent and the degree to which the proposals set out in the Bill will change. Therefore, whilst the Council recognises that the guidance in this SPD may become out of date should the infrastructure levy be introduced, the guidance in this SPD will assist the Council and developers in the meantime."</p> <p>The above paragraph acknowledges that the guidance may become out of date should the infrastructure levy be introduced. However, this acknowledgement should be extended to other policies and guidance (e.g. the NPPF or PPG) on which the SPD relies for context, which may be updated/replaced.</p> <p>Cheshire East Site Allocations and Development Policies Documents (Paragraphs 3.22 – 3.25)</p> <p>Paragraph 3.23 states:</p> <p>"The Revised Publication Draft SADPD is being published for representations between the 19 October and 31 November 2020. Further details about this can be found on the council's website: www.cheshireeast.gov.uk/localplan"</p> <p>This paragraph needs to be updated to refer to the latest SADPD position which is currently the 'Report on the Examination of the Cheshire East Local Plan Site Allocations and Development Policies Document' published on 17 October 2022. However, given the expected imminent adoption of the SADPD, presumably the SPD will be published following the adoption of the SADPD and should therefore refer to its adoption date.</p>

	<p>Paragraph 3.25 sets out the relevant policies in the Revised Publication Draft SADPD.</p> <p>The emerging policies should be updated to correspond with the latest SADPD as modified. For instance “RU 4: Essential rural workers occupancy conditions” and “RU 8: Visitor accommodation outside of settlement boundaries” have been updated to “RUR 4: Essential rural workers occupancy conditions” and “RUR 8: Visitor accommodation outside of settlement boundaries” respectively.</p>
Consultee First Name	Valerie
Consultee Surname	Herbert
Consultee Organisation	Prestbury Parish Council
Reference Number	3
Consultation Point	Planning Policy Framework
Comment ID	DC SPD-214
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>Pages 8 and 9. It is appreciated that this consultation is about developer contributions, but CEC should not take the view that this matter is unrelated to environmental and climate change commitments. If a proposed development is not going to be carbon neutral, then this needs to be recognised and dealt with in various ways, including financial penalties. The National Planning Policy Framework (paragraphs 152-173) requires the planning system to "support the transition to a low carbon future in a changing climate" (para. 152) and says that new development should be planned in ways that "avoid vulnerability to the range of impacts arising from climate change" and "can help to reduce greenhouse gas emissions, such as through its location, orientation and design". It also stipulates the issues that planning authorities must take into account when determining planning applications. None of this is referenced. It should be, especially in view of the fact that CEC declared an environment and climate emergency in 2019 and committed to becoming carbon neutral.</p>
Consultee First Name	Tatton Estate, Bloor, Taylor Wimpey
Agent First Name	Joe
Agent Surname	Davis
Agent Organisation	Pegasus Planning Group Ltd
Reference Number	3
Consultation Point	Planning Policy Framework
Comment ID	DC SPD-250
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>Section 3 of the SPD sets out the relevant Planning Policy Context for the SPD, whilst Section 5 sets out some procedures that will be applied in determining planning applications. Our comments below relate to both sections.</p>

We do not disagree with the content of the policy chapter (Section 3) in terms of the factual statements set out. However, the Consortia has concerns around how viability is tested in the context of planning obligations and developer contributions within Cheshire East. This is principally because of the sequence and timeframe over which the overall Local Plan has been prepared and changes to national policy and guidance over this period. In short, significant changes have occurred since the preparation and adoption of the Local Plan Strategy, which identifies and allocates the vast majority of development land within the Borough.

The SPD does introduce new requirements over and above what has been tested and examined through the adopted and emerging Development Plan Documents and Community Infrastructure Levy rates for the area.

As such, the SPD proposes additional obligations that have not been thoroughly tested or examined in order to test the deliverability and viability of these sites.

Viability and the Development Plan

Firstly, the Local Plan Strategy (LPS) for Cheshire East, which includes the vast majority of development sites within the Borough, underwent Regulation 19 consultation and was submitted to the Secretary of State in 2014, with its examination stretching over 2014, 2015 and 2016 and was eventually adopted in 2017. It was therefore fully prepared under the 2012 version of the NPPF.

As detailed in sub sections below, the introduction of the 2018 NPPF (also reflected in the 2019 and 2021 versions) removes the level of flexibility allowed for in terms of the testing of viability matters when determining planning application, with the role for viability assessment primarily at the plan making stage, which was not stipulated in the 2012 version of the NPPF. Detailed guidance in relation to these matters is provided within the updated 2018/2019 NPPG, but is not considered within the LPS.

Post the adoption of the LPS, the Council consulted on CIL in 2017 based on evidence within the Council's 2016 Infrastructure Delivery Plan. Viability was clearly explored in detail as part of this process in terms of the delivery of the strategic allocations set out within the LPS. As part of this process, the originally proposed CIL rates were reduced downwards to ensure the policies within the LPS could be achieved (namely the delivery of affordable housing requirements + average S106 contributions + CIL). CIL was eventually adopted in 2019.

Post adoption of the LPS and CIL, the emerging Site Allocations and Development Policies Document (SADPD) was prepared and is at its final stages with the Inspector's Proposed Modifications to make the plan sound recently published. The SADPD was updated in 2020 and removed a significant number of originally proposed allocations for the smaller Local Service Centres. It was accompanied by a '2020 Update and Refresh' Viability Assessment prepared by HDH Planning and Development. This Viability Assessment considered viability matters in the context of the revised viability guidance set out within the 2018 and 2019 versions of the NPPF and relevant updates to the NPPG. However, it is noted in the introduction to that document at paragraph 1.6 that:

It is important to note, at the outset, that the SADPD will sit under the adopted LPS. The approach taken has been to build on the Council's existing viability evidence and update it as required. The policies in the 2017 LPS are not under review and this assessment does not include consideration of the strategic sites allocated under the 2017 LPS.

Moreover, it is noted that at paragraph 1.4 it is confirmed that only 6 representations to the Regulation 19 SADPD were made in relation to viability. We would argue that this low level of representation was due to the fact that the SADPD introduced very few additional development sites for housing and therefore there was limited interest

/ reason for developers to comment on such issues. Indeed, as set out in Table 9.1 of the 2020 Viability Assessment, only 5 residential sites were progressed through the SADPD all with a capacity of less than 100 dwellings and ranging from 25 to 80 dwellings. The expectation for these sites to deliver considerable infrastructure requirements is therefore likely to be very limited.

Whilst we note that the 2020 Viability Assessment did consider a wider range of site typologies and specific allocated sites within the LDS were not tested in terms of their viability as part of the SADPD process. Five of the typologies were indicated to be akin to sites within the LPS in terms of scale, land type and mix of uses but the site allocation policies themselves were not tested. This is pertinent because most of the site allocation policies include a list of criteria that need to be satisfied, some of which place additional burdens/costs on the development over and above what is required by CIL charges and the SPD requirements.

Taking the above into account, it is clear the adopted LPS, which allocates the vast majority of land for housing and employment development across the Borough, was not prepared in accordance with the most up to date viability guidance set out within the NPPF and NPPG. The guidance is clear in that planning obligations should be set out in plans and examined in public, with it not being appropriate to set new formulaic approaches to planning obligations in supplementary planning documents.

It is therefore critical that this SPD does not introduce new areas of cost for development over and above what was examined in more detail as part of the CIL process. However, as we set out in subsequent sections, we consider that this is the case. As such, a full review of the LPS should therefore be undertaken with the inclusion of an up-to-date viability assessment to ensure planning obligations are full assessed.

Failing that, the Council will have to accept that there are likely to be numerous instances where viability assessments may well be required to support planning application where expectations on affordable housing delivery and other sought developer contributions (over and above CIL contributions) are insisted upon and it should not be assumed that the viability of all sites within Cheshire East has already been scrutinised in full, particularly given the additional burden placed on developers through more recent national planning and building regulations (see comments in subsequent section).

Additional Costs of Housing Delivery

Since the adoption of the Council's CIL charging rates, the UK left the EU, which has had an impact on labour supply within the development industry. In addition, the cost of labour, materials, energy, fuel and professional services have all increased significantly. Most recently, interest rates and inflation has risen, which has a major impact on house sale rates and the risks associated with lending and borrowing for development proposals. There have also been a wider range of additional requirements placed on the housebuilding industry that have increased costs (see sub section below).

Home Builders Federation (HBF) issued a report in November 2022 named 'Building homes in a changing business environment: An assessment of new and forthcoming additional costs of housing delivery' which is included in full at Appendix A. This subsection considers the importance of this paper and its relevance to the considerations highlighted within the draft SPD.

This report identifies 12 new taxes, levies and regulations that, cumulatively pose a serious challenge to the industry's ability to function and deliver new homes. Across all of the 12 areas of additional cost identified in the paper, we estimate an additional cost to the industry of just under £4.5bn per year. Based on recent housing

delivery and likely trends, the HBF have estimated that the average cost per plot of the measures outlined in the report will be within a range of £19,000 to £23,000 per plot.

The cumulative impact of the dozen changes to the regulatory and tax environment for house builders amounts to the equivalent of around £22,000 per new home, more than half of the national average developer contribution value per plot seen in recent years. While land values may flex to absorb some of this, the impact will inevitably be seen in fewer resources being available to provide developer contributions, fewer homes built overall or a combination.

These significant additional costs are an important consideration in the context of the draft SPD, demonstrating a rising financial burden for developers on top of the financial contributions requested by the Council. The level of contributions requested by the Council within the draft SPD should therefore be given careful consideration given the rising financial burden placed on developers and the knock on impacts this may have on the delivery of homes within the Borough.

National Planning Policy Framework (NPPF) (2021)

The NPPF does not provide specific detail on the viability process, but follows the shift within the 2018 and 2019 versions of the NPPF whereby viability testing has moved from the development management stage to the plan-making stage. Paragraph 34 of the NPPF relates to development contributions, stating that plans should set out what development is expected to provide, and that the requirement should not be so high as to undermine the delivery of the plan:

“Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.”

Further guidance in relation to the viability matters is provided within paragraph 58 of the NPPF, with reference to further guidance provided within the NPPG:

“Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.”

National Planning Policy Guidance (NPPG)

The NPPG sets out extensive guidance in relation to viability and plan making, with extensive updates to the guidance issued in 2018 and 2019. Paragraph: 001 Reference ID: 10-001-20190509 sets out how plan makers set policy requirements for contributions from development, with our emphasis directed at the need for viability to be informed by appropriate evidence and relevant policies:

“Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure).

These policy requirements should be informed by evidence of infrastructure and affordable housing need, and a proportionate assessment of viability that takes into account all relevant policies, and local and national standards, including the cost implications of the Community Infrastructure Levy (CIL) and section 106. Policy requirements should be clear so that they can be accurately accounted for in the price paid for land. To provide this certainty, affordable housing requirements should be expressed as a single figure rather than a range. Different requirements may be set for different types or location of site or types of development.”

Paragraph: 002 Reference ID: 10-002-20190509 of the NPPG is of key importance here, setting out where policy on planning obligations should be set. Our emphasis is focused on how planning obligations should be set out in plans examined by the public, with it not appropriate to set out new approaches to planning obligations within SPDs:

“Policies for planning obligations should be set out in plans and examined in public. Policy requirements should be clear so that they can be accurately accounted for in the price paid for land.

Such policies should be informed by evidence of infrastructure and affordable housing need, and a proportionate assessment of viability. This evidence of need can be standardised or formulaic (for example regional cost multipliers for providing school places. See the guidance from the Department for Education on ‘Securing developer contributions for education’. However, plan makers should consider how needs and viability may differ between site typologies and may choose to set different policy requirements for different sites or types of development in their plans.

It is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base documents, as these would not be subject to examination. 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.”

The SPD does seek to apply standard formula and this is therefore at odds with the NPPG. Whilst we recognise that it is helpful for developers to have sight of formula so as to broadly gauge what developer contribution might be sort, it must be made clear in each chapter and section of the SPD, that each application will be determined on a case by case basis and that the formula will not be applied rigidly in the case of every planning application (major or minor).

Procedures in testing Viability at the Application Stage

Noting all of the points we make above, it is the Consortia’s position that a number of the Council’s Development Plan policies cannot be regarded as being up to date in terms of the test of deliverability and viability. As such, significant weight should be afforded to developer viability assessments going forward and until such time that a full Local Plan Review (and accompanying viability assessment) has taken place.

	<p>We do recognise that the Council stipulate the following at paragraph 5.8 of the SPD in relation to the 2020 Viability Assessment, which we support.</p> <p>‘The conclusions of this assessment confirm that the Council must continue to engage with site promoters and should consider potentially accepting a lower level of affordable housing or, lower provision of other policy requirements in these areas.’</p> <p>It is also noted that the following is stated at paragraph 5.9. Whilst we disagree with the first part of the first sentence, we do welcome the Council’s recognition to take a flexible and pragmatic approach and urge that this is applied in practice.</p> <p>‘Whilst the guidance in this SPD does not present additional requirements over and above those existing policy obligations tested as part of the 2020 Viability Update Assessment, the council recognises the need for flexibility and a pragmatic approach to securing developer contributions in some circumstances. Where developers expect sites are unviable in terms of delivering the full suite of policy obligations, they are invited to submit a viability assessment as part of their planning application.’</p> <p>Indexation</p> <p>As referenced at paragraphs 5.13 to 5.22, we note that all payments will be index linked. Whilst we note that this is typical for CIL and s106 contributions, in light of recent economic events, significant rises in inflation and interest rates, the increase in CIL rates and s106 contributions via indexation is likely to significantly increased over the next year and more. This could have serious implications on the viability of previously approved schemes and therefore we would urge the Council to be alive to this issue in terms of considering revised / resubmitted application proposals and requests to alter legal agreements already signed.</p> <p>For ease of reference and for monitoring purposes, we recommend that it would be helpful if the Council could publish annually what the latest CIL rates will be for each year in line with the relevant indexation on their CIL webpage. Many LPA’s including South Ribble Council produce this annually.1).</p>
Include files	R001v7 PL - SPD Representations - Final.pdf

11.10 Paragraph

Consultee First Name	Alan
Consultee Surname	Murdoch
Reference Number	11.10
Consultation Point	Paragraph
Comment ID	DC SPD-12
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	I agree that new developments should be required to contribute to increased costs of providing health services to the additional residents they will add to doctors registers

11.11 Paragraph

Consultee First Name	Alan
Consultee Surname	Murdoch
Reference Number	11.11
Consultation Point	Paragraph
Comment ID	DC SPD-13
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	the calculation should reflect any particular increased demand eg retirement apartments and care/ nursing homes where the residents are likely to require more intense doctors appointments including site visits, prescriptions etc should contribute a greater sum than homes for first time buyers whose demands are likely to be less (evidence to support this can be obtained from local doctors) if necessary

11.12 Paragraph

Consultee First Name	Alan
Consultee Surname	Murdoch
Reference Number	11.12
Consultation Point	Paragraph
Comment ID	DC SPD-24
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	The present calculations do not appear to reflect the increased cost of servicing buildings specifically designed for an elderly population
Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	11.12
Consultation Point	Paragraph
Comment ID	DC SPD-109
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	We do not understand the logic of this table. Surely if a one bed unit is allocated approx £600 requirement then a five bed unit requires a minimum of £3000? We think these sums should be simply pro rata and should be rounded up to be easily calculable.
Consultee Surname	Emmerson
Reference Number	11.12
Consultation Point	Paragraph
Comment ID	DC SPD-150
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	These contributions seem incredibly low - again they should be tiered with higher amounts for greenfield sites as these tend to be bigger and put more localised pressure on infrastructure and environment.
Consultee First Name	Natasha
Consultee Surname	Styles

Consultee Organisation	McCarthy Stone
Agent First Name	Natasha
Agent Surname	Styles
Agent Organisation	The Planning Bureau
Reference Number	11.12
Consultation Point	Paragraph
Comment ID	DC SPD-186
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	<p>Recommendation: Amend para 11.12 so it reads as follows:</p> <p>‘The table below sets out the required financial contributions on 1st April 2022 and will be adjusted annually for inflation. Occupancy assumptions should also be amended for specialist forms of housing such as older persons housing that has an average occupancy of 1.3 persons per unit with the threshold for screening for a full healthcare impact assessment increased accordingly to say 75 units’.</p>

11.13 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	11.13
Consultation Point	Paragraph
Comment ID	DC SPD-110
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	We presume that where GP practices dissolve in order to amalgamate then the retrieval process will not apply. NB the recently created Middlewood Partnership.

12 Indoor and Outdoor Sports Facilities, Public Open Space, Play Space and Green Infrastructure

Consultee First Name	Tina
Consultee Surname	Cartlidge
Consultee Organisation	Holmes Chapel Parish Council
Reference Number	12
Consultation Point	Indoor and Outdoor Sports Facilities, Public Open Space, Play Space and Green Infrastructure
Comment ID	DC SPD-36
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	<p>General Comment on this Section</p> <p>The Parish Council objects to the continuation of policies to place future responsibilities and liabilities for green spaces and play areas on residents. These should be managed by CEC with appropriate S106 contributions. Public Rights of Way upgrades and new provisions should be subject to prior discussion with Town and Parish Councils.</p>
Consultee First Name	Roger
Consultee Surname	Bagguley
Consultee Organisation	Residents of Wilmslow
Reference Number	12
Consultation Point	Indoor and Outdoor Sports Facilities, Public Open Space, Play Space and Green Infrastructure
Comment ID	DC SPD-195
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	Overall supportive but we wish to draw your attention to the suggested modifications made by Transition Wilmslow.
Consultee First Name	John
Consultee Surname	Coxon
Consultee Organisation	Emery Planning Partnership
Reference Number	12
Consultation Point	Indoor and Outdoor Sports Facilities, Public Open Space, Play Space and Green Infrastructure
Comment ID	DC SPD-243
Q3 - What is your overall view on this section?	Comment only

Q4 - Your comments on this section:	The basis for the figures provided at paragraph 12.18 requires justification.
Consultee First Name	Valerie
Consultee Surname	Herbert
Consultee Organisation	Prestbury Parish Council
Reference Number	12
Consultation Point	Indoor and Outdoor Sports Facilities, Public Open Space, Play Space and Green Infrastructure
Comment ID	DC SPD-217
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>Para. 12.11 on page 36 says: "Where all or some of the open space, outdoor sport and green infrastructure connectivity is to be provided off site via a commuted sum, it will be accompanied by a commuted sum for maintenance for a minimum of 20 years". It does not then go on to explain what happens at the end of the maintenance period, nor whose responsibility it is to keep track of the period as it progresses. Does responsibility for the asset pass to the principal authority or a town or parish council? This needs to be clarified.</p> <p>Additionally, we note that this section makes no mention of the Queen Elizabeth II playing fields which were inaugurated in perpetuity. Fields in Trust designated over a thousand play areas, parks and open spaces as QE2 playing fields to recognise the Queen's Diamond Jubilee. Once so designated, they are protected forever. Prestbury has one such field - at Bollin Grove - which is half owned by Prestbury Parish Council and half owned by CEC. It would be reassuring if these QE2 fields were specifically mentioned and a statement made to the effect that they cannot ever be built upon.</p> <p>It also needs to be noted that there are two typos in para. 12.4. At the end of the first line, there should not be an apostrophe in 'its'. And, at the beginning of the second sentence, it should be 'Council', singular. The 's' and the apostrophe need to be removed.</p>
Consultee First Name	Rebecca
Consultee Surname	Wyllie
Consultee Organisation	Canal & River Trust
Reference Number	12
Consultation Point	Indoor and Outdoor Sports Facilities, Public Open Space, Play Space and Green Infrastructure
Comment ID	DC SPD-237
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	The definition provided for green Infrastructure in the NPPF (2021) (Annex 2; Glossary) refers to blue spaces, which includes the canal waterway network. 'A network of multi-functional green and blue spaces and other

natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity.’

As such, in line with the policy provisions of Paragraph 98 of the NPPF, and Policy SE6 of the CELP, our waterways contribute to providing a high-quality network of open green and blue space for recreational provision, supporting healthy lifestyles and the well-being of local communities. The Trust would welcome clarification in the Developer Contributions SPD that ‘Green Infrastructure’ includes ‘blue’ infrastructure and for the definition of GI offered in the glossary of the SPD to be amended to reflect the definition provided in the NPPF (Annex 2: Glossary).

The waterway network has a role to play in enabling outdoor recreation, social interaction and providing access to open space for local communities. Greater access to the waterway network is supported by the Trust, however the increased use of and footfall generated by development near waterways can lead to an increased burden on the waterway infrastructure, resulting in deterioration in the quality and condition of a corridor. We would highlight the importance of enabling any direct impact arising from a proposed development near a waterway to be appropriately mitigated, in line with the tests outlined in CIL regulations 2010 and Paragraph 57 of the NPPF.

Consultee First Name	Barratt Homes (North West), David W
Agent First Name	Paul
Agent Surname	Nellist
Agent Organisation	Asteer Planning LLP
Reference Number	12
Consultation Point	Indoor and Outdoor Sports Facilities, Public Open Space, Play Space and Green Infrastructure
Comment ID	DC SPD-227
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>Required Contributions (Paragraphs 12.8 – 12.18)</p> <p>Paragraph 12.8 states:</p> <p>“Planning obligations relating to open space, outdoor sport and green infrastructure connectivity will be sought for residential and non-residential developments of 10 units or more, or where the site has an area of 0.5hectares or more. They will also be sought for commercial developments with a floorspace over 1,000sm or site area over 1ha.”</p> <p>The term ‘non-residential developments of 10 units or more’ is confusing and may be a drafting error. The Consortium suggests that this sentence should only refer to ‘residential units of 10 units or more’ and non-residential development should be dealt with in a separate sentence.</p> <p>Paragraph 12.11 states a commuted sum for maintenance will be required for a minimum of 20 years.</p> <p>The above paragraph should clearly set out the where the basis and justification for the 20 year timeframe has come from and how the commuted sum for maintenance will be calculated and justified.</p>

Paragraph 12.12 states a commuted sum for maintenance will be required for a minimum of 25 years.

The above paragraph should clearly set out the where the basis and justification for the 25 year timeframe has come from and how the commuted sum for maintenance will be calculated and justified.

Paragraph 12.13 states:

“Where provision is of strategic significance, it should be conveyed to the Council with a commuted sum for maintenance of a minimum of 25 years for countryside areas, or 20 years in all other areas. The Council may work with third party organisations to undertake long term management and maintenance.”

Paragraph 12.13 appears to simply repeat the content of paragraphs 12.11 and 12.12 and should therefore be removed.

Paragraph 12.14 states large-scale major developments are defined in the glossary.

The glossary does not include ‘large scale major development’ and this term has not been defined elsewhere in the draft SPD.

Paragraph 12.15 states:

“Planning obligations relating to indoor sport will be sought for residential units of 10 units or more, or where the site has an area of 0.5 hectares or more.”

Paragraph 12.15 refers to “residential units of 10 units or more”. This should be amended to “residential schemes of 10 units or more”.

Paragraph 12.18 contains a table which sets out the calculations for commuted sums in lieu of on-site provision for open space, recreation, allotments, indoor sports, and green infrastructure.

The table contains several footnote annotations containing number and asterisks however, there are no footnotes to provide an explanation.

In addition, whilst elements of the table may be based on the content of the LPS, the SPD does not clarify how have the amounts been calculated, whether there has been any consideration of viability and what that consideration was. In particular, there does not appear to be any justification for seeking contributions from non-residential or commercial developments towards:

- Outdoor sport (playing pitches);
- Allotments/growing spaces;
- Indoor sports.

Some of the contributions set out towards the above would appear to threaten the viability of commercial developments in particular. If viability testing was done as part of the LPS or SADPD process, and justification provided elsewhere, the SPD should clearly refer to and signpost it.

Consultee First Name	Jean
Consultee Surname	Hill
Consultee Organisation	Transition Wilmslow

Reference Number	12
Consultation Point	Indoor and Outdoor Sports Facilities, Public Open Space, Play Space and Green Infrastructure
Comment ID	DC SPD-248
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>12.1 Add – “and contribute to the amelioration of climate change” at the end of the first sentence after wellbeing</p> <p>12.3 - Add sentence at the end “it also makes a significant contribution to the amelioration of climate change “</p> <p>12.5 – A paragraph is required to refer applicants to consider appropriate policies in</p> <p>i) Neighbourhood Plans e.g. Wilmslow Neighbourhood Plan LSP ? Sustainable Spaces, and NE5 Biodiversity Conservation and</p> <p>ii) Local Development Frameworks e.g. Royal London Development Framework and the proposal for the Handforth Growth Village.</p> <p>12.9 Replace “unless otherwise agreed” to say “ will be expected to be provided on site”</p> <p>12.11, 12.12, and 12.13 – the use of “minimum periods of 20 or 25 years “in these paragraphs is open to interpretation by developers”. Facilities will need management in perpetuity. Further consideration needs to be given to the ongoing maintenance costs at the end of these periods.</p>
Consultee First Name	Tatton Estate, Bloor, Taylor Wimpey
Agent First Name	Joe
Agent Surname	Davis
Agent Organisation	Pegasus Planning Group Ltd
Reference Number	12
Consultation Point	Indoor and Outdoor Sports Facilities, Public Open Space, Play Space and Green Infrastructure
Comment ID	DC SPD-256
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>The Consortia accept that the provision of open space and its management on or off site may require the use of s106 agreements. We note that legal obligations will relate to general open space/green infrastructure, play areas, allotments, indoor and outdoor sport and residential and well as commercial development is expected to contribute.</p> <p>In relation to the standard set within the Table after paragraph 12.18 of the SPD, we note that ‘Open Space’ requirements per family home is set at 40 sq m or 20 sq m per bedroom.</p> <p>It is not clear within the SPD if the 40 sq m per family requirement for ‘Recreation and Outdoor Space’, cited later on in the table, is in addition to or the same as the 40 sq m requirement for ‘Open Space’. We note that it does go on to state 30 sq m is for playing pitch sports and 10 sq m is for other outdoor sports suggesting it is in</p>

addition to, but this needs to be clarified and made clearer in the table. Also, the 5 sq m per family home for allotments also appears to be in addition to the 40 sq m of 'Open Space' as does the 20 sq m for 'Green Infrastructure'. However, this could be clarified by an additional summary table to show exactly what is expected of residential development and commercial development across the various open space typologies (such as the example provided below): *ATTACHED*

If the above figures are correct for family homes, the consortia consider 105 sq m per family home is a considerable amount of open space and there should be an allowance for sustainable drainage areas and BNG area to fall within these areas and not be seen to be in addition to. Moreover, there should be scope to overlap some of the above requirements across the typologies rather than these being rigidly adhered to. It should therefore be made clear that where development proposals provide more than the required open space provision set out in the SPD in one or more areas, this could be used to off-set the need to provide alternative forms of open space (or other recreation facilities and contributions such as indoor sport contributions) in order to recognise developments that deliver significant green infrastructure over and above these requirements.

Finally, we note that the definition of a family home is not provided within this part of the SPD and would suggest this is included in a footnote of glossary to the SPD.

We note the request for 20 year management/maintenance requirements for contributions towards off site open space and 25 years if this is a strategic area of open space/countryside.

We consider this is reasonable but note that 15 years has been utilised by the Council in the past.

Include files

[R001v7 PL - SPD Representations - Final.pdf](#)

12.1 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	12.1
Consultation Point	Paragraph
Comment ID	DC SPD-111
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	<p>We strongly support this objective and we would expect communities to be heavily involved and their views on what is necessary to be taken into account when drawing up agreements for s106 expenditure on such facilities. However we would expect an additional sentence to be added at the end.</p> <p>'Cheshire East will cooperate with local communities and take their views of needs into account when drawing up appropriate agreements with developers and provide facilities to local communities for negotiating an agreed formulation of s106 agreements with developers.</p>

12.2 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	12.2
Consultation Point	Paragraph
Comment ID	DC SPD-113
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	12.2 and 12.3 should logically precede 12.1. We need to define Green infrastructure before setting out its purposes.
Consultee First Name	Neil S
Consultee Surname	Collie
Consultee Organisation	East Cheshire Ramblers
Reference Number	12.2
Consultation Point	Paragraph
Comment ID	DC SPD-132
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	Please consider including after 'urban and rural' the words 'and includes the public rights-of-way network.'
Consultee Surname	Emmerson
Reference Number	12.2
Consultation Point	Paragraph
Comment ID	DC SPD-151
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	Green infrastructure needs to includes clear definitions for better ongoing management for wildlife including actions such as unmown verges and staged habitat improvements as developments mature into the future. Green infrastructure can often be barren for wildlife and so need to be managed more effectively to increase their value.

3.1 Paragraph

Consultee First Name	Yvonne
Consultee Surname	Lam
Consultee Organisation	Sandbach Town Council
Reference Number	3.1
Consultation Point	Paragraph
Comment ID	DC SPD-206
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>Developer's contractual engagement with a local authority should include all the mentioned T's & C's within the document (SPD), with any further additions added.</p> <p>This should include items such as SDP initially, CIL payments, SEA assessments & associated costs, section 106 planning obligations, Section 278 agreements, to name a few.</p> <p>In addition to this the CEC Local Plan Strategy (LPS) and the policies should contained within.</p> <p>(Paragraph 3.13)</p>

12.3 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	12.3
Consultation Point	Paragraph
Comment ID	DC SPD-112
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	Green infrastructure is particularly vital in concentrated urban communities to provide all the benefits outlined in paragraph 12.3. particularly for enhanced well-being, outdoor recreation and access, plus simple inexpensive opportunities for enjoyable exercise thereby enhancing physical health.

12.4 Paragraph

Consultee First Name	Alan
Consultee Surname	Murdoch
Reference Number	12.4
Consultation Point	Paragraph
Comment ID	DC SPD-15
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	Agreed - where new developments will increase demand for sporting facilities contributions should be made to the provision of NEW facilities
Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	12.4
Consultation Point	Paragraph
Comment ID	DC SPD-114
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	Surely 12.4 needs to come at the beginning where all the many purposes of the SPD should be set out and any problematical terms defined. Reminders can be set in context in a sentence as the SPD develops.

12.5 Paragraph

Consultee First Name	Tina
Consultee Surname	Cartlidge
Consultee Organisation	Holmes Chapel Parish Council
Reference Number	12.5
Consultation Point	Paragraph
Comment ID	DC SPD-37
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	Policy REC 3 – ‘Green space of strategic importance should be conveyed to Cheshire East’. Why should this not apply to other areas of space within developments, with funds transferred to CEC for its upkeep?
Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	12.5
Consultation Point	Paragraph
Comment ID	DC SPD-115
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	<p>We are very concerned that whereas much is made of green space little is made of indoor sports facilities and indoor youth facilities which in some cases could be combined. These are mentioned as an objective of this SPD but no real effort is made to provide a policy framework for their creation as a vital part of community infrastructure.</p> <p>We think large developments should expect to provide as well as outdoor play area which are reasonably wide spread indoor facilities for young people and recreation opportunities. There are many occasions when outdoor activities are restricted by weather conditions and therefore indoor facilities of this kind are a very valuable asset that has been sadly neglected. We think this SPD fails to provide for this vital community service.</p>

12.8 Paragraph

Consultee Organisation	Sport England
Reference Number	12.8
Consultation Point	Paragraph
Comment ID	DC SPD-212
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>In relation to paragraph 12.18 of the SPD, Sport England have the following queries:</p> <ul style="list-style-type: none"> • How has the standards have been derived? • Which sports would benefit from the standards, e.g. 40sqm for a football pitch? • What is considered to be a family home? • When would the Council use standards and when would the Council use the Sport England Sports Pitch calculator to determine sports provision? • Particularly for mixed use developments, how can the Council be sure that the proposed commercial development does not 'double count' with the proposed residential for the additional demand generated for sport provision? • How will the standards establish a sustainable sporting facility? For example, an 'hub site' with 5 sports pitches with ancillary facilities is preferred to an individual pitch developed for 5 development sites.

12.11 Paragraph

Consultee First Name	Tina
Consultee Surname	Cartlidge
Consultee Organisation	Holmes Chapel Parish Council
Reference Number	12.11
Consultation Point	Paragraph
Comment ID	DC SPD-38
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	Why should a commuted sum be provided for off-site provision rather than the same as for on-site provision? See also para 12.13.

12.12 Paragraph

Consultee First Name	Tina
Consultee Surname	Cartlidge
Consultee Organisation	Holmes Chapel Parish Council
Reference Number	12.12
Consultation Point	Paragraph
Comment ID	DC SPD-39
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>“Where the provision of open space, outdoor sport and green infrastructure is on site, management and maintenance in perpetuity will need to be demonstrated and will be secured via S106.” We question whether this “in perpetuity” is feasible. Could there not be alternatives for considering allowing a Town or Parish Council to own/operate the on-site provision and receive funds from the residents of new estates for management and maintenance.</p>

12.14 Paragraph

Consultee First Name	Tina
Consultee Surname	Cartlidge
Consultee Organisation	Holmes Chapel Parish Council
Reference Number	12.14
Consultation Point	Paragraph
Comment ID	DC SPD-40
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	We presume there is a number of houses / size of development criteria to determine major developments?

12.18 Paragraph

Consultee First Name	Tina
Consultee Surname	Cartlidge
Consultee Organisation	Holmes Chapel Parish Council
Reference Number	12.18
Consultation Point	Paragraph
Comment ID	DC SPD-41
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	What formula is to be used for securing a commuted sum for indoor sport and to who will this be paid. How will it be enforced? There is no mention in the table following 12.20 for indoor sport.
Consultee First Name	Natasha
Consultee Surname	Styles
Consultee Organisation	McCarthy Stone
Agent First Name	Natasha
Agent Surname	Styles
Agent Organisation	The Planning Bureau
Reference Number	12.18
Consultation Point	Paragraph
Comment ID	DC SPD-188
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	<p>Section 12 - indoor and outdoor sports facilities, public open space, play space and green infrastructure</p> <p>Paragraph 12.5 provides some background to the topic area and suggests that for section 106 the relevant policies in the local plan or the draft SADPD include REC 1, REC 2 and REC 3. The SADPD has recently been through examination in public and the council has recently received the inspectors report identifying that the plan is sound and can go forward for adoption. This is timetabled for adopting in December 2022 this is therefore a very up to date plan.</p> <p>Policy REC3 (green space implementation) of the SADPD at Point2 states that 'the presumption will be that green space provision associated with residential and non-residential development schemes will be provided on site. Off-site provision may be acceptable in limited instances, where this meets the needs of the development and achieves a better outcome in terms of green space delivery. This would involve the payment of a commuted</p>

sum to the council'. Point 4 states that 'The provision of, or contribution to, outdoor playing pitch sports facilities will be informed by the Playing Pitch Strategy and Sport England Sport Pitch Calculator. Other outdoor sports provision not covered by the Playing Pitch Strategy will be sought on a site by site basis using 10 sq.m per family home as a benchmark figure'. Para 11.9-11.11 of the SADPD appears to provide clarity to the provision.

Paragraph 12.18 of the draft SPD identifies that 'where provision is not required on site or the council considers a commuted sum lieu of on-site provision is acceptable for all a part of the requirement the following calculations will apply'. Paragraph 12.18 then includes a table that attempts to set the provision in sq m or through a financial contribution for various types of open space and sports provision to be delivered based on the kind of accommodation or for sheltered accommodation the amount of bedspaces. However, this table is not clear and the table appears to go beyond draft SADPD policy REC3. For example, for major residential development this appears to require for open space 40 square metres or 20 square metres per bedroom or requires a financial contribution of £4,500 pounds per family home with Residential homes / supported living /sheltered housing requiring 20 square metres per bed space or a financial contribution of £1,125 pounds per bed space or as negotiated for specific opportunities. For recreation and outdoor sport the table then appears to request a further full requirement is 40m2 per family home. For green infrastructure the table requires 20m2 per family home and for allotments requires 5m2 per family home etc. This would appear to have a total of 105 sq m per family dwelling.

In its setting of requirements for individual green infrastructure typologies and the requirements it has come out with, with little explanation as to how this has been calculated, the draft SPD appears to be going beyond the SADPD and be introducing requirements that could add additional financial burden beyond the SADPD and the section should either be clarified with proper referencing to the relevant evidence base and Development Plan Documents or reconsidered.

The open space needs of older people are much less than that presented in the draft SPD. For older people the quality of open space either on site or easily accessible for passive recreation is much more important than formal open space. The draft SPD should not therefore set area standards or commuted sums for residential homes/ supported living / sheltered housing schemes but consider the quality of the space is negotiated on a site by site basis.

Recommendation:

Reference to providing either a commuted sum or an open space area of 20sq m for Residential homes / supported living /sheltered housing schemes should be deleted from the table at 12.18 as this is not justified. The table should confirm that open space for Residential homes / supported living /sheltered housing schemes will be negotiated on a case by case basis.

13 Affordable Housing

Consultee First Name	Alan
Consultee Surname	Murdoch
Reference Number	13
Consultation Point	Affordable Housing
Comment ID	DC SPD-16
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	<p>The definition of “ affordable “ needs to be relevant- a discount of 20% to a property valued at £4-500 sq ft does not render it affordable to key workers or most first time buyers</p> <p>Affordable social rented housing is the only way housing is truly affordable</p> <p>Agreed the reduced revenue reduces the land value but that is factored into the purchase price and does not affect the developers ability to undertake the development- it simply reduces the “ windfall “ profit made by the landowner from the grant of planning consent</p>
Consultee First Name	Natasha
Consultee Surname	Styles
Consultee Organisation	McCarthy Stone
Agent First Name	Natasha
Agent Surname	Styles
Agent Organisation	The Planning Bureau
Reference Number	13
Consultation Point	Affordable Housing
Comment ID	DC SPD-189
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	<p>Section 13 – Affordable housing</p> <p>Paragraph 13.2 identifies that the council has produced a Housing SPD adopted July 2022 to provide additional policy guidance focused on local plan policies SC4 (residential mix), SC5 (affordable homes) and SC6 (rural exception housing for local needs). The draft SPD identifies that the Housing SPD aims to give greater clarity to developers landowners and communities focused primarily on affordable housing and specialist accommodation including older persons accommodation.</p>

	<p>Paragraph 13.3 identifies that this Housing SPD includes information on how developer contributions for affordable housing should be calculated and that 'The approach to financial contributions from the Housing SPD is included here. For full information on how the council applies affordable housing policies, please refer to the Housing SPD 2022 available on the Councils Website'.</p> <p>Recommendation:</p> <p>As the Housing SPD is up to date and in order to prevent repetition and ensure that this section and calculations are not scrutinised again this section should purely refer to the housing SPD rather than detailing out the methodology and para 13.4 to 13.22 should be deleted.</p>
Consultee First Name	Roger
Consultee Surname	Bagguley
Consultee Organisation	Residents of Wilmslow
Reference Number	13
Consultation Point	Affordable Housing
Comment ID	DC SPD-193
Q3 - What is your overall view on this section?	Support
Consultee First Name	John
Consultee Surname	Coxon
Consultee Organisation	Emery Planning Partnership
Reference Number	13
Consultation Point	Affordable Housing
Comment ID	DC SPD-244
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>The Council's formula in relation to off-site contributions requires clarification. Paragraph 3.12 states that where a financial contribution is offered, the amount of such contribution will normally be expected to reflect the cost necessary to facilitate an equivalent amount of affordable housing as would have been provided on-site. However, paragraph 3.13 states that the basis for calculating the cost to the developer for off-site provision will be the difference between the open market value of the units that would have otherwise been affordable and the average amount a Registered Provider would offer for those units. The approach therefore appears to be inconsistent with the cost of delivering affordable housing as referred to in paragraph 3.12.</p>
Consultee First Name	Barratt Homes (North West), David W
Agent First Name	Paul
Agent Surname	Nellist

Agent Organisation	Asteer Planning LLP
Reference Number	13
Consultation Point	Affordable Housing
Comment ID	DC SPD-228
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>Paragraphs 13.2 and 13.3 of the draft SPD state:</p> <p>“The Council has produced a Housing SPD (adopted July 2022), to provide additional policy guidance, focused on LPS policies SC4 (residential mix), SC5 (affordable homes) and SC6 (rural exceptions housing for local needs). This SPD aims to give greater clarity to developers, landowners and communities, focused primarily on affordable housing and specialist accommodation, including older persons accommodation.</p> <p>13.3 The Housing SPD includes information on how developer contributions to affordable housing should be calculated. The approach to financial contributions from the Housing SPD is included here. For full information on how the council applies affordable housing policies, please refer to the Housing SPD 2022 available on the Councils Website(10).”</p> <p>The remainder of Section 13 of the draft SPD then sets out information that appears to be simply reproduced from the already adopted Housing SPD. There does not appear to be any need to include Section 13 in the SPD and this approach may lead to confusion for applicants and officers. Rather, to simplify and clarify the approach, the content of paragraphs 13.2 and 13.3 should simply be added to the introduction section of this SPD and Section 13 removed.</p>

13.1 Paragraph

Consultee First Name	Alan
Consultee Surname	Murdoch
Reference Number	13.1
Consultation Point	Paragraph
Comment ID	DC SPD-17
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	The council should specify the types and sizes of market sale houses acceptable on certain sites- developers will always seek large5-5 bed houses because they are the units that provide the best profit - but they don't assist the majority of first time purchasers who are looking for terraced or semi detached 2 or 3 bed houses - smaller houses shouldn't only be provided under affordable requirements

3.2 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	3.2
Consultation Point	Paragraph
Comment ID	DC SPD-67
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	Should the relevant sections of the documents referred to be placed as an appendix to the back of the document?

13.6 Paragraph

Consultee Surname	Emmerson
Reference Number	13.6
Consultation Point	Paragraph
Comment ID	DC SPD-152
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	A clear statement is required to state that affordable housing is mandatory and cannot be reduced at an individual development level, a recent large development has had the affordable level reduced to 11% with no public consultation.
Consultee First Name	Stuart
Consultee Surname	Kinsey
Consultee Organisation	Wilmslow Civic Trust
Agent First Name	Stuart
Agent Surname	Kinsey
Reference Number	13.6
Consultation Point	Paragraph
Comment ID	DC SPD-205
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	What scrutiny is there of a viability assessment submitted by a developer. Assessment should be an independent assessor appointed by CEC (paid for by the developer) ... See 13.18
Consultee First Name	Roger
Consultee Surname	Bagguley
Consultee Organisation	Residents of Wilmslow
Reference Number	13.6
Consultation Point	Paragraph
Comment ID	DC SPD-178
Q3 - What is your overall view on this section?	Support

Q4 - Your comments on this section:	Very supportive of rounding up to achieve the required number of affordable homes. Good to read the assertion on the part of the council that the number of homes required should be met on site. There is a need to assert "Pepper Potting" across a site too. CELPS Policy SC5 is clear. Failure to meet all of the criteria is an equality issue.
--	--

13.7 Paragraph

Consultee Surname	Emmerson
Reference Number	13.7
Consultation Point	Paragraph
Comment ID	DC SPD-153
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	See earlier comment - this level of housing requirement needs review as it is too high being based on old projections and the increased level of windfall housing.

13.8 Paragraph

Consultee Surname	Emmerson
Reference Number	13.8
Consultation Point	Paragraph
Comment ID	DC SPD-155
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	There should be an ambition to increase the level of affordable housing above 30% on most developments being that this is the kind of housing most in demand, it should not be treated as a bare minimum and in most developments it should be set higher.
Consultee First Name	Ian
Consultee Surname	Kershaw
Reference Number	13.8
Consultation Point	Paragraph
Comment ID	DC SPD-60
Q3 - What is your overall view on this section?	Comment only

13.10 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	13.10
Consultation Point	Paragraph
Comment ID	DC SPD-116
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	We would prefer in developments where types of housing are already mixed in tenures affordable housing was pepperpotted throughout the development and standards should be maintained. Indeed we would like to see detailed standards for affordable housing clearly established and stated by the Cheshire East Planning Authorities.
Consultee Surname	Emmerson
Reference Number	13.10
Consultation Point	Paragraph
Comment ID	DC SPD-154
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	This statement should not be accepted within this document - ALL developments should have the affordable housing provision on-site.

13.11 Paragraph

Consultee Surname	Emmerson
Reference Number	13.11
Consultation Point	Paragraph
Comment ID	DC SPD-156
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	A financial contribution should not be used in any circumstance - if it cannot be achieved then the development proposal should be refused.

13.12 Paragraph

Consultee Surname	Emmerson
Reference Number	13.12
Consultation Point	Paragraph
Comment ID	DC SPD-157
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	A financial contribution should not be an option - the development should be refused if the targets are not achievable.

3.3 Paragraph

Consultee First Name	Stuart
Consultee Surname	Kinsey
Consultee Organisation	Wilmslow Civic Trust
Agent First Name	Stuart
Agent Surname	Kinsey
Reference Number	3.3
Consultation Point	Paragraph
Comment ID	DC SPD-197
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>S106 Payments are being retained, unspent, by CEC for far too long. These payments were made for the benefit of the residents, generally local to the development – not intended to be an interest free loan to shore up the LA finances.</p> <p>S106 agreements need to be such that developers make payment at a specific date which cannot be such that delays in payment benefit the developer. An example of a bad S106 agreement on office development “payment shall be due on the date when the development is fully let” – meaning that the developer can have 80% or more occupancy for years without making the S106 payment.</p>

13.17 Paragraph

Consultee First Name	Alan
Consultee Surname	Murdoch
Reference Number	13.17
Consultation Point	Paragraph
Comment ID	DC SPD-18
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	The example is unrealistic- where is a market value of a new house £100,00" The example should be worked on the basis of a price £250,000 minimum
Consultee First Name	Ian
Consultee Surname	Kershaw
Reference Number	13.17
Consultation Point	Paragraph
Comment ID	DC SPD-58
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	Given CEC will have examples of contributions generated for off-site provision, can they use that data to generate an average fixed offer price developers can sell S106 affordable units to RPs on sites where provision is to be on site?

13.18 Paragraph

Consultee First Name	Ian
Consultee Surname	Kershaw
Reference Number	13.18
Consultation Point	Paragraph
Comment ID	DC SPD-57
Q3 - What is your overall view on this section?	Comment only

13.21 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	13.21
Consultation Point	Paragraph
Comment ID	DC SPD-117
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	We support but would include a sentence ensuring that ward councilors and any relevant local council would be involved in the discussion and completion of the s106 agreement as it is their residents that they represent who will be impacted by the development.

1.1 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	1.1
Consultation Point	Paragraph
Comment ID	DC SPD-61
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>The concept of 'a material planning consideration' needs to be explained. The phrasing is not self-explanatory yet the whole purpose and weight of an SPD depends on its status as a 'material planning consideration. Since there are many considerations that the general public thinks are material yet are not an additional element of explanation would help people understand why an SPD is so important. This particularly important as the sentence starts with how the SPDS are not part of the adopted development plan.</p> <p>An example would be even more helpful.</p>

14 Cheshire Constabulary

Consultee First Name	Steve
Consultee Surname	Melligan
Consultee Organisation	The Crown Estate
Agent First Name	Stephenie
Agent Surname	Hawkins
Agent Organisation	Barton Willmore LLP
Reference Number	14
Consultation Point	Cheshire Constabulary
Comment ID	DC SPD-170
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	The draft SPD sets out that contributions will be sought towards staff set up, vehicles and premises. The Council should ensure that any planning obligations towards these items are in accordance with CIL Regulations – that is, the three tests – and that there are no other funding streams available so that developments are not subject to an unnecessary burdensome scale of obligations.
Consultee First Name	Natasha
Consultee Surname	Styles
Consultee Organisation	McCarthy Stone
Agent First Name	Natasha
Agent Surname	Styles
Agent Organisation	The Planning Bureau
Reference Number	14
Consultation Point	Cheshire Constabulary
Comment ID	DC SPD-190
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	Section 14 Cheshire Constabulary para graph 14.2 states that where the scale, nature and significance of proposals may place a demand on the police service, a contribution to police and fire infrastructure may be required to mitigate the impacts of development.

	<p>This is beyond the remit of section 106 contributions as both the police and fire authorities claim a precept through council tax and this should be the means by which the increase demand for services is provided for. In addition this would be a new charge that is not discussed in the local plan or SADPD and therefore add unnecessarily to the financial burdens on development so would be contrary to PPG.</p> <p>Recommendation:</p> <p>Section 14 should be deleted as the requirement is beyond the remit of section 106 contributions.</p>
Consultee First Name	John
Consultee Surname	Coxon
Consultee Organisation	Emery Planning Partnership
Reference Number	14
Consultation Point	Cheshire Constabulary
Comment ID	DC SPD-245
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>The proposed contributions appear to include various aspects relating to staffing equipment that cannot be attributed to a proposed development and should be funded by other means such as Council Tax. Developer contributions should be limited to where a development is so large that it requires the provision of new premises. The approach is therefore not justified or consistent with the CIL Regulations. Furthermore, the approach should be set out within a policy before any contributions are sought.</p>
Consultee First Name	Barratt Homes (North West), David W
Agent First Name	Paul
Agent Surname	Nellist
Agent Organisation	Asteer Planning LLP
Reference Number	14
Consultation Point	Cheshire Constabulary
Comment ID	DC SPD-229
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>There is no specific policy in either the LPS or the SADPD that refers to policing and there does not appear to be any specific policy basis for the contributions set out in Section 14 of the draft SPD. The 'required contributions' paragraphs (14.7 – 14.29) of the draft SPD relate to staff set up, vehicles and premises. Not all of these costs, and specifically costs for staff set-up and vehicles relate to infrastructure in the context of Policies IN 1 and IN 2 of the LPS and should not therefore be included in the SPD.</p>

Furthermore, contributions would be at risk of failing the tests set out at Regulation 122 of the CIL Regulations if they overlapped with anything provided for by Council tax receipts as they would not be necessary to make the development acceptable in planning terms. In addition, it is not at all clear how costs such as uniforms, body work cameras, and start up recruitment would be 'directly related' to any development. Once again, there is no specific policy within either the LPS or SADPD to justify this. The inclusion of the contributions set out in the draft SPD towards Cheshire Constabulary seems completely unfounded and unreasonable and should be removed.

Notwithstanding the consortium's comments on the principle of including contributions towards Cheshire Constabulary within the SPD, the remainder of Section 14 is poorly drafted and totally unclear. Specific examples are referred to below.

Objective and Background (Paragraphs 14.1 – 14.6)

The paragraphs in this subsection are confusing. For example, despite the section title being 'Cheshire Constabulary', Paragraphs 14.1 and 14.2 mentioning 'Cheshire Fire Service' and 'a contribution to police and fire infrastructure'. The remainder of the draft SPD makes no mention of 'fire service' or 'fire infrastructure' but simply refers to police costs throughout.

This appears to be a drafting error, which should be corrected. If however, the intention is that contributions towards the 'fire service' will be sought, then the draft SPD provides absolutely no detail on the justification and/or methodology for calculating and/or collecting them. As with the consortium's comments at Error! Reference source not found. - 0 above, there is no policy basis for including such contributions within the SPD.

Required Contributions (Paragraphs 14.7 – 14.29)

The paragraphs in this sub-section are extremely unclear and difficult to follow. Paragraphs 14.9-14.29, appear to set out a methodology for calculating costs/contributions but there is no introductory text explaining this.

Furthermore:

- Paragraph 14.13 refer to 2011 Census data - Will this data be updated to reflect the findings of the 2021 Census?
- Paragraph 14.14 provides table 14.1 which sets out the basic set-up costs of equipping and recruiting staff - however, there is no reference to where these figures have been sourced from or evidenced.
- Paragraph 14.20 states:

"For example, if 100 vehicles serve Cheshire East the net average value would be $100 \times 16,255$ (£1,625,500)."

It is not clear why an example figure of 100 is used or an average value of £16,255 is used, or where these have been sourced from. Furthermore, the £1,625,500 figure is not the "net average value" but rather the 'net total value' in this example.

- Paragraph 14.23 states:

"For a proposed new development, this equates to £4.07 x population of new development, to give an 8-year life of provision."

It is unclear if this is an actual amount or just theoretical worked example. This should be set out clearly therefore be amended accordingly. If these are just example figures, where will the actual figures come from and what evidence will they be based on?

- Paragraph 14.25 states 'a contribution is not being sought towards premises costs for the centralised policing staff generated by the development'.

It is not therefore clear what 'premises' paragraphs 14.26-14.29 relate to; where the information has been sourced/evidenced from; and/or, how any requested contributions will be linked to a particular development proposal.

Summary of comments on Section 14

Contributions towards Cheshire Constabulary (and indeed the Fire Service if that is the intention) are not supported by any specific policy in the LPS and/or SADPD. As such, they should not be included in the SPD.

Notwithstanding this, Section 13 of the draft SPD is poorly drafted and it is therefore not possible to fully understand and comment on:

- What the Council's proposed methodology for calculating requested contributions from developments is;
- Where the information on which calculations will be based is/will be sourced from or evidenced;
- How such contributions will be necessary and directly related to developments (in order to pass the tests at Regulation 122 of the CIL Regulations).

Consultee First Name	Tatton Estate, Bloor, Taylor Wimpey
Agent First Name	Joe
Agent Surname	Davis
Agent Organisation	Pegasus Planning Group Ltd
Reference Number	14
Consultation Point	Cheshire Constabulary
Comment ID	DC SPD-257
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>Section 14 of the draft SPD relates to contributions towards Cheshire Constabulary for policing. The SPD details that where development is proposed, the Constabulary will seek to deploy additional staffing and infrastructure at the same level that is required to deliver policing to the locality. Financial contributions are set out based upon staff-set up and police vehicles. Contributions are not currently being sought for additional premises given the recent shift in work approaches.</p> <p>Police funding is primarily from central government via a centralised grant supplemented by council tax precept. We therefore consider that policing is matter which should be dealt with at central government level, with it not being appropriate to request contributions at a local level from residential developers to fund policing. This is deemed particularly the case where residential developments are located within/adjacent to existing settlements</p>

	<p>where there is existing policing provision and the burden of providing new infrastructure should not be as great compared to a new settlement location.</p> <p>Developer costs towards such services were not examined during the production of the LDS or SADPD. However, we do note that they were considered as part of the CIL process. Within the 2018 CIL baseline IDP report it was noted at paragraph 12.10 that the Levy could be used to provide improvements to police facilities if such needs are identified through the infrastructure planning process. However, at paragraphs 12.9 and 12.12, the following was stated:</p> <p>‘Cheshire Constabulary have advised that there are no capacity issues at present time.’</p> <p>There are no specific capacity constraints for the police force at the present time. Nonetheless, the possibility of co-location with other public services is or has been investigated in Congleton and Poynton. ‘</p> <p>In light of this the CIL 123 list does not include payments or infrastructure for Cheshire Constabulary. If that position has now altered and new facilities are required, this should be added to the Council's CIL 123 list and/or explored and examined through a new Local Plan rather than added as a potential developer contribution through this SPD.</p>
Include files	R001v7 PL - SPD Representations - Final.pdf

3.5 Paragraph

Consultee First Name	Tina
Consultee Surname	Cartlidge
Consultee Organisation	Holmes Chapel Parish Council
Reference Number	3.5
Consultation Point	Paragraph
Comment ID	DC SPD-26
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	This states that pooling of CIL money is now allowed. Could some way be found to pool S106 money as well?
Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	3.5
Consultation Point	Paragraph
Comment ID	DC SPD-68
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	We think the concept of pooling planning obligations needs further explanation at this point or earlier for the SPD to be clear in meaning for non-planners to understand. Perhaps a separate paragraph?

14.13 Paragraph

Consultee First Name	Richard
Consultee Surname	Hovey
Reference Number	14.13
Consultation Point	Paragraph
Comment ID	DC SPD-47
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	Figures are provided for Cheshire and Cheshire West & Chester - please confirm what the figures are for Cheshire East - since this relates to a Cheshire East Policy.

National Policy Context

Consultee First Name	Natasha
Consultee Surname	Styles
Consultee Organisation	McCarthy Stone
Agent First Name	Natasha
Agent Surname	Styles
Agent Organisation	The Planning Bureau
Consultation Point	National Policy Context
Comment ID	DC SPD-180
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>Thank you for the opportunity to comment on the Cheshire East Draft Developer Contributions SPD (the SPD). McCarthy Stone is the leading provider of specialist housing for older people for sale. It is noted that the council has an adopted Local Plan (adopted July 2017) as well as a revised draft Site Allocations and Development Policies Document (SADPD) that that is likely to be adopted by the council in December 2022 having been through examination in public and subject to some modifications. The draft SPD should be updated to reflect the new SADPD together with its main modifications.</p> <p>Para 16 b) of the NPPF requires plans to be, amongst other elements, ' b) be prepared positively, in a way that is aspirational but deliverable'. Planning Practice Guidance addresses Supplementary Planning documents and at Paragraph: 008 Reference ID: 61-008-20190315 states that 'Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development'.</p> <p>As confirmed in para 3.4 of the draft SPD and reiterated in PPG on Planning Obligations (Paragraph: 002 Reference ID: 23b-002-20190901), planning obligations must be 'necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development'.</p>

3.6 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	3.6
Consultation Point	Paragraph
Comment ID	DC SPD-123
Q3 - What is your overall view on this section?	Support

15 Other Matters

Consultee First Name	Rebecca
Consultee Surname	Wyllie
Consultee Organisation	Canal & River Trust
Reference Number	15
Consultation Point	Other Matters
Comment ID	DC SPD-238
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	Paragraph 15.4 refers to potential impact on the PROW network. We welcome the reference to 'canal towpath works' in Paragraph 15.5, however not all canal towpaths are defined as a Public Rights of Way and yet may require improvement/enhanced access as mitigation of an impact arising from development.
Consultee First Name	Barratt Homes (North West), David W
Agent First Name	Paul
Agent Surname	Nellist
Agent Organisation	Asteer Planning LLP
Reference Number	15
Consultation Point	Other Matters
Comment ID	DC SPD-230
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>Public Rights of Way (Paragraphs 15.4 – 15.8)</p> <p>Paragraph 15.7 states:</p> <p>“There may be a degree of overlap with regards to contributions towards transportation improvements, particularly in urban areas, see ‘Highways and Transport’ section.”</p> <p>Paragraph 15.7 must address how the overlap will be addressed to prevent double counting in order to pass the tests for collecting contributions.</p> <p>Flood Risk and Sustainable Drainage Systems (Paragraphs 15.9 – 15.16)</p> <p>Paragraph 15.13 states CEC will provide an assessment of the proposed developments potential impacts on the drainage network.</p> <p>The Local Lead Flood Authority (LLFA) should provide an assessment of the potential impacts on the drainage network and the above paragraph should be amended as according.</p>

15.2 Paragraph

Consultee First Name	Natasha
Consultee Surname	Styles
Consultee Organisation	McCarthy Stone
Agent First Name	Natasha
Agent Surname	Styles
Agent Organisation	The Planning Bureau
Reference Number	15.2
Consultation Point	Paragraph
Comment ID	DC SPD-191
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	<p>Section 15 addresses a number of other matters that can be subject to developer contributions. This includes a section on heritage. This section identifies that 'many of the potential impacts of development on heritage assets can be addressed through design scheme but there may be circumstances where this cannot be satisfactorily controlled by a condition' however many of the examples identified such as securing the investigation and protection of archaeological remains in advance of development should be able to be secured through condition rather than addition the additional cost of section 106 and therefore this section should be reconsidered as to which areas can and can't be addressed through condition rather than S106.</p> <p>Recommendation</p> <p>Reconsider para 15.2 as to which areas can and can't be addressed through condition rather than S106 as many of the requirements identified in the paragraph are easily implemented via condition.</p>

3.7 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	3.7
Consultation Point	Paragraph
Comment ID	DC SPD-69
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	Is further guidance on how viability assessments are to be made and by whom required? Surely viability assessments should be made by independent professionals who can be trusted by both developers and the planning decision makers. Should not this requirement be specified in policy?

15.4 Paragraph

Consultee First Name	Alan
Consultee Surname	Murdoch
Reference Number	15.4
Consultation Point	Paragraph
Comment ID	DC SPD-19
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	Agreed

15.6 Paragraph

Consultee First Name	Yvonne
Consultee Surname	Lam
Consultee Organisation	Sandbach Town Council
Reference Number	15.6
Consultation Point	Paragraph
Comment ID	DC SPD-210
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<ul style="list-style-type: none"> • Taking into consideration all the contents of the SPD, policing of the agreements tied to KPI's are Vital. <p>An example is the Construction of 5 dwellings near to St. John's Church, Sandbach Heath.</p> <p>The development was started, with an agreement a footpath was to be installed and completed prior to the 2nd dwelling of 5 being constructed.</p> <p>This footpath was never completed.</p> <p>The development of the further 4 dwellings was completed and the builder sold the 5 dwellings.</p> <p>Subsequently the Builder ceased trading, hence no money was available to complete the footpath.</p> <ul style="list-style-type: none"> • The introduction of KPI's, if installed and monitored, may have avoided this situation. • Staff shortages contributed to this.

15.8 Paragraph

Consultee First Name	Neil S
Consultee Surname	Collie
Consultee Organisation	East Cheshire Ramblers
Reference Number	15.8
Consultation Point	Paragraph
Comment ID	DC SPD-133
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	Para 15.8 line 2: consider adding ' have a direct' in line two. '....schemes are likely to have a direct impact on a public right of way.'

Flood Risk and Sustainable Drainage Systems

Consultee First Name	Tina
Consultee Surname	Cartlidge
Consultee Organisation	Holmes Chapel Parish Council
Consultation Point	Flood Risk and Sustainable Drainage Systems
Comment ID	DC SPD-42
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	Linked to the water quality issues - looking at the impact of additional development on water pressure to existing housing. Are improvements/upgrades needed in order to maintain required pressure and quality as the demand increases?

3.8 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	3.8
Consultation Point	Paragraph
Comment ID	DC SPD-70
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	Again how will the plus element of the EUV+ be determined and by whom?
Consultee First Name	Stuart
Consultee Surname	Kinsey
Consultee Organisation	Wilmslow Civic Trust
Agent First Name	Stuart
Agent Surname	Kinsey
Reference Number	3.8
Consultation Point	Paragraph
Comment ID	DC SPD-198
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	The language used lacks clarity. The last sentence, in particular, needs to be broken down into shorter sentences to improve understanding.

15.11 Paragraph

Consultee Surname	Emmerson
Reference Number	15.11
Consultation Point	Paragraph
Comment ID	DC SPD-158
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	Requirements in depth studies on flooding risk caused by proposed developments should be mandatory for all new developments and used as reasonable grounds for refusal. Too many recent housing and road developments have results in exacerbating current flooding risks where there were previously none.

16 Glossary

Consultee First Name	Ian
Consultee Surname	Kershaw
Reference Number	16
Consultation Point	Glossary
Comment ID	DC SPD-59
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	On affordable housing definition for affordable rent, would you want to go on that rents including service, estate charges should be capped at LHA?
Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	16
Consultation Point	Glossary
Comment ID	DC SPD-120
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	We welcome the addition of this very full and helpful glossary.
Consultee First Name	Rebecca
Consultee Surname	Wyllie
Consultee Organisation	Canal & River Trust
Reference Number	16
Consultation Point	Glossary
Comment ID	DC SPD-239
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	The Trust request that the definition of 'Green Infrastructure' is amended to the definition provided in the Glossary (Annex 2) of the NPPF (2021).

3.9 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	3.9
Consultation Point	Paragraph
Comment ID	DC SPD-71
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	<p>The level of development for affordable housing but how do you prevent developers from breaking up developments into units of less than 10 houses to avoid affordable housing obligations?</p> <p>Also, the affordable housing proportions of development should be strictly applied. Too often viability issues are produced that compromise the policy. How can the SPD prevent that from happening?</p>

3.10 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	3.10
Consultation Point	Paragraph
Comment ID	DC SPD-124
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	We would expect in any legislation a strong role to be protected for the local communities directly affected by the operation of the joint CIL/s106 'Infrastructure Levy and if not clear guidance in an amended SPD to ensure that happens at the local level before CIL and s106 negotiations are completed. We would expect the views of communities especially if expressed through 'made' Neighbourhood Plans to be a 'material consideration'.

3.11 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	3.11
Consultation Point	Paragraph
Comment ID	DC SPD-72
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	Very pleased to see 'made' Neighbourhood Development Plans integrated into the Statutory Development Plan.

Appendix 3: Cheshire East Council Parking Standards

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Consultation Point	Appendix 3: Cheshire East Council Parking Standards
Comment ID	DC SPD-121
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	Is A2 Financial Services 1 per 30 m correct? Should it be 1 per 30 metre ² Similar with Storage and Distribution

17.36 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	17.36
Consultation Point	Paragraph
Comment ID	DC SPD-119
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	We strongly support this Section and Policy 17.36 for ensuring major new developments provide opportunities for healthy living through a formal assessment. We particularly support the specific statement encouraging (the minimisation of social isolation and creation of of inclusive communities and would ask for the policy to specifically apply to the distribution and planning for affordable housing.

3.15 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	3.15
Consultation Point	Paragraph
Comment ID	DC SPD-73
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	<p>Very pleased to see Neighbourhood Development plans specifically referred to in this document.</p> <p>We hope to see detailed recommendations as to how Local Councils with 'made' development plans are involved in consultations over the CIL and S106 agreements for planned development in their areas. We would expect paragraphs on this process of local consultation to be included in this SPD.</p>
Consultee First Name	Yvonne
Consultee Surname	Lam
Consultee Organisation	Sandbach Town Council
Reference Number	3.15
Consultation Point	Paragraph
Comment ID	DC SPD-207
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	Neighbourhood & local plans to be consulted and implemented where necessary.

Supplementary Planning Documents

Consultee First Name	Rebecca
Consultee Surname	Wyllie
Consultee Organisation	Canal & River Trust
Consultation Point	Supplementary Planning Documents
Comment ID	DC SPD-233
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>The Canal & River Trust (the Trust) recognises and values the important role of planning policy and Supplementary Planning Documents (SPDs) in not only protecting its network of inland waterways and reservoirs from inappropriate development, but also in unlocking the potential of inland waterways to bring multiple benefits to local communities.</p> <p>The multifunctional nature of waterways means that our infrastructure has the potential to deliver a wide range of benefits including the provision of:</p> <ul style="list-style-type: none"> - Access to open space and green and blue infrastructure for recreational opportunities, and as a community resource for health and well-being benefits; - Opportunities to create and maintain ecological habitats and green corridors to support biodiversity and networks of green/blue infrastructure; - A strategic and local infrastructure performing multiple functions (e.g land drainage, utilities infrastructure, and a water resource; and - Functions to support climate change, carbon reduction and environmental sustainability e.g. Alternative travel routes (walking, cycling) and urban cooling. <p>The Trust therefore broadly encourages policies which seek to:</p> <ul style="list-style-type: none"> • protect the environmental and recreational value of waterways, green and blue infrastructure and to safeguard them against inappropriate development; • support their ability to deliver economic, social and environmental benefits to local communities and the nation as a whole; and • secure the long-term sustainability of the inland waterway network, their corridors and adjoining communities. <p>The Trust welcomes the overall principle of adopting an updated SPD on Developer Contributions. We would seek to highlight the diverse roles our waterways can play and ensure that appropriate contributions can be sought to mitigate the direct impact of development on our waterways and maximise the opportunities they present to delivering the Council's objectives and benefits to the wider community.</p>

3.16 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	3.16
Consultation Point	Paragraph
Comment ID	DC SPD-125
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	The adopted SPDs do not always specify the process for local consultation with communities through Local Councils. Where this is the case and where consultation is appropriate and it will be appropriate whenever the local community is impacted by development these SPD's should be amended. Such information needs to be included in the SPD.

1.3 Paragraph

Consultee First Name	Amanda
Consultee Surname	Stott
Reference Number	1.3
Consultation Point	Paragraph
Comment ID	DC SPD-3
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	I feel that when the original S106/CIL legal document is drawn up and comes into force if the application is passed the terms of the agreement must bear in mind the period of time that these agreements cover - which can mean that a current situation in a community is temporary and won't be something to consider when it comes to applying the terms of the agreement. Thank you
Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	1.3
Consultation Point	Paragraph
Comment ID	DC SPD-62
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	<p>This could be expanded to include examples e.g. SPD....contributions towards a) infrastructure e.g a roundabout, a new school or an addition to school buildings b) facilities e.g. a play area, a footpath c) services e.g. a supplement to a local bus service d) the circumstances where infrastructure provision, including financial contributions, will be sought e.g.to new sports facilities, and community buildings.</p> <p>The phrase 'planning obligations' needs further explanation. what are the range and nature of 'planning obligations? Which ones will probably trigger financial contributions?</p>

3.18 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	3.18
Consultation Point	Paragraph
Comment ID	DC SPD-77
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	This statement should make clear that this guidance now applies to the whole of Cheshire East and not just Congleton if that is the case.
Consultee First Name	Stuart
Consultee Surname	Kinsey
Consultee Organisation	Wilmslow Civic Trust
Agent First Name	Stuart
Agent Surname	Kinsey
Reference Number	3.18
Consultation Point	Paragraph
Comment ID	DC SPD-199
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	See comments at 3.3 above

3.22 Paragraph

Consultee Surname	Emmerson
Reference Number	3.22
Consultation Point	Paragraph
Comment ID	DC SPD-134
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	The emerging Site Allocations and Development Policies Document ("SADPD") need review once again as it is using out of date figures for housing need. This is allowing developers to pick out the most profitable greenfield sites in preference to forcing them to prioritise brownfield sites, see more information in the attached document.
Include files	set-up-to-fail-why-housing-targets-based-on-flawed-numbers-threaten-our-countryside.pdf

3.25 Paragraph

Consultee First Name	Alan
Consultee Surname	Murdoch
Reference Number	3.25
Consultation Point	Paragraph
Comment ID	DC SPD-8
Q4 - Your comments on this section:	Developers will always overestimate costs and underestimate revenue to produce viability reports justifying reduced contributions- the authority does not have market informed expertise to challenge these - it is essential that that council engage at the applicants expense it's own independent expert to assess the applicants viability And in the case of redundant buildings allowances adopt a robust view on which buildings should be taken into account and where buildings or uses have been abandoned to the extent that the allowance is not applied
Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	3.25
Consultation Point	Paragraph
Comment ID	DC SPD-74
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	Policy Rec 3. What is the basis of 10sq m. per family for recreational space? Surely the measure should relate to the number of people expected to be accommodated on the development as a whole?
Consultee First Name	Stuart
Consultee Surname	Kinsey
Consultee Organisation	Wilmslow Civic Trust
Agent First Name	Stuart
Agent Surname	Kinsey
Reference Number	3.25
Consultation Point	Paragraph
Comment ID	DC SPD-200
Q3 - What is your overall view on this section?	Comment only

Q4 - Your comments on this section:

Ultimate sentence should read: “ contributions to off-site provision should be made, prioritising the locality of the development.

1.4 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	1.4
Consultation Point	Paragraph
Comment ID	DC SPD-63
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	This is a welcome paragraph describing a very useful adjunct to the adopted local plan for developers and local community organisations as well as local Councils.

4 Planning Obligations

Consultee First Name	Richard
Consultee Surname	Hovey
Reference Number	4
Consultation Point	Planning Obligations
Comment ID	DC SPD-49
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	The SPD does not appear to cover enforcement of Planning Obligations - There seem to be many examples around Sandbach where developers are not fulfilling their obligations e.g. Church Lane Development in Sandbach Heath where the provision of a new footpath was to be completed before the first house was occupied, Bovis Development on Hind Heath Road where the link footpath through to the Barratts/Linden Homes development has failed to be constructed.
Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	4
Consultation Point	Planning Obligations
Comment ID	DC SPD-79
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	<p>This section is vital for local communities that experience the impact of development.</p> <p>There should be clear guidance as to how local communities and their representatives, CE Ward Councillors and Parish and Town councils, can be involved in discussions as to what S106 agreements are created, what community facilities will be required to mitigate development and how these will be managed over time.</p> <p>There is a potential conflict of interest between the major Planning authority with its general infrastructure requirements and local communities that suffer the direct impacts of the development. Any such conflicts need to be resolved with direct negotiation with the local communities involved and the focus of the S106 agreements in particular should be clearly focussed on community needs.</p>
Consultee First Name	Steve
Consultee Surname	Melligan
Consultee Organisation	The Crown Estate

Agent First Name	Stephenie
Agent Surname	Hawkins
Agent Organisation	Barton Willmore LLP
Reference Number	4
Consultation Point	Planning Obligations
Comment ID	DC SPD-164
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>In considering the relationship between the Community Infrastructure Levy (CIL) and planning obligations, the draft SPD notes that CIL Regulation changes came into effect September 2019. These changes, amongst other things, removed the previous restrictions on using planning obligations and CIL to fund the same piece of infrastructure. Planning Practice Guidance (PPG) (ID: 23b-003-20190901) sets out that: "Authorities can choose to pool funding from different routes to fund the same infrastructure provided that authorities set out in infrastructure funding statements which infrastructure they expect to fund through the levy." The draft SPD, at paragraph 4.7, directs readers to the Cheshire East Infrastructure Funding Statement.</p> <p>Whilst the Infrastructure Funding Statement is accessible on the Council's website, this focuses on contributions received, and for details on infrastructure projects and potential funding streams refers the reader to the Council's Medium Term Financial Strategy (MTFS), and specifically Annex A, which forms part of a report pack to the Council meeting of 17th February 2021. This does not, however, provide details of funding streams for all infrastructure, for example highway schemes for the Knutsford Area are costed but funding is "TBC".</p> <p>In line with PPG (ID: 23b-034-20190901), greater clarity and transparency is required, for both developers and communities, on future spending priorities and, to ensure that there is no over provision, the extent to which the Council intends to fund the infrastructure type or projects by planning obligations, CIL and/or other funding streams. In respect of the latter, the draft SPD should also set out that the Council will seek to identify all other sources of funding available to deliver infrastructure required as part of its overall approach, for example, Government funding streams.</p>
Consultee First Name	Barratt Homes (North West), David W
Agent First Name	Paul
Agent Surname	Nellist
Agent Organisation	Asteer Planning LLP
Reference Number	4
Consultation Point	Planning Obligations
Comment ID	DC SPD-220
Q3 - What is your overall view on this section?	Comment only

<p>Q4 - Your comments on this section:</p>	<p>Paragraph 4.7 states:</p> <p>“Prior to the CIL Regulation changes coming in on the 1st of September 2019, s106 Obligations requiring payments were limited to site specific development impacts and not related to projects or types of infrastructure that will be funded by CIL. The CIL regulations required Councils to avoid “double dipping” and produce clear guidance of infrastructure needs and projects funded through s106 Obligations and the Community Infrastructure Levy. The Cheshire East Infrastructure Funding Statement provides information on the monetary (and non-monetary) contributions sought and received from developers for the provision of infrastructure to support development in Cheshire East and identifies infrastructure needs, the total cost of this infrastructure, anticipated funding from developer contributions, and the choices the authority has made about how these contributions will be used.”</p> <p>The drafting of this is confusing. For clarity, an additional sentence should be added (before the current final sentence) that explains that the CIL Regulations changes removed Regulation 123, and with it the Regulation 123 Lists, replacing them with a requirement for Annual Infrastructure Funding Statements.</p>
---	--

4.1 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	4.1
Consultation Point	Paragraph
Comment ID	DC SPD-78
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	<p>It is in this section that a more detailed description of a set of typical conditions for planning obligations to be created should be described. And it would be helpful if reference could be made to a set of examples. also in the following statements clarity is required on what is meant by 'owners'. The obligation is a contract with developers. Can the obligation be passed on collectively to the householders who become the owners once the individual dwellings are sold off?</p> <p>In this section there should be reference to local councils. A sentence like.</p> <p>After 'developer' after detailed consultation with relevant Local Councils.'</p>

4.2 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	4.2
Consultation Point	Paragraph
Comment ID	DC SPD-80
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	<p>This section is very unclear to a layperson like myself and as a Councillor representing others. As a householder buying into a freehold development and owning a new house do I take on the responsibilities of the developer who entered into obligations based on the viability of the whole development and the profits to be made? Residents need clarity.</p>

4.4 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	4.4
Consultation Point	Paragraph
Comment ID	DC SPD-81
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>Can we be clear about the relationship between S106 agreements which relate to the direct impact of the development on the local community where they are situated and the CIL which seems to be a more general charge for infrastructure? Do they both now obtain? If so it is vital that local community representatives are involved in the S106 negotiations for larger planning developments i.e. those over 10 dwellings (though we think 5 would be a more appropriate number.) Currently the local planning authority is making serious errors in its decisions because it is not listening to the articulated needs of the local community in some instances and is imposing its own demands unnecessarily wasting time and money.</p>

1.5 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	1.5
Consultation Point	Paragraph
Comment ID	DC SPD-64
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	CIL needs explaining if only in a footnote as this is the first time it has been mentioned. Perhaps a reference to a glossary would help. This document will be of interest to a wide range of community leaders and activists and needs to be accessible to them.

4.7 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	4.7
Consultation Point	Paragraph
Comment ID	DC SPD-82
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	There should be a statement here as to how these policies, procedures and outcomes were consulted on with residents on whom these infrastructure projects will impact. And if there has been no consultation should they not be reviewed?

4.8 Paragraph

Consultee First Name	Amanda
Consultee Surname	Stott
Reference Number	4.8
Consultation Point	Paragraph
Comment ID	DC SPD-4
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	Whilst I appreciate the background to the provision of cycle provision - not all areas are suitable and investment in the smooth movement of road traffic might be a better investment - slow traffic creates poor air quality which is counter-productive.
Consultee First Name	Tina
Consultee Surname	Cartlidge
Consultee Organisation	Holmes Chapel Parish Council
Reference Number	4.8
Consultation Point	Paragraph
Comment ID	DC SPD-27
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>For paras 4.8 & 4.9</p> <p>As written, these are ineffective. As demonstrated in the S106 for Bluebell Green, CEC recommended the sum of £550k for a roundabout to replace the traffic lights at the A54/A50 junction. This has proved to be an insignificant sum when CEC Highways have said that a cost of £2-3m is required for this work. Bearing in mind the time delays between agreeing a S78 Agreement and commissioning the work, a much-improved estimating process is required and needs to be stated in the SPD.</p> <p>Reference should also be made to para 8.21 which should be amended to specifically exclude local needs as described above from the assessment shown as an example.</p>

4.9 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	4.9
Consultation Point	Paragraph
Comment ID	DC SPD-83
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	<p>Again there is no reference to the involvement of local community representatives in the negotiation of s278 Agreements. This involvement at the local level is vital and a full and detailed explanation needs to be given of the arrangements made by an s278 agreement and local views taken seriously into account.</p> <p>In areas heavy traffic as perceived by the local community when new development causes an increase in traffic flows there needs to be serious attention paid to pedestrian access and safety. This is not currently the case in some areas at least.</p> <p>There is also a need to specify there is joined-up consultation between Cheshire East Highways decision makers, the contractor, Ringway Jacobs and local community representatives to ensure pedestrian and vehicle safety is taken fully into account in these agreements and plans and expected outcomes are clearly understood by all interested parties. This guidance needs to specify the need for such early negotiation and the process by which it is to be achieved. So far there have been failures on that front. Strong guidance is required.</p>

4.10 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	4.10
Consultation Point	Paragraph
Comment ID	DC SPD-126
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	The control of development through 'planning conditions' needs to be described in more detail and the examples given extended. Understanding the range of conditions possible and the concept of a 'planning condition' to ensure the viability of a development from the point of view of the local community impacted by the development is vital to those like Local Councils who have the responsibility of responding to development plans as Statutory Consultees.
Consultee Surname	Emmerson
Reference Number	4.10
Consultation Point	Paragraph
Comment ID	DC SPD-135
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	Requirements should go further than just sewers, it should also cover increased capacity at water treatment works, no river in the UK is currently classed as being in good overall health mainly due to damage caused via raw untreated sewage

4.11 Paragraph

Consultee First Name	Amanda
Consultee Surname	Stott
Reference Number	4.11
Consultation Point	Paragraph
Comment ID	DC SPD-5
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	Please can planning conditions be enforceable and subsequently enforced.
Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	4.11
Consultation Point	Paragraph
Comment ID	DC SPD-84
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	<p>The section should read: Planning conditions are 'required' not 'imposed'.</p> <p>The word imposed implies an arbitrary restriction whereas the restriction is necessary to ensure the development is acceptable to the community from the point of view of the public interest as opposed to the private interest of profit-taking developers.</p> <p>The NPPF is poorly phrased in this respect and exposes the underlying wish of the government for development at any cost. Again the word 'required' needs to be used rather than 'imposed'. .Imposed. is value loaded 'required' is neutral.</p> <p>Again you need to state why in general terms conditions are required. In general terms, they are for 'the overall benefit of the community as well as the development.' Please add something along those lines. Planning conditions are a positive asset to the community, to developers and to the eventual residents or business users for whom the development is taking place.If they are not then they should not be required!</p>

4.12 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	4.12
Consultation Point	Paragraph
Comment ID	DC SPD-85
Q3 - What is your overall view on this section?	Support

5 Procedures

Consultee First Name	Yvonne
Consultee Surname	Lam
Consultee Organisation	Sandbach Town Council
Reference Number	5
Consultation Point	Procedures
Comment ID	DC SPD-209
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>Paragraph 5.1</p> <ul style="list-style-type: none"> • Pre application discussions are vital and the KPI's should be inserted into the contract with milestones discussed, agreed, met, achieved and with audits and checks being done at agreed stages of programme / milestone dates. <p>Paragraph 5.2</p> <ul style="list-style-type: none"> • Agreeing on the priorities prior to development for the allocation of funding by the involvement of both the town /parish council and CEC Councillor(s) for the local area should be made before the approval of application. <p>Paragraph 5.24 Monitoring and Enforcement</p> <ul style="list-style-type: none"> • Monitoring progress on developer contributions once development has been approved, e.g. timing of payments, completion of works etc should be in place. Builders will employ their own RICS members who will run the contract to their own advantage, so monitoring of KPI's is not only vital to the local authority, but it will keep a health check on progress, cost control and compliance. • Also an open register (visible from the planning website) showing what monies have been paid so far and what has been used up for a given development would be necessary.
Consultee First Name	Steve
Consultee Surname	Melligan
Consultee Organisation	The Crown Estate
Agent First Name	Stephenie
Agent Surname	Hawkins
Agent Organisation	Barton Willmore LLP
Reference Number	5
Consultation Point	Procedures
Comment ID	DC SPD-165

Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>Viability</p> <p>It is welcomed that the Council, at paragraph 5.9, recognises the need for flexibility and a pragmatic approach to securing planning obligations. However, this is caveated as applicable in “some circumstances”, with wider text suggesting that this applies to medium and low value areas. However, the economic viability and deliverability of all developments should be considered.</p> <p>The draft SPD sets out that the LPS and, more recently the emerging Site Allocations and Development Policies Document (SADPD) have been subject to viability testing, with the 2020 update to support the emerging SADPD confirming the assumption of an average contribution of £5,202 per unit towards infrastructure. However, it is unclear whether this is inclusive or exclusive of CIL contributions and/or makes allowances for works such as utility upgrades and connections, and the key findings of the viability work, noted at paragraph 5.10 as being included at Appendix 2, are not available. Fundamentally, it should be borne in mind that any contributions above this average, taking account of the assumptions underpinning it, may ultimately impact on the viability of development.</p> <p>Furthermore, the draft SPD text should reflect that site and development specific circumstances may impact on viability and mean an average contribution based on modelled sites is not always applicable. The text should set out that in considering the appropriateness of reduced developer contributions from a scheme the wider sustainability benefits and overall importance of the scheme coming forward will be taken into account.</p> <p>Monitoring</p> <p>It is noted that the Council intends to charge monitoring fees in relation to the delivery of planning obligations. The draft SPD should include a methodology for calculating the fee. The PPG (ID:23-b036-20190901) suggests that this could be a fixed percentage of the total value or a fixed amount for in-kind contributions. In line with the PPG the draft SPD should also set a cap to ensure fees are not excessive.</p>
Consultee First Name	Barratt Homes (North West), David W
Agent First Name	Paul
Agent Surname	Nellist
Agent Organisation	Asteer Planning LLP
Reference Number	5
Consultation Point	Procedures
Comment ID	DC SPD-221
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>Viability (Paragraphs 5.5 – 5.10)</p> <p>Paragraph 5.5 refers to NPPF paragraph 57.</p> <p>This reference is incorrect and should be amended to ‘paragraph 58’.</p>

Paragraph 5.9 states:

“Where developers expect sites are unviable in terms of delivering the full suite of policy obligations, they are invited to submit a viability assessment as part of their planning application.”

The above paragraph is fairly vague. Instead, reference should be made to specific policies in the LPS and SADPD (e.g. SADPD policies GEN 4, GEN 7, and HOU 3) which include specific wording allowing Applicants to submit viability assessments where schemes aren't viable. The SPD should make clear that the statement at Paragraph 5.9 provides an opportunity for applicants to submit viability assessments in relation to other considerations where they are not directly identified in a specific adopted policy.

The SPD should also refer to the clawback position set out Policy GEN 7 'Recovery of planning obligations reduced on viability grounds' of the SADPD to make clear that any reduction in contributions in the context of Paragraph 5.9, will be subject to re-assessment against future trigger points.

Index Linking (Paragraphs 5.13 – 5.22)

Paragraph 5.14 states:

“Whilst the contribution amounts set out in this SPD are not governed by the CIL Regulations, the indexation that will be used both to calculate the initial agreement amounts and any post-agreement changes prior to payment, will reflect the approach contained within the CIL regulations to ensure that obligations provide for the actual costs of the infrastructure for which they are levied.”

In the context that Paragraph 5.14 states that contributions are not governed by CIL Regulations, whilst the CIL Regulations may provide a reasonable model to use, the SPD should not simply refer to the CIL Regulations but should include within the document itself, the Council's formula for calculating indexation. This is necessary to avoid a situation, as alluded to in Paragraph 3.10 of the Draft SPD, where CIL guidance is changed and/or removed and therefore leaves a vacuum in terms of methodology/guidance for calculating indexation of contributions in Cheshire East.

Paragraph 5.21 states:

“ii) Index linked appropriately to reflect increases in costs between the date the agreement is signed, and the payment is made towards the actual delivery date of the service or facility.”

The word “increases” should be removed and replaced with ‘changes’ so that any reduction in costs can be taken into account.

Monitoring and Enforcement (Paragraphs 5.24 – 5.26)

Paragraph 5.26 states:

“All monitoring fees will be subject to indexation and payable on commencement of the development.”

The Draft SPD does not set out what the monitoring fee is going to be. Monitoring fees must be proportionate and reasonable and reflect the actual cost of monitoring. The Council should also set a cap to ensure that any fees are not excessive.

Furthermore, unlike the approach to indexation of contributions themselves (set out at Paragraphs 5.13-5.22 of the SPD), there is no detail on how monitoring fees will be index linked (i.e. to what index/sources of information).

The SPD should provide this detail. Without such, it is not possible for the Consortium to provide any further comments.

Pre-Application Discussions

Consultee First Name	Rebecca
Consultee Surname	Wyllie
Consultee Organisation	Canal & River Trust
Consultation Point	Pre-Application Discussions
Comment ID	DC SPD-234
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	<p>The Trust welcome the recommendation that pre-application advice is sought before making a planning application to help inform discussions regarding planning obligation requirements. In support of these discussions, the Trust would be happy to provide pre-application advice and information with regard to the access and condition of any relevant waterway network. The Trust provide free pre-application advice for developments in proximity to waterways.</p> <p>https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-were-interested-in/pre-application-advice</p>

1.6 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	1.6
Consultation Point	Paragraph
Comment ID	DC SPD-65
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	Not good enough to refer to another area of the website. A brief explanation of CIL needs to be included in this SPD at this point. After all it is a crucial element in ameliorating development for the community as a whole.

5.1 Paragraph

Consultee First Name	Amanda
Consultee Surname	Stott
Reference Number	5.1
Consultation Point	Paragraph
Comment ID	DC SPD-6
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	I feel that it is important to involve ward councillors in any pre-planning meetings/discussions. This doesn't always happen I am afraid.
Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	5.1
Consultation Point	Paragraph
Comment ID	DC SPD-86
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	Support but with the addition of a paragraph that states: When a development will have a noticeable impact on a particular local community developers should be prepared to provide opportunities very early in the pre-application process for the community to appreciate the nature and benefits of the development so community contributions can be taken into account as the planning application develops.

5.3 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	5.3
Consultation Point	Paragraph
Comment ID	DC SPD-127
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	Reference to another website is not good enough. There needs to be a clear if brief description of the pre-application process including ,of course, the position of Local councils in that process and the expectation for them to be consulted.

5.4 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	5.4
Consultation Point	Paragraph
Comment ID	DC SPD-128
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	As above thew role of Local Councils in the pre-application process for large developments needs to be specified in this SPD.

5.5 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	5.5
Consultation Point	Paragraph
Comment ID	DC SPD-87
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	Support BUT please make clear who the decision maker is e.g. the Planning Authority, the individual planning officer assigned to the application. Who is it? the 'decision maker' is too vague. It looks like an abdication of responsibility.

5.6 Paragraph

Consultee First Name	Ian
Consultee Surname	Kershaw
Reference Number	5.6
Consultation Point	Paragraph
Comment ID	DC SPD-55
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	It's the wording fair and reasonable. Isn't it about being flexible. Frustrated at the moment being asked to justify a reduced S106 payment on a 100% affordable housing scheme. We have provided some evidence which has been dismissed out of hand. We now have to formally appoint consultants to do this work, adding additional expense and delay on a 100% affordable scheme. In other LPAs we have had constructive conversations to expedite matters and mitigate delays and expense.
Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	5.6
Consultation Point	Paragraph
Comment ID	DC SPD-88
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	Support with the addition of 'and Made Neighbourhood Plans ' after SADPD. These plans must also be taken into account by developers and the Local Planning authorities.

5.7 Paragraph

Consultee First Name	Tina
Consultee Surname	Cartlidge
Consultee Organisation	Holmes Chapel Parish Council
Reference Number	5.7
Consultation Point	Paragraph
Comment ID	DC SPD-28
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	This assumes a contribution of £5,202 per unit regardless of location – urban, rural. Not clear if a maximum or average or typical sum. Would this figure be impacted by inflation?
Consultee Surname	Emmerson
Reference Number	5.7
Consultation Point	Paragraph
Comment ID	DC SPD-136
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	Can a 2 tier system not be put in place to charge a higher amount for greenfield sites? this would be on the basis they often tend to be bigger and so put much more localised impact in infrastructure where they are built, presumably this difference has already been investigated in preparing this draft?
Consultee First Name	Marc
Consultee Surname	Hourigan
Consultee Organisation	Hourigan Planning
Reference Number	5.7
Consultation Point	Paragraph
Comment ID	DC SPD-161
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	Paragraphs 5.7 - 5.10 of the draft Developer Contributions (DC) SPD refer to the contents of the 2020 Viability Update Assessment and confirms that it has informed the SPD but does not present additional requirements over and above those policy obligations which have already been tested as part of the CELPS and SADPD.

Hourigan Planning act on behalf of some clients which specialise in the provision of 100% affordable housing schemes.

Neither the 2020 Viability Update Assessment or the draft DC SPD make reference to such schemes and we would request that the Council consider the implications of this in the draft DC SPD.

5.8 Paragraph

Consultee First Name	Alan
Consultee Surname	Murdoch
Reference Number	5.8
Consultation Point	Paragraph
Comment ID	DC SPD-9
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	<p>The viability has as a constituent part a base land value - this should be related to the undeveloped value of the land (ie previous use without planning)</p> <p>Use of an inflated base land value will erode the ability of the development to contribute to the community thus giving the landowner a double benefit of the planning consent</p>
Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	5.8
Consultation Point	Paragraph
Comment ID	DC SPD-129
Q3 - What is your overall view on this section?	Object
Q4 - Your comments on this section:	<p>The provision of the amount, quality, nature, and distribution of affordable housing is of vital interest to major planning authorities and local communities.</p> <p>The particular and detailed explanation is required of how the provision of affordable housing and the viability of overall large development projects interact need much fuller treatment than par 5.8 provides. This para. needs to be cut out completely and a new one inserted stating the strength of the Planning Authorities commitment to the appropriate provision of affordable housing according to policy requirements and how viability assessments need to be of high quality strongly evidence based and are not a material consideration.</p>

5.9 Paragraph

Consultee First Name	Ian
Consultee Surname	Kershaw
Reference Number	5.9
Consultation Point	Paragraph
Comment ID	DC SPD-53
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	Flexibility is key. We are struggling to engage with officers on viability and other matters. We seem to get a standard reply. This is leading to additional and unnecessary expense, leading to delays on matters, in an expensive market. Examples include matters which other LPAs where we work, have worked have taken a more pragmatic approach. How can we cut through, unlock this? We are not trying to get out of paying our share, jump the queue. We just want to be heard. Where something is obvious, we hope the Council can take a pragmatic view to help expedite matters.

5.13 Paragraph

Consultee First Name	Ken
Consultee Surname	Edwards
Consultee Organisation	Bollington Town Council
Reference Number	5.13
Consultation Point	Paragraph
Comment ID	DC SPD-130
Q3 - What is your overall view on this section?	Support
Q4 - Your comments on this section:	The indexation principle is vital to maintaining the true value of developer financial contributions and the indices chosen appear fair to the authorities and to developers.

5.15 Paragraph

Consultee First Name	Ian
Consultee Surname	Kershaw
Reference Number	5.15
Consultation Point	Paragraph
Comment ID	DC SPD-54
Q3 - What is your overall view on this section?	Comment only
Q4 - Your comments on this section:	The BCIS forecasted rates from last November will not have captured price increases experienced this year. Is this the best and or only mechanism, especially within a volatile market?

This page is intentionally left blank

Contents

Contents

1. Introduction	3
What are Developer Contributions?	4
Purpose of the Supplementary Planning Document.....	6
Status of the SPD	7
2. Draft SPD Consultation	8
Submitting your views	8
What happens after the consultation?	9
3. Planning Policy Framework	10
National Planning Policy Overview	10
Legislative Context	10
National Policy Context	11
Local planning policy	12
Cheshire East Local Plan Strategy.....	13
Cheshire East Site Allocations and Development Policies Document.....	13
Made Neighbourhood Development Plans	16
Supplementary Planning Documents	16
Emerging plans	17
Cheshire East Local Plan Strategy Review	17
4. Planning Obligations	18
What are Planning Obligations?	18
What is the Community Infrastructure Levy (CIL)?.....	19
Relationship between CIL and Planning Obligations.....	19
Section 278 Agreements	20
Planning Conditions	20
Varying S106 agreements	21
5. Procedures	21
Pre-Application Discussions	21
Heads of Terms.....	22
S106 Stages.....	22
Viability	24
Cross Boundary Applications	25
Security and Timing of Payment.....	25
Index Linking	26
6. Fees and Charges	28
Legal Fees	28
Monitoring and Enforcement	28
Other Fees	28
7. Contributions and Requirements.....	28
8. Affordable Housing	29
14. Cheshire Constabulary	33
15. Climate Change	35
16. Design and Public Realm.....	37
17. Ecology	39
9. Education	41
Education Forecasting and Methodology General Principles.	44

Education: Pupil Yields.....	53
Education: New School Cost.....	55
School Transport Costs.....	57
SEN Guidance.....	57
Education: EYFS.....	61
Further Education.....	62
18. Highways and Transport.....	62
19. Indoor and Outdoor Sports Facilities, Public Open Space, Play Space and Green Infrastructure.....	67
20. Public Health and Health Infrastructure.....	73
21. Recovery of Forward Funded Infrastructure.....	77
22. Other Matters.....	80
Heritage.....	80
Public Rights of Way.....	81
Flood Risk and SUDS.....	83
Trees and Hedgerows.....	84
Glossary.....	86
Appendices.....	90
Appendix 1 HRA / SEA Screening Assessment.....	90
Strategic Environmental Assessment Screening.....	91
Legislative Background.....	91
Overview of Developer Contributions SPD.....	91
SEA Screening Process.....	93
Conclusion and SEA screening outcome.....	97
Habitats Regulations Assessment Statement.....	98
Conclusion and HRA screening outcome.....	99
Appendix 2: Local Plan SADPD Viability Assessment Update and Refresh.....	100
Appendix 3: Cheshire East Council Parking Standards.....	101
4: Health Impact Screening Assessment.....	104

1. Introduction

- 1.1 Cheshire East Council's Local Plan Strategy (LPS) is underpinned by an Infrastructure Delivery Plan which sets out the physical, social, and green infrastructure needs associated with the Plan strategy. Developer contributions are an important source of funding to ensure that the infrastructure needs of the borough are met, and via requirements set out in the local plan, development in Cheshire East provides an important source of funding for infrastructure investment.
- 1.2 Whilst there are a variety of sources of funding for infrastructure (Community Infrastructure Levy, government grants, the Councils capital budget etc), since the adoption of the Local Plan Strategy in 2017, over £15 million has been spent on infrastructure projects, secured through S106 financial contributions related to mitigating impacts of development.
- 1.3 S106 legal agreements are not limited to securing financial contributions and are often used to ensure that development takes place in a specified way, for example ensuring delivery of a design feature that incorporates footpaths in certain parts of a site. However, where funding is secured, it is used to mitigate the impacts of development and improve infrastructure provision in multiple different ways, for example:
- 1.4 **Managing homelessness (Congleton, £166, 215):**
 - i) S106 funding used to purchase a temporary accommodation property in Congleton to provide a safe and suitable place for homeless individuals and families to live on a temporary basis whilst more long-term secure housing is found.
- 1.5 **Education provision (Crewe, £802,000):**
 - i) Expansion of the Mablins Lane Primary School in Crewe to accommodate a rise in the local area population.
- 1.6 **Recreation and play space (Wilmslow, £70,000 S106 plus £47,000 CIL):**

- i) Play area improvements delivered at Little Lindow for new/relocated play area, new equipment, path, seating, planting and maintenance.

1.7 Highways improvements (Sandbach, £285,000):

- i) Upgrade of an existing Zebra crossing on London Road, and new pedestrian crossing on Middlewich Road, alongside pedestrian crossing on Middlewich Road, and footway improvements to Elworth Primary School and provision of secure cycle storage at Sandbach Station.

1.8 Congleton Link Road (Congleton, £22million):

- i) S106 funding secured from multiple local plan sites in Congleton to deliver improved connections to the M6, manage town centre congestion and enable development to the north of Congleton.

What are Developer Contributions?

- 1.9 Developer contributions, or planning obligations, can be required to mitigate the impacts of development and make a proposal acceptable in planning terms. Section 106 legal agreements are used to allow the Planning Authority to enter into a legal agreement with a developer to secure a commitment related to planning approval. This may relate to how development is carried out, or the direct provision of infrastructure on site. Where on-site delivery is not possible, a financial contribution in lieu of on-site provision can be secured via S106 agreements. To be lawful, S106 agreements must meet certain tests set out in the CIL (Community Infrastructure Levy) regulations (see para.1.7 below).
- 1.10 Contributions ~~are~~ levied through legal agreements will set out specifically what funding should be secured and for what purpose that funding should be spent. Once agreed, funding must be spent in accordance with the agreement. S106 agreements may only be varied where the applicant and Local Planning Authority (LPA) agree the change and a 'Section 73' planning application is submitted, or a new planning application can be submitted and allow the renegotiation of the S106 agreement. In all cases the legal tests referred to must still be satisfied.

- 1.11 Contributions are made via legal agreements and financial contributions are paid to the Council at trigger points, specified in the agreement, and related to the build out of development (for example, financial contributions to off-site affordable housing may be levied at the completion of the 100th house on a scheme).
- 1.12 For financial contributions, the Council will hold such funds until the requirements of the legal agreement can be met, and the specified project can be started.
- 1.13 There are three main types of developer contributions:
- i) **Community Infrastructure Levy (CIL):** this is a fee, paid by the developer, which can vary dependent on the location of development, it's use and floorspace. The fee is set out in the CIL charging schedule and does not vary. CIL is primarily used to fund infrastructure identified in the Councils Infrastructure Plan
 - ii) **Highways Contributions:** often referred to as Section 278 agreements and are usually legal agreements to secure delivery of highways infrastructure or improvements (either directly by the developer, or via a third party).
 - iii) **Section 106 agreements:** Section 106 (S106) agreements are legal agreements between the Council and a developer/landowner, that commit the developer to pay the Council a financial contribution toward measures that would mitigate the impact of development and make a proposal acceptable. S106 are usually written up to ensure a payment is received at the appropriate time in the development process.
- 1.14 The above developer contributions must be levied in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010 which establishes that contributions must be:
- i) Necessary to make the development acceptable in planning terms
 - ii) Directly related to the development; and

- iii) Fairly and reasonable related in scale and kind to the development

1.15 Developer contributions are a very regulated area of planning practice, designed to mitigate specific impacts of development. In order for a S106 agreement to be lawful, it must meet the tests set out above and once the funds are received, the investment must be carried out in accordance with the terms of the legal agreements (the S106, or S278 agreement) under which they were agreed.

Purpose of the Supplementary Planning Document

1.16 Supplementary Planning Documents (“SPDs”) provide further guidance on how policies contained within the development plan will be implemented. SPDs do not form part of the adopted development plan but they are a material planning consideration in decision taking.

1.17 This Draft Planning Contributions SPD builds upon existing development plan policies found in the Cheshire East Local Plan Strategy (adopted July 2017) and ‘saved’ policies within previous Local Plans¹. The SPD also identifies additional plans and policies that are currently in preparation.

1.18 The purpose of this SPD is to provide information about the provision of and/or contributions towards infrastructure, facilities and services for the plan area, and set out the circumstances where infrastructure provision, including financial contributions, will be sought through planning obligations.

1.19 This SPD updates, consolidates and sets out the Councils approach to developer contributions in a single SPD for the Borough. It provides guidance in relation to a range of policies that may require a contribution from development. It is designed to assist prospective developers and other stakeholders by establishing one document that sets out the approach to determining likely contributions in Cheshire East, based on local evidence of need and in response to mitigating the impact of development. By providing this information upfront Cheshire East Council aims to minimise uncertainty in the

¹ Including the Congleton Local Plan, Crewe & Nantwich Local Plan and the Macclesfield Local Plan.

development process and ensure negotiating obligations is based on a clear and consistent approach.

1.20 The final draft SPD:

- i) Explains the type of contributions the Council will seek, where and for what.
- ii) Identifies the national and local planning policies of relevance when considering planning obligations.
- iii) Sets out the likely scope and scale of planning obligations applicable to different types of development and outlines the Borough Councils general approach to securing them.

1.21 These requirements are additional to the Community Infrastructure Levy ("CIL") payments towards the broader infrastructure payments of the area. CIL is a charge on most types of development to fund additional infrastructure to support the development of the area. Further details are available on the [Councils website](#).

Status of the SPD

1.22 This final draft SPD relates to adopted policies held in both the Cheshire East Local Plan Strategy (CELPS) and the Site Allocations and Development Policies Document (SADPD).

1.23 The SPD has been prepared in accordance with the Planning Act 2004 and the associated Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

1.24 Once finalised and published, this document will replace the Macclesfield Borough Council Supplementary Planning Guidance on s106 (Planning) Agreements (2004); and Congleton Borough Local Development Framework Interim Policy Note - Public Open Space Provision for New Residential Development (2008). Upon adoption, these legacy SPDs will be withdrawn.

2. Draft SPD Consultation

2.1 Consultation on the draft SPD will take place between 17th November 2023 and 15th December 2023. Comments must be received by the Council **no later than 5pm on 15th December 2023**.

2.2 The consultation documents can be viewed online at:

<https://cheshireeast-consult.objective.co.uk/portal/planning/spd/hmo>

and at:

public libraries in Cheshire East during opening hours (for information about opening hours see www.cheshireeast.gov.uk/libraries or telephone 0300 123 7739).

2.3 There is no legal requirement for Supplementary Planning Documents to be accompanied by Sustainability Appraisal, and this is reinforced in national planning guidance. However, “in exceptional circumstances” there may be a requirement for SPDs to be subject to Strategic Environmental Assessment (SEA) where it is considered likely that they may have a significant effect on the environment that has not already been assessed within the SEA of the Local Plan. A screening assessment has been undertaken and concludes that further such assessment is not necessary.

2.4 A screening exercise has been carried out to determine whether the document gives rise to the need for Appropriate Assessment (under the Habitats Regulations). This similarly concludes that further such assessment is not necessary. These screening assessments have been published (Appendix 1) and you can give your views on their findings too.

Submitting your views

2.5 The Council's online consultation portal is our preferred method for submitted responses, but you can also respond by e-mail or in writing using a comment form available online and at the locations listed above. You can respond:

- **Online:** Via the consultation portal at: <https://cheshireeast-consult.objective.co.uk/portal/planning/spd/hmo>
- **By e-mail:** To planningpolicy@cheshireeast.gov.uk
- **By post:** Strategic Planning (Westfields), C/O Municipal Buildings, Earle Street, Crewe CW1 2BJ

2.6 Please make sure that your comments reach us by **5pm on the 22nd of December 2023**. We are not able to accept anonymous comments and you must provide us with your name and contact details. Your personal data will be processed in line with our Spatial Planning Privacy Notice, which is available on the Council's website (www.cheshireeast.gov.uk). Your name and comments will be published and made available to view on the Council's online consultation portal.

What happens after the consultation?

- 2.7 Following consultation, the Council will carefully consider all representations received before deciding whether any amendments to the final draft SPD are needed. The final version of the SPD, alongside a Consultation Statement summarising the feedback and final changes to the SPD, will then be published for consideration during the adoption process.
- 2.8 Once adopted the SPD will be formal planning guidance and will be considered as a material consideration to securing planning obligations in the Cheshire East area.

3. Planning Policy Framework

- 3.1 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise². Material planning considerations include national planning policy and adopted supplementary planning guidance, where relevant.

National Planning Policy Overview

Legislative Context

- 3.2 The statutory framework for planning obligations is set out in Section 106 of the Town and Country Planning Act 1990, as amended. Regulation 122 and 123 of the Community Infrastructure Levy (“CIL”) Regulations 2010 (as amended) and paragraph 54 to 57 of the National Planning Policy Framework (February 2019) set out the Government’s policy on planning obligations.
- 3.3 Section 106 of the Town and Country Planning Act 1990 provides the mechanism for planning obligations to be secured from development. Section 106 allows anyone interested in land in the area of the planning authority to enter into planning obligations. Section 106 (1) allows a planning obligation to:
- i) Restrict development or use of land in a specified way.
 - ii) Require specified operations or activities to be carried on, in or over the land.
 - iii) Require the land to be used in any specified date or dates periodically.
 - iv) Require a sum or sums of money to be paid to the local planning authority on a specified date or dates.

² Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

- 3.4 Regulation 122 of the CIL Regulations defines that for a planning obligation to be taken into consideration in granting planning permission, it must meet the following three tests:
- i) Necessary to make the development acceptable in planning terms;
 - ii) Directly related to the development; and
 - iii) Fairly and reasonably related in scale and kind to the development.
- 3.5 Regulation 123 of the CIL Regulations previously placed limitations on the pooling of planning obligations. However, it was deleted by amendment regulations that came into force on 1 September 2019, and there are now no limits on pooling planning obligations.

National Policy Context

- 3.6 The National Planning Policy Framework (“NPPF”) identifies that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. It highlights that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition (paragraph 55). The NPPF also restates the previous three statutory tests for planning obligations which are defined in CIL Regulations (paragraph 57).
- 3.7 The NPPF sets a presumption that up-to-date policies on planning obligations should apply and says that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision-maker, and such assessments should reflect the approach in national guidance and be made publicly available (paragraph 58).
- 3.8 The national planning practice guidance (“PPG”) provides further advice on planning obligations and viability³. It sets out a clear expectation that viability

³ Planning Practice Guidance, available at:
<https://www.gov.uk/government/collections/planning-practice-guidance>

assessments should be made publicly available other than in exceptional circumstances. It also states that an “existing use value plus” (“EUV+”) approach should be taken to land value assumptions in viability assessments, which is based in the existing use value of the land plus a suitable premium for the landowner.

- 3.9 In addition, the PPG identifies that contributions for affordable housing should only be sought from developments comprising 10 or more dwellings, or on sites of 0.5 hectares or more. The guidance also identifies that in calculating the affordable housing contribution, a financial credit should be made where a vacant building will be brought back into use or is demolished to be replaced by a new building. The Council’s Housing SPD provides further information on these matters⁴ specifically relating to Affordable Housing.

Local planning policy

- 3.10 Relevant local planning policies are set out in the development plan for the area. The development plan for Cheshire East currently comprises of the Cheshire East Local Plan Strategy, adopted July 2017, and the Site Allocations and Development Policies Document (“SADPD”), adopted December 2022, saved policies from the Cheshire Waste Local Plan and saved policies from the Cheshire Minerals Local Plan. Neighbourhood Development Plans that have been successful at referendum and have subsequently been ‘made’ also form part of the statutory development plan.
- 3.11 Development plan policies of relevance to planning contributions are summarised below. Consideration will also be given to other relevant planning policies within each plan, where appropriate to the planning application proposals.

⁴ [Cheshire East Housing SPD June 2022](#)

Cheshire East Local Plan Strategy

3.12 The Cheshire East Local Plan Strategy (“LPS”) was adopted on the 21 July 2017, and this is the strategic plan for the borough. Relevant policies include but are not limited to the following:

- Policy IN 1: Infrastructure
- Policy IN 2: Developer Contributions
- Policy SE 6: Green Infrastructure
- Policy SE 7: The Historic Environment
- Policy SC 1: Leisure and Recreation
- Policy SC 2: Indoor and Outdoor Facilities
- Policy SC 3: Health and Well-Being
- Policy SC 5: Affordable Homes
- Policy SC 6: Rural Exceptions Housing for Local Needs
- Policy SE 3: Biodiversity and Geodiversity
- Policy SE 5: Trees, Hedgerows and Woodland
- Policy SE 6: Green Infrastructure
- Policy SE 12: Pollution, Contamination and Land Instability
- Policy SE 13: Flood Risk and Water Management.
- Policy CO 2: Enabling Business Growth Through Transport Infrastructure

Cheshire East Site Allocations and Development Policies Document

3.13 The Cheshire East Site Allocations and Development Policies Document (SADPD) was adopted 12th December 2022 and provides more detailed development management policies and smaller scale site allocations than the LPS. Relevant policies include but are not limited to the following:

- **GEN 4: Recovery of forward-funded infrastructure costs.** This policy seeks to recover 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.

- **GEN 7: Recovery of planning obligations reduced on viability grounds.**
This policy states that development proposals should meet all relevant planning obligations required by local plan policy. It is up to the applicant to demonstrate to the Council whether particular circumstances justify the need for a viability assessment at the application stage.
- **ENV 1: Ecological Network.** This policy states that new development should seek proportionate opportunities to protect, conserve, restore and enhance the ecological network for the borough. Development in sustainable land use areas should enhance the wider environment by actively contributing to the integration and creation of appropriate green infrastructure and habitats.
- **ENV 2: Ecological Implementation.** This policy states development proposals must deliver an overall net gain for biodiversity. Major developments and developments affecting semi-natural habitats must be supported by a biodiversity metric calculation to ensure the delivery of a biodiversity measurable net gain.
- **ENV 6: Trees, hedgerows and woodland implementation.** This policy states replacement trees, woodlands and/or hedgerows must be integrated in development schemes as part of a comprehensive landscape scheme. Where it can be demonstrated that this is not practicable, contributions to off-site provision should be made, priorities in the locality of the development.
- **ENV 11: Proposals for battery energy storage systems.** This policy supports battery energy storage systems where they assist with the balancing of the electricity grid and support renewable energy sources (such as wind and solar). Planning conditions/legal obligations will be used to make sure that installations are removed when no longer in use and the land is restored to its previous condition.

- **RU 4: Essential rural workers occupancy conditions.** This policy states where essential rural worker occupancy conditions are removed, planning conditions or legal obligations will be usually imposed to require the dwelling to remain as affordable housing, with occupancy restricted in perpetuity.
- **RU 8: Visitor accomodation outside of settlement boundaries.** The policy states that where visitor accommodation is permitted in the open countryside that would be physically capable of forming a habitable dwelling, the Council will impose planning conditions or legal obligations to restrict occupancy of the accommodation to prevent unauthorised permanent access.
- **RET 10: Crewe town centre.** This policy seeks to support and implement a range of measures to improve pedestrian and cycle connectivity between the town centre and Grand Junction Retail Park, including through developer contributions, where justified.
- **RET 11: Macclesfield town centre and environs.** This policy states that where proposed new development would generate intensified use of the public realm in the town centre, or where necessary to provide a high-quality setting for new development and ensure its positive integration within the urban form, planning obligations may be used to secure the improvement of the town centre public realm.
- **Policy REC 2: Indoor sport and recreation implementation.** This policy states that developer contributions should be provided where new development will increase the demand for such facilities. Contributions should be directed to the nearest accessible facility to the development. Where there is no leisure centre provision nearby, say in more rural locations, the contribution will be directed to the nearest community facility (for example village hall) that provides recreational facilities.

- **Policy REC 3: Green space implementation.** This policy states that all areas of green space that are of strategic significance should be conveyed to the Council along with a commuted sum for a minimum provision of 20 years maintenance. The provision of, or contribution, to outdoor playing pitch facilities will be informed by the Playing Pitch Strategy and Sports England Sport Pitch Calculator. Other outdoor sports provision not covered by the Playing Pitch Strategy will be sought on a site by site basis using 10sq.m per family home as a benchmark figure.

Made Neighbourhood Development Plans

3.14 As at the 31 March 2023, 36 Neighbourhood Development Plans (“NDP’s”) had been ‘made’ and now form part of the adopted development plan. Further details of these plans can be found on the Council’s website:

<https://www.cheshireeast.gov.uk/planning/neighbourhood-plans/neighbourhood-planning.aspx>

Supplementary Planning Documents

3.15 The Council has adopted a number of Supplementary Planning Documents and full details of these can be found on the Council’s website at:

https://www.cheshireeast.gov.uk/planning/spatial_planning/cheshire_east_local_plan/supplementary_plan_documents/supplementary_plan_documents.aspx

3.16 Relevant SPDs include:

Macclesfield Borough Council Supplementary Planning Guidance on s106 (Planning) Agreements

3.17 This SPG was adopted May 2004. It contains guidance on developer contributions and sets out the principles and practice of the Council in relation to the negotiation of planning obligations.

Congleton Borough Local Development Framework Interim Policy Note: Public Open Space Provision for New Residential Development

- 3.18 The Interim Policy Note was adopted September 2008. It contains guidance on the level of public open space provision expected in the respect of new development.
- 3.19 It should be noted that upon adoption of the Developer Contributions SPD, these two SPDs will be revoked.

Emerging plans

Cheshire East Minerals and Waste Development Plan Document

- 3.20 The Minerals and Waste Development Plan Document is currently in preparation. A first draft will be consulted on during July 2022. It will set out the Council's planning policies on minerals and waste.

Cheshire East Local Plan Strategy Review

- 3.21 In July 2022 the Councils Environment and Communities Committee considered a [review of the Local Plan Strategy](#) and agreed that a review of the Local Plan be carried out.
- 3.22 The Local Plan Review will be subject to processes defined by the government's planning reform agenda which includes provision to implement 'new style' local plans (as set out in the Levelling Up and Regeneration Bill). At the time of writing the Levelling Up and Regeneration Bill is yet to be enacted, and the exact process, timescales and requirements of preparing new style local plans is unclear. Therefore, the Council is preparing to undertake early stage preparatory work to engage communities across Cheshire East and to advance the evidence based that will be required to inform the Local Plan Review.
- 3.23 In undertaking the Local Plan Review the approach to the Community Infrastructure Levy, S106 and other mechanisms to secured infrastructure funding will also be reviewed.

4. Planning Obligations

What are Planning Obligations?

- 4.1 Planning obligations, also known as Section 106 Agreements (“s106 agreements”), are legally binding agreements entered into between a local authority and a developer. They provide the mechanism by which measures are secured to mitigate the impact of development on the local area.
- 4.2 Unless it is stated otherwise, planning obligations run with the land in perpetuity and may be enforced against the owners, mortgagees and their successors. Planning obligations form part of the title deeds of the property and only be secured through the following type of Deed:
 - i) Section 106 agreements with mutual obligations between the Council and owners with interest in the application site;
 - ii) Unilateral planning obligations, sometimes called unilateral undertakings signed solely by owners with interests in the application site which can impose no obligations on the local planning authority.
- 4.3 A planning obligation will be sought where a development would otherwise be unacceptable, and the objections cannot be overcome by conditions. They will be negotiated on a site-by-site basis. They will typically address, but are not limited to, issues such as:
 - i) Affordable housing
 - ii) Public Open Space
 - iii) Transport
 - iv) Social infrastructure, including education and healthcare.

What is the Community Infrastructure Levy (CIL)?

4.4 The Community Infrastructure Levy (“CIL”) is a charge which is levied by local authorities on new development in their area. Cheshire East Council adopted a CIL charging schedule in February 2019. It is an important tool for local authorities to use to help them deliver the infrastructure needed to support development in their area.

4.5 Further details can be seen on the Councils website: https://www.cheshireeast.gov.uk/planning/view_a_planning_application/making_a_planning_application/community-infrastructure-levy.aspx

Relationship between CIL and Planning Obligations

4.6 On 1st September 2019, changes came into effect in relation to the preparation of the Community Infrastructure Charging Schedule as well as relating to the process of securing developer contributions as part of the planning application process.

4.7 Prior to the CIL Regulation changes coming in on the 1st of September 2019, s106 Obligations requiring payments were limited to site specific development impacts and not related to projects or types of infrastructure that will be funded by CIL. The CIL regulations required Councils to avoid “double dipping” and produce clear guidance of infrastructure needs and projects funded through s106 Obligations and the Community Infrastructure Levy. The Cheshire East Infrastructure Funding Statement provides information on the monetary (and non-monetary) contributions sought and received from developers for the provision of infrastructure to support development in Cheshire East and identifies infrastructure needs, the total cost of this infrastructure, anticipated funding from developer contributions, and the choices the authority has made about how these contributions will be used.

Section 278 Agreements

- 4.8 A Section 278 agreement allows developers to enter into a legal agreement with the Highway Authority to fund alterations or improvements to the public adopted highway network, having regard to the needs of the development. Examples of such works could include the construction of a new access; junction improvements on the highway; or safety related works such as traffic calming or improved facilities for pedestrians or cyclists.
- 4.9 Requirements for s278 agreements will be negotiated separately, although an obligation may be imposed as part of a s106 agreement to enter into a s278 agreement.

Planning Conditions

- 4.10 Planning conditions are the most commonly used and simplest mechanism for securing the provision of on-site infrastructure e.g., roads, sewers, play areas. They can also be used to secure the delivery of on-site affordable housing.
- 4.11 Planning conditions are imposed by the Council when granting planning permission to ensure that certain actions or elements related to the development proposal are carried out. Paragraph 55 of the National Planning Policy Framework states that planning conditions should only be imposed where they are:
- i. Necessary;
 - ii. Relevant to planning and
 - iii. To the development to be permitted;
 - iv. Enforceable;
 - v. Precise; and
 - vi. Reasonable in all other aspects.
- 4.12 No payment of money or other consideration can be positively required by a condition when granting planning permission. However, where the 6 tests are

met, it may be possible to use a negatively worded condition to prohibit development or occupation until a specified action has been taken.

Varying S106 agreements

- 4.13 Contributions levied through legal agreements will set out specifically what funding should be secured and for what purpose that funding should be spent. Once agreed, funding must be spent in accordance with the agreement, however S106 agreements may be varied where the applicant and Local Planning Authority (LPA) agree the change and a 'Section 73' Planning Application is submitted, or a new planning application can be submitted and allow the renegotiation of the S106 agreement. In all cases the legal tests referred to must be satisfied.
- 4.14 S106 agreements can be drafted to be specific and ensure a particular issue is addressed in detail or can be drafted to allow flexibility depending on the circumstances of the site and application. For example, a S106 drafted to deliver a specific highway improvement, a roundabout for example, would mean that funding secured for that infrastructure is limited to investment in that specified infrastructure. In this instance, if the infrastructure is not delivered and the local needs change over time then a S73 application would need to be submitted to vary the S106. A S106 drafted to secure 'highway improvements' to mitigate cumulative impact from development, may be invested in a way which is less constrained but still meets the CIL tests, and may not require a S73 application to vary how funding is invested.

5. Procedures

Pre-Application Discussions

- 5.1 The Council recommends that pre-application advice is sought before making a planning application. This provides an opportunity to enter into discussions regarding planning obligation requirements with Council officers so that the nature of planning obligations that are likely to be required for a particular

development are made known to the developer as early as possible in the decision-making process. Pre-application discussions can help to resolve potential problems and issues which may otherwise delay the determination of a planning application once validated.

Heads of Terms

- 5.2 Where pre-application discussions have identified that developer contributions will be required, applicants should submit draft heads of terms with their planning application. It will be essential that this be submitted as part of the application, and as part of the validation process. Please be aware that failure to submit this will result in a delay in the planning application, as the application will not be validated.
- 5.3 Details of the process for engaging with the Local Planning Authority at pre-application stage can be found on the Council's web page or by contacting the Development Management service.
- 5.4 The process for negotiating planning obligations from the pre-application stage and standard templates for the legal agreements and Unilateral Undertakings can be found on the Council's webpage at:

https://www.cheshireeast.gov.uk/planning/view_a_planning_application/making_a_planning_application/s106_agreements_planning.aspx

S106 Stages

- 5.5 The following stages represent a stage in the S106 process from negotiation during the planning application process to issuing of legal agreements and implementation of infrastructure delivery:
 - 1. **Pre-application:** Applicant prepares application and ensures all required information is submitted. May involve pre-application discussions where key guidance on key policy matters is provided and likely S106 contributions identified.

2. **Planning Application Submission:** Applicant submits all required information in compliance with the Council's Validation Checklist. Where necessary this must include draft Heads of Terms setting out the basis for any S106 agreement that may be necessary.
3. **Validation:** submitted application is checked for compliance with requirements and to ensure all relevant information is submitted. Failure to provide required information, in the correct format is likely to result in a delay to determination. Once the application is validated, the time allowed to determine an application begins.
4. **Consultation:** Valid application is publicised for consultation.
5. **Planning application assessed and Heads of Terms agreed:** the planning officer will assess the application in detail and prepare a report and recommend refusal or approval. Within this part of the process the draft heads of terms will be scrutinised and agreed between the applicant and Council.
6. **Planning applications decision:** the application will be decided either under delegated decision making or via one of the Councils planning committees.
7. **S106 legal agreement drafted:** once determined, the Heads of Terms are used to finalise a legal agreement under S106.
8. **Decision notice issued:** Once the S106 is complete, a decision notice may be issued.
9. **Council update records:** The Council records the content of all S106 agreements, including the sums required, what is to be funded and relevant trigger points for payment. The S106 Monitoring Officer updates the Councils database accordingly.
10. **S106 delivery monitoring:** S106 Monitoring Officer will periodically review S106 agreements and ensure they are delivered as agreed.

Viability

- 5.6 The NPPF (paragraph 58) states that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.
- 5.7 The Council will seek to secure a fair and reasonable developer contribution without adversely affecting the ability for new developments to take place. Viability testing of the CELPS and SADPD has confirmed that the policy requirements set out in these plans are viable and where applicants assert that schemes are not viable, a viability assessment, funded by the applicant, may be submitted for consideration and further testing. The guidance in this SPD provides further advice on how the Council will calculate financial contributions.
- 5.8 Viability assessment of the LPS was produced as part of the evidence base for the local plan and was updated in July 2020 to support the production of the SADPD⁵. The July 2020 update reconfirms the assumption that all modelled sites will contribute an average of £5,202 per unit towards infrastructure. The 2020 viability update re-tested CELPS policy requirements and tested newly produced SADPD policy requirements. Appraisals concluded that residual land value remained high in high value areas and more challenging in medium and low value areas with mixed results on mixed-use and brownfield sites.
- 5.9 The conclusions of this assessment confirm that the Council must continue to engage with site promoters in regard to viability matter and should consider potentially accepting a lower level of affordable housing or lower provision of policy requirements in these areas. The Council will take a pragmatic approach to supporting the delivery of development and consider viability matters on a case-by-case basis where necessary.

⁵ [July 2022 SADPD Viability Assessment Update](#)

- 5.10 Whilst the guidance in this SPD does not present additional requirements over and above those existing policy obligations tested as part of the 2020 Viability Update Assessment, the Council recognises the need for flexibility and a pragmatic approach to securing developer contributions in some circumstances. Where developers expect sites are unviable in terms of delivering the full suite of policy obligations, they are invited to submit a viability assessment as part of their planning application.
- 5.11 The conclusions of the 2020 viability assessment are held in Chapters 8, 9 and 10 of the 2020 Viability Assessment Update. Chapter 10 of the Viability assessment Update includes appraisals across a range of site typologies, assessing a variety of policy impacts and other scenarios. The key findings of the appraisal results are included at Appendix 2.

Cross Boundary Applications

- 5.12 In the case of development applications close to the district boundary which may have implications for service delivery in adjoining authority areas, these authorities will be consulted on and requests for contributions to services provided by those authorities will be duly considered. Similarly, if adjoining authorities receive applications which will have an impact on the delivery of services in Cheshire East, the District Council will seek contributions.

Security and Timing of Payment

- 5.13 Where a financial obligation is necessary, payment would normally be required on commencement or on first occupation of a development. However, in the case of a large-scale development, it may be that the payments would be phased to meet the proportional impact of each phase. Trigger points for payments will be included in the legal agreement, as will the period in which any contribution will have to be spent.

Index Linking

- 5.14 All financial contributions will be subject to indexation from the date of adoption of this SPD. The indexation period will therefore start with the date of adoption and end with the date when each payment becomes due. The indices to be used are the Retail Prices index for non-housing related payments, the RICS Road Costs Engineering Index for highways related matters, and the House Prices Index (maintained by the land registry) for housing related payments.
- 5.15 Whilst the contribution amounts set out in this SPD are not governed by the CIL Regulations, the indexation that will be used both to calculate the initial agreement amounts and any post-agreement changes prior to payment, will reflect the approach contained within the CIL regulations to ensure that obligations provide for the actual costs of the infrastructure for which they are levied.
- 5.16 Regulation 40 of the Community Infrastructure Regulations 2010 required Local Authorities to obtain the All-in-Tender Price Index, as published by the Building Cost Information Service (BCIS) of the Royal Chartered Surveyors (RICS) on the 1st of November each year to calculate the proportionate increase in contribution rates for the following year.
- 5.17 The Royal Institution of Chartered Surveyors has produced a bespoke index for the Levy, based on the Building Cost Information Service's (BCIS) All-in Tender Prices Index, known as the 'RICS CIL index'.
- 5.18 This index is produced annually, made publicly available and does not change through the year.
- 5.19 The September 2019 amendments to the Regulations require that the BCIS index applies to planning permissions granted before 1 January 2020 and the RICS CIL Index for the year in which it applies is calculated in the October of the previous year⁶.

⁶ [Calculation of the RICS Community Infrastructure Levy \(CIL\) Index](#)

- 5.20 The BCIS index will reapply if for any reason the RICS CIL index is not produced in November of any preceding year.
- 5.21 Contributions for affordable housing will be calculated by using the rates set out in this SPD adjusted as follows:
- i) Index linked for inflation/deflation between the year of adoption of this SPD (Anticipated to be 2022/23 = the base year) and the year an obligation relating to an application granted planning permission is signed; and
 - ii) Index linked for inflation/deflation between the date the agreement is signed, and the payment is made towards the actual delivery.
- 5.22 For open space contributions, the amounts set out in this SPD will be:
- i) Index linked for inflation/deflation between the year of adoption of this SPD (Anticipated to be 2022/23 = the base year) and the year an obligation relating to an application granted planning permission is signed; and
 - ii) Index linked appropriately to reflect increases in costs between the date the agreement is signed, and the payment is made towards the actual delivery date of the service or facility.
- 5.23 For other types of infrastructure where there is no rate or amount pre-set in this SPD, contribution amounts will be set out in the S106 Agreement and clauses will be included to the effect that these will be index linked appropriately to reflect increases in build costs between the date the agreement is signed, and the payment is made towards the actual delivery date of the service or facility.
- 5.24 Where appropriate, particularly where trigger points are required at extended intervals of time, clauses may be written into S106 agreements to revalue the contribution required.

6. Fees and Charges

Legal Fees

- 6.1 Applicants will be required to pay the Council's legal costs as well as their own for drafting and checking legal agreements and will need to provide a solicitor's undertaking to do so. Applicants should also be aware that a solicitor's undertaking and proof of title will be required by Cheshire East Council where applicable.

Monitoring and Enforcement

- 6.2 Monitoring of obligations will be undertaken by the Council's S106 Monitoring Officer to ensure that all obligations entered into are complied with by both the developer and the Council.
- 6.3 The amended Community Infrastructure Levy Regulations 2019 permit Local Planning Authorities to charge fees in respect of the cost of monitoring (including reporting under the CIL Regulations) in relation to the delivery of planning obligations.
- 6.4 All monitoring fees will be subject to indexation and payable on commencement of the development.

Other Fees

- 6.5 Within S106 agreements the Council may require applicants to cover costs of administration, monitoring or additional technical assurance (for example analysis of a highway improvement) as applicable and relevant to the circumstances.

7. Contributions and Requirements

- 7.1 The following chapters set out more detailed advice and guidance on how S106 will be applied related to policies in the Development Plan.

8. Affordable Housing

Objective

- 13.1 A key priority of the LPS, is to create and maintain sustainable communities by supporting the delivery of an appropriate mix of house types, sizes and tenures including affordable housing to meet the borough's needs. It also seeks to support vulnerable and older people to live independently, and for longer (LPS Strategic Priority 2, point 1 (ii & iii)).
- 13.2 The Council has produced a Housing SPD (adopted July 2022), to provide additional policy guidance, focused on LPS policies SC4 (residential mix), SC5 (affordable homes) and SC6 (rural exceptions housing for local needs). This SPD aims to give greater clarity to developers, landowners and communities, focused primarily on affordable housing and specialist accommodation, including older persons accommodation.
- 13.3 The Housing SPD includes information on how developer contributions to affordable housing should be calculated. The approach to financial contributions from the Housing SPD is included here. For full information on how the Council applies affordable housing policies, please refer to the Housing SPD 2022 available on the Councils Website⁷.

Background

- 13.4 The NPPF (2021), in paragraph 63, states that the provision of affordable homes should only be sought for residential developments that are major developments⁸. However, as the LPS is a recently adopted Plan, planning decisions should be made in accordance with the thresholds included in policy SC5 (affordable homes).
- 13.5 In applying the size threshold for affordable housing, site areas will normally be measured to the natural, physical perimeters of the site. It will not be acceptable

⁷ [Housing Supplementary Planning Document \(cheshireeast.gov.uk\)](https://cheshireeast.gov.uk)

⁸ Major developments are defined in the NPPF as housing sites of 10 or more homes, or where the site has an area of 0.5 hectares or more.

for sites to be artificially divided into smaller components in order to take a site below the stated affordable housing threshold.

- 13.6 There will be occasions where meeting the affordable housing requirement on residential sites would not result in a 'round' number of dwellings. In such cases, the number shall be rounded up to the nearest whole number. For example, if the requirement is for 7.1 homes the number would be rounded up to create a requirement for 8 homes. This is to ensure that the full 30% requirement for affordable housing is met on-site. Where applicants expect such an approach may render a scheme unviable, applicants should submit a viability assessment for consideration.

Required Contributions

- 13.7 The LPS identifies a need for a minimum of 7,100 affordable homes (an average of 355 affordable homes each year) across the borough for the twenty-year Plan period (2010 to 2030).
- 13.8 LPS policy SC5 (affordable homes) sets out the thresholds for affordable housing provision in the borough. In residential developments, affordable housing will be provided as follows: -
- i. In developments of 15 or more dwellings (or 0.4 hectares) in the Principal Towns and Key Service Centres at least 30% of all units are to be affordable;
 - ii. In developments of 11 or more dwellings (or have a maximum combined gross floorspace of more than 1,000 sqm) in Local Service Centres and all other locations at least 30% of all units are to be affordable;
- 13.9 The Councils approach to Affordable Housing delivery is set at in the Housing SPD 2022.
- 13.10 The Council will first seek Affordable Housing provision on-site. Exceptionally, as a first alternative and where it can be justified, the Council may accept provision off-site.

13.11 In exceptional circumstances, where suitable sites aren't available, and where it can be justified, as a second alternative, a financial contribution will be accepted. The circumstances where this approach may be acceptable are set out in the Housing SPD at paragraph 6.48.

13.12 Where a financial contribution is offered, the amount of such contribution will normally be expected to reflect the cost necessary to facilitate an equivalent amount of affordable housing as would have been provided on-site. The amount of any contribution will need to be agreed with the Council. Where off-site provision is made by the developer or as a result of any financial contribution, this should be in a location elsewhere within the borough where there is an identified need.

13.13 The basis for calculating the cost to the developer for off-site provision will be the difference between the open market value of the units that would have otherwise been affordable and the average amount a Registered Provider would offer for those units. We would require the applicant to submit an affordable housing mix outlining the type, size and tenure of units which meet the housing need for the locality and the policy requirements of the LPS, including constructed to national building regulations requirements and provided at 65% rented and 35% intermediate tenure mix. This should include the open market values of the units and details of offers from a Registered Provider to take the affordable units. In order to establish open market values, a valuation will need to be completed by a RICs qualified valuer, then verified by the Council.

13.14 **Worked Example**

13.15 12 units on site of 1 hectare in a Local Service Centre

13.16 30% affordable housing requirements: $12 \times 0.3 = 4$ units

13.17 In this example, there is 3 x 2 bedroom house at social rent and 1 x 3 bedroom house at intermediate tenure. Using some illustrative values as an example presents the following position:

Unit Type	OMV	Tenure	RP offer	Financial Contribution [per unit]	Total
2 bed house (65m2)	£100,000	Social Rented	£55,000	£45,000	£135,000
3 bed house (70m2)	£120,000	Intermediate	£80,000	£40,000	£40,000
					£175,000

13.18 Where viability is cited as a reason for fewer affordable dwellings being delivered, the developer will be required to submit an open book viability assessment. In such cases, the Council will commission an independent review of the viability study, for which the developer will bear the cost. In cases where such affordable housing provision is agreed there may be a requirement for 'overage' payments to be made. This will reflect the fact that the viability of a site will be agreed at a point in time and may need to be reviewed, at set point(s) in the future.

S106 Agreements

13.19 The Council will normally require provision of affordable housing and/or any control of occupancy to be secured by means of planning obligations pursuant to Section 106 of the Town and County Planning Act 1990 (as amended).

13.20 In respect of affordable homes, Section 106 agreements may cover the following areas: -

- (1) Tenure
- (2) Dwelling Types and Sizes
- (3) Price and Rent Control
- (4) Use of financial and other contributions
- (5) Phasing
- (6) Involvement of Registered Provider

13.21 Applicants are encouraged to provide the necessary information to assist in the production of a Section 106 agreement including: -

- (1) Proposed 'heads of terms' of the legal agreement setting out in broad terms what the main elements that the Section 106 agreement will cover.
- (2) Up to date copies of any relevant title and ownership deeds from land registry.
- (3) An undertaking to pay the Council's appropriate and reasonable legal and administrative costs in connection with preparation of the legal agreement.
- (4) In the event that the applicant is represented by a member of the legal profession, the relevant contact details and name of the individual and/or organisation dealing with the matter.

13.22 The Council provides additional information on Affordable Housing Legal Agreements at para.6.54 of the Housing SPD. Applicants should refer to this document for further guidance.

14. Cheshire Constabulary

Objective

- 14.1 The Strategic policies of the CELPS set out the overall pattern of development in the borough, identifying specific large-scale development sites and setting out requirements for the provision of a variety of community facilities and design led approaches that in combination seek to ensure the delivery of sustainable development.
- 14.2 The Councils objective is to ensure that new development designs in safety and that development protect existing community infrastructure in the interests of health and wellbeing.

Background

- 14.3 Cheshire Constabulary delivers crime prevention and presence through response, neighbourhood and town centre teams, attendance and service lead at emergencies and non-emergencies (such as road traffic incidents, flooding etc.), counter terrorism and community reassurance. It also attends all incidents

involving deaths, provide crowd and events policing, supports community safety and crime partnerships, and provides referral responses when there are expressed concerns about domestic abuse, the safety of children, the elderly and those with special needs. Whether residents are victims of crime, witnesses to it, or require the police for any other reason, the increase in population brought about by the proposed development will result in an increase in demand for these services.

- 14.4 Para. 97 of the NPPF requires planning policies to promote public safety and states that: *'the layout and design of developments should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security'*.
- 14.5 LPS Policy SD1 'Sustainable Development cites that new development should, wherever possible, *'support the health, safety, social and cultural well-being of the residents of Cheshire East'*. LPS Policy SC3 'Health and Well Being', requires that new development should employ *'sound safety standards'* and protect existing community infrastructure *'ensuring the provision of a network of community facilities, providing essential public services together with private and voluntary sector facilities, to meet the needs of the local community'*.
- 14.6 The production of a Design and Access Statement is an important part of development proposals (see Policy SE 1 'Design') and should be used to demonstrate how policy requirements have been met. Developers should request Crime Impact Statements (CIS) from their relevant Police Crime Commissioner body (PCC) to assist with the completion of the 'safer communities' section of the Design and Access Statement and use the statement to inform their approach to community safety.

Required Contributions

- 14.7 Where strategic, large-scale major development is proposed, the Council will consult with the Constabulary to further understand the policing requirements of development. The Constabulary will seek to deploy additional staffing and

infrastructure at the same level that is required to deliver policing to the locality and in instances where a funding gap arises to deliver this provision, due to the new development taking place, and the contribution is demonstrably necessary in accordance with the CIL tests, a contribution may be sought toward infrastructure necessary to deliver community safety.

- 14.8 When requesting policing contributions, the Council will liaise with the Cheshire Constabulary to provide the detailed justification that demonstrates how the need for additional contributions arises, the specific infrastructure investment (s) that are necessary in relation to the identified need and will require a detailed breakdown of how the financial contribution has been calculated.

S106 Agreement

- 8.1 Where contributions are levied, they will be secured through S106 agreements which will include relevant trigger points and will set out the specific infrastructure measures that will be invested in.

15. Climate Change

Objective:

- 15.1 The Climate Change Act 2008 introduced a legally binding target for the UK to reduce greenhouse gases by 80% by 2050, against a 1990 baseline. In June 2019, the UK committed to cut emissions to a net zero target by 2050 (relative to the 1990 baseline). The Council, in May 2019, committed to be carbon neutral by 2025 and has prepared an Environment Strategy as part of a package of measures to detail how this commitment will be met.
- 15.2 The Council encourages all businesses, residents and organisations in Cheshire East to reduce their carbon footprint by reducing energy consumption and by promoting healthy lifestyles.

Background

- 15.3 The planning system has a critical role to play in addressing climate change, in terms of both mitigating its effects and shaping places to cope with its impacts.

- 15.4 SADPD Policy ENV7 Climate Change builds on policies in the LPS and the content of the Environment Strategy and, in combination with other policies in the plan, is designed to make sure that development and use of land in the borough contributes to the mitigation of, and adaptation to, climate change impacts.
- 15.5 Climate change mitigation measures can also add to the sense of place and the design quality of development. The policy is consistent with the government's commitment to a more sustainable construction sector in the Industrial Strategy Construction Sector Deal (2018), including its mission to at least halve the energy use of new buildings by 2030.
- 15.6 In line with LPS Policy SE 8 'Renewable and low carbon energy', the Council will look favourably upon development that follows the principles of the Energy Hierarchy, and seeks to achieve a high rating under schemes such as BREEAM (for non-residential development), CEEQUAL (for public-realm development) and Building for a Healthy Life (or as updated).

Required Contributions

- 15.7 A suite of climate related mitigation measures are required of development, many of which are required to be designed into the fabric of the proposal. For example, the provision of SUDS should be considered at an early stage, landscaping schemes should include species that are resilient to climate change and Biodiversity Net Gain will be secured to enhance habitats. In addition, Part L of the Building Regulations requires improved efficiency in energy performance of buildings with delivery regulated outside of the planning consent process.
- 15.8 Non-residential development over 1,000 sqm will be expected to secure the minimum standards set out in Criterion 2 of LPS Policy SE 9 'Energy efficient development and all 'major' residential development schemes should provide for at least 10% of their energy needs from renewable or low carbon energy generation on site unless the applicant can clearly demonstrate that having regard to the type of development and its design, this is not feasible or viable.

- 15.9 Climate change related measures and contributions will normally be secured through the design process, and the use of planning conditions, rather than developer contributions. Therefore, early engagement with the Council on the implications of climate change policies in the site context, is recommended.
- 15.10 However, there may be instances where delivery of energy generation is secured by S106, or contributions to the delivery of offsite clean energy are required in order meet the relevant policy tests and make development acceptable in planning terms.

16. Design and Public Realm

Objective

- 16.1 Cheshire East has a unique character and sense of place and it is important that new development responds to this context. The delivery of high-quality design is expected in all developments and should be considered at the earliest stage of forming proposals. Development proposals should, therefore, consider the wider character of an area, as well as that of the site, and its immediate context, to ensure high quality design is employed which reinforces the qualities and character of the area in which the site is located.
- 16.2 This means that the architectural, urban and landscape design of a scheme must demonstrate their performance in regard to high quality design principles.
- 16.3 Additionally, it is recognised that where new development is proposed in locations where occupiers will be likely to utilise town centres, this intensifies use of town centre public realm, increasing the need for facilities such as seating, waste bins, cycle racks, safe pedestrian routes etc., and the impact on long term maintenance costs.

Background

- 16.4 The NPPF sets out the buildings and places should be ‘high quality, beautiful, and sustainable’ (para.126) and Cheshire East’s Development Plan supports this aim through policy SE1: Design, of the LPS and policy GEN1: Design

Principles, of the SADPD. Expectations in regard to how these policies should be interpreted are set out through the Cheshire East Design Guide SPD.

- 16.5 The NPPF also sets out that local authorities should ‘support the role that town centres play at the heart of local communities, by taking a positive approach to their growth management and adaptation’ (para.86).
- 16.6 The LPS contains multiple policies related to design matters and public realm, including Policy SE1: Design and Policy EG5: Promoting a Town Centre First Approach to Retail and Commerce.
- 16.7 Policy Strategic Location LPS1: Central Crewe establishes multiple design led ambitions for the town centre and central area of Crewe, with policy RET 10 ‘Crewe Town Centre’ of the SADPD providing further detail. Similarly, Strategic Location LPS12: Central Macclesfield and SADPD policy RET 11 ‘Macclesfield Town Centre and Environs’ does the same for the central area of Macclesfield. Further, a Strategic Regeneration Framework⁹ has been adopted by the council which articulates the councils preferred approach to design across this area.
- 16.8 In seeking to deliver this aim of creating high quality places and supporting our town centres, Cheshire East Council has adopted a series of Town Centre Vitality Plans¹⁰ that set out guidelines for development in town centres across the borough, these should be referred to where appropriate.

Required Contributions

- 16.9 High-quality public realm will normally be secured through the design process, and the use of planning conditions, rather than developer contributions. Therefore, early engagement with the Council on what high quality design means in the site context, is recommended.
- 16.10 In order to secure delivery of high-quality places, the Council support the inclusion of public art in the landscape and urban design of schemes. This provision can be undertaken in several ways, for example through the use of

⁹ [Macclesfield Town Centre Regeneration \(cheshireeast.gov.uk\)](http://cheshireeast.gov.uk)

¹⁰ [Town Centre Vitality Plans \(cheshireeast.gov.uk\)](http://cheshireeast.gov.uk)

public seating designed by local artists, ornamental brise-soleil, or murals that feature on gable walls. In such instances, whilst the provision may be secured by condition, a S106 agreement be used to secure the funding for on-going maintenance.

16.11 For development delivered in phased consents, or for development within town centres, it may be appropriate to use S106 agreements to ensure the delivery of space that functions as public realm for latter phases of the development, or to ensure that the scheme connects with other areas of existing or proposed public realm outside of the development boundary.

16.12 For development that has a reliance on, or connection with, a town centre, and it can be demonstrated that the proposal will have an impact on the town centre that requires mitigation, contributions may be sought for measures set out in the Councils Town Centre Vitality Plans, Strategic Regeneration Framework, or other adopted policy documents.

17. Ecology

Objective:

17.1 The Councils approach to Biodiversity Net Gain is set out in detail in the Biodiversity Net Gain Supplementary Planning Document which can be accessed via the [Council's website](#).

17.2 Local Plan Strategy Policy SE 3 'Biodiversity and Geodiversity', seeks to make sure that there is no overall loss of biodiversity and geodiversity and seeks to utilise avoidance, mitigation, compensation, and offsetting strategies to achieve this. The policy makes clear the Council's commitment to increasing the total area of valuable habitat in the borough, through linking up of existing habitats and the creation of ecological steppingstones and wildlife corridors.

17.3 SADPD Policy ENV1 'Ecological Network' and ENV2 'Ecological Implementation' provide additional detail about how this will be achieved by making sure that all development proposals contribute positively to the conservation of biodiversity and geodiversity.

- 17.4 Overall, the Council's objective is to seek ecological mitigation and enhancement on site, and where that is not possible, seek contributions to offsite in order to ensure that development in Cheshire East positively contributes to the conservation and enhancement of biodiversity.

Background

- 17.5 NPPF para.174 (d) requires that 'Planning policies and decisions should contribute to and enhance the natural and local environment by:

- i) (d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

- 17.6 NPPF Para. 179 (b) requires that:

- i) To protect and enhance biodiversity and geodiversity, plans should:

- (1) (b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

- 17.7 Biodiversity Net Gain is a concept introduced by the Environment Act and will become a statutory obligation from 2024 onwards. The Council does not have a specific Biodiversity Net Gain policy in the development plan for Cheshire East, but, through CELPS policy SE3 'Biodiversity and Geodiversity', does seek to ensure that development will 'positively contribute to the conservation and enhancement of biodiversity' and policies ENV1 and ENV2 of the SADPD provide further detail on this approach.

- 17.8 Policy SE3 of the LPS identifies areas of high biodiversity or geodiversity and emerging policy ENV1 of the SADPD sets out the extent of the Ecological Network in Cheshire East. The Ecological Network is the extent of known ecological assets which incorporates existing protected sites and priority habitats, and it identifies areas to restore and buffer the network. Policy ENV2

'Ecological Implementation' sets out that proposals should achieve a biodiversity net gain and be supported by a biodiversity metric calculation.

- 17.9 The policy also requires applicants to apply the mitigation hierarchy in their approach to site design by firstly avoiding harm, then, if impacts cannot be avoided, successfully mitigating such impacts; and if mitigation is not possible, or fully possible, providing compensation measures. The expectation is that enhancement and mitigation is delivered on-site, and it is only where this is demonstrably not possible that offsite compensation will be considered.
- 17.10 When submitting a planning application, applicants should include an ecological assessment, prepared to industry standards, which identifies the relevant site assets, evaluates the value and extent of such assets, assesses the impact of the proposal and identifies net losses. The assessment should also identify options to enhance the values of the assets and provide sufficient information to inform a Habitats Regulations Assessment where necessary.

Required Contributions

- 17.11 The Councils approach to monitoring, facilitation and other fees are set out in the Councils [Biodiversity Net Gain Supplementary Planning Document](#).
- 17.12 This document is currently under consultation and the finalised versions of both BNG SPD, and this SPD will be aligned to ensure consistency.

S106 Agreements

- 17.13 Off-site financial contributions, and contributions to habitat maintenance, will be secured via S106 agreements.
- 17.14 Planning conditions may also be used to secure delivery of onsite enhancement, monitoring and commencement.

9. Education

Objective:

- 17.15 The Councils objective is to secure excellent educational facilities to meet the needs of the current and future population of all ages, to improve educational attainment and provide a wide skills base (Strategic Priority 1).

- 17.16 All our children and young people deserve to be happy, healthy, and safe and to enjoy a life which is filled with fun and opportunities to learn and develop. Their interests are at the heart of everything we do. We want to ensure our children and young people leave school with the best skills and qualifications they can achieve and the life skills they need to thrive into adulthood.
- 17.17 Schools are pivotal in contributing to the educational and qualification achievement within the borough, providing social and economic opportunities for local people and making Cheshire East a great place to live and learn.

Background

- 17.18 As the Strategic Commissioner of school places, Cheshire East Council (CEC) has a statutory duty to ensure a sufficiency of school places for children resident in its area who wish to attend a publicly funded school. This includes local authority-maintained schools, academies and free schools providing mainstream provision and special educational provision for pupils who have special educational needs.
- 17.19 One of the core principles of the National Planning Policy Framework (NPPF) is that planning should 'proactively drive and support sustainable economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places that the country needs.
- 17.20 Sufficient appropriate infrastructure is crucial to the well-being of any society. The timely provision of education infrastructure to mitigate the impact of new residential development is essential to deliver high quality school places associated with the need which arises directly as a consequence of new housing. It is important to ensure that all developments are adequately supported by appropriate education infrastructure.
- 17.21 The Department for Education (DfE) expects the local authority to secure funding towards school places that are created to meet the need arising from housing development. The Department for Education guidance, Securing Developer Contributions for Education, November 2019 states that:-

- 17.22 “The government is committed to ensuring that there are enough good new school places to meet local needs, while also driving forward an ambitious housing agenda to increase housing delivery, home ownership and the creation of new garden communities”
- 17.23 S106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, sets in place the statutory basis for obtaining funding from developers through planning obligations to meet their obligations to the local community.
- 17.24 In parallel with the existing S106 planning regime is the Community Infrastructure Levy (CIL). It is a levy which Local planning Authorities (LPAs) in England and Wales can choose to charge on new developments in their area. It is a funding mechanism intended to help fund major infrastructure to support the development of a wider area, rather than to make individual planning applications acceptable in planning terms. The 2019 CIL Regulations enable local authorities to use funds from both CIL and S106 obligations to pay for the same piece of infrastructure, and future responses to planning applications will reflect this change.
- 17.25 The National Planning Policy Framework February 2019 (NPPF) is used by LPAs and decision-takers both in drawing up plans and as a material consideration in determining applications. It sets out the government’s planning policies for England, how these are expected to be applied and how the planning system is to contribute to achieving sustainable development.
- 17.26 The impact of residential development must be mitigated to be acceptable in planning terms, as outlined in paragraphs 54, 55 and 56 of the NPPF.
- 17.27 Paragraph 56 states that “planning obligations should only be sought where they meet all the following tests outlined in Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 and 2019:
- i) necessary to make the development acceptable in planning terms
 - ii) directly related to the development; and

iii) fairly and reasonably related in scale and kind to the development.

17.28 The education department uses a combination of CIL and S106 for financial contributions for infrastructure from new development, with a focus on S106 for education. This allows mitigation for site specific impacts arising from new developments. Education projects identified in the CIL 2019 charging schedule can be found: <https://www.cheshireeast.gov.uk/pdf/planning/spatial-planning/cil-charging-schedule-feb-19.pdf>

Education Forecasting and Methodology General Principles.

17.29 5.1 Forecasts are produced at school and planning area level, in line with DfE guidance.

17.30 The basis for the primary pupil forecasts is the October school census data. This provides the number on roll which is projected forward over the forecasting period for year groups 1-6. Reception forecasts are produced by using a weighted average of the last 3 years actual intake figures. In addition, birth data is used as a control figure and an average over 3 years is applied to take account of pupil migration based on actual intakes. CEC is traditionally an “importer” of pupils from neighbouring local authorities and therefore a percentage of non-Cheshire residents will be factored in based on the average intake over the last 3 years.

17.31 The basis for the secondary pupil forecasts is the October school census data. This provides the number on roll which is projected forward over the forecasting period for year groups 8 -11. Year 7 forecasts are arrived at by calculating the percentage feeder rate for each of the primary schools transferring to secondary schools based on a 3-year average. This percentage average is then applied to the actual numbers on roll in the primaries as at the October census. CEC is traditionally an “importer” of pupils from neighbouring local authorities and therefore a percentage of non-Cheshire residents will be factored in based on the average intake over the last 3 years.

- 17.32 The basis for the sixth form pupil forecasts is the October school census data. This provides the number on roll. Sixth form forecasts are arrived at by calculating the percentage transfer rates to years 12 and 13 from years 11 and 12 based on a 3-year average. This percentage average is then applied to the actual numbers on roll at the school for each of the year groups as at October census. In addition, the school has a published admission number for external pupils and a 3-year average of the actual intake will be factored into forecasts.
- 17.33 The above forecasting methodology creates the basic need forecasts. In addition to these basic need forecasts additional anticipated pupils from new housing developments are then added.
- 17.34 The education department currently assesses schools identified within a 2-mile safe walking distance for primary or 3 mile safe walking distance for secondary.
- 17.35 At present forecast SEN pupil numbers are based on current percentage of children with an Education Health Care Plan (EHCP) against the number of children resident in Cheshire East.

Process for Assessing need – General Principles

- 17.36 Following notification of a planning application submission, the education department will undertake an assessment of the application using the criteria as outlined in this policy and respond as necessary to Cheshire East's planning service.
- 17.37 All residential planning applications of 11 dwellings (2 bedroom +) or more will be assessed against impact on education.
- 17.38 Specialist accommodation such as student accommodation, elderly accommodation, assisted living accommodation and 1 bedroom dwellings are exempt from assessment as it is assumed no children would reside there.
- 17.39 Where the education department has built school provision/infrastructure in anticipation of forthcoming local plan sites, the education department will require a proportionate share of a retrospective contribution where the development is directly relatable to the project.

17.40 The Community Infrastructure Levy (CIL) Regulations (as amended in September 2019) no longer impose a pooling restriction on the use of the planning obligations to fund the same type of infrastructure or infrastructure project.

17.41 Due to increasing changes to schools and academies making changes to their capacity, admission arrangements, catchment areas etc, it is essential that the education department has the flexibility to use the S106 contributions at the most appropriate school at the time of implementing the additional infrastructure requirements.

Process for assessing need – Mainstream Education

17.42 Before assessment takes place Schools Organisation will calculate the anticipated pupil numbers using the latest DfE pupil yield data.

17.43 When assessing a proposed residential development (also known as a housing impact assessment), state funded mainstream primary schools that fall into the 2-mile safe walking (and/or catchment*) for primary needs are assessed collectively for capacity, and measured against the 5-year primary forecasts, primary children expected from approved housing and the children expected from the proposed development.

17.44 The education department currently assesses primary schools identified within a 2-mile safe walking distance unless there are no schools within that radius, in these circumstances the catchment school will be used for assessment.

17.45 When assessing a proposed residential development, state funded mainstream secondary schools that fall into the 3-mile safe walking (and/or catchment) for secondary needs are assessed collectively for capacity, and measured against the 7-year secondary forecasts, secondary children expected from approved housing and the children expected from the proposed development.

17.46 There may be occasion where no primary or secondary schools are within the safe walking distance and the catchment school that will be used is more than the 2- or 3-mile distance. This is more likely in rural developments. If the school

within 2 or 3 miles is another borough then we would need to find our nearest school.

17.47 The education department currently assesses secondary schools identified within a 3-mile safe walking distance.

17.48 A housing impact assessment is carried out to determine whether there would be a surplus or deficit of school places against a proposed development and therefore whether a developer contribution is required. This assessment is provided as part of every education consultation response to a proposed development.

17.49 Any known changes in school capacity are reflected in housing impact assessments.

17.50 A developer contribution will be sought if there is a shortfall of school places at any point in the forecasting period, as a result of the pupils expected from a proposed development.

17.51 Where the education department has built school provision in anticipation of forthcoming local plan sites, the education department will require a proportionate share of a retrospective contribution where the development is directly relatable to the project.

17.52 Children forecast from approved development, where there is a negotiated S106, are reflected in the housing impact assessment as additional capacity.

17.53 It is assumed that the years beyond the forecasting period remain constant, as birth rates and other data needed to create predictions is unavailable.

17.54 Forecasts are used to estimate the future need for school places: taking into account existing school capacity and parental preference outcomes. Future need is not therefore a direct comparison with current or previous numbers on roll, or what percentage lives in the catchment area of the school or otherwise what percentage are siblings, as it is highly unlikely that the same ratios will exist in the future. The methodology used is to estimate future need based on school census data, but also taking into account live birth data, parent choice

through admission process and trends. Approved housing is factored into the forecasts based on the Cheshire East build rate.

17.55 Approved housing, for which no S106 contribution in relation to education was received, will take up surplus school places. If such developments have been approved for a particular area, the outcome of a housing impact assessment may fluctuate.

17.56 Education will seek contributions from developers towards early years, primary, secondary, further education, SEN, and school transport where a proposed development creates a need for any of those types of educational provision.

17.57 Education will seek contributions for SEN infrastructure until data shows that SEN children from new development can be educated within Cheshire East sustainably. Current SEN Guidance is in Section 19.

Site mitigation

17.58 All schools in the borough have been assessed to review site constraints in relation to possible future school expansion, within the extent of the current school site. If a contribution is requested for school(s) that will have a shortfall of playing field provision, and a new school site is not available, then the cost of site mitigation will be required in the form of purchasing additional land or an all-weather synthetic sport pitch. In the event that additional land is available for a school, education will decide the most suitable option in accommodating the additional children.

17.59 The size and cost of an all-weather pitch will be provided within the consultation response, where required, where land is not available to purchase.

17.60 The cost for additional land or an all-weather pitch will be in addition to the costs for school buildings. Current costs can be found in Section 17.

Where the need for a new primary school has been identified

17.61 Where development sites in an area trigger the need for additional primary school places, a new primary school and provision of land will be required when the need is for at least 1 form of entry (30 places per year group plus nursery

provision). The developer will be required to fund the construction of the new school and provide the necessary land, access and relevant services. This is in line with the DfE expectation of minimum school size to be viable published in the DfE guidance.

17.62 If more than one development site is expected to be contributing to the overall need for a new primary school, each developer will be required to pay the relevant amount towards the overall total construction cost and the cost of the necessary land, access and relevant services.

17.63 While many early years settings fall within the private, voluntary, and independent (PVI) sector, local authorities have a duty to ensure early years childcare provision within the terms set out in the Childcare Acts 2006 and 2016. DfE has scaled up state-funded early years places since 2010, including the introduction of funding for eligible 2-year olds and the 30 hours funded childcare offer for 3-4 year olds. Expanded early years entitlements for children aged nine months to three years old become available from 2024. The take-up of funded childcare entitlements is high, increasing demand for early years provision. All new primary schools are now expected to include a nursery.

Where the need for a new secondary school has been identified

17.64 Where development sites in an area trigger the need for additional secondary school places, a new secondary school and provision of land will be required when the need is for at least 4 form of entry (120 places per year group). The developer will be required to fund the construction of the new school and provide the necessary land, access and relevant services. This is in line with the DfE expectation of minimum school size to be viable published in the DfE guidance.

17.65 If more than one development site is expected to be contributing to the overall need for a new secondary school, each developer will be required to pay the relevant amount towards the overall total construction cost and the cost of the necessary land, access and relevant services.

New School Sites and Transfer of Land

- 17.66 In some instances, it may not be feasible to extend a local school due to site constraints or there may not be sufficient pupil places in the local area to cope with the increase in numbers. In this instance a new school will be required to cater for new development and the education department will expect the developer to provide a level, clear, uncontaminated, fully serviced and accessible site free of charge, in addition to the full build cost. New schools, land and buildings will be based on the Department for Education recommendations, which is currently Building Bulletin 103 Building Framework for primary and secondary schools and 104 for SEN Schools.
- 17.67 When there is a determined need for a new primary school, DfE guidance is that “all new primary schools are expected to include a nursery”.
- 17.68 Where additional land is needed to facilitate infrastructure improvements to accommodate the pupils generated by a development, the developer may be required to either provide land on site and transfer to CEC at nil cost or provide sufficient funding to acquire alternative land for a school site. Any additional land required to facilitate expansion will need to be in accordance with standard form of entry increases in pupil admission numbers and set against the relevant building bulletin.
- 17.69 In some cases developers may be able to provide the required infrastructure on the site themselves, instead of paying the required contributions sum to Cheshire East Council. In this instance a building specification and monitoring charter will be agreed.
- 17.70 Where the development is not large enough on its own to warrant a new school but is of sufficient size to trigger the need for a new school because existing schools cannot satisfactorily accommodate the pupils from the development, then the developer will be expected to provide a level, cleared, fully serviced and accessible site, plus a proportionate share of the new build costs. For example, if the development generated 50% of the pupils, then a 50% contribution will be sought toward the cost of a new school.
- 17.71 If a new school opens below its full capacity while it awaits pupils moving to new housing within the developments, this does not represent an available surplus

for other developments when assessing their own impact and mitigation. Only when we receive confirmation that the planned developments delivering the new school are not providing the total number of dwellings in the associated planning application will this be considered.

17.72 Section 14 contains current new school project costs. These have been calculated based on DfE BB103 guidance for size/space requirements and using cost detailed in the DfE Pupil score cards, A regional weighting factor is also applied, which are updated annually. Developers need to be aware that these costs may vary on a site-specific basis, as the cost of a school is dependent on many variable factors (including but not restricted to relevant building standards requirements, highway mitigation and issues relating to the proposed site itself) and cannot be applied uniformly.

17.73 When necessary, additional contributions will also be sought “to ensure that all education needs are properly addressed, including temporary education needs where relevant, such as temporary school provision and any associated school transport costs before a permanent new school opens within a development site”.

New School Site Specification

17.74 Where a developer is required to provide land to accommodate school provision, Cheshire East Council will require that the site include the following:

- i) The site should be in the heart of the community, encouraging walking or other environmentally friendly means of pupils going to and from school (e.g. providing access to public transport and safe routes to school – i.e. pupils do not have to cross a major road) Proximity to other local community facilities (which pupils can visit as part of their learning and development) and associated parking areas (separate from staff car parking) are vital.
- ii) School security is important. For example a school in a rural or remote area is vulnerable because it is not overlooked by neighbours.
- iii) Land should be flat, at level with surrounding areas, rectangular in shape, fully serviced (water, gas, electric, foul/storm), free draining and with at least

30cm of clean topsoil. Note: Fully serviced is fully serviced to permit the site to operate at a capacity to allow the school and its associated infrastructure to function and operate

- iv) Land should not be crossed by public right of way or access, not liable to flooding, not crossed by or bounded by power lines, not crossed by and sufficiently distant from gas mains and outside the cordon sanitaire of any sewage plant.
- v) Land should be free of items or structures of archaeological interest, protected species or habitats, or part of a conservation area or planning restrictions.
- vi) Land should be free from buildings and other surface structures, trees and abutting trees, pipes and underground cables, spoil, land fill and fly tipping and void spaces such as wells, sumps and pits.
- vii) Land and the surrounding site should be free from contamination, radiation, ground gasses and vapours or invasive plants such as Japanese Knotweed.
- viii) Land and the surrounding site should be outside any current or proposed 57dBA Leq noise contour and not affected by potential sources of noise, air or light pollution.
- ix) The land should be sufficiently distant from any site that may cause public anxiety, such as chemical or petrol chemical production or storage, the storing or handling of live viruses, facilities housing or treating people with a history of violence or a threat to children, incinerators, current or previous landfills, prisons or facilities for persons with a history of offending, phone or radio mast transmitters, high voltage power lines and premises housing dangerous animals, birds, reptiles or insects.
- x) Land must be available and accessible for investigation purposes. Vehicular access must be suitable for construction and commissioning purposes. Adopted public highway must be provided to ensure suitable

vehicular access for building maintenance (not a cul-de-sac). A separate suitable vehicular access to service the playing field must be provided.

- xi) Traffic calming or 20mph speed limits must be implemented on surrounding roads to the site.
- xii) Notification of site transfer and school opening will be at the discretion of The Council and will be determined upon the timing for the need of school places. If delays occur beyond The Council's control, The Council will seek costs associated with transporting pupils to neighbouring schools, whether that is in neighbouring towns or authorities.
- xiii) If the school location is not within the immediate area of the initial house build phase, then appropriate highway infrastructure must be installed to allow safe access for vehicles and pedestrians upon the opening of the school.

Education: Pupil Yields

17.75 The Council applies the following yields:

- i) 29 x primary children per every 100 dwellings
- ii) 14 x secondary children per every 100 dwellings
- iii) 2 x SEN pupil per every 100 dwellings (see section 15 for details regarding this).
- iv) 13 x EYFS children per every 100 dwellings – currently the early years' service are developing a policy for claims/yields for EYFS
- v) 4 x further education pupils per every 100 dwellings – currently the education Service is developing a policy for claims/yields for FE pupils.

17.76 The yields are derived from the DfE's updated securing developer contributions for education guidance, published in August 2023. The DfE calculated yields uses data from Ordnance Survey, Valuation Office Agency, Office of National Statistics, DfE, and the National Pupil Database.

17.77 To date, Cheshire East Council does not claim infrastructure costs for EYFS and Further Education, however if a deficit of infrastructure is identified and forecast to be exacerbated as a result of further development, then this policy may change throughout the life of the local plan, as the provision is need driven. Currently the education service is developing a policy for claims/yields for EYFS, FE Pupils and transport costs. The latest DfE guidance does not have a complete analysis for EYFS or FE therefore the figures used at Cheshire East's last analysis have been used. Once analysis is completed, this will be updated and consulted on at a later date.

17.78 The SEN yield reflects SEN need for all through ages for EYFS (0.13), Primary (0.29), Secondary (0.14) and Further Education (0.04) with a total of 0.60. 2022/2023 statistics show that 4.7% of the borough's children have an EHCP.

17.79 Please note that the education department frequently review the pupil yield, this policy will be amended if the makeup of yields changes. Furthermore, the percentage of SEN children in the borough will vary year on year and this will be updated annually to reflect this.

Expansion Costs

17.80 *Cheshire East weighting applied at: 1.08695622

Age Range	Cost per Pupil	Evidence
EYFS	£17,268.00	As per basic primary cost
Primary	£19,425.00	DfE Guidance Securing Developer Contributions for Education and Local Authority Score Cards
Secondary	£26,717.00	DfE Guidance Securing Developer Contributions for Education and Local Authority Score Cards
Post 16	£23,775.00	As per basic secondary cost
SEN (2-19)	£74,920.00	National School Delivery Cost Benchmarking Study

17.81 School expansion costs are provided by region via the DfE Pupil score cards. A regional weighting factor is also applied.

17.82 Please note that due to the ongoing cost increases the figures (£) detailed in section 13 will be reviewed and be updated on an annual basis

Education: New School Cost

17.83 *Cheshire East weighting applied at: 1.08695622

Age Range	Cost per Pupil	Evidence
EYFS	£20,508.00	As per basic primary cost
Primary	£23,192.00	DfE Guidance Securing Developer Contributions for Education and Local Authority Score Cards
Secondary	£28,096.00	DfE Guidance Securing Developer Contributions for Education and Local Authority Score Cards
Post 16	£24,929.00	As per basic secondary cost
SEN (2-19)	£85,539.00	National School Delivery Cost Benchmarking Study

17.84 New School costs are provided by region via the DfE pupil score cards. A regional weighting factor is also applied.

17.85 Please note that due to the ongoing cost increases the figures (£) detailed in section 14 and 15 will be reviewed and updated periodically.

17.86 No. of dwellings x pupil yield x DfE cost per place figure/regional weighting (1.08695622)

17.87 SEN = No. of dwellings x pupil yield x 0.047 x DfE cost per place figure/regional weighting (1.08695622)

17.88 Pupil Yield formulae

Anticipated mainstream pupil yield: $A_y = D * M_y$

Anticipated SEN pupil yield: $S_y = D * S_y * P$

Monetary Contribution formulae

Mainstream: $A_y * C$ divided by R

SEN: $A S_y * C$ Divided by R

Key:

D = Number of 2+ bedrooms in the development

M_y = pupil yield for primary/secondary places, as set out in the latest published DfE guidance/scorecard

S_y = SEN pupil yield as set out in the latest published DfE guidance/scorecard

ASy = Anticipated pupil yield, calculated using DfE pupil yield and the number of 2+ dwellings in the development

P = the percentage of Cheshire East children with an EHCP

C = Cost per place as set out in the latest published DfE guidance/scorecard

R = The regional weighting as set out in the latest published scorecard

17.89 All contributions must be index linked as the amount calculated at the time a planning application is made may be significantly devalued by build cost inflation by the time the development begins, and the contribution is paid. The index used is the building cost information service (BCIS) all in tender price index.

17.90 Forecast SEN pupils will be discounted from forecast preschool, primary, secondary and further education, where applicable to prevent double counting.

17.91 All yields are rounded to the nearest whole number.

17.92 Please note that due to the ongoing cost increases the figures (£) detailed in section 15 will be reviewed and be updated on an annual basis.

17.93 Example based on school expansion figures

17.94 400 2 bed + dwellings would expect to generate 52 EYFS children (400 x 0.13), primary children (400 x 0.29) 56 secondary children (400 x 0.14) and 16 further education children. The development would be anticipated to result in 11 pupils requiring an SEN school place (of which 2 child is of EYFS age, 3 children are of primary age, 2 child of secondary age and 2 child of Further Education age).

17.95 $116 (-3 \text{ SEN}) \times £19,425.00 / 1.08695622 = £ 2,019,423.56$ primary contribution

17.96 $56 (-2 \text{ SEN}) \times £26,717.00 / 1.08695622 = £ 1,327,300.93$ secondary contribution

17.97 $11 \times £74,920.00 / 1.08695622 = £758,190.61$ SEN contribution

17.98 Total education contribution = £4,104,915.10

17.99 Please note that due to the ongoing cost increases the figures (£) detailed in section 16 will be reviewed and be updated on an annual basis

Synthetic pitch costs

17.100 £114.23 per M2 of synthetic sports pitch

17.101 Please note that due to the ongoing cost increases the figures (£) detailed in section 17 will be reviewed and be updated on an annual basis.

School Transport Costs

17.102 A home to school transport contribution would be required from developers where the development sits outside of the 2 or 3 miles safe walking distance of nearby schools based on the following formula:

- i) Primary: (No of dwellings X pupil yield) X £1,422.00 X 7
- ii) Secondary: (No of dwellings X pupil yield) X £1,422.00 X 5
- iii) SEN: (No of dwellings X pupil yield X 0.047)/100 X % of children with EHCP who receive transport X £8,164.00 X No of years in school"

SEN Guidance

17.103 The English national percentage of children with an Education, Health & Care Plan (EHCP) or a statement of educational need identified in 2022 was 4.3%, as published on GOV.UK. The current percentage for Cheshire East is slightly higher than this at 4.7% of school age children within the borough.

17.104 Cheshire East identified that 9.9% of children in the borough required SEN support but no statement (i.e., school action and school action plus). These pupils attend mainstream schools and are funded through central government through school's budgets. These children are included in the mainstream yields and are not part of the SEN yield.

SEN Requirements

17.105 An EHCP or a statement of SEN is individual to each child's needs. Difficulties within education can range from mild to severe and can include physical disabilities, learning disabilities, mental and behavioural. SEN children who attend a SEN school will have been statemented with one or more of the below:

- i) Autistic spectrum disorder
- ii) Behavioural, emotional & social difficulties
- iii) Moderate learning difficulty
- iv) Profound & multiple learning difficulty
- v) Severe learning difficulty

17.106 Sometimes pupils with physical disabilities require additional space requirements for the use of equipment such as standing frames, motorised wheelchairs, or horizontal learning stations etc. They may require access to personal care facilities and additional storage for their equipment. Pupils with social, emotional, and mental health difficulties require personal space and areas that allow them to withdraw from groups. Pupils with mobility and communication difficulties usually require specialist equipment and smaller break off rooms for additional support. Taught groups are usually smaller to accommodate individual needs, for example children with autism require low sensory stimulus, whereas children with profound learning difficulties require intensive stimulation. Disabled pupils require space for physiotherapy, which may require room for specialist equipment, such as a hoist.

SEN Capacity

17.107 As stated in the DfE Building Bulletin 104 (2015), Pupils are taught in smaller groups, averaging between 8 – 12 children/young adults, however based on pupil's individual needs, this can fall as low as 4-6 children/young

Ambulant Pupil SEN need	Pupils per Class base	Non Ambulant Pupil SEN need	Pupils per Class base
Moderate Learning Difficulty	8 - 12	Moderate Learning Difficulty	4 - 6
Severe Learning Difficulty	8 - 12	Severe Learning Difficulty	4 - 6
Autistic Spectrum Disorder	6 - 8	Autistic Spectrum Disorder	4 - 6
Behavioural, Emotional & Social Difficulties	6 - 8	Profound & Multiple Learning Difficulty	4 - 6

adults.

17.108 Against the DfE Building Bulletin BB104 (December 2015) a special school, which caters for a variety of complex needs, has a minimum and maximum of sized class bases to accommodate a minimum and maximum number of children, which is based on the severity of the child's individual need. To allow for changes to need an element of flexibility needs to be allowed for.

SEN Need	Ambulant / non ambulant pupil	EYFS / Primary / Secondary	Min M2	Min Pupils	Max M2	Max Pupils
Hearing impairment	Ambulant	primary / secondary	30m2	4	56 m2	12
Visual impairment	Ambulant	primary / secondary	30m2	4	56 m2	12
Behavioural, emotional and social difficulties	Ambulant	primary / secondary	30-38m2	4	56 - 66m2	12
Moderate learning difficulty / severe learning difficulty / autism	Ambulant	EYFS	30-38m2	4	56 - 66m2	12
Autistic spectrum disorder	Ambulant	All	38-46m2	4	66 -78 m2	12
Severe learning difficulty / profound and multiple learning difficulty	Non-ambulant	All	50-58m2	4	86 - 94 m2	12
Physical disability / severe learning difficulty / profound and multiple learning difficulty	Non-ambulant	All	58m2	4	94m2	12

17.109

17.110 SEN class bases accommodate fewer children compared to mainstream class bases due to the nature of the pupil's learning environment requirements. SEN schools are likely to have additional rooms such as sensory bases, changing facilities, therapy rooms and smaller break out rooms where children can go to withdraw.

17.111 Some mainstream schools have specially resourced provisions and designated special need provision, which accommodates SEN pupils. The SEN pupils who utilise this provision are on roll at the mainstream schools. The accommodation used for this provision still falls within the guidelines above for SEN pupils.

SEN Forecasting Need

17.112 Cheshire East Council has published its [Sufficiency Statement](#) for children & young people with special educational needs, this document has identified that CEC needs to increase its specialist provision as children have to be placed in schools outside of Cheshire East.

17.113 The education department acknowledges that there is an existing shortfall of Special School places, however using the borough's current 4.7% of expected SEN pupils, live birth data, and additional children expected from the Local plan and speculative development will further exacerbate this.

SEN Infrastructure Costs

17.114 Expansion Costs: *Cheshire East weighting applied at: 1.08695622

Age Range	Cost per Pupil	Evidence
SEN (2-19)	£76,184.00	National School Delivery Cost Benchmarking Study

17.115 New School Costs: *Cheshire East weighting applied at: 1.08695622

Age Range	Cost per Pupil	Evidence
SEN (2-19)	£83,413.00	National School Delivery Cost Benchmarking Study

SEN Projects

17.116 At present, The Council intends to create additional places by expanding existing schools and creating new provision within the Borough. This is further defined within The Council SEN Sufficiency Statement, available at; [SEND sufficiency - FINAL - for website \(cheshireeast.gov.uk\)](#)

17.117 The pupil yields expected from housing developments are factored into the pupil projections year on year. The education department is expected to accurately forecast pupil projections in line with DfE tolerances, which in turn formulates the Borough's entire capital programme based on forecast need. The education department continuously and actively studies, evaluates, and researches best practice and strives to improve accuracy, efficiency, and value

for money; therefore, the flexibility to alter formulas is vital due to the nature of the data, which can vary year on year.

17.118 The need for flexibility further extends to build costs. The education department has a Statutory Duty to provide school places and is measured on cost per place provided by the DfE. Economic factors beyond the education department's control may impact the cost per place, restricting infrastructure from money sought.

17.119 The principal of the methodology is unlikely to change, however the data and costs per place that makeup the formulas may fluctuate throughout the life of the Borough's Local plan. Furthermore, The Council would likely be minded to adopt any future alterations to guidance as advised by National Government.

Education: EYFS

17.120 Contributions will be sought to fund statutory early education entitlements for children aged 9 months to 4 years where additional early years places for children aged 0-4 are required due to the development, whether these are attached to schools or delivered as separate settings.

17.121 At present, the Council intends to create additional places by expanding existing provision and creating new provision within the borough. Contributions will be sought on the basis of the need identified in the Council's Child Care Sufficiency Statement¹¹, and the impact of a site on provision within the local area. Contributions may be pooled and delivered at trigger points identified in S106 agreements; this approach is especially relevant in locations where large-scale strategic site allocations, identified in the local plan have been made and the provision of a new facility is required.

¹¹ [Childcare Sufficiency Assessment \(cheshireeast.gov.uk\)](http://cheshireeast.gov.uk)

Further Education

- 17.122 Cheshire East currently does not claim an education contribution for FE age group. This element to the policy is currently being developed and is expected to be claimed in the future subject to consultation.

18. Highways and Transport

Objective:

- 18.1 The Councils objective is to secure delivery of strategic infrastructure that ensures the safe and efficient operation of the highways and transport network and prioritises measures that positively encourage sustainable transport through walking and cycling.
- 18.2 New development should also contribute to delivering a safe, sustainable, high quality, integrated transport system that encourages a modal shift away from car travel to public transport, cycling and walking.
- 18.3 Accordingly, Travel Plans or Transport Plans will be required to identify the relevant highway impacts and required mitigation and off-site contributions will be sought to mitigate the impacts of travel needs arising from new development, including Strategic Schemes.
- 18.4 CIL contributions will be used for strategic projects identified in the Councils medium term financial strategy, with S106 / S278 agreements applied on a case-by-case basis to address needs arising directly from development.

Background

- 18.5 The CELPS identifies strategic highways infrastructure, and site-specific transport requirements necessary to enable development, including any parking requirements.
- 18.6 Policies CO1: 'Sustainable Travel and Transport', CO2: 'Enabling Business Growth Through Transport Infrastructure' and CO4: 'Travel Plans and Transport Assessments' set out the key requirements that applicants should consider when preparing planning applications.

- 18.7 The CELPS also identifies a series of site-specific requirements related directly to a variety of major site allocations across the borough. The Council's major infrastructure projects are also listed in the Infrastructure Delivery Plan.
- 18.8 The Local Transport Plan identifies other transport projects necessary to achieve the objectives of the CELPS and the detail of local schemes is currently being consulted on through a series of Local Transport Town Delivery Plans,
- 18.9 Neighbourhood plans may also set out a locally specific approach to travel and transport infrastructure and, where relevant, should be referred to in Travel Plans, Transport Assessments and Transport Statements.

Travel Assessments and Travel Plans

- 18.10 For major development and large-scale development sites, applications must be accompanied by a Travel Assessment.
- 18.11 A Travel Assessment should identify the travel implications arising from the development and set out the measures that will be undertaken to mitigate these impacts, including any contributions to strategic infrastructure identified in the Local Plan. The Travel Assessment will be used as the basis to establish S106 or S278 payments and will be subject to agreement during the planning application process.
- 18.12 Smaller schemes should be accompanied by a travel plan or travel statement which sets out the travel and movement implications of the development and identifies how they will be addressed through design and, where necessary, contributions to local transport infrastructure.

Required Contributions

- 18.13 All development should ensure safe access and good connectivity which may mean direct mitigation is necessary within and in the vicinity of a site (for example provision of footways, upgraded bus stops, or cycling infrastructure etc). This type of mitigation will primarily be delivered through S278 agreements and S106 agreements secure funding for these.

18.14 Parking

18.15 Appendix C of the Local Plan Strategy sets out Parking Standards for Cheshire East. These requirements are included at Appendix 3 of this SPD.

18.16 Off-Site Contributions

18.17 For major development, a Travel Assessment will be used to establish whether off-site contributions are required to improve the strategic and local highways and transport networks and mitigate the impact of development. Where transport modelling is required and identifies an impact on the local or strategic highways network, mitigation will be required and will form the basis of S106 and/or S278 agreements.

18.18 Where modelling identifies a significant impact on the highways and transport network, contributions will be required. Such contributions will be calculated proportionately and based on the percentage impact that the scheme has on the capacity of key receptors in the network, and the costs of delivering improvements that ensure the continued safe and efficient operation of the whole highways and transport network.

18.19 Strategic Infrastructure

18.20 Where appropriate, development sites will be required to contribute to the delivery of identified strategic infrastructure on a proportionate basis.

18.21 This will normally be secured through a S278 agreement on a tariff style basis, related to identified infrastructure needs. Sites that rely on existing highways infrastructure capacity, provided through one of the following schemes listed below, will be required to contribute to the delivery of the scheme on a proportionate basis, based on the percentage capacity the scheme will rely on. For example, if a new roundabout costs £1,000,000 and a scheme is expected to rely on 20% of the roundabout capacity, the financial contribution required would be 20% of £1,000,000 (i.e., £200,000).

18.22 Strategic and Major Schemes:

(1) Crewe Green Roundabout

- (2) Sydney Road Bridge
- (3) Middlewich Eastern Bypass
- (4) Congleton Link Road
- (5) A500 Improvements (Crewe)
- (6) Poynton Relief Road
- (7) North West Crewe Highway Package
- (8) The 'Flowerpot' Junction (Congleton Road, Oxford Road, Park Lane)

18.23 Sites allocated in the CELPS, and other sites that rely on schemes that have been forward funded and have already been built out (or have funding secured), will also be required to contribute, retrospectively to the above infrastructure schemes.

18.24 The approach the Council will use as a starting point for calculating contributions to the schemes listed above is based on establishing proportionate contributions per residential unit and/or employment floorspace and is set out in SADPD Policy GEN4 'Recovery of Forward Funded Infrastructure'.

18.25 The policy requires that the overall amount to be recovered for each scheme is divided by the overall number of homes/employments floorspace.

18.26 Stage payments will be agreed and linked to onsite housing or employment floorspace completions and included as part of the legal agreement. Recoverable costs for the Council will include any administrative, legal, technical assessment and financing costs associated with both providing the infrastructure, and its subsequent recovery through the planning obligations process.

18.27 **Public Transport**

18.28 Multiple policies in the LPS and SADPD make reference to the need to plan and make provision for public transport. Development is required to improve public transport and public transport service levels (see policy CO1 of the LPS) and

therefore where relevant, proposals should be accompanied by a Travel Plan or Transport assessment that specifies how this will be achieved.

18.29 In some circumstances , particularly for large scale development or to mitigate the cumulative impact of smaller development in an area, contributions will be required to support provision of bus services and should be provided at an early stage in the development process. The provision of such may be secured through S106 and include a suitable early trigger point for provision.

18.30 **PROW / Transport network etc**

18.31 Public Rights of Way are an essential network of connections that enable healthy and active lifestyles and reduce the need to travel by private car, therefore reducing impact on the wider network. Opportunities to improve, enhance and expand the PROW network should be explored in the design process and contributions may be required toward the wider PROW network in some circumstances.

S278 Agreements

18.32 Section 278 Agreements are entered into between the Local Highways Authority (Cheshire East Council) and the site developer and apply to both residential and non-residential schemes.

18.33 Such agreements set out the works to be carried out in relation to the adopted highway. Identified works will either be undertaken directly by the Council at the developer's expense or directly by the developer themselves.

18.34 S278 agreements will normally be secured through securing of a planning condition which requires agreement with the Council on:

- i) Design of the works to be carried out
- ii) Funding arrangements
- iii) Trigger point at which the works may commence

18.35 It should be noted that the Technical Approval Assessment process for the design of a scheme is separate to the planning approval process and therefore

it is important to clarify that applicants cannot rely on the planning processes as an assumed technical approval of any proposal. This is especially important for applications for outline planning permission and should be noted that it is the responsibility of the applicant to demonstrate that highways solutions are technically sound and can be implemented when reserve matters are submitted.

S106 Agreements

18.36 Contributions to other transport related projects that mitigate the impact of travel arising from the development will normally be secured through S106 contributions or on-site provision of infrastructure, secured by condition.

18.37 Where new bus services are required, the cost of a new service will be based on the difference between farebox and operating costs, starting from five years after the occupation of the final unit in order to allow usage patterns to establish with full occupation of the site.

19. Indoor and Outdoor Sports Facilities, Public Open Space, Play Space and Green Infrastructure

Objective

19.1 Publicly accessible open space, play and sports facilities all have a vital role to play in helping to promote health and wellbeing. Existing facilities represent important assets serving communities across Cheshire East and the Councils objective is provide appropriate facilities by protecting existing facilities and to support development of new facilities by ensuring all major residential development contributes toward the new or improved facilities.

19.2 Green Infrastructure (GI) is the term that refers to the network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities across Cheshire East.

19.3 Green infrastructure is a natural capital asset that provides multiple benefits, at a range of scales. For communities, these benefits can include enhanced

wellbeing, outdoor recreation and access, enhanced biodiversity and landscapes, food and energy production, urban cooling, and the management of flood risk. These benefits are also known as ecosystem services.

- 19.4 This section clarifies the Council's approach to the negotiation and implementation of green infrastructure in new developments particularly green space standards, on-site maintenance costs and off-site developer contributions and maintenance costs.

Background

- 19.5 The CELPS sets out a series of policies that establish how the provision, maintenance and management of open space, indoor and outdoor sport facilities, and green infrastructure will be required in accordance with policy requirements, and how development can be made acceptable in planning terms. Such agreements will often be secured through Section 106. The relevant policies of the CELPS are:

- i) SC1 Leisure and Recreation
 - ii) SC2 Indoor and Outdoor Sports Facilities and
 - iii) SE6 'Green Infrastructure'
- and SADPD policies
- iv) REC 1 'Open space Protection'
 - v) REC 2 'Indoor Sport and Recreation Implementation'
 - vi) REC 3 'Open Space Implementation'.

- 19.6 The provision, maintenance and management of these green infrastructure elements; children's play space, amenity open space, allotments, outdoor sports facilities and green infrastructure connectivity, will be required in accordance with policy requirements and to make the development acceptable in planning terms will be secured through Section 106.

- 19.7 The purpose of the SPD is to clarify the Council's approach to implementing the policy and the provision of new green infrastructure in new developments and particularly the offsite provision of new provision via off-site developer contributions. The ongoing management and maintenance of all new on and offsite provision is also critical.
- 19.8 Open space in the context of this document includes children's play space, amenity open space, often referred to as green space, incidental amenity or open space, community gardening and allotments as referred to in SE6.
- 19.9 The purpose of the guidance in this section is to clarify the Council's the approach to securing contributions toward green infrastructure in new developments, particularly open space standards (and contributions to sports facilities), on-site maintenance costs and off-site developer contributions and maintenance costs.

Required Contributions

- 19.10 Planning obligations relating to open space, outdoor sport and green infrastructure connectivity will be sought for residential and non-residential developments of 10 units or more, or where the site has an area of 0.5hectares or more or for commercial developments where the floorspace is over 1,000sqm or site area more than 1ha.
- 19.11 Open space, outdoor sport and green infrastructure will unless otherwise agreed, be provided on site. If agreed, off site provision of part or all of the requirements will be provided by means of a commuted sum to the Council for off-site provision.
- 19.12 Where the provision of open space, outdoor sport and green infrastructure is on site, management and maintenance in perpetuity will need to be demonstrated and will be secured via S106.
- 19.13 Where all or some of the open space, outdoor sport and green infrastructure is to be provided off site via a commuted sum, it will be accompanied by a commuted sum for maintenance.

19.14 Where the offsite provision of open space or green infrastructure connectivity is or contains countryside elements, a commuted sum for maintenance will also be required.

19.15 Where provision is of strategic significance, it should be conveyed to the Council with a commuted sum for maintenance of a minimum of 20years. The Council may work with third party organisations to undertake long term management and maintenance.

19.16 Planning obligations relating to indoor sport will be sought for residential units of 10 units or more or where the site has an area of 0.5hectares or more.

19.17 Indoor sport will be secured by means of a commuted sum to the Council for off-site provision.

19.18 Major development developments of 300 dwellings or more will require a specific Sports Needs Assessment and sometimes in combination with indoor, outdoor and other provisions for health and wellbeing. Where smaller developments below this threshold have been identified in the LPS as requiring provision on site or where developments will have an impact on existing sports facilities, a Sports Needs Assessment will be required

19.19 Where provision is not required on-site, or the Council considers a commuted sum in lieu of on-site provision is acceptable, the following calculations will apply:

Provision Category	Threshold	Amount / units	Notes
Open space: Residential Development	Major development of 10 or more units or site more than 0.5ha	40m ² per family home* Or 20m ² per bedroom	Contributions for offsite provision will be accompanied by a com sum for maintenance. [This is to be provided at later date]. Offsite provision may include land purchase as well as projects to expand existing facilities
		Or Financial contribution of £4,500 per family home	
		£2,250 per bed space in apartments [to a maximum of £4,500 per apartment]	
		Residential homes / supported living / sheltered housing 20m ² per bed space	Residential homes / supported living / sheltered housing or similar will be expected to provide amenity open space

		Or Financial contribution of £1,125 per bed space or as negotiated for specific offsite opportunities	consistent with the requirements of the development and/or as appropriate to location, size and scale of development where offsite opportunities exist
Open space: Commercial developments	Major development floorspace more than 1,000sqm or site area more than 1ha	No set level for onsite provision	Presumption is that most commercial developments will not be required to provide onsite children's play. On site amenity elements and green links will be desirable. These will be negotiated as appropriate to type, location, size and scale of development. Contributions for offsite provision will be accompanied by a com sum for maintenance
		Class A1 Shops Food £32.15 per m2	
		Shops non-food £22.50 per m2	
		Class A3/A4 food and drink restaurants £20 per m2	
		A5 food and drink fast food / drive through £13 per m2	
		Class B1 offices £15 per m2	
Recreation and sport: Residential Development	Major Development of 10 or more units or site more than 0.5ha	Class B2 and B8 General industry, storage and distribution £10 per m2	
		Class C1 Hotels £450 per bedroom	
		40m2 per family bedroom; Or financial contribution of £1,500 per family home / £750 per bed space in apartments	Contributions for offsite provision will be accompanied by a com sum for maintenance
			The Sports England Sports Pitch Calculator, CEBC Playing Pitch Strategy and CEBC Indoor Facilities strategy, neighbourhood plans, and other local plan policy / strategy documents will inform the requirement for provision
Recreation and sport: Commercial Development	Commercial developments over 1,000m ² of floor space or site area more than 1ha		Contributions for offsite provision will be accompanied by a com sum for maintenance. The Sports England Sports Pitch Calculator, CEBC Playing Pitch Strategy and CEBC Indoor Facilities strategy, neighbourhood plans, and other local plan policy / strategy documents will inform the requirement for provision. Presumption is that most commercial developments will not be required to provide onsite Recreation and Outdoor Sport. On site facilities may be desirable and will be negotiated
		On site provision negotiated as appropriate	
		Or	
		Class A1 Shops Food £32.15 per m2	
		Shops non-food £22.50 per m2	
		Class A3/A4 food and drink restaurants £20 per m2	
		A5 food and drink fast food / drive through £13 per m2	

		Class B1 offices £15 per m2	as appropriate to type, location, size and scale of development.
		Class B2 and B8 General industry, storage and distribution £10 per m2	
		Class C1 Hotels £450 per bedroom	
Allotments / growing space / community gardens	Major development of 10 or more units or site more than 0.5ha	5m ² per family home	On site provision may include land set aside for future development along with com sum to enable at later date in line with community development
		Or	Offsite provision may include land purchase as well as projects to expand existing or introduce new opportunities.
		Financial contribution of £562.50 per family home / £281.25 per apartment ⁷	Contributions for offsite provision will be accompanied by a com sum for maintenance
Allotments / growing space / community gardens	Commercial developments over 1,000m ² of floor space or site area more than 1ha	Requirement will be identified as appropriate to location, size and scale of development and local need and opportunity	Presumption is most commercial developments will not be required to contribute to offsite provision. On site facilities on occasion may be appropriate. These will be negotiated as appropriate to type, location, size and scale of development
Green Infrastructure (Residential developments)	Major development of 10 or more units or site more than 0.5ha	20m ² per family home	Presumption is most major developments will provide GI on site unless significant opportunities or need exists in locality of development
		Or Financial contribution of £1,125 per family home / £562.50 per apartment	Shortfalls in on site will require payment of com sum for offsite provision and will be accompanied by a com sum for maintenance
Green Infrastructure	Commercial developments over 1,000m ² of floor space or site area more than 1ha	Any shortfall in on site provision or preferred opportunity offsite will be identified as appropriate to location, size and scale of development and as identified through Green Space Strategy and other policy documents. Offsite provision will be based on actual cost of provision	Presumption is most commercial developments will provide GI on site unless significant opportunities or need exists in locality of development
			Shortfalls in on site will require payment of com sum for offsite provision and will be accompanied by a com sum for maintenance

S106 Agreements

19.20 S106 Agreements will be used to secure commuted sums for provision, enhancement and maintenance as appropriate as well as any on site provision and the triggers for these.

19.21 S106 agreements will identify the triggers for payment of commuted sums, normally;

- i) on or prior to commencement for the payment of commuted sums for offsite provision
- ii) At point of transfer of open space or strategic sites for maintenance commuted sums

20. Public Health and Health Infrastructure

Objective:

20.1 The Strategic policies of the CELPS set out the overall pattern of development in the borough, identifying specific large-scale development sites and setting out requirements for the provision of a variety of community facilities including public health provision.

20.2 The Council's objective is to provide opportunities for healthier lifestyles through provision of leisure and recreation facilities but also to make sure that local health and social care facilities are provided to meet the needs of the community (Strategic Priority 2).

20.3 In major development the Council require submission of a Health Impact Assessment (HIA) that should lead the approach to public health by highlighting the particular localised issues that exist and may be impacted on by new development. HIA should be used to inform design solutions and also inform the extent to which contributions to new or enhanced health or social care facilities (including care homes) is necessary where development results in a shortfall or worsening of provision.

- 20.4 In consultation with healthcare authorities the Council will seek contributions where a funding gap can be demonstrated, linked to the additional capacity generated by new development. Where a contribution is required

Background

- 20.5 In drawing up the Local Plan, there was consultation with the NHS and Integrated Care Boards (ICBs) at all stages; and specific discussion with the ICBs about the planned level of growth and proposed housing allocations and the impacts on the health services the ICBs provide and the capacity to accommodate the sites and growth planned.
- 20.6 The NPPF requires that strategic policies should make provision for community facilities such as health facilities and guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs (NPPF para.92).
- 20.7 Recognising that new major residential development will introduce new populations with various health care needs into an area, the LPS addresses this issue at a local level via LPS Policy SC3 Health and Wellbeing. This policy requires that all major applications submit a screening report to determine if a full health impact assessment will be required. Where increased demand on local health services can be demonstrated, the Council will seek contributions towards health and social care provision.
- 20.8 In addition, all major development should refer to the Joint Strategic Needs Assessment and the identified health indicators that are relevant to the location of their proposed development. These matters should be actively addressed within the proposed design and contributions may be sought to mitigate impacts in relation to the identified health needs of the location.
- 20.9 An example screening assessment is set out at Appendix 4 and should be submitted with all major development applications.

Consultation with Integrated Care Boards

- 20.10 NHS Cheshire and Merseyside Integrated Care Board (ICB) commissions, plans, designs and purchases the majority of health services that local

population of Cheshire East Council use, including medicines, hospital care, urgent and emergency services, mental health care, GP and community services. The ICB also has responsibility of other areas of commissioning that previously resided with NHS England, such as dentistry, community pharmacy and general ophthalmology (eye care) services.

20.11 There is a well-established connection between planning and health. Developments including residential and nursing/care facilities have an impact on local health infrastructure, and as a result, there is often a need to seek a financial contribution from new developments to offset this impact.

20.12 Planning permission should only be granted where appropriate infrastructure investment is available to meet health needs. Where a gap in provision, or a need to increase healthcare capacity arises due to new development, contributions may be sought for additional healthcare provision, to ensure that the development contributes toward, or delivers new healthcare provision (through additional investment in existing facilities or contributions towards provision of a new facility) where the need can be identified, and the contribution is demonstrably necessary.

Infrastructure Delivery and Funding

20.13 The National Planning Policy Framework recognises the importance of sustainable development, and that sufficient provision of healthcare infrastructure should be made. The Cheshire East Council local plan supports this approach, by emphasising that the Council will work with its health and wellbeing partners to promote public health principles, maximise opportunities for people to lead healthy and active lifestyles, and reduce health inequalities for residents within the Borough.

20.14 The Council will seek to work proactively with the NHS and other partners to deliver the infrastructure required to support changes in the needs of local populations, arising from new development, including the provision of additional healthcare infrastructure where appropriate and necessary.

Summary of Contribution Requirements

20.15 There are two purposes of planning obligations relating to health provision. Firstly, to offset the impact of any residential or nursing development on the existing level of health infrastructure provision in the area; and secondly, where there is the need to secure a new health facility as part of a large-scale development of a strategic nature.

20.16 Preparation of a Health Impact Assessment should be used to establish the likely effect of a proposed development on health infrastructure. Where there is insufficient capacity to meet the needs of the projected increase or change in population generated by the development, contributions will be sought to secure delivery of appropriate enhancements to existing health facilities or new provision.

20.17 Based on the assessed impact of a proposal, the Council may seek contributions towards health to:

- i) Enhance existing facilities to create capacity; or
- ii) For strategic development where redevelopment of existing, or the provision of new facilities is required.

20.18 When requesting healthcare contributions, the Council will liaise with healthcare authorities to provide justification in relation to the need for the contribution and how the contribution has been calculated. Healthcare Authorities will use the following approach to establish appropriate contributions.

20.19 The total costs of developing new health care facilities to meet NHS requirements are calculated using the baseline build cost per m²; this is subsequently adjusted to ensure the total cost of provision is fully costed and may include professional fees, fit out and contingency.

20.20 Any outline planning permission received is assessed based upon the impact of new dwellings on the local health services. This is calculated as follows:

20.21 Example:

GP Practice/ Primary Care Network Population

(A)

Equivalent Number of Occupiers per Dwellings (as per planning application or agreed upon average) (B)

Cost of Providing a Health Centre* (C)

Cost per Dwelling* (C) / (B)

20.22 *Build costs and associated costs per dwelling contribution required will vary subject to multiple factors including location, design, and market conditions; therefore detailed costs are to be established at the point of reviewing a planning application and provided as part of the consultation process:

- i) Build cost to be assessed at the point of planning application.
- ii) Allocated costs within finalised agreements to be indexed linked.
- iii) Occupation per dwelling to be determined on review of the planning application. Where no information is provided an average occupancy of 2.3 people will be used

Major and Strategic Schemes

20.23 Where there is a significant pressure on existing services, there may be, in conjunction with a financial request, a request for the allocation or provision of land to support the delivery of a new integrated health centre.

21. Recovery of Forward Funded Infrastructure

Objective

21.1 Delivery of infrastructure is essential to achieving the aspirations of the LPS and is necessary to both facilitate new growth and address existing deficiencies across the borough. The delivery of the full range of infrastructure needs of existing and new communities is dependent on partnership working between a variety of public and private sector agencies, drawing from a range of funding sources.

21.2 Strategic infrastructure requirements are set out in the Local Plan Strategy and in the Infrastructure Delivery Plan. Whilst particular infrastructure needs have

been identified, it is recognised that there needs to be flexibility to allow the Council to seek developer contributions through Section 106 agreements, CIL contributions and other mechanisms for infrastructure needs that emerge during the plan period.

- 21.3 The objective of the LPS, as set out in LPS policy IN1 Infrastructure and IN2 Developer contributions is to ensure the comprehensive provision of the social, physical and green infrastructure necessary to support development in Cheshire East. Where new development creates a need for new or improved infrastructure, contributions from developers will be sought to make the development acceptable on the impact on local services.

Background

- 21.4 SADPD Policy GEN4 'Recovery of Forward Funded Infrastructure Costs' provides greater detail to assist in implementing LPS Policy IN 1 'Infrastructure' and LPS Policy IN 2 'Developer contributions'. Policy GEN4 is intended to help facilitate development in the borough as detailed in the LPS where it is necessary or desirable for infrastructure to be provided in advance of planned development. For example, this need may arise because a new road is needed to open up parcels of land to enable development or because it enables the provision of important infrastructure at an earlier stage than would otherwise have been possible and helps to bring forward individual schemes that would not otherwise be able to progress on their own.
- 21.5 Policy GEN 4 applies only to infrastructure schemes funded by the Council or its partners where the funding approval was made on the basis that all or part of the costs incurred will be subsequently recovered from developers benefiting from it i.e., where the Council has borrowed; used its reserves; or diverted funding from other budgets in the short term to help bring forward development on the understanding that it will be repaid. These infrastructure schemes are derived from the Council's LPS, including its supporting Infrastructure Delivery Plan, and are identified in Table 3.1 of SADPD Policy GEN4. The schemes are reproduced in this SPD at paragraph 8.22.

- 21.6 The approach to calculating contributions to forward funded infrastructure is set out in Policy GEN4 of the SADPD. Applicants should refer to this policy for guidance on this matter.
- 21.7 The mechanism to be used for proportionately calculating the cost of contributions from applicants seeking development on sites linked to strategic infrastructure projects is calculated by dividing the overall amount to be recovered for the scheme, by the overall number of residential units, employment floorspace, or combination of both, likely to be developed.
- 21.8 The sites linked to each infrastructure scheme are set out at table 3.1 of the SADPD and the estimated cost of each infrastructure scheme is set out at table 3.2 of the SADPD. The costs in the table are estimates only and therefore contributions will be calculated based on the actual costs of infrastructure delivery.
- 21.9 S106 Agreements
- 21.10 The recovery of infrastructure costs will be secured in accordance with Policy GEN4 of the SADPD, primarily via S106 agreements which will include relevant trigger points.
- 21.11 Each planning application will agree a payment profile based upon the cash-flow specific to that planning application. Recovery fund trigger points could be agreed by house sales, occupations, and prior to occupation or post occupation or any other agreed trigger. However, these are to be negotiated during the planning application process for a particular development site.
- 21.12 The recovery of infrastructure costs will be monitored by relevant CEC officers. Recovered funds will be held by CEC in perpetuity and used to support infrastructure delivery to unlock or accelerate development identified in the Councils plans and strategies.
- 21.13 For both S106 and S278 agreements, commuted sums will be required for infrastructure costs and the cost of on-going maintenance.

21.14 The use of planning obligations to secure funding from developments is preferable to CEC because of the enforcement powers and security afforded by a planning obligation agreement. Planning obligations run with the land and therefore offer CEC greater security as the obligation to pay a financial contribution would be enforceable against future occupiers of the land bound by the agreement.

21.15 However, CEC is aware that there are limitations on what constitutes a planning obligation and that to enforce the planning obligation, it will need to meet the CIL tests. In the event that it is determined that the proposed obligation does not meet the CIL tests, CEC intends to use other general powers available to it to secure funds from development sites for this purpose. Those obligations would be contractual obligations, contained within a planning agreement but not themselves planning obligations, and would be enforceable by CEC against the person giving the covenant as a contractual obligation. Where this approach is employed, it will be raised at an early stage in the application process.

22. Other Matters

Heritage

22.1 Many of the potential impacts of development on heritage assets can be addressed through scheme design and by conditions attached to a planning permission, for example the need to carry out surveys or excavation and recording.

22.2 Circumstances where the objectives of heritage protection may not be satisfactorily controlled by a condition, for example where impacts or public benefits are off-site, or involve a particularly sensitive or complex programme of works, involving phasing, the Council may require implementation of these measures through a Section 106 Agreement. By way of example these could include, but would not be limited to, the following:

- i) securing the investigation and protection of archaeological remains in advance of development;

- ii) recording, removing, storing, displaying and maintaining specifically identified artefacts or remnants from demolition as part of a new development or in another location;
- iii) drawing up of a conservation management plan;
- iv) providing and implementing a restoration scheme for historic buildings and features to a set timescale and an agreed specification;
- v) reinstating and/or repairing historic features in the public realm (such as streetlights, bollards and surfaces) directly affected by the development and its construction impacts
- vi) undertaking and completing specified works to a heritage asset at risk prior to the construction or occupation of any enabling development.
- vii) enabling development to secure the repair, restoration and maintenance of a heritage asset.
- viii) Repairing, restoring or maintaining a heritage asset identified as being at risk
- ix) Increased public access and improved signage;
- x) Measures for preservation or investigation, recovery and interpretation of archaeological remains and sites.
- xi) Works critical to the principal of the scheme being granted consent e.g., to securing the investigation and protection of archaeological remains, secure the public benefits which justify harm or in the case of enabling development works, to secure the repair, restoration and maintenance of a heritage asset will be considered as a priority.

Public Rights of Way

22.3 New housing and commercial developments within the Borough may have a direct impact on the PRow network in a number of ways: requiring existing routes to be moved; requiring existing routes to be improved or given additional

rights; and creating the need for new routes. Where development is likely to have an impact, the Council may seek to negotiate a planning obligation to ensure that public rights of way and access are appropriate to accommodate the increased usage new residents will generate or to provide safe connectivity of the network.

- 22.4 Improvements required on existing routes can include widening of a public right of way to reflect increased use or sealing the surface to provide an all-weather surface. Where appropriate, a development may necessitate a route status being upgraded to accommodate multi-use, such as equestrian and cycling use. Improvements to the existing PRow network required as a result of a development may also necessitate provision of new routes linking to national cycle routes, long-distance footpaths, canal towpaths and rights of way networks. Contributions may also be sought for any towpath works necessary to mitigate the direct impact of new development in close proximity to canals.
- 22.5 The measures in each case will be assessed on a case-by-case basis and determined in relation to the scale and location of development, securing opportunities for modal shift, and ensuring an appropriate access strategy to strategic facilities including green infrastructure. Any contribution sought will be proportionate, reasonable and in support of relevant Council strategies, including The Rights of Way improvement Plan, Cycling Strategy and Local Transport Plan.
- 22.6 The level of any financial contribution will be based on the cost of carrying out works, which will be calculated via either quotes obtained from contractors or estimate of cost using recent quote prices for similar jobs. There may be a degree of overlap with regards to contributions towards transportation improvements, particularly in urban areas, see 'Highways and Transport' section.
- 22.7 Information is available on the Cheshire East Council website ¹² for applicants whose schemes are likely to impact on a public right of way. This includes

¹² Cheshire East Council Public Rights of Way, available at:
https://www.cheshireeast.gov.uk/leisure, culture and tourism/public_rights_of_way/public_rights_of_way.aspx

details of the legal process required for diversions, or temporary / long-term closures. The legal process required is in addition to the planning consent process, with applications made to the Local Planning Authority. The granting of planning permission in itself does not authorise the alteration of a public right of way. The most common forms of public path orders include public path diversion orders, public path extinguishment orders or public path creation orders.

Flood Risk and SUDS

- 22.8 LPS Policy SE13 Flood Risk and Water Management seeks to ensure that development integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation. SADPD Policy ENV16 Surface Water Management and Flood Risk introduces a requirement to incorporate surface water SUDS on site.
- 22.9 The Council's Strategic Flood Risk Assessment (SFRA) 2013¹³ draws on Environment Agency Flood Zone and Surface Water mapping data and data on local sources of flood risk supplied by the Council's Flood Risk Team and United Utilities.
- 22.10 CELPS Policy SE13: Flood Risk and Water Management requires that new development does not result in increased flood risk from any source or other drainage problems, either on the development site or elsewhere, and that where mitigation is required to make any identified impacts acceptable, these will be secured through conditions and/or legal agreement, including where necessary through planning contributions.
- 22.11 Management of 'local' flood risk³² and land drainage is a function of Cheshire East Council in its role as Lead Local Flood Authority (LLFA). The LLFA investigates and publishes the results of incidents of significant flooding; it

¹³ [Strategic Flood Risk Assessment \(cheshireeast.gov.uk\)](http://cheshireeast.gov.uk)

designates assets which have a significant effect on flood risk; it maintains a register of flood risk assets; it provides consent for works on ordinary watercourses and is a statutory consultee in the planning application process.

22.12 When consulted on planning applications, CEC will provide an assessment of the proposed developments potential impacts on the drainage network with regard to surface water discharge rates and volume, design standards and the continued safe operation and maintenance of the surface water drainage network to ensure that flood risk is appropriately managed.

22.13 Central government funding for flood risk management comes from various sources, including DEFRA Support Grant, conventional capital settlements and the Local Growth Fund (Growth Deal). Typically, these funding sources do not address the specific impacts of individual new development. Instead, funds are directed at inherited drainage problems resulting from economic progress and previous development activity, or at large scale projects designed to deliver growth.

22.14 Conditions or developer contributions may therefore be requested by CEC or exceptionally the Environment Agency or United Utilities, to address flooding, drainage or water quality issues.

22.15 It is envisaged that any such requirements would be identified on a site-by-site and scheme specific basis.

Trees and Hedgerows

22.16 LPS Policy SE5, 'Trees, Hedgerows and Woodland' seeks to retain established trees and where this is not possible sets out that replacement will be necessary. The policy also requires provision, management and maintenance of trees in new development.

22.17 SADPD Policy ENV6, 'Trees, Hedgerow and Woodland Implementation', addresses a variety of matters related to delivery and includes a requirement for replacement planting where necessary, a requirement to ensure long term management and maintenance is in place for newly planted trees, and a requirement that veteran trees are subject to a management plan.

22.18 In instances where tree are present on site, an appropriate arboricultural assessment must be submitted in order for the application to be validated. Contributions to off-site replacement trees will be calculated using an appropriate cost equivalent replacement calculation agreed with the council, such as capital asset valuation of amenity trees (CAVAT). Compensation for the loss of woodland due to the impact of development shall be calculated in accordance with the most up to date DEFRA biodiversity offsetting metric.

22.19 The provisions of measures set out in policies relevant to trees, including provision of maintenance funding, will be secured either through planning condition or S106 agreements.

Glossary

Affordable Housing

Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

- a) Affordable housing for rent: meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).
- b) Starter homes: is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.
- c) Discounted market sales housing: is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.
- d) Other affordable routes to home ownership: is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.

Amenity

A positive element or elements that contribute to the overall character or enjoyment of an area. For example, open land,

	trees, historic buildings and the inter-relationship between them.
Authority Monitoring Report	An annual report prepared by Cheshire East Council to assess progress and effectiveness of a Local Plan.
Building for Life 12	The industry standard endorsed by government for designing new homes in England, based on 12 key criteria.
Catchment school/s	School/s allocated to serve a specific area of a community
Cheshire Home Choice	A partnership between the Council and registered providers who advertise properties and manage the housing need register and allocation policy.
Community Infrastructure Levy	A levy allowing local authorities to raise funds from owners or developers of land undertaking new building projects in their area.
Custom and Self-Build Dwellings	As defined by the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016).
Development	Defined by the Town and Country Planning Act 1990 as “the carrying out of building, engineering, mining or other operation in, on, over or under land, or the making of any material change of use of any building or other land.” Most forms of development require planning permission, unless expressly granted planning permission via a development order.
Development Plan	This includes adopted Local Plans and Neighbourhood Plans and is defined in Section 38 of the Planning and Compulsory Planning Act 2004
DfE	Department for Education
Entry Level Exception Sites	As defined in the NPPF, entry level exception sites are suitable for first time buyers or those looking to rent their first home. The NPPF provides more details.
EYFS	Early Years Foundation Stage (nursery, pre-school, and reception)
Family Housing	Domestic dwellings with 2 bedrooms or more
FE	Further Education (6 th form and colleges)
First Homes	First Homes are a specific kind of discounted market sale housing and should be considered to meet the definition of ‘affordable housing’ for planning purposes
Green Infrastructure	A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.

Habitats Assessment	Regulations	The process that competent authorities must undertake to consider whether a proposed development plan or programme is likely to have significant effects on a European site designated for its nature conservation interest.
Housing Impact Assessment		The process to determine the need for a developer contribution from new development against current education infrastructure.
Local Plan		<p>The plan for the development of the local area, drawn up by the local planning authority in consultation with the community.</p> <p>In law this is described as the Development Plan Documents adopted under the Planning and Compulsory Purchase Act 2004.</p> <p>Current core strategies or other planning policies, which under the regulations would be considered to be Development Plan Documents, form part of the Local Plan. This term includes old policies which have been saved under the 2004 Act.</p>
Local Plan Strategy		Development Plan Document setting out the spatial vision and strategic objectives of the planning framework for an area, having regard to the Community Strategy.
Local Planning Authority		The local authority or Council that is empowered by law to exercise planning functions. In the case of this SPD, the Local Planning Authority is Cheshire East Council.
National Described Standards	Space	The nationally described space standard is not a building regulation and remains solely within the planning system as a new form of technical planning standard if supported by a local plan policy. It deals with internal space standards within new dwellings and is suitable for application across all tenures
Neighbourhood Plan		A plan prepared by a parish Council or neighbourhood forum for a particular neighbourhood area (made under the Planning & Compulsory Purchase Act 2004).
Planning area		School(s) designated to an area for the purposes of pupil place planning.
Playing Field		Land in the open air which is provided for the purpose of physical education or recreation.
Rural Exception Sites		Small sites used for affordable housing in perpetuity where sites would not normally be use for housing. Rural exception sites seek to address the needs of the local community by accommodating householders who are either current residents or have an existing family or employment connection.

Site Allocations and Development Document	Policies	Part of the Local Plan which will contain land allocations and detailed policies and proposals to deliver and guide the future use of that land.
SEN Supplementary Document	Planning	Special Educational Needs A Local Development Document that may cover a range of issues, thematic or site specific, and provides further detail of policies and proposals in a 'parent' Development Plan Documents.
Sustainability Appraisal		An appraisal of the economic, environmental and social effects of a plan from the outset of the preparation process to allow decisions to be made that accord with sustainable development.
Strategic Appraisal	Environmental	SEA is a process and a tool for evaluating the effects of proposed policies, plans and programmes on natural resources, social, cultural and economic conditions and the institutional environment in which decisions are made.
Viability Study		A report, including a financial appraisal, to establish the profit or loss arising from a proposed development. It will usually provide an analysis of both the figures inputted and output results together with other matters of relevance. An assessment will normally provide a judgement as to the profitability, or loss, of a development.
Walking Distance		Walking route distance of 2 miles from dwelling to school for Primary, walking route distance of 3 miles from dwelling to school for Secondary, in reference to DfE walking distances and Cheshire East School Transport Policy. Please note that for the purpose of Section 106 Developer Claims Cheshire East uses the 2 mile distance for Primary Age Pupils.

Appendices

Appendix 1 HRA / SEA Screening Assessment

Final Draft Developer Contributions Supplementary Planning Document

1. Cheshire East Council has produced a first final draft Developer Contributions Supplementary Planning Document (“SPD”). The purpose of the SPD is to provide guidance on the application of S106 and S278 agreements that form the basis of developer contributions across a range of matters including highways, education and affordable housing.
2. The Development Plan for Cheshire East consists of the Local Plan Strategy (“LPS”) and ‘saved’ policies in the Crewe and Nantwich, Congleton and Macclesfield Local Plans. In addition, made Neighbourhood Plans also form part of the Development Plan.
3. The policy framework for the SPD is contained mostly in the LPS, with a particular focus on Policy IN1 (“Infrastructure”), and IN2 (“Developer Contributions”).
4. The Council is also in the process of preparing the second part of its Local Plan, called the Site Allocations and Development Policies Document (“SADPD”). The SADPD has now been submitted for examination on the 29 April 2021 and an Inspector appointed to assess whether the SADPD has been prepared in accordance with legal and procedural requirements and if it is sound.
5. This screening report is designed to determine whether or not the contents of the first final draft Developer Contributions SPD require a Strategic Environmental Assessment (“SEA”) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004. The report also addresses whether the first final draft Developer Contributions SPD has a significant adverse effect upon any internationally designated site(s) of nature conservation importance and thereby subject to the requirements of the Habitats Regulations. The report contains separate sections that set out the findings of the screening assessment for these two issues.

6. The final draft SEA / HRA statement, alongside the final draft Developer Contributions SPD, will be the subject of consultation in accordance with the relevant regulations and the Council's Statement of Community Involvement. This consultation will include consultation with the relevant statutory bodies (Natural England, Environment Agency and Historic England). No formal comments on the SEA / HRA screening report were received from the Environment Agency and Historic England to the final draft Developer Contributions SPD.

Strategic Environmental Assessment Screening

Legislative Background

7. The objective of SEA is to provide for a high level of protection of the environment with a view to promoting the achievement of sustainable development. It is a requirement of European Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (also known as the SEA Directive). The Directive was transposed in UK law by the Environmental Assessment of Plans and Programmes Regulations 2004, often known as the SEA Regulations.
8. Article 3(3) and 3(4) of the regulations make clear that SEA is only required for plans and programmes when they have significant environmental effects. The 2008 Planning Act removed the requirement to undertake a full Sustainability Appraisal for a SPD although consideration remains as to whether the SPD requires SEA, in exceptional circumstances, when likely to have a significant environmental effect(s) that has not already been assessed during the preparation of a Local Plan. In addition, planning practice guidance (PPG – ref Paragraph: 008 Reference ID: 11-008-20140306) states that a SEA is unlikely to be required where an SPD deals only with a small area at local level, unless it is considered that there are likely to be significant environmental effects.

Overview of Developer Contributions SPD

9. The purpose of the final draft Developer Contributions SPD is to provide further guidance on the implementation of the Infrastructure (IN1) Developer Contributions (IN2) LPS policies.
10. It is important to note that Developer Contributions policies in the LPS were the subject of Sustainability Appraisal, which incorporated the requirements of the SEA regulations (as part of an Integrated Sustainability Appraisal). The likely significant environmental effects have already been identified and addressed – the SPD merely provides guidance on existing policies. The LPS Integrated Sustainability Appraisal has informed this SPD screening assessment.
11. SEA has been undertaken for policies IN1 and IN2 as part of the Integrated Sustainability Appraisal that supported the LPS. For the purposes of compliance with the UK SEA Regulations and the EU SEA directive, the following reports comprised the SA “Environmental Report”:
 - SD 003 – LPS Submission Sustainability (Integrated) Appraisal (May 2014);
 - PS E042 – LPS Sustainability (Integrated) Appraisal of Planning for Growth Suggested Revisions (August 2015);
 - RE B006 – LPS Sustainability (Integrated) Appraisal Suggested Revisions to LPS Chapters 9-14 (September 2015);
 - RE F004 – Sustainability (Integrated) Appraisal – Proposed Changes (March 2016);
 - PC B029 – Sustainability (Integrated) Appraisal - Proposed Changes to Strategic and Development Management Policies (July 2016);
 - PC B030 – Sustainability (Integrated) Appraisal - Proposed Changes to Sites and Strategic Locations (July 2016);
 - MM 002 - Sustainability (Integrated) Appraisal - Main Modifications Further Addendum Report.
12. In addition, an SA adoption statement was prepared in July 2017 to support the adoption of the LPS.

SEA Screening Process

13. The council is required to undertake a SEA screening to assess whether the final draft Developer Contributions SPD is likely to have significant environmental effects. If the final final draft Developer Contributions SPD is considered unlikely to have significant environmental effects through the screening process, then the conclusion will be that SEA is not necessary. This is considered in Table 1 below: -

Table 1: Establishing the need for a SEA

Stage		Decision	Rationale
1.	Is the SPD subject to preparation and/or adoption by a national, regional or local authority OR prepared through a legislative procedure by Parliament or Government? (Art. 2 (a)).	Yes	The SPD will be prepared and adopted by Cheshire East Borough Council.
2.	Is the SPD required by legislation, regulatory or administrative provisions? (Article. 2 (a)).	No	The Council's Local Development Scheme (2020 – 2022) does not specifically identify the need to produce a Developer Contributions SPD.
3.	Is the SPD prepared for agricultural, forestry, fisheries, energy, industry, transport, waste management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Article 3.2 (a)).	No	The SPD is being prepared for town and country planning use. It does not set a framework for future development consent of projects in Annexes I and II to the EIA Directive (Article 3.2 (a)). Whilst some developments to which the guidance in the SPD applies would fall within Annex II of the EIA Directive at a local level, the SPD does not specifically plan for or allow it.
4.	Will the SPD, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? Art 3.2 (b)).	No	A Habitats Regulations Assessment has been undertaken for the LPS and emerging SADPD. The SPD does not introduce new policy or allocate sites for development. Therefore, it is not considered necessary to undertake a HRA assessment for the SPD. This conclusion has been supported by an HRA screening assessment as documented through this report.
5	Does the SPD determine the use of small areas at local level, OR is it a minor modification	No	The SPD will not determine the use of small areas at a local level. The SPD provides guidance on the provision of

	of a PP subject to Art. 3.2? (Art 3.3)		rural exception sites for local needs, but it does not specifically determine the use of small areas at a local level. The SPD will be a material consideration in decision taking.
6.	Does the SPD set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Art. 3.4)	No	The LPS and emerging SADPD provide the framework for the future consent of projects. The SPD elaborates upon approved and emerging policies and does not introduce new policy or allocate sites for development.

14. The SPD is considered to not have a significant effect on the environment and therefore SEA is not required. However, for completeness, Table 2 assesses whether the final draft SPD will have any significant environmental effects using the criteria set out in Annex II of SEA Directive 2001/42/EC¹⁴ and Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004¹⁵.

Table 2: assessment of likely significance of effects on the environment

SEA Directive Criteria Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004	Summary of significant effects, scope and influence of the document	Is the Plan likely to have a significant environmental effect (Yes / No)
1.Characteristics of the SPD having particular regard to:		
(a) The degree to which the SPD sets out a framework for projects and other activities, either with regard to the location, nature, size or operating conditions or by allocating resources.	Guidance is supplementary to policies contained in the LPS and has been the subject of SA / SEA. The policies provide an overarching framework for development in Cheshire East. The final draft Developer Contributions SPD provides further	No

¹⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001L0042&from=EN>

¹⁵ http://www.legislation.gov.uk/ukxi/2004/1633/pdfs/ukxi_20041633_en.pdf

SEA Directive Criteria Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004	Summary of significant effects, scope and influence of the document	Is the Plan likely to have a significant environmental effect (Yes / No)
	<p>clarity and certainty to form the basis for the submission and determination of planning applications, consistent with policies in the LPS.</p> <p>Final decisions will be determined through the development management process.</p> <p>No resources are allocated.</p>	
(b)The degree to which the SPD influences other plans and programmes including those in a hierarchy.	The final draft SPD is in general conformity with the LPS, which has been subject to a full Sustainability Appraisal (incorporating SEA). It is adding more detail to the adopted LPS, which has itself been the subject of Sustainability Appraisal. Therefore, it is not considered to have an influence on any other plans and programmes.	No
(c)The relevance of the SPD for the integration of environmental considerations in particular with a view to promoting sustainable development.	The final draft SPD promotes sustainable development, in accordance with the NPPF (2022) and LPS policies. The LPS has been the subject of a full Sustainability Appraisal (incorporating SEA). The final draft SPD has limited relevance for the integration of environmental considerations but promotes the 'social' objective of sustainable development by providing guidance on the delivery of affordable Developer Contributions in the borough.	No
(d) Environmental problems relevant to the SPD.	There are no significant environmental problems relevant to the SPD.	No

SEA Directive Criteria Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004	Summary of significant effects, scope and influence of the document	Is the Plan likely to have a significant environmental effect (Yes / No)
(e) The relevance of the SPD for the implementation of Community legislation on the environment (for example plans and programmes related to waste management or water protection).	The final draft SPD will not impact on the implementation of community legislation on the environment.	No
2.Characteristics of the effects and area likely to be affected having particular regard to:		
(a)The probability, duration, frequency and reversibility of the effects.	The final draft SPD adds detail to adopted LPS policy; itself the subject of SA.	No
(b) The cumulative nature of the effects of the SPD.	The final draft SPD adds detail to adopted LPS policy, itself the subject of SA. The SA associated with the LPS and emerging SADPD have considered relevant plans and programmes. No other plans or programmes have emerged that alter this position.	No
(c) The trans-boundary nature of the effects of the SPD.	Trans-boundary effects will not be significant. The final draft SPD will not lead to any transboundary effects as it just providing additional detail regarding the implementation of Developer Contributions policies IN1, and IN2 in the LPS and does not, in itself, influence the location of development.	No
(d)The risks to human health or the environment (e.g. due to accident).	The final draft SPD will not cause risks to human health or the environment as it is adding detail to affordable Developer Contributions policies in the Local Plan.	No
(e)The magnitude and spatial extent of the effects (geographic area and size of the population likely to be affected) by the SPD.	The final draft SPD covers the Cheshire East administrative area. The final draft SPD will assist those making planning applications in the borough.	No

SEA Directive Criteria Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004	Summary of significant effects, scope and influence of the document	Is the Plan likely to have a significant environmental effect (Yes / No)
(f)The value and vulnerability of the area likely to be affected by the SPD due to: <ul style="list-style-type: none"> • Special natural characteristics of cultural heritage • Exceeded environmental quality standards or limit values • Intensive land use. 	The final draft SPD will not lead to significant effects on the value or vulnerability of the area. It is adding detail regarding the implementation of Developer Contributions policies N1 and IN2 in the LPS, and does not, in itself, influence the location of development.	No
(g)The effects of the SPD on areas or landscapes which have recognised national Community or international protected status.	The SPD does not influence the location of development, so will not cause effects on protected landscape sites.	No

Conclusion and SEA screening outcome

15. Consultation on the initial final draft of the Developer Contributions SPD will take place during August and September 2022 during which the three statutory consultees (the Environment Agency, Historic England and Natural England) will be asked to comment on the document and its implications. The SPD is not setting new policy; it is supplementing and providing further guidance on existing LPS policies. Therefore, it is considered that an SEA is not required on the first final draft Developer Contributions SPD. This conclusion will be kept under review until after consultation, when the conclusion will be reviewed and updated accordingly.

Habitats Regulations Assessment Statement

16. The Council has considered whether its planning documents would have a significant adverse effect upon the integrity of internationally designated sites of nature conservation importance. European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna (Habitats Directive) provides legal protection to habitats and species of European importance. The principal aim of this directive is to maintain at, and where necessary restore to, favourable conservation status of flora, fauna and habitats found at these designated sites.
17. The Directive is transposed into English legislation through the Conservation of Habitats and Species Regulations 2017 (a consolidation of the amended Conservation of Habitats and Species Regulations, 2010) published in November 2017.
18. European sites provide important habitats for rare, endangered or vulnerable natural habitats and species of exceptional importance in the European Union. These sites consist of Special Areas of Conservation (SACs, designated under the EU Directive 92/43/EEC on the conservation of natural habitats and of fauna and flora (Habitats Directive)), and Special Protection Areas (SPAs, designated under EU Directive 2009/147/EC on the conservation of wild birds (the Birds Directive)). Government policy requires that Ramsar sites (designated under the International Wetlands Convention, UNESCO, 1971) are treated as if they are fully designated European sites for the purposes of considering development proposals that may affect them.
19. Spatial planning documents may be required to undergo Habitats Regulations Screening if they are not directly connected with or necessary to the management of a European site. As the final draft Developer Contributions SPD is not connected with, or necessary to, the management of European sites, the HRA implications of the SPD have been considered.
20. A judgement, published on the 13 April 2018 (People Over Wind and Sweetman v Coillte Teoranta (C-323/17)) clarified that measures intended to avoid or reduce the harmful effects of a proposed project on a European site may no

longer be taken into account by competent authorities at the Habitat Regulations Assessment “screening stage” when judging whether a proposed plan or project is likely to have a significant effect on the integrity of a European designated site.

21. The LPS has been subject to HRA.

22. The Developer Contributions SPD does not introduce new policy; it provides further detail to those policies contained within the LPS. The HRA concluded that policies IN1 Infrastructure and IN2 Developer Contributions could not have a likely significant effect on a European Site. The same applies to the final draft Developer Contributions SPD. The final draft Developer Contributions SPD in itself, does not allocate sites and is a material consideration in decision taking, once adopted.

23. The final draft Developer Contributions SPD either alone or in combination with other plans and programmes, is not likely to have a significant effect on any European site. Therefore, a full Appropriate Assessment under the requirements of the Habitats Regulations is not required.

Conclusion and HRA screening outcome

24. Consultation on the initial final draft of the Developer Contributions SPD will take place between during August and September 2022. Subject to views of the three statutory consultees (the Environment Agency, Historic England and Natural England) during this consultation, this screening report indicates that an Appropriate Assessment under the Habitats Regulations is not required. This conclusion will be reviewed post-consultation and updated accordingly.

Appendix 2: Local Plan SADPD Viability Assessment Update and Refresh.

Table 12.5 Residential Development – BLV v Residual Values 30% Affordable (65% Social Rent / 35% Intermediate), CIL, s106 £5,202/unit					
			Existing Use Value	Benchmark Land Value	Residual Value
Site 2	Medium Green 40	Prime	25,000	625,000	1,763,912
Site 3	Medium Green 20	Prime	25,000	625,000	2,284,239
Site 4	Small Green 11	Prime	50,000	800,000	2,335,060
Site 5	Small Green 9	Prime	50,000	800,000	2,200,897
Site 6	Brown 50	Prime	740,000	888,000	1,733,554
Site 8	Mixed Large 80 LD	Prime	740,000	888,000	1,815,422
Site 9	Mixed Medium 20	Prime	740,000	888,000	2,040,124
Site 12	Large Allocation 200	Prime	25,000	625,000	1,749,138
Site 15	Medium Green 40	High	25,000	625,000	527,120
Site 16	Medium Green 20	High	25,000	625,000	698,075
Site 17	Small Green 11	High	50,000	800,000	868,888
Site 18	Small Green 9	High	50,000	800,000	564,381
Site 19	Brown 50	High	740,000	888,000	413,165
Site 22	Mixed Medium 20	High	740,000	888,000	489,879
Site 2	Medium Green 40	Medium	25,000	625,000	101,764
Site 3	Medium Green 20	Medium	25,000	625,000	142,029
Site 4	Small Green 11	Medium	50,000	800,000	356,434
Site 5	Small Green 9	Medium	50,000	800,000	-19,502
Site 6	Brown 50	Medium	740,000	888,000	97,873
Site 9	Mixed Medium 20	Medium	740,000	888,000	105,373
Site 11	Large Allocation 550	Medium	740,000	888,000	131,899
Site 14	Large Green 70	Low	25,000	625,000	-315,687
Site 15	Medium Green 40	Low	25,000	625,000	-326,894
Site 16	Medium Green 20	Low	25,000	625,000	-396,697
Site 17	Small Green 11	Low	50,000	800,000	-126,836
Site 18	Small Green 9	Low	50,000	800,000	-627,274
Site 19	Brown 50	Low	740,000	888,000	-440,990
Site 22	Mixed Medium 20	Low	740,000	888,000	-529,309
Site 23	Large Allocation 550	Low	25,000	625,000	-194,095
Site 24	Large Allocation 550	Low	740,000	888,000	-308,005
Site 25	Large Allocation 200	Low	25,000	625,000	-202,931

Source: HDH (June 2020)

Appendix 3: Cheshire East Council Parking Standards

Car Parking Standards		
A1	Food Retail	1 per 14m ²
	on Food Retail	1 per 20m ²
	Open Air Markets	3 spaces per vendor
	DIY Store	1 car space per 25 m ² / 1 lorry space per 500m ²
	Retail Parks	Individual assessment based against use-classes and location
A2	Financial and Professional Services	1 per 30m
A3	Restaurants	1 per 5m ² per Public Floor Area (PFA)
A4	Pubs	1 per 5m ² per PFA
A5	Fast Food Drive Through	1 per 7.5m ²
B1	Office / Light Industry	1 per 30m ²
B2	General Industry	First 235m ² - 1 per 30m ² , then 1 per 50m ²
		Warehouse Storage -1 per 80m ² and 1 lorry space per 200m ² Warehouse Distribution - 1 per 60m ² and 1 lorry space per 200m
B8	Storage and Distribution	Warehouse Distribution - 1 per 60m ² and 1 lorry space per 200m
C1	Hotels and Motels	1 per bedroom
C2	Hospitals	1 per 2 resident staff and 1 per 3 beds
	Sheltered Accommodation	Residents - 0.5 per unit and 1 per 3 units (for visitors) Staff - 1 per resident staff and 1 per 2 non-resident staff
	Extra Care	Residents - 0.5 per unit and 1 per 3 units (for visitors) Staff - 1 per resident staff and 1 per 2 non-resident staff Facilities (open to non-residents) 1 per 4m ² of floor space used for this purpose
	Residential Homes and Nursing Homes	Residents - 1 per 3 beds Staff - 1 per resident staff and 1 per 2 non-resident staff
	Purpose built student accommodation	Residents - 1 space per 3 bedrooms Staff - 1 per resident staff and 1 per 2 non-resident staff
C3/C4	Dwelling Houses and Houses in Multiple Occupation	Principal Towns and Key Service Centres: for 1 bedroom - 1 space per dwelling; for 2 bedrooms - 2 spaces per dwelling; for 3+ bedrooms - 2 spaces per dwelling Remainder of borough: for 1 bedroom - 1 space per dwelling; for 2/3 bedrooms - 2 spaces per dwelling; for 4/5+ bedrooms - 3 spaces per dwelling
D1	Medical and Health Facilities	1 per 2 staff and 4 per consulting room
	Creche, Day Nursery, Day Centre, Primary / Junior School	1 per staff and 3 additional spaces for visitors and safe picking up/ dropping off point

	Secondary Schools	1 per 2 staff and 5 spaces (less than 1200 students) or 10 spaces (more than 1200 students) and 1 per 10 sixth form students and safe picking up / dropping off point. Consider bus facilities, drop off / pick up
	Higher and Further Education	1 per 2 staff and 1 per 15 students
	Art Galleries, Museums and Libraries	1 per staff and 1 per 30m ² (PFA) or 1 per staff and 1 per 15m ² up to 300m ² (PFA) and 1 per 50m ² over 300m ² (PFA)
	Public or Exhibition Hall	1 per staff and 1 per 4m ² PFA
	Places of worship	1 per 5 seats
D2	Leisure	Individual assessment based on use - See Cheshire East Parking Standards Guidance Note for details and recommended standards for a variety of land uses
	Cinema	1 per staff and 2 for buses / coaches and 1 per 3 seats
Sui Generis	For example, theatres	Individual assessment based on use - See Cheshire East Parking Standards Guidance Note for details and recommended standards for a variety of land uses
Disabled Parking Requirements		
B1, B2, B8	Employment	Min 1 space or 2% of overall requirement, whichever is greater.
	Shopping, recreation, education, health and leisure, hotels, community halls and advice centres	Min 1 space or 6% of total capacity up to a total of 200 bays (whichever is greater) plus 4% of capacity above 200 bays. Allow spaces for larger special needs transport as appropriate. An additional 4-5% of provision of enlarged spaces to meet future needs at health / medical locations. Parent / infant parking to be provided at 6% of total capacity.
	Railway and other public car parks	Min 1 space per 55 of capacity up to 200 spaces plus 4% of spaces above 200 bays
	Places of worship, crematoria and cemetery chapels	Min of 2 spaces or 6% of total as close as possible to the entrance. Larger bays to be provided for special needs transport.
	Housing	1 wider space for every dwelling provided to wheelchair standard. 1 wider space for every 10 spaces provided in parking areas separate from dwellings.
	Sheltered accommodation	p to 10 spaces or garages 3 wider spaces or garages to be provided. Thereafter, 1 wider space or garage to be provided for every 4 additional spaces or garages.
Cycle Parking Requirements		
A1	Convenience retail	1 space per 125m ² < 1000m ² / 1 space per 400m ² > 1000m
A2	Comparison retail	1 space per 300m ² < 1000m ² / 1 space per 400m ² > 1000m

A3	Financial and Professional Services	1 space per 125m ² < 1000m ² / 1 space per 400m ² > 1000m
A4	Restaurants and Cafes	1 space per 18 covers
A5	Pubs, wine bars and private clubs	1 space per 100m ² drinking area
B1	Offices / Flexible business uses	1 space per 250m ² < 1000m ² / 1 space per 400m ² > 1000m
B2 /B8	Industry and warehouses	1 space per 500m ² < 1000m ² / 1 space per 400m ² > 1000m
C1	Hotels and guesthouses	Provision based on expected staff requirements
C2	Purpose built student accommodation	1 space per 4 bedrooms
	Sheltered residential accommodation	1 space per 10 units
	Hospitals	1 space per 10 staff
C3/C4	Flats and apartments	1 space per unit
D1	Higher and further education and schools	1 space per 10 staff and students
	Doctors' dentists and health centres	1 space per consulting room
D2	Cinema, concert halls and conference centres	1 space per 50 seats

4: Health Impact Screening Assessment

Draft Health Screening Form

The **Local Plan Strategy Policy SC3** sets out that the Council and its partners will create and safeguard opportunities for safe, healthy, fulfilling and active lifestyles by **ensuring new developments provide opportunities for healthy living** and improve health and well-being through the encouragement of walking and cycling, good housing design (including the minimisation of social isolation and creation of inclusive communities), access to services, sufficient open space and other green infrastructure, and sports facilities. The policy also requires improvements to education, protection of community infrastructure, safe and secure design and access to healthy, affordable and locally produced food.

The policy requires a Health Screening or Rapid Impact Assessment Screening which will determine if a full Health Impact Assessment is required. Where development results in a shortfall or worsening of provision the Council will seek contributions towards new or enhanced health and social care facilities from developers.

Using this table as a Rapid Impact Assessment will form the basis of the Health Impact Assessment and be shared with the Council's Public Health team, who will review it, informing their comments on a planning application and advising the case officer. In certain circumstances, further information or assessment maybe required, especially where significant impacts are likely. The case officer will advise if this is required.

This form will need to be filled in for all **major** developments.

The information gathered below will help applicants demonstrate how the development meets the above policy. All relevant policies referred to below can be viewed on our website along with made Neighbourhood Plans and other planning document.

Assessment Criteria	Relevant ?	Details / Evidence		Recommended mitigation or enhancement actions
Does the proposal address the ten Healthy Streets indicators? https://www.healthystreets.com/resources/healthy-streets-index	Yes		Positive	
	No		Negative	
	N/A		Neutral	
			Uncertain	
Does the proposal prioritise and encourage walking, for example through the use of shared spaces?	Yes		Positive	
	No		Negative	
	N/A		Neutral	
			Uncertain	

Does the proposal prioritise and encourage cycling, for example by providing secure cycle parking, showers and cycle lanes?	Yes		Positive	
	No		Negative	
	N/A		Neutral	
			Uncertain	
Does the proposal connect public realm and internal routes to local and strategic cycle and walking networks?	Yes		Positive	
	No		Negative	
	N/A		Neutral	
			Uncertain	
Does the proposal include traffic management and calming measures to help reduce and minimise road injuries?	Yes		Positive	
	No		Negative	
	N/A		Neutral	
			Uncertain	
Does the proposal well connect to public transport, local services and facilities?	Yes		Positive	
	No		Negative	
	N/A		Neutral	
			Uncertain	
Does the proposal include an appropriate level of parking in accordance with CELPS Parking Standards (Appendix 3)?	Yes		Positive	
	No		Negative	
	N/A		Neutral	
			Uncertain	
Does the proposal allow people with mobility problems or a disability to access buildings and places?	Yes		Positive	
	No		Negative	
	N/A		Neutral	
			Uncertain	
Does the proposal incorporate elements to help design out crime?	Yes		Positive	
	No		Negative	
	N/A		Neutral	
			Uncertain	
Does the proposal incorporate design techniques to help people feel secure and avoid creating 'gated communities'?	Yes		Positive	
	No		Negative	
	N/A		Neutral	
			Uncertain	
	Yes		Positive	

Does the proposal include attractive, multi-use public spaces and buildings?	No		Negative	
	N/A		Neutral	
			Uncertain	
Has engagement and consultation been carried out with the local community and voluntary sector?	Yes		Positive	
	No		Negative	
	N/A		Neutral	
Does the proposal facilitate the supply of local food, for example allotments, community farms and farmers' markets?	Yes		Positive	
	No		Negative	
	N/A		Neutral	
Are there a range of retail uses, including food stores and smaller affordable shops for social enterprises?	Yes		Positive	
	No		Negative	
	N/A		Neutral	
Does the proposal avoid contributing towards an over-concentration of hot food takeaways in the local area?	Yes		Positive	
	No		Negative	
	N/A		Neutral	
Does the proposal provide access to local employment and training opportunities, including temporary construction and permanent 'end-use' jobs?	Yes		Positive	
	No		Negative	
	N/A		Neutral	
Does the proposal provide childcare facilities?	Yes		Positive	
	No		Negative	
	N/A		Neutral	
Does the proposal include managed and affordable workspace for local businesses?	Yes		Positive	
	No		Negative	
	N/A		Neutral	
			Uncertain	
	Yes		Positive	

Does the proposal include opportunities for work for local people via local procurement arrangements?	No		Negative	
	N/A		Neutral	
			Uncertain	
Does the proposal consider health inequalities by addressing local needs through community engagement?	Yes		Positive	
	No		Negative	
	N/A		Neutral	
			Uncertain	
Does the proposal connect with existing communities, i.e., layout and movement which avoids physical barriers and severance, and land uses and spaces which encourage social interaction?	Yes		Positive	
	No		Negative	
	N/A		Neutral	
			Uncertain	
Does the proposal include a mix of uses and a range of community facilities?	Yes		Positive	
	No		Negative	
	N/A		Neutral	
			Uncertain	
Does the proposal provide opportunities for the voluntary and community sectors?	Yes		Positive	
	No		Negative	
	N/A		Neutral	
			Uncertain	
Does the proposal consider issues and principles of inclusive and age-friendly design?	Yes		Positive	
	No		Negative	
	N/A		Neutral	
			Uncertain	
Does the proposal make best use of existing land?	Yes		Positive	
	No		Negative	
	N/A		Neutral	
			Uncertain	
Does the proposal encourage recycling, including building materials?	Yes		Positive	
	No		Negative	
	N/A		Neutral	
			Uncertain	
	Yes		Positive	

Does the proposal incorporate sustainable design and construction techniques?	No		Negative	
	N/A		Neutral	
			Uncertain	
Does the proposal incorporate renewable energy?	Yes		Positive	
	No		Negative	
	N/A		Neutral	
			Uncertain	
Does the proposal ensure that buildings and public spaces are designed to respond to winter and summer temperatures, for example through ventilation, shading and landscaping?	Yes		Positive	
	No		Negative	
	N/A		Neutral	
			Uncertain	
Does the proposal maintain or enhance biodiversity?	Yes		Positive	
	No		Negative	
	N/A		Neutral	
			Uncertain	
Does the proposal incorporate sustainable urban drainage techniques?	Yes		Positive	
	No		Negative	
	N/A		Neutral	
			Uncertain	

Final Draft Developer Contributions Supplementary Planning Document

Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report

Introduction and Purpose

1. Cheshire East Council has produced a first final draft Developer Contributions Supplementary Planning Document (“SPD”). The purpose of the SPD is to provide guidance on the application of S106 and S278 agreements that form the basis of developer contributions across a range of matters including highways, education and affordable housing.
2. The Development Plan for Cheshire East consists of the Local Plan Strategy (“LPS”) and ‘saved’ policies in the Crewe and Nantwich, Congleton and Macclesfield Local Plans. In addition, made Neighbourhood Plans also form part of the Development Plan.
3. The policy framework for the SPD is contained mostly in the LPS, with a particular focus on Policy IN1 (“Infrastructure”), and IN2 (“Developer Contributions”).
4. The Council is also in the process of preparing the second part of its Local Plan, called the Site Allocations and Development Policies Document (“SADPD”). The SADPD has now been submitted for examination on the 29 April 2021 and an Inspector appointed to assess whether the SADPD has been prepared in accordance with legal and procedural requirements and if it is sound.
5. This screening report is designed to determine whether or not the contents of the first final draft Developer Contributions SPD require a Strategic Environmental Assessment (“SEA”) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004. The report also addresses whether the first final draft Developer Contributions SPD has a significant adverse effect upon any internationally designated site(s) of nature conservation importance and thereby subject to the requirements of the Habitats Regulations. The report contains separate sections that set out the findings of the screening assessment for these two issues.
6. The final draft SEA / HRA statement, alongside the final draft Developer Contributions SPD, will be the subject of consultation in accordance with the relevant regulations and

the Council's Statement of Community Involvement. This consultation will include consultation with the relevant statutory bodies (Natural England, Environment Agency and Historic England). No formal comments on the SEA / HRA screening report were received from the Environment Agency and Historic England to the final draft Developer Contributions SPD.

Strategic Environmental Assessment Screening

Legislative Background

7. The objective of SEA is to provide for a high level of protection of the environment with a view to promoting the achievement of sustainable development. It is a requirement of European Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (also known as the SEA Directive). The Directive was transposed in UK law by the Environmental Assessment of Plans and Programmes Regulations 2004, often known as the SEA Regulations.
8. Article 3(3) and 3(4) of the regulations make clear that SEA is only required for plans and programmes when they have significant environmental effects. The 2008 Planning Act removed the requirement to undertake a full Sustainability Appraisal for a SPD although consideration remains as to whether the SPD requires SEA, in exceptional circumstances, when likely to have a significant environmental effect(s) that has not already been assessed during the preparation of a Local Plan. In addition, planning practice guidance (PPG – ref Paragraph: 008 Reference ID: 11-008-20140306) states that a SEA is unlikely to be required where an SPD deals only with a small area at local level, unless it is considered that there are likely to be significant environmental effects.

Overview of Developer Contributions SPD

9. The purpose of the final final draft Developer Contributions SPD is to provide further guidance on the implementation of the Infrastructure (IN1) Developer Contributions (IN2) LPS policies.
10. It is important to note that Developer Contributions policies in the LPS were the subject of Sustainability Appraisal, which incorporated the requirements of the SEA regulations (as part of an Integrated Sustainability Appraisal). The likely significant environmental effects have already been identified and addressed – the SPD merely provides guidance on existing policies. The LPS Integrated Sustainability Appraisal has informed this SPD screening assessment.

11. SEA has been undertaken for policies IN1 and IN2 as part of the Integrated Sustainability Appraisal that supported the LPS. For the purposes of compliance with the UK SEA Regulations and the EU SEA directive, the following reports comprised the SA “Environmental Report”:

- SD 003 – LPS Submission Sustainability (Integrated) Appraisal (May 2014);
- PS E042 – LPS Sustainability (Integrated) Appraisal of Planning for Growth Suggested Revisions (August 2015);
- RE B006 – LPS Sustainability (Integrated) Appraisal Suggested Revisions to LPS Chapters 9-14 (September 2015);
- RE F004 – Sustainability (Integrated) Appraisal – Proposed Changes (March 2016);
- PC B029 – Sustainability (Integrated) Appraisal - Proposed Changes to Strategic and Development Management Policies (July 2016);
- PC B030 – Sustainability (Integrated) Appraisal - Proposed Changes to Sites and Strategic Locations (July 2016);
- MM 002 - Sustainability (Integrated) Appraisal - Main Modifications Further Addendum Report.

12. In addition, an SA adoption statement was prepared in July 2017 to support the adoption of the LPS.

SEA Screening Process

13. The council is required to undertake a SEA screening to assess whether the final draft Developer Contributions SPD is likely to have significant environmental effects. If the final final draft Developer Contributions SPD is considered unlikely to have significant environmental effects through the screening process, then the conclusion will be that SEA is not necessary. This is considered in Table 1 below: -

Table 1: Establishing the need for a SEA

Stage		Decision	Rationale
1.	Is the SPD subject to preparation and/or adoption by a national, regional or local authority OR prepared through a legislative procedure by Parliament or Government? (Art. 2 (a)).	Yes	The SPD will be prepared and adopted by Cheshire East Borough Council.

2.	Is the SPD required by legislation, regulatory or administrative provisions? (Article. 2 (a)).	No	The Council's Local Development Scheme (2020 – 2022) does not specifically identify the need to produce a Developer Contributions SPD.
3.	Is the SPD prepared for agricultural, forestry, fisheries, energy, industry, transport, waste management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Article 3.2 (a)).	No	The SPD is being prepared for town and country planning use. It does not set a framework for future development consent of projects in Annexes I and II to the EIA Directive (Article 3.2 (a)). Whilst some developments to which the guidance in the SPD applies would fall within Annex II of the EIA Directive at a local level, the SPD does not specifically plan for or allow it.
4.	Will the SPD, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? Art 3.2 (b)).	No	A Habitats Regulations Assessment has been undertaken for the LPS and emerging SADPD. The SPD does not introduce new policy or allocate sites for development. Therefore, it is not considered necessary to undertake a HRA assessment for the SPD. This conclusion has been supported by an HRA screening assessment as documented through this report.
5	Does the SPD determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art 3.3)	No	The SPD will not determine the use of small areas at a local level. The SPD provides guidance on the provision of rural exception sites for local needs, but it does not specifically determine the use of small areas at a local level. The SPD will be a material consideration in decision taking.
6.	Does the SPD set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Art. 3.4)	No	The LPS and emerging SADPD provide the framework for the future consent of projects. The SPD elaborates upon approved and emerging policies and does not introduce new policy or allocate sites for development.

14. The SPD is considered to not have a significant effect on the environment and therefore SEA is not required. However, for completeness, Table 2 assesses whether the final draft SPD will have any significant environmental effects using the criteria set out in Annex II of SEA Directive 2001/42/EC¹ and Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004².

Table 2: assessment of likely significance of effects on the environment

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001L0042&from=EN>

² http://www.legislation.gov.uk/ukxi/2004/1633/pdfs/ukxi_20041633_en.pdf

SEA Directive Criteria Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004	Summary of significant effects, scope and influence of the document	Is the Plan likely to have a significant environmental effect (Yes / No)
1.Characteristics of the SPD having particular regard to:		
(a) The degree to which the SPD sets out a framework for projects and other activities, either with regard to the location, nature, size or operating conditions or by allocating resources.	<p>Guidance is supplementary to policies contained in the LPS and has been the subject of SA / SEA. The policies provide an overarching framework for development in Cheshire East.</p> <p>The final draft Developer Contributions SPD provides further clarity and certainty to form the basis for the submission and determination of planning applications, consistent with policies in the LPS.</p> <p>Final decisions will be determined through the development management process.</p> <p>No resources are allocated.</p>	No
(b)The degree to which the SPD influences other plans and programmes including those in a hierarchy.	The final draft SPD is in general conformity with the LPS, which has been subject to a full Sustainability Appraisal (incorporating SEA). It is adding more detail to the adopted LPS, which has itself been the subject of Sustainability Appraisal. Therefore, it is not considered to have an influence on any other plans and programmes.	No
(c)The relevance of the SPD for the integration of environmental considerations in particular with a view to promoting sustainable development.	The final draft SPD promotes sustainable development, in accordance with the NPPF (2022) and LPS policies. The LPS has been the subject of a full Sustainability Appraisal (incorporating SEA). The final draft SPD has limited relevance for the integration of environmental considerations but promotes the 'social' objective of sustainable development by providing guidance on the delivery of affordable Developer Contributions in the borough.	No
(d) Environmental problems relevant to the SPD.	There are no significant environmental problems relevant to the SPD.	No

SEA Directive Criteria Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004	Summary of significant effects, scope and influence of the document	Is the Plan likely to have a significant environmental effect (Yes / No)
(e) The relevance of the SPD for the implementation of Community legislation on the environment (for example plans and programmes related to waste management or water protection).	The final draft SPD will not impact on the implementation of community legislation on the environment.	No
2.Characteristics of the effects and area likely to be affected having particular regard to:		
(a)The probability, duration, frequency and reversibility of the effects.	The final draft SPD adds detail to adopted LPS policy; itself the subject of SA.	No
(b) The cumulative nature of the effects of the SPD.	The final draft SPD adds detail to adopted LPS policy, itself the subject of SA. The SA associated with the LPS and emerging SADPD have considered relevant plans and programmes. No other plans or programmes have emerged that alter this position.	No
(c) The trans-boundary nature of the effects of the SPD.	Trans-boundary effects will not be significant. The final draft SPD will not lead to any transboundary effects as it just providing additional detail regarding the implementation of Developer Contributions policies IN1, and IN2 in the LPS and does not, in itself, influence the location of development.	No
(d)The risks to human health or the environment (e.g. due to accident).	The final draft SPD will not cause risks to human health or the environment as it is adding detail to affordable Developer Contributions policies in the Local Plan.	No
(e)The magnitude and spatial extent of the effects (geographic area and size of the population likely to be affected) by the SPD.	The final draft SPD covers the Cheshire East administrative area. The final draft SPD will assist those making planning applications in the borough.	No
(f)The value and vulnerability of the area likely to be affected by the SPD due to:	The final draft SPD will not lead to significant effects on the value or vulnerability of the area. It is adding detail regarding the implementation of	No

SEA Directive Criteria Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004	Summary of significant effects, scope and influence of the document	Is the Plan likely to have a significant environmental effect (Yes / No)
<ul style="list-style-type: none"> • Special natural characteristics of cultural heritage • Exceeded environmental quality standards or limit values • Intensive land use. 	Developer Contributions policies N1 and IN2 in the LPS, and does not, in itself, influence the location of development.	
(g)The effects of the SPD on areas or landscapes which have recognised national Community or international protected status.	The SPD does not influence the location of development, so will not cause effects on protected landscape sites.	No

Conclusion and SEA screening outcome

15. Consultation on the initial final draft of the Developer Contributions SPD will take place during August and September 2022 during which the three statutory consultees (the Environment Agency, Historic England and Natural England) will be asked to comment on the document and its implications. The SPD is not setting new policy; it is supplementing and providing further guidance on existing LPS policies. Therefore, it is considered that an SEA is not required on the first final draft Developer Contributions SPD. This conclusion will be kept under review until after consultation, when the conclusion will be reviewed and updated accordingly.

Habitats Regulations Assessment Statement

16. The Council has considered whether its planning documents would have a significant adverse effect upon the integrity of internationally designated sites of nature conservation importance. European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna (Habitats Directive) provides legal protection to habitats and species of European importance. The principal aim of this directive is to maintain at, and where necessary restore to, favourable conservation status of flora, fauna and habitats found at these designated sites.
17. The Directive is transposed into English legislation through the Conservation of Habitats and Species Regulations 2017 (a consolidation of the amended Conservation of Habitats and Species Regulations, 2010) published in November 2017.
18. European sites provide important habitats for rare, endangered or vulnerable natural habitats and species of exceptional importance in the European Union. These sites consist of Special Areas of Conservation (SACs, designated under the EU Directive 92/43/EEC on the conservation of natural habitats and of fauna and flora (Habitats Directive)), and Special Protection Areas (SPAs, designated under EU Directive 2009/147/EC on the conservation of wild birds (the Birds Directive)). Government policy requires that Ramsar sites (designated under the International Wetlands Convention, UNESCO, 1971) are treated as if they are fully designated European sites for the purposes of considering development proposals that may affect them.
19. Spatial planning documents may be required to undergo Habitats Regulations Screening if they are not directly connected with or necessary to the management of a European site. As the final draft Developer Contributions SPD is not connected with, or necessary to, the management of European sites, the HRA implications of the SPD have been considered.
20. A judgement, published on the 13 April 2018 (People Over Wind and Sweetman v Coillte Teoranta (C-323/17) clarified that measures intended to avoid or reduce the harmful effects of a proposed project on a European site may no longer be taken into account by competent authorities at the Habitat Regulations Assessment “screening stage” when judging whether a proposed plan or project is likely to have a significant effect on the integrity of a European designated site.
21. The LPS has been subject to HRA.
22. The Developer Contributions SPD does not introduce new policy; it provides further detail to those policies contained within the LPS. The HRA concluded that policies IN1 Infrastructure and IN2 Developer Contributions could not have a likely significant effect on a European Site. The same applies to the final draft Developer Contributions SPD. The final draft Developer Contributions SPD in itself, does not allocate sites and is a material consideration in decision taking, once adopted.

23. The final draft Developer Contributions SPD either alone or in combination with other plans and programmes, is not likely to have a significant effect on any European site. Therefore, a full Appropriate Assessment under the requirements of the Habitats Regulations is not required.

Conclusion and HRA screening outcome

24. Consultation on the initial final draft of the Developer Contributions SPD will take place between during August and September 2022. Subject to views of the three statutory consultees (the Environment Agency, Historic England and Natural England) during this consultation, this screening report indicates that an Appropriate Assessment under the Habitats Regulations is not required. This conclusion will be reviewed post-consultation and updated accordingly.

This page is intentionally left blank

EQUALITY IMPACT ASSESSMENT

TITLE: Draft Developer Contributions Supplementary Planning Document (“SPD”)

VERSION CONTROL

Date	Version	Author	Description of Changes
19 / 07 / 2022	1	Tom Evans	Initial Draft
10 / 10 / 2023	2	Tom Evans	Final Draft

EQUALITY IMPACT ASSESSMENT

CHESHIRE EAST COUNCIL - EQUALITY IMPACT ASSESSMENT

Stage 1 Description: Fact finding (about your policy / service / service users)

Department	Strategic Planning
Service	Environmental and Neighbourhood Services
Lead officer responsible for assessment	Tom Evans, Neighbourhood Plan Manager
Other members of team undertaking assessment	n/a
Date	19/07/2022
Version	1
Type of document	Strategy
Is this a new/ existing/ revision of an existing document	New

<p>Title and subject of the impact assessment (include a brief description of the aims, outcomes , operational issues as appropriate and how it fits in with the wider aims of the organisation)</p> <p>Please attach a copy of the strategy/ plan/ function/ policy/ procedure/ service</p>	<p>Draft Developer Contributions Supplementary Planning Document (“SPD”)</p> <p><u>Background</u></p> <p>Supplementary Planning Documents (“SPDs”) provide further detail to the policies contained in the development plan. They can be used to provide guidance for development on specific sites, or on particular issues, such as design. SPDs are capable of being a material consideration in planning decisions but are not part of the development plan. They must be consistent with national planning policy, must undergo consultation and must be in conformity with policies contained within the Local Plan.</p> <p>In August 2022, the council consulted on a draft Developer Contributions SPD. The draft SPD provided additional guidance on the implementation of policies IN1 (“Infrastructure”), IN2 (“Developer Contributions”) and multiple policies related to highways, education, affordable housing, green spaces, blue light services and a series of other matters including heritage, design, public rights of way, public health and flooding.</p> <p>Feedback was received and the SPD has been redrafted. The SPD, once adopted, should assist applicants when making planning applications, and the council in determining them. The SPD provides further guidance on existing policies, rather than setting a new policy approach in relation to developer contributions and includes guidance on</p>
--	--

EQUALITY IMPACT ASSESSMENT

	<p>the processes, financial calculations and the legal agreements that CEC use when securing contributions from development.</p> <p>The SPD has been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, the National Planning Policy Framework and National Planning Practice Guidance.</p> <p>The SPD provides further guidance and advice on policies held in the Local Plan Strategy (LPS) and Site Allocations and Development Policies Document (SADPD). An Equalities Impact Assessment was prepared alongside the integrated Sustainability Appraisal work, for both these adopted documents.</p> <p>The assessment found that the LPS and SADPD policies are unlikely to have negative effects on protected characteristics or persons identified under the Equality Act 2010.</p> <p>A final draft Developer Contributions SPD has now been prepared and is the subject of this assessment.</p>
Who are the main stakeholders and have they been engaged with? (e.g. general public, employees, Councillors, partners, specific audiences, residents)	<p>Public consultation will take place on the final draft SPD for four weeks in accordance with the Town and Country Planning ((Local Planning) (England) Regulations 2012) and the council's adopted Statement of Community Involvement require at least 4 weeks public consultation. Consultation on this SPD will take place over the November and December 2023. Consultation will include focused communication to the general public, town and parish councils, statutory consultees, elected members and consultees who have registered on the strategic planning database plus general promotion to the wider public through press releases and social media.</p> <p>Consultation is mainly undertaken digitally through an online system that allows interested parties to comment on specific sections of the document most relevant to their interests, or to provide general comments on the entire document.</p>
What consultation method(s) did you use?	<p>The council prepares a Statement of Community Involvement which provides detail on how it will consult on Local Plan documents and SPDs. This includes the availability of documents, how residents and stakeholders will be notified etc. The council's Local Plan consultation database, which will be notified of the consultation, also includes a number of organisations who work alongside groups with protected characteristics in the borough.</p> <p>Once consultation has taken place on the draft SPD, all comments received will be reviewed before consideration is given to any amendments required. A report of consultation will be prepared alongside the final version of the SPD and this will also be subject to further consultation. This EIA will be kept updated as the draft SPD progresses.</p>

EQUALITY IMPACT ASSESSMENT

Stage 2 Initial Screening

Who is affected and what evidence have you considered to arrive at this analysis? (This may or may not include the stakeholders listed above)	Ward councillors. Those living and working in the borough, property owners, landowners and developers, clinical commissioning groups, special interest groups.
Who is intended to benefit and how?	Local communities including landowners and developers. The SPD will provide additional guidance on the implementation of existing planning policies related to securing investment contributions toward a range of public infrastructure, including public services infrastructure. Developers will benefit from additional clarity on how to successfully meet policy obligations, the Council will benefit from establishing consistent methods, in a single document, that all officers can use and ensure business continuity through staff changes. Individuals within local communities will benefit from the various contributions secured, and less visibly, the council will benefit from guidance that helps make CEC processes more efficient.
Could there be a different impact or outcome for some groups?	No, the SPD builds upon existing planning policy guidance and provides further information about how the council will consider planning applications. Securing developer contributions will assist in supporting balanced communities with the right range of social, transport and green infrastructure that underpins successful places. Further guidance on factors that inform an appropriate housing mix should also support balanced communities. The SPD, in applying additional guidance to assist in the interpretation of planning policies should be beneficial to groups.
Does it include making decisions based on individual characteristics, needs or circumstances?	No, the introduction of the SPD is not based on individual characteristics, needs or circumstances. The SPD includes information on the approach to assessing the impact of development, and the means that may be necessary to mitigate for any harmful impacts (for example providing improved habitats off site, where a development site cannot avoid destruction of an existing habitat).
Are relations between different groups or communities likely to be affected? (eg will it favour one particular group or deny opportunities for others?)	No, the SPD is not intended to affect different groups or communities in this way. Whilst development will take place in various different communities, the SPD is designed to apply to all development ensuring consistency of approach regardless of where the development takes place.
Is there any specific targeted action to promote equality? Is there a history of unequal	No, the SPD is not intended to target any group and will be consulted upon in line with the council's Statement of Community Involvement.

EQUALITY IMPACT ASSESSMENT

outcomes (do you have enough evidence to prove otherwise)?

Is there an actual or potential negative impact on these specific characteristics?	Yes/ No
Age	No
Disability	No
Gender reassignment	No
Marriage & civil partnership	No
Pregnancy & maternity	No
Race	No
Religion & belief	No
Sex	No
Sexual orientation	No

What evidence do you have to support your findings? (quantitative and qualitative) Please provide additional information that you wish to include as appendices to this document, i.e., graphs, tables, charts



Age	No negative impacts are identified at this stage in relation to any of the specific characteristics. No feedback was received from the first stage of consultation which indicates groups with protected characteristics would be negatively affected by this document. However, further public consultation will be undertaken, and this may raise issues officers are not currently aware of.
Disability	No negative impacts are identified at this stage in relation to any of the specific characteristics. No feedback was received from the first stage of consultation which indicates groups with protected characteristics would be negatively affected by this document. However, further public consultation

EQUALITY IMPACT ASSESSMENT

	will be undertaken, and this may raise issues officers are not currently aware of.
Gender reassignment	No negative impacts are identified at this stage in relation to any of the specific characteristics. No feedback was received from the first stage of consultation which indicates groups with protected characteristics would be negatively affected by this document. However, further public consultation will be undertaken, and this may raise issues officers are not currently aware of.
Marriage & civil partnership	No negative impacts are identified at this stage in relation to any of the specific characteristics. No feedback was received from the first stage of consultation which indicates groups with protected characteristics would be negatively affected by this document. However, further public consultation will be undertaken, and this may raise issues officers are not currently aware of.
Pregnancy & maternity	No negative impacts are identified at this stage in relation to any of the specific characteristics. No feedback was received from the first stage of consultation which indicates groups with protected characteristics would be negatively affected by this document. However, further public consultation will be undertaken, and this may raise issues officers are not currently aware of.
Race	No negative impacts are identified at this stage in relation to any of the specific characteristics. No feedback was received from the first stage of consultation which indicates groups with protected characteristics would be negatively affected by this document. However, further public consultation will be undertaken, and this may raise issues officers are not currently aware of.
Religion & belief	No negative impacts are identified at this stage in relation to any of the specific characteristics. No feedback was received from the first stage of

EQUALITY IMPACT ASSESSMENT

	consultation which indicates groups with protected characteristics would be negatively affected by this document. However, further public consultation will be undertaken, and this may raise issues officers are not currently aware of.
Sex	No negative impacts are identified at this stage in relation to any of the specific characteristics. No feedback was received from the first stage of consultation which indicates groups with protected characteristics would be negatively affected by this document. However, further public consultation will be undertaken, and this may raise issues officers are not currently aware of.
Sexual orientation	No negative impacts are identified at this stage in relation to any of the specific characteristics. No feedback was received from the first stage of consultation which indicates groups with protected characteristics would be negatively affected by this document. However, further public consultation will be undertaken, and this may raise issues officers are not currently aware of.

Lead officer sign off	
Date:	10/10/2023
Head of service sign off	
Date:	10/10/2023

This page is intentionally left blank

OPEN

By virtue of paragraph(s) X of Part 1 Schedule 1 of the Local Government Act 1972.

Environment and Communities Committee**9 November 2023****Environmental Protection Supplementary Planning Document**

Report of: Jane Gowing, Interim Director of Planning**Report Reference No: EC/30/23-24****Ward(s) Affected: All****Purpose of Report**

- 1 This report seeks approval to consult on the final draft of the Environmental Protection Supplementary Planning Document ("SPD")
- 2 Cheshire East Council's Corporate Plan sets out three aims. These are to be an open and enabling organisation, a Council that empowers and cares about people, and to create thriving and sustainable places. In striving to create thriving and sustainable places, a key objective is to reduce impact on the environment and appropriately control development to protect and support our borough. As such, this SPD (Supplementary Planning Document) sets out guidance on how planning decisions can contribute to these aims.

Executive Summary

- 3 This report seeks approval to carry out four weeks of public consultation on the final draft Environmental Protection SPD.
- 4 The final draft SPD provides guidance on the council's approach to Environmental Protection issues when considering planning applications. The specific areas covered in the final draft SPD are air quality (including dust pollution), contaminated land, noise, light pollution and odour pollution. All these issues have the potential to affect the health and wellbeing of Cheshire East's residents, businesses and visitors and the SPD sets out the relevant technical advice aimed at preventing or reducing the impact of proposed developments and protecting public health, wellbeing and amenity across the borough.

- 5 The preparation of a Supplementary Planning Document involves two stages of public consultation. The first consultation stage was carried out on a draft document between 18 October and 29 November 2021, receiving representations from 19 different parties.
- 6 A report of consultation is included at Appendix B, setting out the feedback from stage one and how the document has been altered in response to that feedback. Comments received on the final draft of the document will also be considered, ahead of the SPD being considered for adoption by the Environment and Communities Committee.
- 7 Once adopted, the SPD will provide additional planning policy guidance on the implementation of the Development Plan Policies, most notably Local Plan Strategy Policy SE 12 'Pollution, Land Contamination and Land Instability'. Once adopted, the SPD will be a material consideration in decision making on planning applications and will support the delivery of policies in the Development Plan.

RECOMMENDATIONS

The Environment and Communities Committee is recommended to:

1. Approve the publishing of the Final Draft Environmental Protection Supplementary Planning Document (Appendix A) for a period of four weeks public consultation.
2. Publish the associate Report of Consultation (Appendix B)
3. Publish the associated Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report (Appendix C)
4. Publish the associated Equalities Impact Assessment Screening Report (Appendix D)

Background

- 8 This SPD sets out guidance on policies contained in the Local Plan Strategy and SADPD (Site Allocations and Development Policies Document) that will support these objectives by setting out clear guidance on the council's approach to Environmental Protection issues when considering planning applications. The SPD covers matters that fall within the remit of the council's Environmental Protection Team, including air

quality (including dust pollution), contaminated land, noise, Light pollution and odour pollution.

- 9 One of the key objectives of the LPS (Local Plan Strategy) is to protect and enhance environmental quality and ensure that development addresses the local causes of water, air, light, noise and other forms of pollution and contaminated land.
- 10 LPS Policy SE12 'Pollution, Land Contamination and Land Instability' sets out the approach the Council will take to these matters and how they should be addressed in planning proposals and decision making. A suite of additional policies is also set out in the SADPD, providing detailed requirements that applicants must satisfy to gain planning consent.
- 11 This SPD provides greater clarity to developers, landowners, communities and decision makers on the approach the Council will take to Environmental Protection matters and provides additional guidance to applicants on how they should respond to the policy requirements in the LPS and SADPD. It also 'signposts' sources of information, including relevant documentation and Council services.
- 12 The final draft SPD has been prepared by a cross disciplinary team involving staff from the Strategic Planning Team, the Environmental Protection Team and the Development Management Team.
- 13 Subject to the approval of the recommendations in this report, the SPD will be consulted on in accordance with the Council's Statement of Community Involvement for a minimum period of four weeks.
- 14 The process for preparing an SPD is similar in many respects to that of a Local Plan document. However, they are not subject to independent examination by the Planning Inspectorate. There are several stages in their production:
 - (a) Publish the first draft SPD for four weeks public consultation;
 - (b) Consider feedback received and make any changes necessary;
 - (c) Publish the final draft SPD, along with a consultation statement setting out who has been consulted in its preparation, the key issues raised in feedback and how those issues been addressed in the final draft SPD;
 - (d) Having considered representations, the SPD could then be adopted.

- 15 Following adoption, the SPD must be published and made available along with an adoption statement in line with the 2012 Regulations. The adoption of the SPD may be challenged in the High Court by way of judicial review within three months of its adoption.
- 16 Once adopted, the effectiveness of this SPD will be monitored as part of the Authority Monitoring Report, using information from planning applications and decisions. The outcome of this ongoing monitoring work will help inform future decisions about the SPD.

Consultation and Engagement

- 17 Following initial consultation on the first draft document in October and November 2021 the feedback received has been considered and the document updated. The first consultation received 38 responses from 19 different parties and several key changes have been made to the document including:
 - (a) Referring to the now adopted SADPD policies;
 - (b) References to other potential stakeholder and consultees, such as United Utilities and the Canal & River Trust
 - (c) Confirmation that land contamination can arise from a variety sources, not just industrial heritage.
 - (d) Multiple updates and changes based on improving legibility and providing further information
- 18 A full report of consultation is available at Appendix B, which provides a response to all key issues raised through the consultation and details all the changes made because of those issues.
- 19 Following consultation on this final draft of the Environmental Protection SPD, the feedback received will be reviewed and consideration given to whether further changes should be made to the document. Following any changes, the document will then be published to the Environment and Communities Committee, alongside a report of consultation, for consideration whether to formally adopt the document.

Reasons for Recommendations

- 20 A SPD is not part of the statutory development plan, but it is a recognised way of putting in place additional planning guidance and a material consideration in determining planning applications in the borough.
- 21 Providing clear, detailed guidance up front about policy expectations should enable applicants to better understand policy requirements. The

SPD should assist applicants when making relevant planning applications, and the Council in determining them.

- 22 The guidance and technical advice set out in the final draft SPD will enable applicants to make sure that their proposed development meets policy requirements and is designed to minimise the impacts on public health, wellbeing and amenity.

Other Options Considered

- 23 The Council could choose not to prepare an SPD on Environmental Protection matters. Any relevant planning application would continue to be assessed against existing planning policies. However, this would not allow the Council to provide additional practical guidance on this matter or give clarity to the approach that should be employed by all parties in a consistent way that gives certainty to applicants and decision makers.

Option	Impact	Risk
Do nothing	The Environmental Protection SPD could not progress through the stages required by legislation and therefore could not be adopted and become a material consideration in the determination of planning applications.	The improved outcomes that could be achieved through additional guidance on how developers are expected to address policies of the Local Plan, would not be achieved.

Implications and Comments

Monitoring Officer/Legal

- 24 The Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Development) (England) Regulations 2012 provide the statutory Framework governing the preparation and adoption of SPDs (Supplementary Planning Document). These include the requirements in Section 19 of the 2004 Act and various requirements in the 2012 Regulations including in Regulations 11 to 16 that apply exclusively to producing SPDs.
- 25 Amongst other things, the 2012 regulations require that an SPD contain a reasoned justification of the policies within it and for it not to conflict with adopted development plan policies.

- 26 The National Planning Policy Framework and the associated Planning Practice Guidance also set out national policy about the circumstances in which SPDs should be prepared.
- 27 SPDs provide more detailed guidance on how adopted local plan policies should be applied. They can be used to provide further guidance for development on specific sites, or on issues such as design. SPDs are capable of being a material consideration in planning decisions but are not part of the development plan.
- 28 As with the previous round of consultation, any public consultation should comply with the 'Gunning Principles':
- (a) proposals are still at a formative stage - A final decision has not yet been made, or predetermined, by the decision makers
 - (b) there is sufficient information to give 'intelligent consideration' - The information provided must relate to the consultation and must be available, accessible, and easily interpretable for consultees to provide an informed response
 - (c) there is adequate time for consideration and response - There must be sufficient opportunity for consultees to take part in the consultation.
 - (d) 'Conscientious consideration' must be given to the consultation responses before a decision is made. Decision-makers should be able to provide evidence that they took consultation responses into account

Section 151 Officer/Finance

- 29 There are no significant direct financial costs arising from consultation on the SPD. The costs of printing and the staff time in developing the SPD are covered from existing budgets of the planning service.

The financial burdens associated with following the Environmental Protection SPD rest with site promoters/developers, not with the Council. Therefore, there is no expected impact on the Council's approved budget/Medium Term Financial Strategy (MTFS). Through viability testing undertaken as part of the process to adopt the policies of the LPS and SADPD, it was found that in most locations in Cheshire East, compliance with the requirements of planning policy was viable. Where policy requirements are considered not to be viable, it is the responsibility of the applicant to demonstrate why policy requirements should not be met.

Policy

- 30 The SPD will expand on how existing development plan policies related to the environmental protection may be applied. An SPD will give additional advice to applicants on how they can demonstrate they have complied with relevant policies of the development plan related to this matter.
- 31 It will contribute to the aims and priorities of the Corporate Plan as set out in the Table below.

An open and enabling organisation	A council which empowers and cares about people	A thriving and sustainable place
Ensure there is transparency in all aspects of council decision making	Reduce health inequalities across the borough	A great place for people to live, work and visit
Listen, learn and respond to our residents, promoting opportunity for a two-way conversation		Reduce impact on the environment
The report includes a Report of Consultation, setting out the key issues raised through the previous consultation and what we have changed in response or an explanation of why a change would not be appropriate for this SPD.	The guidance and advice contained in the SPD aims to prevent or reduce the impact of proposed developments across the borough and protecting public health, wellbeing and amenity.	The guidance and advice contained in the SPD aims to prevent or reduce the impact of proposed developments across the borough and protecting public health, wellbeing and amenity.

Equality, Diversity and Inclusion

- 32 The Council has a duty under Section 149 of the Equalities Act to have due regard to the need to: eliminate discrimination; advance equality of opportunity between persons who share a “relevant protected characteristic” and persons who do not share it; foster good relations between persons who share a “relevant protected characteristic” and persons who do not share it.
- 33 The final draft Environmental Protection SPD provides further guidance on the approach that is expected from developers on this matter. The SPD is consistent with the LPS and SADPD which were the subject of an Equalities Impact Assessment (EqIA) as part of an integrated Sustainability Appraisal. A draft EqIA on the final Environmental

Protection SPD has been prepared (Appendix D) and will be published alongside the final draft SPD for comment.

Human Resources

- 34 There are no direct implications for human resources.

Risk Management

- 35 The subject matter of the report does not give rise for any particular risk management measures because the process for the preparation of an SPD is governed by legislative provisions (as set out in the legal section of the report).

Rural Communities

- 36 The final draft Environmental Protection SPD seeks to provide further guidance on Environmental Protection matters in new development. Whilst most major development is expected to take place in, or adjacent to urban areas the guidance will apply to sites in rural areas too, where relevant, and therefore will benefit communities directly or indirectly from the reduced impact of development on public health, wellbeing and amenity.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

- 37 The draft SPD does not have a direct implication for children and young people or cared for children but will assist in securing development that protects public health, wellbeing and amenity across the borough.

Public Health

- 38 The draft SPD is likely to have an overall positive impact on public health and wellbeing by setting out clear requirements that protect the environment and therefore the wellbeing and public health of communities across the borough.

Climate Change

- 39 Whilst the draft SPD does not have any direct climate change implications it may assist in promoting more active and sustainable travel options through the management of air quality pollution related to travel.

Access to Information	
Contact Officer:	Tom Evans, Neighbourhood Planning Manager and Interim Environmental Planning Manager Tom.evans@cheshireeast.gov.uk
Appendices:	Appendix A: Final Draft Environmental Protection SPD Appendix B: Report of Consultation Appendix C: Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report Appendix D: Equalities Impact Assessment Screening Report
Background Papers:	N/A

Appendix 1

OPEN/NOT FOR PUBLICATION

By virtue of paragraph(s) X of Part 1 Schedule 1 of the Local Government Act 1972.

Approvals trail: to be removed before Committee

Name	Title	Comments	Date
Contributors:			
Stewart House		Draft report	13/09/2023
Tom Evans		Draft report	28/09/2023
Steve Reading (finance)	Principal Accountant	Draft report finance comments	29/09/2023
Approvers:			
Jane Gowing			

This page is intentionally left blank

Cheshire East Local Plan

Environmental Protection Supplementary Planning Document

Final Consultation Draft

September 2023

Contents

1. Introduction	3
Consultation	3
Next steps	5
2. Planning policy framework	6
National policy	6
Local policy	9
3. Making an application	15
Pre-application advice	15
Environmental Impact Assessments	15
4. Air quality	16
Local air quality management	16
Air quality objectives	16
Air quality assessments	17
Planning conditions and mitigation	21
Air quality during the construction phase	22
Heating appliances	23
5. Contaminated land	25
What is contaminated land?	25
Contaminated land and planning	28
Site investigations and risk assessments	32
6. Noise	37
Acceptable noise levels	37
Noise sensitive developments	40
Noise generative developments	41
Noise impact assessments	42
Mitigation measures	43
Noise during the construction phase	44
7. Light	45
What is Light Pollution?	45
Light and planning	45
Sources of light pollution	46
Lighting assessments	46
Mitigation measures	47
Planning conditions	48
Light during the construction phase	48
8. Odour	49
Requirements for hot food premises	50
Odour impact assessments	50
Appendix A: Glossary	51
Appendix B: Resources and contacts	53

1. Introduction

- 1.1 Supplementary Planning Documents (SPDs) add further detail to the policies in the development plan and are used to provide guidance for development on specific sites, or on particular issues. SPDs may be a material planning consideration in planning decisions but are not part of the development plan.
- 1.2 This final draft Environmental Protection SPD adds detail to existing development plan policies from the Cheshire East Local Plan Strategy (LPS) (adopted July 2017), Site Allocations and Development Policies Document (SADPD) (adopted December 2022) and 'saved' policies from the Cheshire Minerals Local Plan and the Cheshire Waste Local Plan.
- 1.3 The final draft SPD provides guidance on the council's approach to Environmental Protection issues when considering planning applications. The SPD is limited to matters that fall within the remit of the council's Environmental Protection Team. The specific areas covered in the final draft SPD are:
 - Air quality (including dust pollution)
 - Contaminated land
 - Noise
 - Light pollution
 - Odour pollution
- 1.4 All these issues have the potential to impact on the health and wellbeing of Cheshire East's residents, businesses and visitors. This final draft SPD sets out the relevant technical advice aimed at preventing or reducing the impact of proposed developments and protecting public health, wellbeing and amenity across the borough.
- 1.5 The guidance and technical advice set out in this final draft SPD will enable applicants to make sure that their proposed development meets policy requirements and is designed to minimise the impacts on public health, wellbeing and amenity.

Consultation

- 1.6 Your views are invited on this final draft Environmental Protection SPD and accompanying report of consultation, which details comments received during the consultation on the initial draft SPD and any subsequent changes made to the document.
- 1.7 Consultation will take place between [START DATE] and [END DATE]. Comments must be received by the council no later than [END DATE].

- 1.8 The consultation documents can be viewed online using the council's consultation portal¹ and at public libraries in Cheshire East. You are advised to check the current libraries opening times on the council's website² or telephone the libraries service on 0300 123 5018.
- 1.9 There is no requirement for SPDs to be accompanied by a sustainability appraisal but in "exceptional circumstances", there may be a requirement for SPDs to be subject to Strategic Environmental Assessment (SEA) where it is considered likely that they may have a significant effect on the environment that has not already been assessed within the SEA of the Local Plan. A screening assessment has been carried out, which concludes that further such assessment is not necessary.
- 1.10 A screening exercise has also been carried out to determine whether the document requires appropriate assessment (under the Habitats Regulations). This also concludes that further such assessment is not necessary.
- 1.11 An Equality Impact Assessment screening exercise has also been undertaken on the content of this SPD. It concludes that the SPD provides further guidance on the policy approach set out in the LPS and SADPD. No negative impacts are identified following consultation on the initial draft SPD.
- 1.12 The Strategic Environmental Assessment and Habitats Regulations Assessment screening assessments and the Equalities Impact Assessment screening have been published alongside this final draft SPD. You can give your views on the findings of these screening assessments through the consultation as well.

Submit your views

- 1.13 The consultation portal is our preferred method for submitting responses, but you can also respond by email or in writing.
1. Online: using the consultation portal at: <https://cheshireeast-consult.objective.co.uk/kse/folder/29414>
 2. Email: to localplan@cheshireeast.gov.uk
 3. Post: to Strategic Planning (Westfields) C/O Delamere House, Delamere Street, Crewe CW1 2LL.
- 1.14 Please make sure that your comments reach us by **[END DATE]**. We are not able to accept anonymous responses and you must provide us with your name and contact details. Your personal information will be processed in

¹ <https://cheshireeast-consult.objective.co.uk/kse/folder/29414>

² <https://www.cheshireeast.gov.uk/libraries/nearest-library/libraries-and-opening-hours.aspx>

accordance with our Strategic Planning Privacy Notice³ and your name and comments will be published for viewing on the consultation portal.

Next steps

- 1.15 Following the consultation, the council will consider all responses carefully and decide whether any further amendments to the final draft SPD are needed before the SPD is considered for adoption.
- 1.16 Once adopted, the SPD will constitute formal planning guidance and will be taken into account as a material consideration when determining relevant planning applications.

³ https://www.cheshireeast.gov.uk/council_and_democracy/council_information/website_information/privacy-notice/spatial-planning-including-neighbourhood-planning-team-privacy-notice.aspx

2. Planning policy framework

- 2.1 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise⁴. Material considerations can include national planning policy and adopted SPDs, where relevant.

National policy

The National Planning Policy Framework

- 2.2 The National Planning Policy Framework (NPPF)⁵ sets out the government's planning policies for England and how these should be applied.
- 2.3 Paragraph 8 sets out three overarching objectives for the planning system. As part of the environmental objective, the NPPF seeks to minimise pollution.
- 2.4 Paragraph 174 requires planning policies and decisions to contribute to and enhance the natural and local environment by: *"...(e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and (f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate."*
- 2.5 Paragraphs 183-187 consider ground conditions and pollution:
- "183. Planning policies and decisions should ensure that:*
- a. a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
 - b. after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
 - c. adequate site investigation information, prepared by a competent person, is available to inform these assessments.*

⁴ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990

⁵ <https://www.gov.uk/guidance/national-planning-policy-framework>

184. *Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.*

185. *Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

- a. mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life [See Explanatory Note to the Noise Policy Statement for England (Department for Environment, Food & Rural Affairs, 2010).];*
- b. identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
- c. limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*

186. *Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.*

187. *Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.*

188. *The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular*

development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities."

- 2.6 With specific reference to minerals, paragraph 210 requires planning policies to *"set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable impacts on the natural and historic environment or human health, taking into account the cumulative effects of individual sites and/or a number of sites in a locality" and "when developing noise limits, recognise that some noisy short term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction".* Paragraph 211 requires minerals planning authorities to *"ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source [National planning guidance on minerals sites sets out how these policies should be implemented.], and establish appropriate noise limits for extraction in proximity to noise sensitive properties".*

National Planning Policy for Waste

- 2.7 The National Planning Policy for Waste (NPPW)⁶ sets out detailed waste planning policies.
- 2.8 When determining waste planning applications, paragraph 7 requires waste planning authorities to consider the likely impact on the local environment and on amenity against a number of criteria, including protection of water quality, land instability, air emissions (including dust), odours, noise, light, vibration and litter.

Noise Policy Statement for England

- 2.9 Paragraph 185 of the NPPF highlights the need to avoid giving rise to significant adverse impacts on health and the quality of life; and refers to the Explanatory Note to the Noise Policy Statement for England (NPSE)⁷.
- 2.10 The Explanatory Note sets out various parameters from established toxicology concepts that are currently applied to noise impacts, which are:
- **NOEL** (No Observed Effect Level), which is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.
 - **LOAEL** (Lowest Observed Adverse Effect Level), which is the level above which adverse effects on health and quality of life can be detected.
- 2.11 These concepts were extended by the NPSE to include:

⁶ <https://www.gov.uk/government/publications/national-planning-policy-for-waste>

⁷ <https://www.gov.uk/government/publications/noise-policy-statement-for-england>

- **SOAEL** (Significant Observed Adverse Effect Level), which is the level above which significant adverse effects on health and quality of life occur.

2.12 The NPSE goes on to set out three aims, which are:

- *"To avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development".*
- *Mitigate and minimise adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.*
- *Where possible, contribute to the improvement of health and quality of life through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development."*

National Planning Practice Guidance

2.13 The government's National Planning Practice Guidance⁸ also gives detailed guidance on several topics, including:

- Guidance on how planning can take account of the impact of new development on air quality.
- Guiding principles on how planning can deal with land affected by contamination. Advice on how to ensure that development is suitable to its ground conditions and how to avoid risks caused by unstable land or subsidence.
- Advice on light pollution and how to consider light within the planning system.
- Guidance on how planning can manage potential noise impacts in new development.

Local policy

2.14 Local planning policies are set out in the development plan for the area. The development plan for Cheshire East currently comprises:

- The Cheshire East Local Plan Strategy adopted July 2017
- Site Allocations and Development Policies Document adopted December 2022

⁸ <https://www.gov.uk/government/collections/planning-practice-guidance>

- Saved policies from the Cheshire Replacement Minerals Local Plan 1999 and Cheshire Replacement Waste Local Plan 2007
- Completed neighbourhood plans.

2.15 A Minerals and Waste Plan is also being prepared, which will set out planning policies on minerals and waste. Once adopted, these will replace the saved policies from the Cheshire Minerals Local Plan 1999 and the Cheshire Waste Local Plan 2007.

Local Plan Strategy

2.16 Within the LPS⁹, one of the four Strategic Priorities relates to 'Protecting and enhancing environmental quality'. This will be delivered by a range of measures, including addressing the local causes of water, air, light, noise and all other forms of pollution and the contamination of land.

2.17 The key strategic policy relevant to Environmental Protection is **Policy SE 12 'Pollution, land contamination and land instability'**. This states:

Policy SE 12

Pollution, Land Contamination and Land Instability

1. The council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality, surface water and groundwater, noise, smell, dust, vibration, soil contamination, light pollution or any other pollution which would unacceptably affect the natural and built environment, or detrimentally affect amenity or cause harm. Developers will be expected to minimise, and mitigate the effects of possible pollution arising from the development itself, or as a result of the development (including additional traffic) during both the construction and the life of the development. Where adequate mitigation cannot be provided, development will not normally be permitted.
2. Development for new housing or other environmentally sensitive development will not normally be permitted where existing air pollution, soil contamination, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that these can be mitigated against.
3. Development should support improvements to air quality, not contradict the Air Quality Strategy or Air Quality Action Plan and seek to promote sustainable transport policies.
4. Where a proposal may affect or be affected by contamination or land instability (including natural dissolution and/or brine pumping related

⁹ <https://www.cheshireeast.gov.uk/localplanstrategy>

subsidence), at the planning application stage, developers will be required to provide a report which investigates the extent of the contamination or stability issues and the possible affect it may have on the development and its future users, the natural and built environment. This report should be written in line with best practice guidance.

5. In most cases, development will only be deemed acceptable where it can be demonstrated that any contamination or land instability issues can be appropriately mitigated against and remediated, if necessary.

2.18 Other strategic policies relevant to Environmental Protection include:

- **Policy SD 1 ‘Sustainable Development in Cheshire East’**, which requires that, where possible, development supports the health, safety, social and cultural well-being of the residents of Cheshire East.
- **Policy SD 2 ‘Sustainable Development Principles’**, which states that all development will be expected to use appropriate design, construction, insulation, layout and orientation to create developments that... minimise waste and pollution.
- **Policy SC 3 ‘Health and well-being’**, which requires screening assessments for all major development proposals, including a review of the possible health impacts.

Site Allocations and Development Policies Document

2.19 The SADPD¹⁰ also includes a number of policies that are of relevance to Environmental Protection.

- **Policy ENV 9 ‘Wind energy’** expects sufficient distance to be maintained between the proposal and sensitive receptors to protect amenity, particularly with respect to noise and visual impacts.
- **Policy ENV 12 ‘Air quality’** requires an air quality assessment where proposals are likely to have an impact on local air quality. Permission will not be granted where the construction or operational characteristics of the development must not cause harm to air quality (including cumulatively) unless suitable measures are adopted to mitigate the impact.
- **Policy ENV 13 ‘Aircraft noise’** restricts sensitive developments in the areas subject to the highest levels of aircraft noise; and requires mitigation to achieve satisfactory internal ambient noise levels in other areas subject to aircraft noise. The policy also sets detailed criteria to consider in relation to a range of different development types.

¹⁰ <https://www.cheshireeast.gov.uk/sadpd>

- **Policy ENV 14 'Light pollution'** requires light spillage and glare to be minimised to an acceptable level; and there to be no significant adverse effect individually or cumulatively on residential amenity; pedestrians, cyclists, and other road users; specialist facilities; and individuals and groups.
- **Policy ENV 15 'New development and existing uses'** restricts new development in locations where it could be significantly adversely affected by the operation of an existing business or facility unless such impacts can be avoided through mitigation.
- Policies **RUR 1 'New buildings for agriculture and forestry'**, **RUR 2 'Farm diversification'**, **RUR 7 'Equestrian development outside of settlement boundaries'**, **RUR 8 'Visitor accommodation outside of settlement boundaries'**, **RUR 9 'Caravan and camping sites'**, and **RUR 10 'Employment development in the open countryside'** require that proposals do not unacceptably affect the amenity and character of the surrounding area or landscape (including visual impacts, noise, odour, design and appearance), either their own or cumulatively with other developments.
- Policies **RUR 6 'Outdoor sport, leisure and recreation outside of settlement boundaries'** and **RUR 7 'Equestrian development outside of settlement boundaries'** allow for artificial lighting only where strictly necessary, and highlight that its design and operation may be limited by condition to minimise light pollution in the open countryside.
- **Policy HOU 12 'Amenity'** does not allow development proposals that would cause unacceptable harm to the amenities of residential properties or sensitive uses due to environmental disturbance or pollution.
- **Policy RET 5 'Restaurants, cafés, pubs and hot food takeaways'** requires such uses to have no adverse effect, either individually or cumulatively on the amenities of residential occupiers. Conditions will be imposed relating to noise, odour and fumes.
- **Policy RET 9 'Environmental improvements, public realm and design in town centres'** seeks to promote the creative use of lighting to add drama to the night-time townscape (such as by illuminating landmark buildings) whilst avoiding excessive light glow.
- **Policy REC 4 'Day nurseries'** requires such uses not to unacceptably harm the amenity of local residents by virtue of noise.

Saved policies

2.20 There are several saved policies relevant to Environmental Protection.

Cheshire Minerals Local Plan 1999

2.21 Relevant policies in the Cheshire Minerals Local Plan¹¹ include:

- **Policy 9 'Planning applications'** requires applications to evaluate the direct and indirect effects of a proposal and propose mitigation measures addressing noise levels, dust levels, illumination levels, air-over pressure and peak particle velocity levels.
- **Policy 12 'Conditions'** highlights that conditions will be attached to planning consents to control noise, dust, illumination and vibration levels; and to ensure pollution control measures.
- **Policy 26 'Noise'** does not permit development where it would give rise to unacceptable levels of noise pollution.
- **Policy 27 'Noise'** seeks to control noise emissions by limited the length of time for engineering works, controlling hours of operation, requiring best practice vehicle and plant silencing and maintenance, requiring noise mitigation measures and setting noise limits.
- **Policy 28 'Dust'** allows development, only where it would minimise dust emission levels by phasing working and restoration, surface and maintain internal haul roads, sheet all mineral bearing lorries, seed screen mounds, use a water bowser or similar to damp down, use wheel cleaning facilities, regular sweep and spray of hard surfaces, limit the area of mineral stripped of soil/overburden ant any time, and monitor dust emissions where appropriate.
- **Policy 38 'Blasting'** only permits blasting where ground vibration is minimised, air over pressure is minimised, blasts are monitored, no secondary blasting occurs, and blasting is limited to between 0900 and 1800 hours Mondays to Fridays.

Cheshire Waste Local Plan 2007

2.22 Relevant policies in the Cheshire Waste Local Plan¹² include:

- **Policy 1 'Sustainable waste management'** expects applications to demonstrate how the development would protect environmental assets.
- **Policy 12 'Impact of development proposals'** requires applications to evaluate the likely direct, indirect and cumulative impacts and set out mitigation measures for issues including air quality, noise levels, odour, dust levels, human health, litter and fly tipping, and illumination levels.
- **Policy 23 'Noise'** does not permit proposals that would give rise to unacceptable noise. Setting noise limits, controlling the hours of operation,

¹¹ https://www.cheshireeast.gov.uk/planning/spatial-planning/saved_and_other_policies/#cheshire_minerals_local_plan/cheshire_minerals_local_plan.aspx

¹² https://www.cheshireeast.gov.uk/planning/spatial-planning/saved_and_other_policies/cheshire_waste_local_plan/cheshire_waste_local_plan.aspx

requiring noise mitigation measures, use of best practice vehicle and plant silencing and maintenance, and limiting the length of time for engineering works will be used to control noise emissions where appropriate. Policy 24 'Air pollution: Air emissions including dust' does not permit proposals where the impact of dust would have an unacceptable impact on amenity. Surfacing and maintenance of internal haul roads, regular sweeping and spraying of hard surfaced areas, use of a water bowser or similar to damp down areas, use of wheel cleaning facilities, sheeting of waste-carrying vehicles, seeding of screen mounds, and monitoring of air and dust emissions will be used to control dust emissions where appropriate.

- **Policy 25 'Litter'** does not permit proposals where litter would have an unacceptable impact on amenity. Applications should assess the potential for litter generation and propose mitigation measures.
- **Policy 26: 'Air pollution: Odour'** does not permit proposals where odour would have an unacceptable impact on amenity.

Neighbourhood plans

- 2.23 There are 37 completed neighbourhood plans¹³ in Cheshire East and some of these contain locally specific requirements in relation to Environmental Protection. These form part of the development plan and will be used alongside other Local Plan policies to determine planning applications.

¹³ <https://www.cheshireeast.gov.uk/planning/neighbourhood-plans/completed-neighbourhood-plans.aspx>

3. Making an application

- 3.1 This SPD adds further detail to the policies in the development plan and provides guidance on Environmental Protection matters¹⁴. Whilst it does not form part of the development plan, its guidance will be a material consideration in the determination of planning applications, where relevant.

Pre-application advice

- 3.2 The council offers a pre-application advice service¹⁵ and encourages potential applicants to discuss their scheme with planning officers prior to submission of an application. This is particularly important for large scale developments that will have a major impact on the surrounding area. This service is designed to assist applicants' understanding of planning issues and requirements to speed up the development process. This can help minimise subsequent planning application costs and avoid abortive applications.
- 3.3 In addition, the council's Environmental Protection Team¹⁶ will also provide advice regarding the methodology for undertaking relevant Environmental Impact Assessments. However, it should be noted that there will be a charge for reviewing any draft reports prior to submission as part of a planning application.

Environmental Impact Assessments

- 3.4 In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017¹⁷ it is a requirement that certain planning applications must include an Environmental Impact Assessment (EIA). An EIA is a procedure which serves to provide information about the likely effects of a proposed project on the environment, so as to inform the decision-making process as to whether the development should be allowed and if so, on what terms. Where an EIA is required, it should assess each relevant aspect relating to Environmental Protection in a comprehensive manner, as set out in this SPD.
- 3.5 All reporting requirements set out in this SPD should be submitted with the planning application, as the council will not be using pre-commencement conditions, in line with national policy.

¹⁴ Matters within the remit of the council's Environmental Protection Team.

¹⁵ https://www.cheshireeast.gov.uk/planning/view_a_planning_application/pre-application_advice/pre-application_advice.aspx

¹⁶ Email environmentalprotection2@cheshireeast.gov.uk

¹⁷ <https://www.legislation.gov.uk/uksi/2017/571/contents/made>

4. Air quality

- 4.1 Air quality is important to public health and wellbeing and, more recently, has been linked to a range of health impacts. This has led to wide ranging research being undertaken in the health impacts of pollutants, resulting in both national and international guidance and advice being issued to protect public health.
- 4.2 In 1997, the government adopted the first UK Air Quality Strategy (AQS), which set out how the government aimed to deal with local air quality and the impact of this on health and wellbeing. Further revision of the AQS brought about the process of Local Air Quality Management (LAQM), which is a process requiring all local authorities to regularly review and assess air quality within their area against the air quality objectives set out the Air Quality Standards Regulations 2010¹⁸. The pollutants of concern and relevant objectives are set out in Table 4.1 'Air quality objectives'.

Local air quality management

- 4.3 The purpose of reviewing air quality against the air quality objectives is to determine if any areas within the borough are either exceeding or likely to exceed any of the air quality objectives. If any such areas are identified, an Air Quality Management Area (AQMA) must be declared and an action plan drawn up, setting out how the local authority proposes to improve the air quality within that area.
- 4.4 In Cheshire East, there are currently a number of small areas that have been declared as AQMAs¹⁹. The primary source of pollution in these areas is due to vehicle emissions, as a result of either standing/slow moving traffic or high volumes of traffic where there are sensitive receptors (such as houses) fronting directly on to the road. The council must make sure that development in and around any of the AQMAs will not have an adverse impact upon the air quality within those areas.

Air quality objectives

- 4.5 The Air Quality Standards Regulations 2010 set out the air quality objectives ,which are based on protecting public health and wellbeing.
- 4.6 The objectives of concern within Cheshire East are those that relate to nitrogen dioxide and particulate matter. All of the AQMAs declared to date relate to concentrations of nitrogen dioxide.

¹⁸ <https://www.legislation.gov.uk/ukxi/2010/1001/contents/made>

¹⁹ https://www.cheshireeast.gov.uk/business/environmental_health/local_air_quality/aqma_area_maps.aspx

Substance	Air quality objective levels
Nitrogen dioxide (NO ₂)	200µg/m ⁻³ hourly mean, not to be exceeded more than 18 times per year
Nitrogen dioxide (NO ₂)	40µg/m ⁻³ as an annual mean
Particulate matter (PM ₁₀)	50µg/m ⁻³ as a 24-hour mean, not to be exceeded more than 35 times per year
Particulate matter (PM ₁₀)	40µg/m ⁻³ as an annual mean
Particulate matter (PM _{2.5})	20µg/m ⁻³ as an annual mean
Benzene	16.25µg/m ⁻³ as a running annual mean
Benzene	5µg/m ⁻³ as an annual mean
1,3 - Butadiene	2.25µg/m ⁻³ as a running annual mean
Carbon monoxide (CO)	10µg/m ⁻³ as a running 8-hour mean
Lead	0.25µm ⁻³ as an annual mean
Sulphur dioxide (SO ₂)	266µg/m ⁻³ as a 15-minute mean, not to be exceeded more than 35 times per year
Sulphur dioxide (SO ₂)	350µg/m ⁻³ as an hourly mean, not to be exceeded more than 24 times per year
Sulphur dioxide (SO ₂)	125µg/m ⁻³ as a 24-hour mean, not to be exceeded more than 3 times per year

Table 4.1 Air quality objectives

Air quality assessments

- 4.7 An air quality assessment should predict any potential impacts on local air quality from a proposed development. The assessment should consider any potential impacts on existing AQMAs and those areas that are close to the air quality objective in order to prevent the declaration of further AQMAs. The assessment must take into account all emission sources and compare the current air quality with future levels both with and without the proposed development.

When is an air quality assessment required?

- 4.8 An air quality assessment will be required where a proposed development has the potential to adversely impact air quality. This is particularly important when the development is either within or adjacent to an existing AQMA, or within an area where the impact on air quality may result in the declaration of a new AQMA. The criteria for determining if there will be an impact on air quality will be based on both the direct impact of the proposed development and the effect this will have on surrounding traffic flows and volumes. A list of the types of development where an air quality assessment may be required is available on

the council's website²⁰. The planning applications validation checklist also contains information on this matter.

- 4.9 Where relevant, a dust impact assessment should also be submitted as part of, or in addition to the air quality assessment. Emissions of dust to air can occur during the preparation of the land (e.g., demolition, land clearing, and earth moving), and during construction. The operational phases of minerals (and some waste) sites share some common features with construction activities; however, minerals sites can be of a significantly larger scale. A qualitative dust assessment for a minerals site would therefore normally be expected to be at least as rigorous as one carried out in accordance with the IAQM construction dust method, reflecting the potential for minerals sites to have a greater impact than construction sites. This should include an assessment of the impact of silica dust where relevant. In certain instances, the council may also ask for an assessment of bioaerosols where this is a relevant consideration.

The assessment process

- 4.10 This SPD does not set out a prescribed method or form for undertaking an assessment, which will be required if the proposed development is likely to adversely impact on local air quality. Therefore, it is important that the methodology and data sets are agreed in advance with the council's Air Quality Team. However, there is general guidance regarding estimating emissions and modelling in the Local Air Quality Management: Technical Guidance (TG22)²¹.
- 4.11 The purpose of the assessment is to determine the likely changes to air quality as a result of the proposed development. The aim of the assessment will be to compare the existing situation without the proposed development, and the situation with the proposed development. This can be split in to 3 basic steps:
1. Assess the current air quality within the area (baseline).
 2. Predict the future air quality without the proposed development (future baseline).
 3. Predict the future air quality with the proposed development in place (future with development).
- 4.12 The assessment should also take account of potential new sensitive receptors, including those with planning permission or allocated sites.

²⁰ https://www.cheshireeast.gov.uk/business/environmental_health/local_air_quality/air_quality_and_planning/air_quality_and_planning.aspx

²¹ <https://laqm.defra.gov.uk/wp-content/uploads/2022/08/LAQM-TG22-August-22-v1.0.pdf>

- 4.13 Current air quality data within Cheshire East is available on the council's website²² and the national background maps²³ will also be able to assist with this part of the process. However, it is important that prior to undertaking an assessment, an agreement is sought from the council's Air Quality Team²⁴ regarding the scope, data and methodology of the assessment to be undertaken.

Sensitive receptors

- 4.14 All assessments should consider air quality concentrations. Paragraph 1.63 of TG22 states that exceedances of the objectives should be assessed in relation to *"the quality of the air at locations which are situated outside of buildings or other natural or man-made structures, above or below ground, and where members of public are regularly present"*. Further examples of where the air quality objectives should apply can be found in TG22.

Assessing significance

- 4.15 The primary requirement of the air quality assessment is to determine the significance in terms of change to the air quality, when the proposed development is completed. Environmental Protection UK provides guidance regarding assessing significance²⁵, and the framework used for assessing significance has been adopted by the council. A copy of the framework is set out in Table 4.2 'Environment Protection UK impact descriptors for individual receptors'.

²² https://www.cheshireeast.gov.uk/business/environmental_health/local_air_quality/what_is_pollution_like_near_me/air-pollution-monitoring.aspx

²³ <https://uk-air.defra.gov.uk/data/lagm-background-home>

²⁴ Email airquality@cheshireeast.gov.uk

²⁵ https://www.environmental-protection.org.uk/wp-content/uploads/2013/07/air-quality-planning-guidance_Jan17.pdf

Long term average concentration at receptor in assessment year	1% change in concentration relative to AQAL	2%-5% change in concentration relative to AQAL	6%-10% change in concentration relative to AQAL	>10% change in concentration relative to AQAL
75% or less of AQAL	Negligible	Negligible	Slight	Moderate
76-94% of AQAL	Negligible	Slight	Moderate	Moderate
95-102% of AQAL	Slight	Moderate	Moderate	Substantial
103-109% of AQAL	Moderate	Moderate	Substantial	Substantial
110% or more of AQAL	Moderate	Substantial	Substantial	Substantial

Table 4.2 Environment Protection UK impact descriptors for individual receptors

Explanation

1. AQAL = Air Quality Assessment Level, which may be an air quality objective, EU limit or target value, or an Environment Agency 'Environment Assessment Level (EAL)'.
2. The Table is intended to be used by rounding the change in percentage pollutant concentration to whole numbers, which then makes it clearer which cell the impact falls within. The use is encouraged to treat the numbers with recognition of their likely accuracy and not assume a false level of precision. Changes of 0%, i.e., less than 0.5%, will be described as Negligible.
3. The Table is only designed to be used with annual mean concentrations.
4. Descriptors for individual receptors only; the overall significance is determined using professional judgement. For example, a 'moderate' adverse impact at one receptor may not mean that the overall impact has a significant effect. Other factors need to be considered.
5. When defining the concentration as a percentage of the AQAL, use the 'without scheme' concentration where there is a decrease in pollutant concentration and the 'with scheme' concentration for an increase.
6. The total concentration categories reflect the degree of potential harm by reference to the AQAL value. At exposure less than 75% of this value, i.e., well below, the degree of harm is likely to be small. As the exposure approaches and exceeds the AQAL, the degree of harm increases. This change naturally becomes more important when the result is an exposure that is approximately equal to, or greater than the AQAL.

7. It is unwise to ascribe too much accuracy to incremental changes or background concentrations, and this is especially important when total concentrations are close to the AQAL. For a given year in the future, it is impossible to define the new total concentration without recognising the inherent uncertainty, which is why there is a category that has a range around the AQAL, rather than being exactly equal to it.

Cumulative impacts

- 4.16 The cumulative impact of a number of small developments in an area could lead to a gradual deterioration of air quality. This could comprise several impacts that are individually described as slight, but when added together could have a significant impact on air quality. Therefore, all assessments must take into account the cumulative impact of committed applications within the local area and propose suitable mitigation to offset the impact.
- 4.17 An example would be if a number of small developments contribute to a significant increase in traffic levels, in an area that already has an air quality problem. Proposed mitigation could be that each development is required to provide a financial contribution to implement highway improvements or to assist with other actions within the council's Air Quality Action Plan. The study of the cumulative impact of additional development must be agreed as part of the scoping report.

Planning conditions and mitigation

- 4.18 Based on the results and conclusions of the air quality assessment, mitigation measures may be recommended to offset any predicted impacts of the proposed development. As far as possible, mitigation measures should be embedded into the design of the scheme and the air quality assessment should inform the scheme design, rather than being completed afterwards. Some mitigation measures (such as mechanical ventilation) can be large, noisy and visually imposing, so should be included in the scheme design from the outset so that all impacts can be assessed.
- 4.19 There are a range of mitigation measures that can be used and whilst the list below provides a number of examples, this is not exhaustive.
 - The design of the development can help to mitigate against exposure to existing air quality levels. This could include the location of mechanical ventilation, habitable rooms and openable windows to reduce exposure to vehicle emissions.
 - The installation of electric vehicle charging points to encourage the uptake and use of ultra-low emissions vehicles instead of combustion engine models (the infrastructure requirements for these are set out in Buildings Regulations Approved Document S -.Infrastructure for the charging of electric vehicles).

- Developers to prepare a travel plan or travel information packs to highlight alternative means of transport, such as public transport, location of electric vehicle charging points and car sharing incentives.
- The provision of cycling and walking facilities.
- Traffic management or contributions to highway infrastructure, both new and amended. Green infrastructure: plants and trees may provide an aesthetically pleasing aspect to a scheme and may also be used to provide a barrier from a pollutant source such as a trafficked road.
- Ultra-low NO_x (nitrogen oxides) emission boilers. On developments in built up areas, these boilers help to prevent new “hotspots” of high NO_x emissions.
- Section 106 Agreements (Town and Country Planning Act 1990) to secure mitigation, where appropriate, to make the scheme environmentally acceptable.
- The application of damage costs as set out in Air quality appraisal: damage cost guidance²⁶. Damage costs are the costs to society (mainly health) per tonne of pollutant emitted. They provide an easy reckoning of the monetised value of changes in pollution.
- Dust management plans and monitoring regimes.

Air quality during the construction phase

4.20 The impact of the construction phase of any development can have a significant impact on local air quality via dust, access roads, roads works and closures. Developers and contractors should follow the guidance set out by the Institute of Air Quality Management when drafting construction plans and mitigation measures to minimise air pollution. Therefore, as part of the management of all developments, best practicable means must be used at all times and for specific emissions this could include but not be limited to the following.

- During dry weather all access roads and stockpiles of material, which are likely to give rise to emissions of dust, shall be damped down and/or covered to prevent wind whipping. Any mobile crushing or screening plant used on site shall be subject to a Permit under the Environmental Permitting (England and Wales) Regulations 2016²⁷ and shall operate in accordance with all conditions imposed by the issuing authority. This may include the requirement for the use of water sprays to be in operation at all times during crushing and screening operations.

²⁶ <https://www.gov.uk/government/publications/assess-the-impact-of-air-quality>

²⁷ <https://www.legislation.gov.uk/uksi/2016/1154/contents/made>

- The re-routing of traffic should be done so as not to impact on any AQMAs. All diesel or oil-fired plant must be located away from any sensitive receptors.
 - Burning of material is not an appropriate method of disposal of waste material and any such material should be removed from the site along with other waste.
 - Any additional actions required to mitigate dust emissions identified during ongoing development activities.
 - For non-road mobile machinery, renewable, mains or battery powered plant items should be used where possible.
- 4.21 All sites that are at medium or high risk of particulate emissions should carry out monitoring and guidance on the assessment of dust from sites is contained in the Institute of Air Quality Management's Guidance on the Assessment of Dust from Demolition and Construction²⁸.

Heating appliances

Biomass boilers

- 4.22 Biomass boilers are seen as a method to reduce emissions of greenhouse gas and are regarded as generally more environmentally friendly. However, biomass burning systems still emit a number of pollutants including nitrogen dioxide and particulate matter and whilst the level of emissions maybe less than coal or oil, they do produce more pollutants than gas fired systems. This was confirmed in the governments Clean Air Strategy 2019²⁹, which states that:

'This increase in burning solid fuels in our homes is having an impact on our air quality and now makes up the single largest contributor to our national PM emissions at 38%.'

- 4.23 Therefore, where a proposed development includes either any large biomass heating system or includes domestic wood burners or open fires, the council may, where appropriate, require an air quality assessment to determine the impact on air quality when compared to similar gas fired systems. In addition, the council may require that the only systems to be permitted will be those that are proved to be cleaner and have reduced emissions.

²⁸ <https://iaqm.co.uk/text/guidance/construction-dust-2014.pdf>

²⁹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/770715/clean-air-strategy-2019.pdf

- 4.24 Further information relating to biomass and air quality can be found on the Environmental Protection UK website³⁰.

Combined Heat and Power Systems

- 4.25 Emissions from Combined Heat and Power (CHP) systems must be managed to ensure potential air quality impacts are controlled. Management of CHP systems will include system and fuel standards, abatement equipment, regulatory controls and planning controls to restrict where appliances can be installed and the effect they have on the local environment.
- 4.26 As is the case with all combustion plant, the air quality assessment of planning applications containing CHP systems should follow a risk-based approach based upon factors such as:
- The location of a CHP system, i.e., is it in or close to an area of poor air quality
 - The type of CHP system proposed and the fuel it will use
 - The likely emission standard of the CHP system; and
 - Whether the CHP system is substituting for a conventional boiler, and what the difference in emissions between the old boiler and new CHP system is likely to be.
- 4.27 Further guidance is available for Institute of Air Quality Management's Combined Heat and Power Guidance for Local Authorities³¹.

³⁰ <https://www.environmental-protection.org.uk/wp-content/uploads/2016/03/Biomass-and-Air-Quality-Information-for-Developers-2017.pdf>

³¹ http://www.iaqm.co.uk/text/guidance/epuk/chp_guidance.pdf

5. Contaminated land

- 5.1 All land has the potential to be contaminated. Much of today's land contamination originates from polluting industrial processes from the 19th and 20th centuries. It can also arise from uncontrolled filling or raising of land, as well as more innocuous activities such as agricultural use, disposing of hearth ash in gardens or fuel/oil spillages. Contamination can also be caused by naturally occurring sources such as radon gas from underlying rock or ground gases from peat deposits. Contaminating substances are wide ranging and include (but are not limited to) metals, organic substances and ground gases.
- 5.2 In the UK, contaminated land is identified and managed by two different regulatory frameworks, these being Part 2A of the Environmental Protection Act 1990³² and the planning regime. It is widely acknowledged that remediation via the planning regime is the government's preferred option.
- 5.3 Part 2A of the Environmental Protection Act 1990 was intended to identify land which is so contaminated that in its current condition it poses a significant possibility of significant harm to the health of persons living in or using the land or any other environmental receptors. In this situation the local authority has to ensure that the land condition is addressed to control any unacceptable risk. Cheshire East Council's approach to Part 2A is outlined in the Cheshire East Council Contaminated Land Strategy³³.
- 5.4 The second regulatory regime is the planning system. In this case the developer, as part of the planning and redevelopment process, must address any land condition matters through investigation, risk assessment and remediation where required. In practice, the vast majority of contaminated sites are cleaned up routinely via this route, with the local planning authority ensuring that developers produce safe new development. Cheshire East Council has a Developers' Guide³⁴ to provide advice on this process.

What is contaminated land?

- 5.5 The statutory definition of contaminated land³⁵ is as follows:

'...any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that:

(a) Significant harm is being caused or there is a significant possibility of such harm being caused; or

³² <https://www.legislation.gov.uk/ukpga/1990/43/contents>

³³ https://www.cheshireeast.gov.uk/business/environmental_health/contaminated_land/contaminated_land.aspx

³⁴ https://www.cheshireeast.gov.uk/business/environmental_health/contaminated_land/development_and_contamination.aspx

³⁵ Environmental Protection Act 1990, Part 2A, Section 78(2)

(b) Significant pollution of controlled waters is being caused, or there is a significant possibility of such pollution being caused'

- 5.6 Where a local authority is satisfied that one or both of the circumstances detailed above is being met then it must act in accordance with guidance issued by the Secretary of State. How Cheshire East Council carries out its statutory contaminated land duties is set out in its Contaminated Land Strategy³⁶.
- 5.7 Part 2A of the Environmental Protection Act 1990 was introduced specifically to address the historical legacy of land contamination, whereas the planning system aims to control development and land use in the future. Therefore, assessing risks in relation to the future use of any land is primarily a task for the planning system. However, applicants/developers should always take into account Part 2A, because a change in use may cause the land to fall within the statutory definition of contaminated land by creating a contaminant linkage. In planning guidance, the definition covers cases where “the actual or suspected presence of substances in, on or under the land may cause risks to people, human activities or the environment, regardless of whether or not the land meets the statutory definition in Part 2A”. Land contamination (or the possibility of it) is a material consideration in planning decisions.
- 5.8 Whether being considered under the planning regime or Part 2A of the Environmental Protection Act 1990, the principle of contaminated land risk assessment underpins all assessment. This is based upon the Contaminant (source) – Pathway – Receptor model. All three parts of the chain must be present to create what is known as a contaminant linkage. If a linkage is identified, it indicates that there is a potential for a contaminated land risk to be present at the site and this must be assessed.
- 5.9 Each part of the chain is defined as follows:
- The contaminant (source) is a substance in, on or under the land.
 - The pathway is the route by which the contaminant might affect the receptor.
 - The receptor is the living organisms, ecological systems or properties that may be adversely affected.



Figure 5.1 Contaminant linkage

³⁶ https://www.cheshireeast.gov.uk/business/environmental_health/contaminated_land/contaminated_land.aspx

Historical Land Use

- 5.10 The history of a site or area is often the best guide to whether a site may be at risk of contamination. The borough of Cheshire East is a mix of urban settlements and rural areas, both with historical industrial heritage. Contamination can also arise from other sources (including natural sources, such as radon for example) and as such there is always the potential for contaminated land to be present. The council's Contaminated Land Strategy provides an overview of the industrial history of Cheshire East.

Roles and Responsibilities

- 5.11 Planning legislation and guidance places the responsibility on developers and/or landowners to secure a safe development with respect to contamination. The council's duty is to ensure that owners and developers carry out the necessary investigations and formulate proposals for dealing with any contamination in a responsible and effective manner. According to the NPPF the standard of remediation to be achieved, as a minimum, should be enough to ensure that the land is not capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990. This is the removal of unacceptable risk, making the site suitable for its new use.
- 5.12 Where a development is proposed, it is the responsibility of the developer to ensure that issues of land contamination are appropriately considered, that remediation takes place (where necessary) and that the land is safe and 'suitable for use' i.e., the site is cleaned up to a level which is appropriate for the proposed end use. Furthermore, it is the developer's responsibility to ensure that the investigation and remediation of land contamination is carried out by a competent person with a recognised relevant qualification and sufficient experience in contaminated land i.e., an environmental consultant.
- 5.13 The local planning authority has a duty to take account of all material planning considerations, including potential contamination, when considering an application. Within the planning regime, contaminated land is often referred to as "land affected by contamination". When considering development on land affected by contamination, the local planning authority aims to ensure that any unacceptable risks to human health, property and/or the wider environment are identified so that appropriate action can be considered and then taken to address those risks. In accordance with NPPF paragraph 183(b), the land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990 after remediation.
- 5.14 The Environment Agency is a statutory consultee for many planning applications where development is proposed on land affected by contamination. The Environment Agency will consider the impacts on groundwater and surface waters, legally termed controlled waters, and the developer will need to ensure that any concerns of the Environment Agency are satisfied prior to development when these receptors are at risk. Other

stakeholders will also be consulted where relevant (for example the Canal and River Trust in relation to protecting its watercourses).

- 5.15 Other agencies are also able to offer advice to applicants, such as the relevant water undertaker where development is located in a groundwater source protection zone or on land used for public water supply.

Contaminated land and planning

- 5.16 It is the role of the local planning authority to plan for land uses that are appropriate in the light of all the relevant circumstances, including known or suspected contamination. When determining planning applications for development on land that may be affected by contamination, the local planning authority will consider whether any conditions are required to make the development acceptable. Such conditions may require that land is remediated in the course of development to an appropriate standard, taking account of its intended use, and that, if necessary, it is properly maintained thereafter.
- 5.17 A precautionary approach should be taken when considering applications in relation to any land affected by contamination. This includes land subject to or in proximity to previous industrial uses and also where uses are being proposed that are particularly sensitive to contamination, including (but not limited to):
- All residential developments
 - Allotments
 - Schools
 - Children's nurseries/day care centres
 - Hospitals
 - Playing areas and parks
- 5.18 The council's guidance document on development and contaminated land³⁷ lists a number of high and very high-risk potential sources of contamination.

Pre application discussions

- 5.19 Where practicable and applicable, proposers of development on land affected by contamination should arrange pre-application discussions with the local planning authority and other regulators, including the council's Environmental Protection and Building Control departments, any other relevant council specialists and the Environment Agency (where pollution of controlled waters and the waste management implications of land contamination are likely to be issues).

³⁷ https://www.cheshireeast.gov.uk/business/environmental_health/contaminated_land/development_and_contamination.aspx

Completing the “Existing Use” section of the planning application form

- 5.20 In applying for planning permission applicants have to answer questions regarding contaminated land. Typically, there is a lack of understanding as to what type of development is vulnerable to contamination, if present. If the development proposed includes any of the sensitive uses listed in paragraph 5.17 then the answer to the question: “a proposed use that would be particularly vulnerable to the presence of contamination” is always Yes.

6. Existing Use

Vacant factory building

Is the site currently vacant? ☒ Yes ☐ No

If Yes, please describe the last use of the site

Metal Fabrication

When did this use end (if known)? DD/MM/YYYY

Does the proposal involve any of the following? If Yes, you will need to submit an appropriate contamination assessment with your application.

Land which is known to be contaminated ☒ Yes ☐ No

Land where contamination is suspected for all or part of the site ☒ Yes ☐ No

A proposed use that would be particularly vulnerable to the presence of contamination ☒ Yes ☐ No

Figure 5.2 Good example of the "existing use" section from a residential planning application

Determining planning applications including pre-commencement

- 5.21 If the information submitted with an application is such that the council cannot be satisfied that the necessary works are viable or practicable through a conditional planning permission, then the application may be refused. The amount of information we would expect to see submitted in support of any planning application is outlined in more detail within our Developers' Guide.
- 5.22 With regards to the agreement of pre-commencement conditions, if there is no agreement to such conditions and insufficient information is provided to support the application, then the application may be refused.

Planning conditions

- 5.23 The local planning authority will generally use a series of staged conditions that aim to:
- Provide for preliminary risk assessment, including a conceptual model and, if required, investigation and characterisation of the site to confirm the nature and extent of contamination. The investigation would seek to validate the conceptual model to allow more refined risk assessment and appraisal of remedial options (see 'Site investigations and risk assessments') (pre-commencement condition).

- Propose and receive approval for a remediation scheme that ensures the removal of unacceptable risks to make the site suitable for use (pre-commencement condition).
 - Submit and receive approval for a validation report that demonstrates the effectiveness of the remediation carried out (prior to occupation).
- 5.24 If there are pre-commencement conditions then these must be satisfied before any commencement of work on site. If works have started on site without satisfying the contaminated land assessment aspect (i.e., pre-commencement) and agreeing any necessary remedial works then the development will be breaching planning conditions and it may be very difficult or impossible to investigate or remediate contamination as a result. In some cases, planning permission may also be lost as a result.
- 5.25 It is important to emphasise that the lack of a condition requiring investigation into contamination does not imply that a site is not contaminated. The Contaminated Land Team will assess the likelihood of risk based upon the known history of a site. It remains the responsibility of a developer or landowner to satisfy themselves over whether a site may or may not have been contaminated in the past. Despite this, applicants are reminded that they have a duty in accordance Part 2A of the Environmental Protection Act 1990, to immediately inform the local planning authority if any unforeseen contamination is encountered at any point during the development.

Discharge of conditions

- 5.26 Having secured planning permission, the developer must adhere to the conditions on that permission and a guide to doing this is provided in Figure 5.3 'Process of complying with a contaminated land condition'.

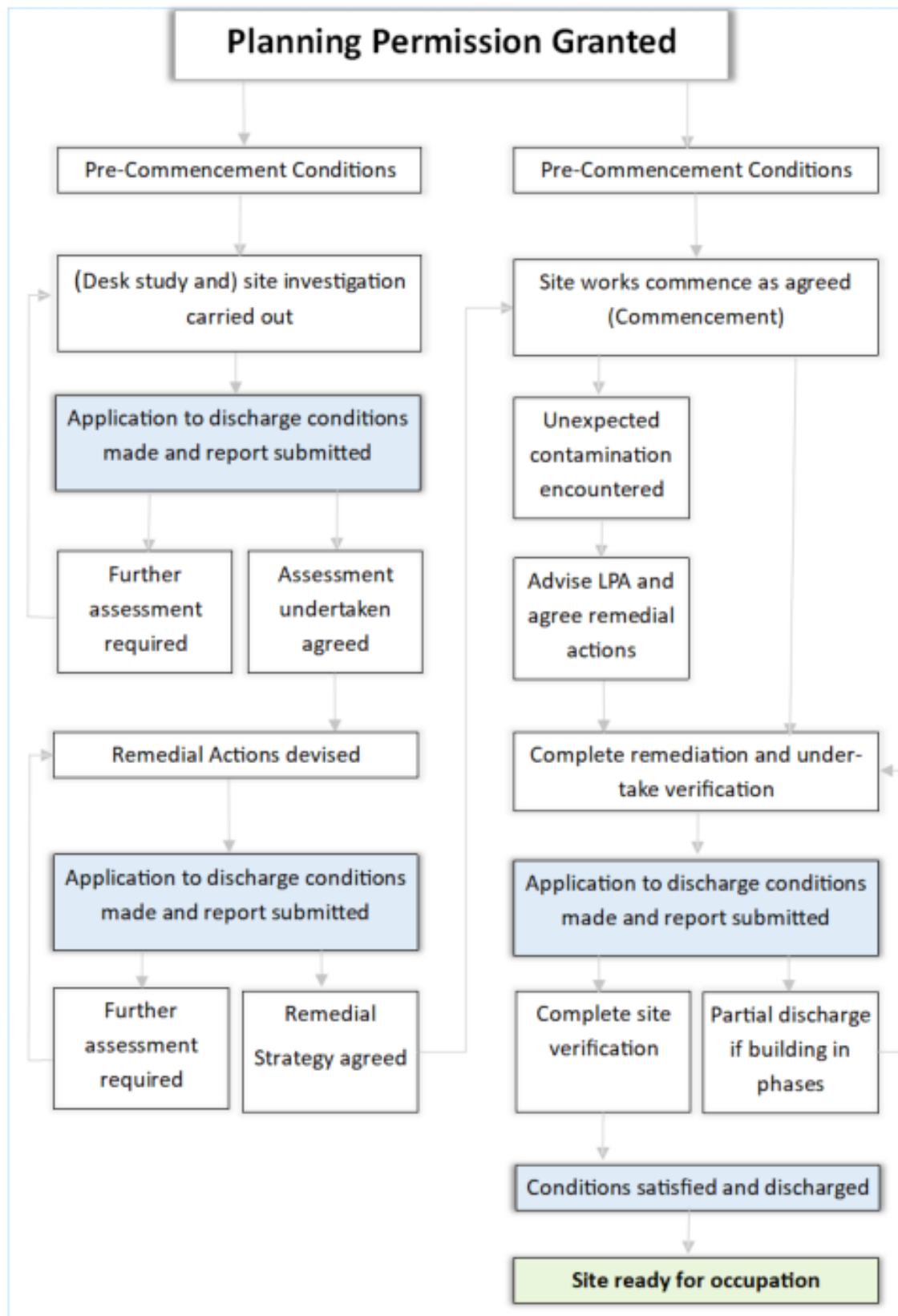


Figure 5.3 Process of complying with a contaminated land condition

- 5.27 If there are pre-commencement conditions, then these must be satisfied before any commencement of work on site. If works have started on site without satisfying the contaminated land assessment aspect (i.e., pre-commencement) and agreeing any necessary remedial works then the development will be breaching planning conditions and it may be very difficult or impossible to investigate or remediate contamination as a result.
- 5.28 Furthermore, the prior to occupation aspect of the condition, usually the verification of any remedial methods, should be satisfied prior to occupation of the development. Again, this would be a breach of planning condition and as a result, the site may need to be considered under Part 2A. Besides the potential risks, including financial, to any purchasers this could be a reputational matter for the developer.
- 5.29 Guidance on how to apply to discharge planning conditions can be viewed on the council's website³⁸. As contaminated land planning conditions are typically divided into sections, there may be more than one discharge application required to achieve final planning discharge.

Site investigations and risk assessments

- 5.30 The council's Developers' Guide provides more detail on the requirements of contaminated land information and what to submit to support a planning application. Reference to appropriate technical guidance is also included within the guide.
- 5.31 Figure 5.4 'Phased approach to assess contaminated land' summarises the phased approach required to assess contaminated land in the planning regime. The following sections provide more detail on each phase.

³⁸ https://www.cheshireeast.gov.uk/planning/view_a_planning_application/making_a_planning_application/conditions_of_planning_consent.aspx

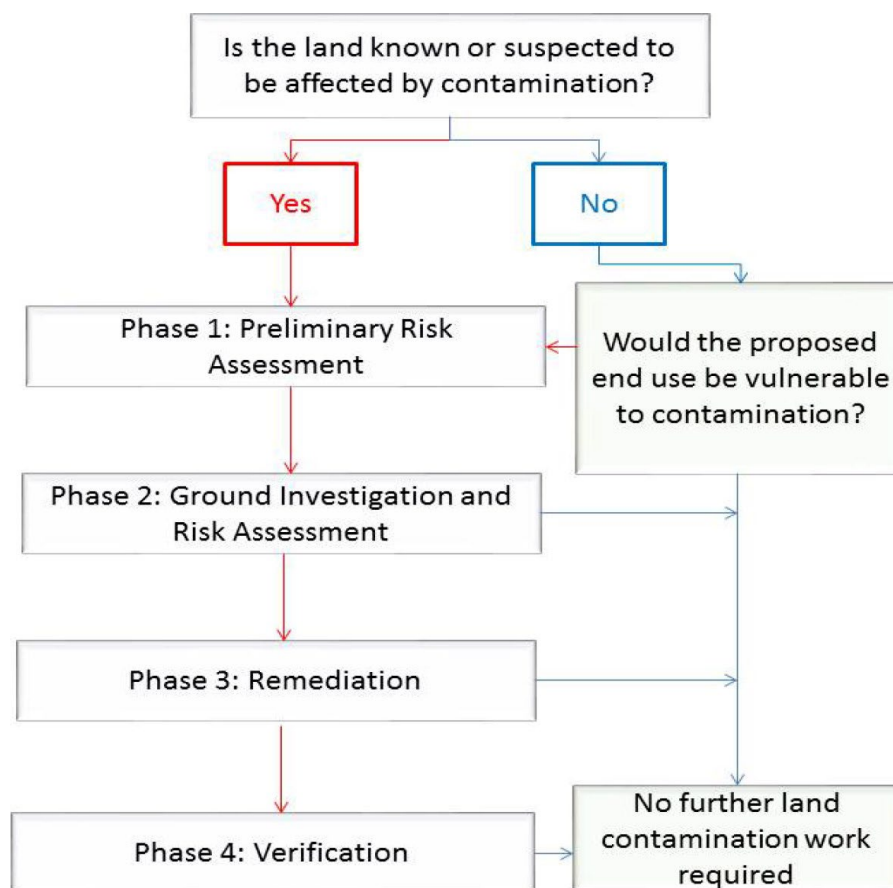


Figure 5.4 Phased approach to assess contaminated land

Phase 1: Preliminary risk assessment

- 5.32 The Phase 1 preliminary risk assessment (also known as a desk study) is the collection of information, including site history, to support the development of the conceptual model. A conceptual model is a simple representation of the site and considers all potential contaminant sources, pathways and receptors and any potential contaminant linkages. It should also include a walkover survey which means assessing the site and identifying any visual evidence of sources of contamination (such as ash/made ground or fuel tanks).
- 5.33 The conclusions of the report should contain recommendations as to whether the site is, or can be made suitable for its proposed use, and if further works and thus progression to Phase 2 are required.
- 5.34 Please note that reports written for conveyancing purposes are not accepted as they do not fulfil the requirements of a Phase 1 assessment. For lower risk developments, such as a change of use, the council may accept a questionnaire³⁹, depending on the former use of the site. This may negate the requirement for a Phase 1 Preliminary Risk Assessment to be undertaken.

³⁹ https://www.cheshireeast.gov.uk/business/environmental_health/contaminated_land/development_and_contamination.aspx

Phase 2: Site investigation and risk assessment

- 5.35 A Phase 2 site investigation is an intrusive on-site survey of the actual ground conditions at the site. The aim of this is to prove (or disprove) the presence of possible contaminant linkages identified in the Phase 1 report. This is achieved through the sampling of soil and groundwater and ground gas monitoring where necessary, depending on the conceptual site model
- 5.36 The results of these investigations should determine whether any contamination is present and if so, whether it poses a potential risk to health, controlled waters or the environment. The investigation should be designed so that it considers the former, current and proposed land uses.
- 5.37 On sites which may be particularly contaminated or have significant risks or management issues it may be prudent to discuss your site investigation proposals with the Contaminated Land team.
- 5.38 The results of the sampling and monitoring should be considered within a risk assessment. As part of this, contaminants will be assessed against recognised generic assessment criteria for human health, controlled waters and vapours as appropriate. If the site has contaminants present, which do not have generic assessment criteria, then it may be necessary to derive site specific assessment criteria. Furthermore, if the end use is not applicable to current generic assessment criteria, then again derivation of site-specific assessment criteria may be required. Further information on risk assessment can be found in the council's Developers' Guide.
- 5.39 After completing the site investigation works, including all required rounds of gas monitoring (as appropriate), the preliminary conceptual site model developed in Phase 1 should be reviewed and updated based on the findings of the investigation. This updated conceptual model will then identify if further works are required or whether the assessment is complete.

Phase 3: Remediation

- 5.40 Remedial works, if required should be compiled into a Remediation Strategy. For some lower risk sites, it may be sufficient to include this as a section in the Phase 2 report. The remediation strategy must be agreed with the local planning authority and Environment Agency, if applicable, and the relevant conditions discharged ahead of any remedial works commencing.
- 5.41 For larger development sites, there is an opportunity to consider a sustainable approach to land contamination risk management. Where appropriate, a sustainability assessment should be carried out as part of the Remediation Options Appraisal in line with industry standards. SuRF-UK sets out a framework⁴⁰ for undertaking such an assessment. A Remediation Options

⁴⁰ <https://www.claire.co.uk/projects-and-initiatives/surf-uk>

Appraisal precedes the Remediation Strategy, considering the possible remedial actions for the site.

Phase 4: Verification

- 5.42 How verification (also referred to as validation) of remedial works is to be undertaken would have been set out within the agreed remediation strategy. It is important that this process is carefully and appropriately documented to demonstrate that the development is suitable for use.
- 5.43 Verification information must be provided to the local planning authority as part of a discharge of conditions submission for the Contaminated Land Team to assess in good time ahead of the development, or phase of development, being occupied. Without this, the site would be considered to be breaching its planning conditions and may be considered under Part 2A of the Environmental Protection Act 1990. Final discharge would be achieved at the end of the development.

Using consultants and laboratories

- 5.44 Depending on the type, level or extent of contamination, it is likely that a specialist consultant or service (e.g., analytical laboratory) will be required during the process of investigating, assessing and remediating land contamination. Care should be taken in appointing an environmental consultant, opting for a well experienced, sufficiently competent and qualified person or company that carries appropriate levels of professional indemnity insurance. It is critical that the consultant undertaking the works has experience of undertaking contaminated land assessments.
- 5.45 All reports should be prepared by appropriately qualified professionals and comply with current good practice and guidance. Accredited drillers and laboratories should be employed for all investigation and analysis. Copies of the full laboratory results, as received from the laboratory with no subsequent amendments should be appended. Sampling methodologies, chain of custody information, all borehole logs and risk assessment calculations should also be included.

Importing and reuse of Soils

- 5.46 During the site investigation the suitability of soils for reuse on site will be assessed. If they are not suitable or there is insufficient volume, soils may need to be imported to the development. The import and reuse of soils should be done so in accordance with the relevant Waste Management Regulations. Advice on Environmental Permits⁴¹ and Waste Exemptions⁴² can be sought from the Environment Agency. The importing and reuse of soils on site can

⁴¹ <https://www.gov.uk/guidance/waste-environmental-permits>

⁴² <https://www.gov.uk/government/collections/waste-exemptions-using-waste>

also be managed by the Definition of Waste: Development Industry Code of Practice (DoW CoP) if applicable.

- 5.47 As well as soils being suitable for use and not contaminated, soils must be healthy and present in sufficient quantity for a sustainable landscape. Soils must meet the requirements of the British Standard for topsoil (BS 3882:2015) and subsoil (BS 8601:2013) (including the need to be free of sharps such as glass fragments) and both need to be present in garden and landscaped areas. A cover system maybe agreed as part of the remedial strategy and as for all gardens, this should take into account rooting depths for any proposed planting. Section A.3 of BS 3882:2015 for topsoil gives an indication of rooting depths (450mm for grass, 600mm for shrubs and 900mm for trees).
- 5.48 Well structured, healthy soils are essential to the realisation of all nature-based solutions to climate change and guidance can be found in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites⁴³.

43

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/716510/pb13298-code-of-practice-090910.pdf

6. Noise

- 6.1 Noise pollution is defined as unwanted sound, which usually occurs as an intrusive or offensive sound. The difference between the two is:
- Intrusive sound may be louder than or significantly different to background noise and is considered likely to disturb or interfere with an individual's daily life.
 - Offensive sound is often dependant on the time of day i.e., night time, characteristics or the duration of the noise.
- 6.2 Proposed developments involving residential dwellings are often the most noise sensitive and will require protection from noise in the surrounding area, for example noise from transport, commercial, industrial or leisure sources.
- 6.3 Industrial or commercial developments are generally the least sensitive to noise, but they can become the source of noise disturbance and as such the noise assessment must include the impact the proposed development will have on surrounding noise sensitive receptors. These noise sensitive receptors may include (but are not limited to) uses such as residential (including permanent residential moorings and pitches), quiet outdoor recreation areas, conference facilities, theatres, schools, hospitals and places of worship.
- 6.4 Paragraph 185 of the NPPF refers to noise, and the explanatory note to the NPSE sets out the concepts that are applied to noise impacts, including NOEL, LOAEL and SOAEL (see paragraphs 2.10 and 2.11 in the 'National policy' section)
- 6.5 The agent of change principle was included in the NPPF in 2018 and now places a duty on any potentially noise sensitive development proposed near to existing businesses or community facilities to incorporate suitable mitigation to prevent the noise, from such premises, causing disamenity to future occupants. Therefore, as part of any planning application submitted this must be taken into account and where necessary, a noise impact assessment must have been undertaken and all proposed mitigation measures incorporated into the proposed development. The noise impact assessment should also take account of new developments under construction or with planning permission.

Acceptable noise levels

- 6.6 The NPSE does not set any numerical values to any of the noise impact levels described, but it does state that the SOAEL is likely to vary depending on factors such as the noise source, time of day and the type/sensitivity of the receptor. However, the NPPG sets out specific maximum noise levels for normal mineral extraction, and short-term noise generative operations and temporary activities at quarries.

6.7 The National Planning Practice Guidance also advises how potential noise impacts can be managed through the planning process and provides further advice and guidance on the following matters:

- When noise is relevant to planning.
- Whether noise can override other planning concerns How to determine noise impacts.
- The observed effect levels.
- How to establish whether noise is likely to be a concern The factors that influence whether noise could be a concern Guidance on noise standards in planning policies.
- Relevant factors in identifying areas of tranquillity.
- Addressing risk of conflict between new development and existing businesses or facilities.
- Addressing the adverse effects of noise sources, including where the 'agent of change' needs to put mitigation in place.
- Further considerations on mitigating noise impacts on residential developments.
- Addressing the potential impact of aviation activities on new development.

6.8 A summary of the effects of noise exposure and the effects on health and quality of life is set out in the National Planning Practice Guidance and replicated in Table 6.1 'Noise exposure hierarchy'.

Level	Response	Examples of outcomes	Increasing effect level	Action
No Observed Effect Level (NOEL)	Not present	No effect	No observed effect	No specific measures required
No Observed Adverse Effect Level (NOAEL)	Present and not intrusive	Noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. Can slightly affect the acoustic character of the area but not such that there is a change in the quality of life	No observed adverse effect	No specific measures required

Level	Response	Examples of outcomes	Increasing effect level	Action
Lowest Observed Adverse Effect Level (LOAEL)	Present and intrusive	Noise can be heard and causes small changes in behaviour, attitude or other physiological response, e.g., turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a small actual or perceived change in the quality of life.	Observed adverse effect	Mitigate and reduce to a minimum
Significant Observed Adverse Effect Level (SOAEL)	Present and disruptive	The noise causes a material change in behaviour, attitude or other physiological response, e.g., avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.	Significant observed adverse effect	Avoid
Significant Observed Adverse Effect Level (SOAEL)	Present and very disruptive	Extensive and regular changes in behaviour, attitude or other physiological response and/or an inability to mitigate effect of noise leading to psychological stress, e.g., regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g., auditory and non-auditory	Unacceptable adverse effect	Prevent

Table 6.1 Noise exposure hierarchy

6.9 BS 8233:2014 provides guideline internal ambient noise levels for rooms within specific types of buildings. For dwelling houses, flats and rooms in residential use it recommends that the internal noise levels do not exceed the following guideline levels set out in Table 6.2 'Indoor ambient noise levels for dwellings'.

Activity	Location	07:00 to 23:00	23:00 to 07:00
Resting	Living room	35 dB LAeq,16hour	-
Dining	Dining room/area	40 dB LAeq, 16hour	-
Sleeping (daytime resting)	Bedroom	35 dB LAeq,16hour	30 dB LAeq,8hour

Table 6.2 Indoor ambient noise levels for dwellings

Noise sensitive developments

6.10 The government has issued planning practice guidance for noise. The document indicates that noise is an important consideration in planning terms. It gives an indication of when noise is an issue and guidance on planning responses for noise levels between the Lowest Observed Adverse Effect Level (LOAEL) and the Significant Observed Adverse Effect Level (SOAEL). The guidance states that local plans can include specific standards to apply to various forms of proposed development and locations in their area.

6.11 In the context of government policy, Cheshire East Council requires that developments aim for:

1. A noise level between the **No Observed Effect Level** (this is the level of noise exposure below which no effect at all on health or quality of life can be detected) and the **Lowest Observed Adverse Effect Level** (this is the level of noise exposure above which adverse effects on health and quality of life can be detected). Conditions may be attached to achieve this level.

If point 1 cannot be achieved, then:

2. If the assessment results in a level between the **Lowest Observed Adverse Effect Level** and the **Significant Observed Adverse Effect Level** (this is the level of noise exposure above which significant adverse effects on health and quality of life occur), mitigation will be necessary to reduce the level and thus conditions will be attached to achieve this reduced level.

If points 1 & 2 cannot be achieved, then:

3. If the assessment results in a **Significant Observed Adverse Effect Level** after mitigation, the application will be recommended for refusal.

6.12 Cheshire East Council has adopted the following internal noise limits for residential properties, which are established in standards and guidance such as BS8233 and noise guidelines issued by the World Health Organisation.

- Bedrooms (night time; 23:00 - 07:00) 30 dB $L_{Aeq,8hour}$ (individual noise events should not normally exceed 45 dB $L_{Amax,F}$ more than 15 times⁴⁶)
- Living Rooms (daytime; 07:00 - 23:00) 35 dB $L_{Aeq,16hour}$
- Gardens and terraces (daytime, 07:00-23:00) 55 dB $L_{Aeq,16hour}$ (across a reasonable proportion of the space)

Aircraft

- 6.13 SADPD Policy ENV 13 'Aircraft noise' provides detailed policy advice regarding noise sensitive developments within areas affected by aircraft noise.

Noise generative developments

- 6.14 Potentially noisy development may cover a large range of different activities and planning use classes. Typically, the following use classes would be considered to have the potential for greater impact on noise sensitive land uses at or around the proposed development:

- B2/B8 General industrial and storage/distribution.
- E(b) Sale of food and drink for consumption (mostly) on the premises (e.g., restaurants and cafés).
- E(d) Indoor sport, recreation or fitness.
- E(e) Provision of medical or health services.
- E(f) Creche, day nursery or day centre.
- F1 Learning and non-residential institutions
- F2(c) Areas or places for outdoor sport or recreation
- F2(d) Indoor or outdoor swimming pools or skating rinks
- Sui Generis uses are by their nature often more varied and specific consideration of any proposal within this category is required to ensure that potential noise impacts are minimised. This includes (but is not limited to) developments such as theatres, amusement arcades/funfairs, taxi businesses, hostels, waste disposal installations, nightclubs, casinos, drinking establishments, hot food takeaways, live music venues, cinemas, concert halls, bingo halls and dance halls.

- 6.15 Prior to submitting a planning application, the applicant must review all of the noise sensitive areas that can potentially be affected by the noise from the

⁴⁶ In respect of aircraft noise, SADPD Policy ENV 13 limits individual noise events exceeding 45 dB $L_{Amax,F}$ in bedrooms to not normally occur more than 10 times in a night.

proposed development. This will form the basis of the required Noise Impact Assessment (NIA) and the 'Noise impact assessments' section below provides more details regarding the assessment. If the applicant is unsure whether a NIA is required, they should contact the council's Environmental Protection Team⁴⁷ who will be able to offer more advice.

- 6.16 If the applicant is proposing any pre-application discussions with the council's Development Management Team, then further advice may be available through this process. However, the aim will be for all such development to ensure that the noise levels for sensitive receptors do not exceed those set out in the 'Acceptable noise levels' section above.

Noise impact assessments

- 6.17 Noise control by its very nature is complex, therefore it may be necessary to engage a suitably qualified and experienced acoustic consultant to undertake a NIA and, if required, recommend appropriate noise mitigation measures. Advice regarding the methodology for undertaking a NIA can be obtained from the council's Environmental Protection Team.
- 6.18 There are various different standards and guidance available covering a range of situations to help determine the type of noise assessment required. The main standards used are:
- **BS4142:2014+A1:2019** - Methods for rating and assessing industrial and commercial sound.
 - **BS8233:2014** - Guidance on sound insulation and noise reduction for buildings.
 - **Department of Transport technical memorandum: Calculation of Road Traffic Noise (1998)** - Describes the procedures for calculating noise from road traffic. These procedures are necessary to assess entitlement under the Noise Insulation Regulations, but they also provide guidance appropriate to the calculation of traffic noise for more general applications.
 - **Department of Transport technical memorandum: Calculation of Railway Noise (1995)** - Primarily concerned with the procedures for calculating noise from moving railway vehicles as defined in the Noise Insulation (Railways and Other Guided Transport Systems) Regulations 1995.
- 6.19 With regards to NIAs for noise sensitive sites, the assessment must include the following:
- The reason for and scope of the report.

⁴⁷ Email environmentalprotection2@cheshireeast.gov.uk

- The sources of noise in the area.
- Location plan of proposed development and likely receptors.
- Methodology used, including location of noise monitoring, equipment used, weather conditions.
- Reasons for deviations from standard methods (if appropriate).
- Full table of results.
- Comparison of survey results with noise standards.
- Recommendations for noise control measures.
- Full calculations of the noise reduction expected to support any suggested noise control measures.

6.20 In addition, to the list above all noise generative sites must also include an assessment of potential noise sources including ancillary equipment and noise from deliveries to and from the site.

Mitigation measures

6.21 Based on the results and conclusion of a noise impact assessment, mitigation measures may be recommended to either protect sensitive premises or to reduce noise arising from noise generative premises. There are a range of noise mitigation measures which can be used. The examples given below are not an exhaustive list.

- **Building orientation and layout:** The design of buildings should be that noise sensitive rooms such as bedrooms, be orientated away from noise sources such as local roads and commercial developments. In addition, potentially noise generative sites should ensure that plant and equipment and other noisy activities (such as delivery routes) are located as far as possible from noise sensitive properties.
- **Screening:** There is a range of specialist acoustic screening, which can be used to reduce noise from a range of noise sources, but this can also include non-specialist equipment such as suitable close-boarded fencing to protect gardens and habitable rooms.
- **Windows and doors:** The selection of the correct windows and doors can have a significant effect on reducing noise levels within rooms. Therefore, suitable acoustic or double glazing should be included as part of any mitigation.
- **Acoustic ventilation:** There are situations where noise sensitive premises are in noisy environments such as town centres. In these situations, there can be dramatic change in the noise experienced when a window is opened for ventilation purposes. Therefore, suitable

acoustic ventilation should be considered to help residents maintain a reasonable level of noise.

- **Permanent plant and equipment:** The location and suitable screening of plant or equipment is critical to reducing noise levels and should be addressed during the design phase to ensure that the noise levels are minimised.

6.22 Wherever possible, mitigation measures should be embedded into the scheme design and included in the submitted proposals rather than being secured later as a condition of permission. Acoustic mitigation measures may well be large, noisy or visually intrusive and would need to be properly assessed as part of the proposal.

Noise during the construction phase

6.23 Noise from construction or demolition work can be intrusive and disruptive to local business and noise sensitive land uses. For this reason, construction/demolition activity should be restricted to daytime periods and have clearly defined start and finish times. It is usually recommended that all noisy works (audible beyond the site boundary) are restricted to the following:

- **08.00 to 18.00 Monday - Friday**
- **09.00 to 14.00 on Saturday**
- **No work to be undertaken on Sunday or Bank Holidays**

6.24 By using set working hours for noise generating activity on site, as well as deliveries, respite is provided for local residents, businesses and workers close to the development. The council is aware that noise and disruption to local residents is inevitable due to the very nature of the work and hence communication with local residents is critical to overcoming any issues and will allow the development to progress.

6.25 For larger developments or those likely to be taking place over a longer period of time, it may be worth considering joining the national Considerate Contractors Scheme⁴⁸. These types of schemes suggest guidelines, which minimise disruption to local residents/businesses and provide a code of conduct for employees on site so that their work does not unduly upset local residents/businesses. These types of schemes include noise and usually other elements that may cause disruption such as dust, deliveries, working hours, behaviour on site, delivery routes and non-construction noise such as radios.

⁴⁸ <https://www.ccscheme.org.uk/>

7. Light

- 7.1 Artificial light provides valuable benefits to society, including through extending opportunities for sport and recreation and can be essential to new development. However, artificial light is not always required and has the potential to become what is termed 'light pollution' or 'obtrusive light', especially when it is not in a suitable location and affects surrounding residents and causes annoyance to people. For maximum benefit, the best use of artificial light is about getting the right light, in the right place and providing light at the right time.

What is Light Pollution?

- 7.2 Light pollution is described as unwanted light from any artificial source and can occur as:
- Sky Glow: the orange glow visible around urban areas resulting from the scattering of artificial light by dust particles and water droplets in the sky.
 - Glare: the uncomfortable brightness of a light source when viewed against a dark sky.
 - Light trespass: light spillage beyond the boundary of the property on which a light is located.

Light and planning

- 7.3 Artificial light alone is not classed as development, but the structures and installation may be classed as such and require planning permission. Planning permission is normally required for the following types of installations:
- Lights mounted on poles or other similar structures.
 - External lighting proposed as part of an industrial or commercial scheme.
 - New lighting structures or works, which are integral to other development requiring planning permission.
 - Illuminated advertisements, although there are some exceptions such as those indicating medical services and some commercial advertisements on the frontage of business premises.
 - Large scale installations such as that required for sports facilities.
- 7.4 Developers are responsible for ascertaining whether planning permission is required for a lighting scheme. Further advice may be available through the

council's Permitted Development Enquiries Service⁴⁹. Developers are required to submit, as part of a planning application, details of lighting schemes, which should include light scatter/contour diagrams. The aim will be to minimise light pollution encroaching on to neighbouring properties caused by light spillage.

Sources of light pollution

7.5 Light pollution can arise from many different sources:

- All night (and sometimes daytime) floodlighting of buildings; illuminated shop windows and advertising signs which remain switched on overnight.
- Domestic security lighting which is inappropriately positioned and intrudes on neighbouring properties.
- Temporary lighting associated with construction and engineering projects.
- Flood lighting of sports facilities, such as golf driving ranges, football pitches etc.

Lighting assessments

7.6 A lighting assessment will be required if there is the potential for any proposed lighting to have an impact on the surrounding area. The assessment must provide full details of the lighting scheme, together with the appropriate light scatter/contour diagrams to demonstrate that the scheme will not adversely affect the amenity of the surrounding area.

7.7 Any proposal for artificial lighting should be accompanied by that information normally required for any other planning proposal and additionally the information set out below:

- A statement setting out why a lighting scheme is required, the proposed users and the frequency and length of use in terms of hours of illumination.
- A site survey showing the area to be lit relative to the surrounding area, the existing landscape features together with proposed landscaping features to mitigate the impacts of the proposed lighting.
- A technical report prepared by a suitably experienced and qualified Lighting Engineer setting out the type of lights, performance, height and spacing of lighting columns. The light levels to be achieved over the

⁴⁹ https://www.cheshireeast.gov.uk/planning/view_a_planning_application/do_i_need_planning_permission/permitted_development_enquiry/permitted_development_enquiry.aspx

intended area, the site boundaries and the range/intensity of lighting beyond the site boundary.

Mitigation measures

- 7.8 Effective lighting should be well directed and almost invisible from a distance. The lighting scheme should not exceed the minimum required for the use, according to the following standards and guidance:
- BS EN 12464-2:2014 Light and lighting. Lighting of workplaces - Outdoor work places
 - BS 5489-1:2020 Design of road lighting - Lighting of roads and public amenity areas
 - BS EN 13201-1-5:2014/2015 Road lighting
 - SSL Lighting Guides
- 7.9 The design of any scheme should include the following:
- 7.10 **Proper design and planning:** Lighting shall only be used where and when necessary; using appropriate strength of light; and by adjusting light fittings to direct the light to where it is required. Luminance should be appropriate to the surroundings and character of the area as a whole. 'Over lighting' should be avoided and shields, reflectors or baffles used to prevent overspill of light to sensitive areas.
- 7.11 **Direction of light:** Light should be directed downwards wherever possible to illuminate its target and not upwards. Consideration should be given to providing lighting that does not glare on approach and which places light onto the ground and not into the sky where it is wasted.
- 7.12 **Sensor switches:** All security lighting schemes should use one of the following options:
- The use of Passive Infrared (PIR) sensors; or
 - All-night lighting at a level of low brightness.
- 7.13 If correctly aligned and installed, a PIR sensor that switches on lighting when an intruder is detected, often acts as a greater deterrent than permanently floodlit areas, which allow the potential intruder to look for weaknesses in security.
- 7.14 Where appropriate, lighting schemes could include 'dimming' to lower the level of lighting (e.g., during periods of reduced use of an area, when higher lighting levels are not needed). The incorporation of dimming can still offer the proven benefits of an external lighting installation i.e., maintaining a feeling of safety and acting as a deterrent against criminal behaviour, while limiting adverse impacts.

Planning conditions

- 7.15 Where an assessment has been reviewed and approved, conditions may be attached to any planning permission to control the lighting scheme. These may include the following, which is not an exhaustive list:
- Limiting the time the lighting is used, or the use of dimming at certain times.
 - Specifying lamps, luminaires and columns.
 - The design, height, position and angle of the lighting.
 - The use of planting and bunding to contain lighting effects.
- 7.16 These conditions will be applied as necessary by the council to help reduce obtrusive light from glare and spillage to protect residential amenity.

Light during the construction phase

- 7.17 Light from construction or demolition work can be extremely intrusive to neighbouring properties. As part of the Construction Management Plan details of the lighting scheme for the site should be submitted, in order to demonstrate that the proposed scheme is appropriate in terms of its purpose and setting.

8. Odour

- 8.1 The planning system should ensure that all new developments are appropriate for the location and whilst ideally odour generating and odour sensitive uses should be separated, this is not always possible. In the situations when it is not possible to separate the different types of premises it may be necessary to employ odour abatement and mitigation measures.
- 8.2 New proposals for odour generating developments will require an odour impact risk assessment to be submitted with the planning application, either as a stand-alone assessment or as part of an Environmental Impact Assessment for the development.
- 8.3 Typical examples of potentially odorous activities are:
- hot food premises
 - food production and manufacturing sector
 - landfill, waste disposal and recycling sites
 - intensive livestock and animal rearing / farming
 - sewage / wastewater and sludge treatment works
 - processing / rendering of animals / animal by-products
 - solid waste management, handling and treatment plants (for example compost windrows turning)
 - biofuels and anaerobic digestion facilities
 - pet food processing
 - foundry emissions
- 8.4 The agent of change principle was included in the NPPF in 2018 and now places a duty on any potentially odour sensitive development proposed near to existing businesses or community facilities to incorporate suitable mitigation to prevent the odour, from such premises, causing disamenity to future occupants. Therefore, as part of any relevant planning application submitted this must be taken into account and where necessary, an odour impact assessment must have been undertaken and all proposed mitigation measures incorporated into the proposed development. The odour impact assessment should also take account of new developments under construction or with planning permission.

Requirements for hot food premises

- 8.5 A scheme detailing the kitchen extraction system must be submitted with the planning application. This must also detail the type and location of any relevant filters, location of external duct work including the discharge point/termination height and any cowl etc. together with any mitigation required. Mitigation measures may include, but not restricted to, filtration, odour abatement and regular maintenance of the system to control the discharge of odours and fumes arising from food handling, preparation and cooking. The odour impact assessment for hot food premises should also consider arrangements for waste disposal.

Odour impact assessments

- 8.6 An assessment of the impact of an odour source, process, activity or use on surrounding users of the land should usually seek to identify and contain the following key elements:
- A description of existing baseline odour conditions (including complaints history) where relevant.
 - A description of the location of receptors (either existing or proposed) and their relative sensitivities to odour effects.
 - Details of potential odour sources
 - A description of control/mitigation and design measures
 - Where odour modelling has been used the report should contain full details of the input data and modelling options used to allow a third party to reproduce the results.
- 8.7 Detailed advice on odour impact assessments is available in the Assessment of Odour for Planning (2018, Institute of Air Quality Management)⁵⁰.

⁵⁰ <http://iaqm.co.uk/text/guidance/odour-guidance-2014.pdf>

Appendix A: Glossary

Air Quality Assessment Level (AQAL)	When carrying out an air quality assessment, an AQAL may be an air quality objective (set out in the Air Quality Standards (England) Regulations 2007), EU limit or target value, or an Environment Agency 'Environment Assessment Level'.
Air Quality Management Area (AQMA)	If any areas are either exceeding or likely to exceed any of the air quality objectives (set out in the Air Quality Standards (England) Regulations 2007), an AQMA must be declared, and an action plan drawn up, setting out how the local authority proposes to improve the air quality within that area.
Air Quality Strategy (AQS)	The UK AQS sets out how the government aims to deal with local air quality and the impact of this on health and wellbeing.
Combined Heat and Power (CHP)	Combined Heat and Power (CHP) is the co-production of electricity and heat for a building (or an industrial process). CHP is generally a more energy efficient technology than the on-site boilers and electricity from the National Grid that is used to heat and power most buildings. This is due to the low efficiency of large-scale electricity generation and supply.
Environmental Impact Assessment (EIA)	An EIA is a procedure which serves to provide information about the likely effects of a proposed project on the environment, so as to inform the decision-making process as to whether the development should be allowed to proceed, and if so, on what terms. It is required under the Town and Country Planning (Environmental Impact Assessment) Regulations for certain planning applications.
Local Air Quality Management (LAQM)	LAQM is a process requiring all local authorities to regularly review and assess air quality within their area against the air quality objectives set out the Air Quality Standards (England) Regulations 2007.
Local Air Quality Management: Technical Guidance (TG22)	TG22 is designed to support local authorities in carrying out their duties in relation to Local Air Quality Management (LAQM)

Local Plan Strategy (LPS)	The LPS is part of the development plan and sets out the vision and overall planning strategy for the borough over the period to 2030. It includes strategic planning policies and allocates strategic sites for development.
Lowest Observed Adverse Effect Level (LOAEL)	The level of noise exposure above which adverse effects on health and quality of life can be detected.
National Planning Policy Framework (NPPF)	The NPPF for sets out the government's planning policies for England and how these should be applied.
Noise Impact Assessment (NIA)	An assessment of noise issues using measurements of existing noise and prediction, calculation and modelling of proposed noise sources; and consideration of the impact on noise-sensitive sites.
No Observed Adverse Effect Level (NOAEL)	The level of noise exposure at which noise can be heard but does not cause any change on behaviour, attitude or other physiological response.
No Observed Effect Level (NOEL)	The level of noise exposure at which noise can be heard but does not cause any change on behaviour, attitude or other physiological response.
Passive Infrared (PIR) sensor	A PIR sensor switches lighting on when a person is detected.
Significant Observed Adverse Effect Level (SOAEL)	The level of noise exposure above which significant adverse effects on health and quality of life occur.
Site Allocations and Development Policies Document (SADPD)	The SADPD is currently a draft document but once adopted, it will be part of the development plan. It will support the policies and proposals of the LPS by providing additional policy detail through non-strategic and detailed planning policies and site allocations.
Strategic Environmental Assessment (SEA)	SEA is a requirement of European Directive 2001/42/EC for plans and programmes that have significant environmental effects. The objective is to provide for a high level of protection of the environment with a view to promoting the achievement of sustainable development.
Supplementary Planning Document (SPD)	SPDs add further detail to the policies in the development plan and are used to provide guidance for development on specific sites, or on particular issues. SPDs may be a material planning consideration in planning decisions but are not part of the development plan.

Appendix B: Resources and contacts

Resources

- Air pollution monitoring data for Cheshire East:
https://www.cheshireeast.gov.uk/business/environmental_health/local_air_quality/what_is_pollution_like_near_me/air-pollution-monitoring.aspx
- Air quality appraisal damage cost guidance:
<https://www.gov.uk/government/publications/assess-the-impact-of-air-quality>
- Air quality background mapping data:
<https://uk-air.defra.gov.uk/data/laqm-background-home>
- Air Quality Management Area maps for Cheshire East:
https://www.cheshireeast.gov.uk/business/environmental_health/local_air_quality/aqma_area_maps.aspx
- Air Quality Standards (England) Regulations 2007:
<https://www.legislation.gov.uk/uksi/2007/64/regulation/23/made>
- Biomass and Air Quality Information:
<https://www.environmental-protection.org.uk/wp-content/uploads/2016/03/Biomass-and-Air-Quality-Information-for-Developers-2017.pdf>
- Change of Use Contaminated Land Questionnaire:
https://www.cheshireeast.gov.uk/business/environmental_health/contaminated_land/development_and_contamination.aspx
- Cheshire East Contaminated Land Strategy:
https://www.cheshireeast.gov.uk/business/environmental_health/contaminated_land/contaminated_land.aspx
- Cheshire Minerals Local Plan 1999:
https://www.cheshireeast.gov.uk/planning/spatial-planning/saved_and_other_policies/cheshire_minerals_local_plan/cheshire_minerals_local_plan.aspx
- Cheshire Waste Local Plan 2007:
https://www.cheshireeast.gov.uk/planning/spatial-planning/saved_and_other_policies/cheshire_waste_local_plan/cheshire_waste_local_plan.aspx
- Clean Air Strategy 2019:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/770715/clean-air-strategy-2019.pdf
- Combined Heat and Power Air Quality Guidance for Local Authorities:
http://www.iaqm.co.uk/text/guidance/epuk/chp_guidance.pdf
- Developing Land Within Cheshire East Council, a guide to submitting planning applications - land contamination:

https://www.cheshireeast.gov.uk/environment/environmental_health/contaminated_land/development_and_contamination.aspx

- Environmental Permitting (England and Wales) Regulations 2016:
<https://www.legislation.gov.uk/ukxi/2016/1154/contents/made>
- Environmental Protection Act 1990:
<https://www.legislation.gov.uk/ukpga/1990/43/contents>
- Guidance on applying for the discharge of planning conditions:
https://www.cheshireeast.gov.uk/planning/view_a_planning_application/making_a_planning_application/conditions_of_planning_consent.aspx
- Guidance on the assessment of dust from demolition and construction:
<https://iaqm.co.uk/text/guidance/construction-dust-2014.pdf>
- Land-Use Planning & Development Control: Planning For Air Quality:
https://www.environmental-protection.org.uk/wp-content/uploads/2013/07/air-quality-planning-guidance_Jan17.pdf
- Local Air Quality Management Technical Guidance (TG22):
<https://laqm.defra.gov.uk/wp-content/uploads/2022/08/LAQM-TG22-August-22-v1.0.pdf>
- Local Plan Strategy (LPS):
<https://www.cheshireeast.gov.uk/localplanstrategy>
- National Planning Policy for Waste (NPPW):
<https://www.gov.uk/government/publications/national-planning-policy-for-waste>
- National Planning Policy Framework (NPPF):
<https://www.gov.uk/guidance/national-planning-policy-framework>
- National Planning Practice Guidance (NPPG):
<https://www.gov.uk/government/collections/planning-practice-guidance>
- Neighbourhood Plans:
<https://www.cheshireeast.gov.uk/planning/neighbourhood-plans/completed-neighbourhood-plans.aspx>
- Noise Policy Statement for England (NPSE):
<https://www.gov.uk/government/publications/noise-policy-statement-for-england>
- Pre-application advice service:
https://www.cheshireeast.gov.uk/planning/view_a_planning_application/pre-application_advice/pre-application_advice.aspx
- Site Allocations and Development Policies Document:
<https://www.cheshireeast.gov.uk/sadpd>

- Town and Country Planning (Environmental Impact Assessment) Regulations 2017:
<https://www.legislation.gov.uk/uksi/2017/571/contents/made>

Contacts

- Cheshire East Council Air Quality Team:
Email airquality@cheshireeast.gov.uk
- Cheshire East Council Contaminated Land Team:
Email landquality@cheshireeast.gov.uk
- Cheshire East Council Environmental Protection Team (regarding Environmental Impact Assessments):
Email environmentalprotection2@cheshireeast.gov.uk
- Cheshire East Council Planning Team:
Email planning@cheshireeast.gov.uk
- United Utilities Planning Team (for development in groundwater source protection zones, on land used for public water supply, or in proximity to a wastewater treatment works):
Email planning.liaison@uuplc.co.uk

Cheshire East Local Plan

Environmental Protection Supplementary Planning Document

Report of Consultation on First Draft SPD

August 2023

Contents

1. Introduction	3
2. Consultation documents	3
3. Document availability	4
4. Publicity and engagement	4
5. Submitting comments	5
6. Representations received	5
 Appendix 1: Example letters and emails	18
Appendix 2: Example website screen shots	20
Appendix 3: Press release	22
Appendix 4: Consultation portal screenshot	24
Appendix 5: Consultation response form.....	25

1. Introduction

- 1.1 Supplementary Planning Documents (SPDs) add further detail to the policies in the development plan and are used to provide guidance for development on specific sites, or on particular issues. SPDs may be a material planning consideration in planning decisions but are not part of the development plan.
- 1.2 The draft Environmental Protection SPD adds detail to existing development plan policies from the Cheshire East Local Plan Strategy (LPS) (adopted July 2017), Site Allocations and Development Policies Document (SADPD) (adopted December 2022) and 'saved' policies from the Cheshire Minerals Local Plan and the Cheshire Waste Local Plan.
- 1.3 The SPD provides guidance on the council's approach to Environmental Protection issues when considering planning applications. The SPD is limited to matters that fall within the remit of the council's Environmental Protection Team. The specific areas covered in the final draft SPD are:
 - Air quality (including dust pollution)
 - Contaminated land
 - Noise
 - Light pollution
 - Odour pollution
- 1.4 The first draft Environmental Protection SPD was published for six weeks consultation between 18th October and 29th November 2021. This report of consultation provides further information on the consultation.

2. Consultation documents

- 2.1 In addition to the First Draft Environmental Protection SPD, a Strategic Environmental Assessment and Habitats Regulations Assessment screening assessment (both included as an appendix to the first draft SPD), and an Equalities Impact Assessment were published alongside the consultation document for comment.
- 2.2 In addition, a statutory notice and comments form were published to support the consultation.
- 2.3 The consultation documents remain available to view on the council's consultation portal¹.

¹ <https://cheshireeast-consult.objective.co.uk/kse/event/36536>

3. Document availability

- 3.1 Electronic copies of the consultation documents were made available online on the council's consultation portal, which could be accessed through the council's website.
- 3.2 Printed copies of documents were also available at the following locations during opening hours:
- Public libraries in Cheshire East
 - Crewe Customer Service Centre, Delamere House, Crewe
 - Macclesfield Customer Service Centre, Macclesfield Town Hall
 - Municipal Buildings, Earle Street, Crewe
 - Council Offices, Westfields, Sandbach.

4. Publicity and engagement

Consultation notifications

- 4.1 Notification of the consultation as sent to all active stakeholders on the council's Local Plan consultation database, via printed letters and emails. This consisted of over 400 printed letters and 2,500 emails sent on 18th October 2021. The stakeholders on the database include residents of Cheshire East, landowners, developers, planning consultants, businesses, local groups, and other organisations including the statutory consultees.
- 4.2 Notifications were also sent to all town and parish councils in Cheshire East, elected members and MPs.
- 4.3 Examples of notification letters and emails are included in Appendix 1.

Other publicity

- 4.4 A number of pages on the council's website provided information and links to the consultation. These pages included:
- The council's homepage (in the 'have your say' section): www.cheshireeast.gov.uk.
 - The consultations page www.cheshireeast.gov.uk/consultations
 - The Supplementary Planning Documents page www.cheshireeast.gov.uk/planning/spatial-planning/cheshire-east-local-plan/supplementary-plan-documents
- 4.5 Example screenshots of webpages are included in Appendix 2.

- 4.6 A media release was issued on 20th October 2021, which informed people about the consultation. A copy of the media release is included in Appendix 3.

5. Submitting comments

- 5.1 Comments could be submitted in several ways:
- Online: using the consultation portal accessed from the council's website.
 - By email to localplan@cheshireeast.gov.uk
 - By post to Strategic Planning (Westfields) C/O Municipal Buildings, Earle Street, Crewe CW1 2LL.
- 5.2 A screenshot of the consultation portal is included in Appendix 4.
- 5.3 Printed copies of consultation response forms were available for people to take away from public libraries and other locations listed in paragraph 3.2 above. The form could also be downloaded from the consultation portal for completion offline. A copy of the response form is included in Appendix 5.
- 5.4 Information on how to submit comments was included on the consultation portal and the printed/downloadable response form.

6. Representations received

- 6.1 In total, 38 comments were received from 19 parties.
- 6.2 The comments received covered a range of topics and issues. A summary of the main issues raised and the council's response (including any changes proposed to the SPD) is set out in the Table below.

Section	Summary of the main issues raised	Representors	Council response including any changes proposed
General comment	Whilst the SPD considers human health aspects only, the majority of environmental impacts covered in the document are also applicable to ecological receptors. The SPD should include detail on ecological receptors or signpost to the relevant document	Natural England	The SPD seeks to provide further guidance on the implementation of policies in the development plan. Its scope is limited to matters within the remit of the council's Environmental Protection Team and is aimed at preventing or reducing the impact of developments and protecting public health, wellbeing and amenity. Existing policies in the development plan related to environmental impacts will still apply.
General comment	The document is disappointing and could be improved in a number of aspects. Of the 56 pages, only 23 relate directly to the five subject areas covered. There are inconsistencies in the nature and type of supporting material for each subject area. The glossary is extremely limited and does not include many of the key terms expected of such a document.	Poynton Town Council	The SPD does not introduce new policy, but rather adds details to give guidance on the implementation of existing policies. The document gives guidance on common issues relevant to each subject area and provides signposts to a range of technical documents that provide additional detail where relevant. It does not follow a generic standardised approach to each of the different subject areas as the issues involved are very different.
General comment	Specific regard should be made to the purposes of the Peak District National Park during the consideration of the topics covered by the SPD as per S62 of the Environment Act 1995. For	Peak District National Park Authority	The scope of the SPD is limited to matters within the remit of the council's Environmental Protection Team. LPS Policy SE 15 'Peak District National Park

	example, if a lighting scheme is considered on the edge of the National Park, then due regard would be made to its setting.		Fringe' already restricts development that would affect the setting of the Peak District National Park where it compromises its purposes.
General comment	Other than the dust mitigation section, there is a lack of other references to the construction phase and how environmental pollution risks should be identified and mitigated. The SPD should reference the submission of a Construction Environment Management Plan and the inclusion of planning conditions to produce such a plan.	Canal & River Trust	¶4.20 considers air quality during the construction phase, covering traffic, plant machinery and burning of materials in addition to dust. The SPD also includes guidance on noise (¶¶6.22-6.24 in the first draft, ¶¶6.23-6.25 in the final draft) and light (¶7.15 in the first draft, ¶7.17 in the final draft) during the construction phase.
General comment	The SPD should reference Policy ENV 17 of the SADPD and explain the need to prevent pollution to groundwater source protection zones and drinking water supplies. It should advise applicants to contact the planning team at United Utilities where development is located in a groundwater source protection zone so that the requirements of Policy ENV 17 can be discussed, and the information needed to support an application agreed.	United Utilities	The scope of the SPD is limited to matters within the remit of the council's Environmental Protection Team, which does not include protection of groundwater. The adopted Policy ENV 17 is part of the development plan and will apply to all applications where relevant. However, additional information has been added to new ¶5.15 in the final draft SPD and United Utilities contact details added to Appendix B.
General comment	Development proposals on water catchment land can have an impact on water supply resources and the SPD should refer to the need to engage with the statutory undertaker for water to determine whether any proposal is on land used for public	United Utilities	Information added to new ¶5.15 in the final draft SPD and United Utilities contact details added to Appendix B.

	water supply catchment purposes. The first preference should be for proposals to be located away from land used for public water supply purposes. Careful consideration should be given to the location of the proposed development and a risk assessment of the impact on public water supply may be required with the identification and implementation of any required mitigation measures. It is particularly important to avoid the location of new wind turbines on deep peat land.		
Chapter 2: Planning policy framework (local policy)	Criterion 5 of LPS Policy SE 12 'Pollution, land contamination and land instability' should refer to "all cases" instead of "most cases". Threats from contamination and land instability must always be mitigated, otherwise development should not be permitted.	Bollington Town Council	LPS Policy SE 12 is an adopted development plan policy. The purpose of the SPD is to give further guidance on the implementation of policies, but it is beyond the scope of a SPD to amend adopted development plan policies.
Chapter 2: Planning policy framework (local policy)	The content of the SPD must supplement policies set out in an adopted DPD. ¶2.28 confirms that draft policies in the SADPD are directly relevant. Until the SADPD is adopted, consultation on the SPD is not meaningful because the baseline policy position is yet to be agreed and cannot be fully understood by stakeholders. Therefore, the consultation proves fails a basic legal test and further full consultation will be needed once the SADPD has been adopted.	Pegasus Planning Group	As set out in ¶1.2, the first draft SPD supplemented development plan policies from the Local Plan Strategy and saved policies from the previous local plans. Whilst a number of policies in the (now adopted) SADPD are also of relevance to Environmental Protection, the first draft SPD supplemented policies in the then existing, adopted development plan. The final draft SPD has been amended to refer to the now adopted SADPD policies.

Chapter 2: Planning policy framework (local policy)	Once adopted, SADPD Policy GEN 5 'Aerodrome safeguarding' will also be of relevance to Environmental Protection and should be added to the list of draft policies at ¶2.28.	Manchester Airports Group	The scope of the SPD is limited to matters within the remit of the council's Environmental Protection Team, which does not include aerodrome safeguarding. The adopted Policy GEN 5 is part of the development plan and will apply to all applications where relevant.
Chapter 3: Making an application	¶3.1 should specify which LPS policies the SPD supports and also that the geographical coverage excludes the Peak District National Park. Section 3 only provides guidance for some Environmental Protection matters and not others, such as climate change.	David Whitworth	Relevant policies are set out in the "Local policy" section in Chapter 2. The Peak District National Park Authority is the planning authority in the national park and any applications in the national park will be determined by the park authority in accordance with their own policies. The scope of the SPD is limited to matters within the remit of the council's Environmental Protection Team. Other matters including climate change are addressed by other policies in the development plan.
Chapter 4: Air quality	Policies to tackle air quality can potentially have an unintended impact on farm businesses where air quality is not an issue (such as some policies in the Greater Manchester Clean Air Strategy). The main pollutant associated with agriculture is ammonia and it is noted that this is not seen as a significant issue in Cheshire East. The policy should not be implemented in such a way it prevents essential	National Farmers Union	The SPD does not introduce new policy, but rather adds details to give guidance on the implementation of existing policies. The guidance does not introduce new policy requirements, nor is it intended to prevent investment in agriculture or renewable energy.

	investments in farm infrastructure or investments in renewable energy.		
Chapter 4: Air quality	¶4.10 should clarify that the adequacy of an assessment is the responsibility of the applicant. Should it be carried out by an experienced and qualified person applying a validated methodology.	David Whitworth	¶4.10 notes the importance of agreeing the methodology and data sets in advance with the council's Air Quality Team. The adequacy of submitted assessments will be considered in the determination of the application.
Chapter 4: Air quality (air quality during the construction phase)	For air quality during the construction phase, ¶4.20 should also require construction materials to be damped down and/or covered to prevent wind whipping. Consideration should also be given to how any silty run-off from dust dampening would be contained to prevent run-off to watercourses. Any temporary storage of hazardous wastes (e.g., asbestos) should be stored within locked containers which not only will prevent unauthorised access but also any potential for dust generation whilst the material is on site awaiting removal.	Canal & River Trust	The scope of the SPD is limited to matters within the remit of the council's Environmental Protection Team and these matters would be considered by other agencies, such as the Environment Agency or Health and Safety Executive. Development plan policies SE 12 'Pollution, land contamination and land instability' and ENV 12 'Air quality' will apply to all applications where relevant.
Chapter 4 Air quality (heating appliances)	Biomass burning wood chip for heat and generating electricity emits more CO2 than natural gas and planting replacement trees will not recapture that CO2 for 30-100 years. Wood burners should not be approved because of PM emissions. The mention of air quality assessments implies that further PM emissions would not be allowed if air quality is already bad. However, PM emissions are much more noticeable to people in clean air areas. There should be a presumption	Trevor Boxer	As set out in the draft SPD (¶4.23), where a proposed development includes domestic wood burners or open fires, the council may require an air quality assessment to determine the impact on air quality when compared to similar gas fired systems. Often, the installation of wood burners or open fires in domestic settings does not require planning permission but is covered by other

	against planning approval for any appliance (large or small) that will emit PM in any location.		regimes, such as Building Regulations. A presumption against planning approval for any appliance would constitute new policy and is beyond the scope of a SPD.
Chapter 5: Contaminated land	The agricultural industry is already very heavily regulated and any potential pollution to land is addressed in a number of ways, such as through the Nitrates Directive, the Farming Rules for Water, the upcoming Clean Air Strategy and the Environmental Permitting Regulations. Farmers provide a service to the utilities sector in allowing treated sewage sludge to be spread to land. If this was not permitted, then the only option available to the utilities companies would likely be incineration which would be worse for the environment. Developments associated with agriculture may involve potential pollutants being spread to land in a regulated targeted way. The council should not look to put in extra conditions over and above those considered to be needed by the Environment Agency.	National Farmers Union	The SPD does not introduce new policy but adds details to give guidance on the implementation of existing policies. The SPD guidance and the development plan policies related to contaminated land are concerned with the remediation of contaminated land associated with new development. The regulation of any industry that may contaminate the land in the first instance is beyond the scope of a SPD.
Chapter 5: Contaminated land	Much of the land in Bollington is contaminated and all planning should be rejected on such land.	Lindsay Reade	The NPPF requires planning policies to support appropriate opportunities to remediate contaminated land. The SPD gives further guidance on the implementation of development plan policies related to contaminated land and in line with LPS Policy SE 12, development will only be allowed where

			contamination issues can be appropriately mitigated and remediated.
Chapter 5: Contaminated land	¶5.13 should be expanded to refer to other stakeholders who may also be consulted on such matters, including the Canal & River Trust in protecting the watercourse that it owns and manages.	Canal & River Trust	Reference added (now ¶5.14 in final draft SPD).
Chapter 5: Contaminated land	¶5.9 should include further explanation that contaminated land can also arise from farming, land raising, existing and historic fuel tanks etc and therefore is not solely linked to industrial heritage.	Canal & River Trust	¶5.1 (and elsewhere) acknowledges that contamination can arise from a variety of sources, including those referenced. Additional text added to ¶5.9 (now ¶5.10 in final draft SPD) to re-iterate this.
Chapter 6: Noise (noise sensitive developments)	Paragraph 6.9 refers to the government's planning practice guidance on noise and there should be a reference.	David Whitworth	A reference to the national planning practice guidance is given in Chapter 2 (planning policy framework) at ¶2.13.
Chapter 6: Noise (noise sensitive developments)	¶6.11 infers that the bulleted design levels for noise are the De Facto SOAELs for residential development, which, if mitigation could not control noise to levels below this, would result in an application being recommended for refusal (as per point 3 of ¶6.10). With respect to daytime external amenity spaces, BS8233 recognises that it is desirable that the external noise level does not exceed 50 dB $L_{Aeq,T}$, with an upper guideline value of 55 dB $L_{Aeq,T}$ which would be acceptable in noisier environments. However, it is also recognised that these guideline values are not achievable in all circumstances where	The Crown Estate	In line with SAPDP Policy ENV 13, external amenity spaces that are intended to be used for relaxation should not exceed 55dB $L_{Aeq,16hour}$ across a reasonable proportion of the space. Additional text (at ¶6.12 in the final draft SPD) has been added to clarify that the requirement applies "to a reasonable proportion" of the space.

	development might be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited. This should be reflected in ¶6.11.		
Chapter 6: Noise	Where works are nearby or adjacent to waterways that have permanent residential moorings then any noise assessment should ensure that boaters are considered as sensitive receptors to noise and mitigated accordingly.	Canal & River Trust	Text added to ¶6.3 to give examples of noise sensitive receptors, including permanent residential moorings.
Chapter 6: Noise	Any acoustic consultant should be suitably qualified and experienced.	David Whitworth	Text added to ¶6.16.
Chapter 6: Noise	Does the Department of Transport technical memorandum: Calculation of Railway Noise (1995) include consideration of high speed trains.	David Whitworth	The technical memorandum is applicable to all types of railway vehicles.
Chapter 7: Light	The SPD should include guidance to advise of the potential for lighting to impact on aircraft safety if not designed appropriately, and of the statutory consultation requirement with the Aerodrome Safeguarding Authority for Manchester Airport	Manchester Airports Group	The scope of the SPD is limited to matters within the remit of the council's Environmental Protection Team, which does not include technical matters related to aircraft safety. Manchester Airport remains a statutory consultee for certain types of planning applications

	under the terms of Circular 1/2003 during the planning application process.		and aerodrome safeguarding is addressed by Policy GEN 5 in the SADPD.
Chapter 7: Light	It would be helpful to include light pollution under the environmental issues being considered.	Andrew Greenwood	Chapter 7 addresses light pollution.
Chapter 7: Light	The SPD is heavily focussed on the impact on people but omits the significant issue that lighting and light pollution has on the environment. The environment should be referenced in ¶7.1. NPPF requires development to take into account the likely effects on the natural environment and “limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”. The SPD excludes consideration of nature conservation and dark landscapes.	Canal & River Trust	The scope of the SPD is limited to matters within the remit of the council's Environmental Protection Team, which does not include nature conservation or dark landscapes. There are other policies in the development plan to address these issues, including SADPD Policy ENV 14 ‘Light pollution’.
Chapter 7: Light	Lighting engineers preparing lighting reports should be suitably experienced.	David Whitworth	Text added at ¶7.7.
Chapter 7: Light (planning conditions)	For some uses such as industrial premises or farm buildings, ‘SSL Lighting Guide 21: Protecting the night-time environment’ does not advise limiting or switching off lighting because some lighting must be provided around these buildings to carry out the normal operations of those types of building, and for the safety of the workforce. The use of dimming in conjunction with photocells, presence detectors and time clocks should be used instead. This	The Crown Estate	Additional text added as new ¶7.14 in the Final Draft SPD to reflect this, and also referred to in ¶7.13 (¶7.15 in the final draft).

	aligns with the NPPF and PPG and should be reflected in the planning conditions section.		
Chapter 7: Light (lighting assessments)	The SPD should stipulate that lighting assessments must demonstrate that the lighting scheme has no adverse impact on the safety of aircraft operations.	Manchester Airports Group	The scope of the SPD is limited to matters within the remit of the council's Environmental Protection Team, which does not include technical matters related to aircraft safety. Manchester Airport remains a statutory consultee for certain types of planning applications and aerodrome safeguarding is addressed by Policy GEN 5 in the SADPD.
Chapter 7: Light (lighting assessments)	The lighting assessment should also refer to environmental receptors.	Canal & River Trust	The scope of the SPD is limited to matters within the remit of the council's Environmental Protection Team. There are other policies in the development plan to address lighting and environmental receptors, including SADPD Policy ENV 14 'Light pollution'.
Chapter 7: Light (mitigation measures)	The mitigation measures should also consider the environment and sensitive ecological receptors, such as angling/cowling any lighting to prevent any spillages to sensitive environmental receptors. NPPF requires development to take into account the likely effects on the natural environment and "limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation". The SPD excludes	Canal & River Trust	The scope of the SPD is limited to matters within the remit of the council's Environmental Protection Team, which does not include nature conservation or dark landscapes. There are other policies in the development plan to address these issues, including SADPD Policy ENV 14 'Light pollution'.

	consideration of nature conservation and dark landscapes.		
Chapter 7: Light (mitigation measures)	The clarify the definition of “minimum required” in ¶7.8, the SPD should reference BS EN 12464-2:2014 Light and lighting – Lighting of work places - Outdoor work places; BS 5489-1:2020 Design of road lighting - Lighting of roads and public amenity areas; BS EN 13201-1-5:2014/2015 Road lighting; and SSL Lighting Guides.	The Crown Estate	References added.
Chapter 8: Odour	Increasing production efficiency as well as renewable energy are both cornerstones of the pathway for agriculture to reach its net zero ambition by 2040 and can also help the council achieve its own net zero ambition by 2025. This is an area which is already very heavily regulated and local planners should not look to put extra conditions on agricultural developments. Developments which help increase agricultural production efficiency and tackle climate change should be supported and facilitated.	National Farmers Union	The SPD does not introduce new policy, but adds details to give guidance on the implementation of existing policies.
Chapter 8: Odour	A wastewater treatment works is a 24 hour industrial operation which can result in odour and noise emissions, attract flies, and involve vehicle movements from large tankers. The SPD should emphasise that it is more appropriate to avoid development being located close to such facilities, in line with the ‘agent of change’ principle set out in the NPPF. The draft SADPD includes Policy ENV 15 in relation to development and existing uses;	United Utilities	¶8.1 recognises that whilst odour generating and odour sensitive uses should be separated, this is not always possible. Additional text added at new ¶8.4 in the final draft SPD to refer to the agent of change principle in relation to odour. Reference to Institute of Air Quality Management’s Guidance on the Assessment of Odour for Planning has

	<p>whilst the SPD ¶6.5 refers to the agent of change with reference to noise. The agent of change principle also applies to odour impacts and should be referenced in this section. It places a duty on any potentially odour sensitive development proposed near to existing businesses or community facilities to incorporate suitable mitigation to prevent the odour, from such premises, causing disamenity to future occupants. This must be taken into account in any submitted application and where necessary, an odour impact assessment must have been undertaken and all proposed mitigation measures incorporated into the proposed development. The odour impact assessment should also take account of new developments under construction or with planning permission. The SPD should also reference the Guidance on the Assessment of Odour for Planning 2018 v.1.1 which is produced by the Institute of Air Quality Management. This document provides guidance on the approach to odour in the planning system. The SPD should also reference the need to engage with the planning team at United Utilities to discuss any proposal in proximity to a wastewater treatment works.</p>		<p>been added. United Utilities contact details added to Appendix B.</p>
<p>Odour (requirements for hot food premises)</p>	<p>¶8.4 could also reference waste disposal</p>	<p>Cllr Ashley Farrall</p>	<p>Reference added (¶8.5 in final draft SPD).</p>

Appendix 1: Example letters and emails

PLANNING POLICY (East)

From: PLANNING POLICY (East)
Cc: PLANNING POLICY (East)
Subject: Cheshire East Local Plan - Draft Environmental Protection Supplementary Planning Document Consultation

Good afternoon,

Cheshire East planning policy document consultation

You have received this email as you have previously responded to a local plan consultation or you have asked to be kept informed of future local plan consultations. Cheshire East Council has published a planning policy document for consultation, please see below. If you wish to unsubscribe from our consultation mailing list, reply to this email with 'unsubscribe' as the subject.

Draft Environmental Protection Supplementary Planning Document (EP SPD)

The draft EP SPD has been published for consultation and provides guidance on a range of environmental issues that must be addressed in the planning process, including air quality, noise pollution, odour and contamination.

This is the first stage of consultation on the SPD which, once adopted, will be a material consideration in decision-taking.

The consultation will run from **12pm on Monday the 18th October 2021 to midnight on Monday the 29th November 2021**. Further information is available on the council's EP SPD consultation webpage below:

<https://cheshireeast-consult.objective.co.uk/portal/planning/spd/>

Please do not hesitate to contact the Strategic Planning Team at planningpolicy@cheshireeast.gov.uk or telephone 01270 685893 (please leave a message) should you require further information.

Kind regards,

Tom Evans
Neighbourhood Planning Manager



Email sent to consultees on database



Working for a brighter future together

«Given_Name» «Family_Name»
«Address_Line_1» «Address_Line_2»
«Address_Line_3» «County»
«Post_Town» «Post_Code»

Strategic Planning
Westfields, Middlewich Road
Sandbach
CW11 1HZ

Tel: 01270 685893 (please leave a message)
Email: planningpolicy@cheshireeast.gov.uk

DATE: 18/10/2021 OUR REF: Draft EP SPD

Dear «Given_Name» «Family_Name»,

Cheshire East planning policy document consultation

You have received this letter as you have previously responded to a local plan consultation or you have asked to be kept informed of future local plan consultations. The council has published a planning policy document for consultation:

Draft Environmental Protection Supplementary Planning Document (EP SPD)

The draft EP SPD has been published for consultation and provides guidance on a range of environmental issues that must be addressed in the planning process, including air quality, noise pollution, odour and contamination.

This is the first stage of consultation on the SPD which, once adopted, will be a material consideration in decision-taking.

The consultation will run from **12pm on Monday the 18th October 2021 to midnight on Monday the 29th November 2021**. Further information is available on the council's EP SPD consultation webpage below:

<https://cheshireeast-consult.objective.co.uk/portal/planning/spd/>

Please do not hesitate to contact the Strategic Planning Team using the details at the top of this letter should you require further information on this consultation.

Yours sincerely,

A handwritten signature in black ink, appearing to be "TE", written over a light grey line.

Tom Evans
Neighbourhood Planning Manager

All other enquiries 0300 123 5500

www.cheshireeast.gov.uk

Letter sent to consultees on database

Appendix 2: Example website screen shots



[Home](#) / [Council and Democracy](#) / [Council Information](#) / [Consultations in Cheshire East](#)

Cheshire East Council Consultations

Welcome to Cheshire East Council's Consultation portal - please browse our current consultations below.

- Read about [document accessibility](#)
- [View Equality Impact Assessments for the individual consultations](#)

Current consultations

Draft EP and RoFFI Costs SPDs

The Environmental Protection SPD and Recovery of Forward Funded Infrastructure Costs SPD have both been published for consultation between the **18 October 2021 and 29 November 2021**. To find out more, make or view representations, please visit the Strategic Planning consultation portal below.

- [Strategic Planning consultation portal](#)

Please submit your representations by **midnight on the 29 November 2021**

Web Design Survey

Earlier this year we asked you to tell us what you thought of our current

Screenshot: consultations webpage www.cheshireeast.gov.uk/consultations




[Listen](#)

[Home](#) / [Planning](#) / [Spatial planning](#) / [Cheshire East Local Plan](#) / [Supplementary Planning Documents](#)

Supplementary planning documents

Supplementary planning documents add further detail to policies in the development plan and provide further guidance on specific topics or locations.

Draft supplementary planning documents

The following SPDs are currently being prepared:

- Housing SPD** : representations are invited on the Final Draft Housing SPD between the **24 of November 2021** and the **22 of December 2021**. To view or make representations, please visit our consultation portal linked below.
- Environmental Protection SPD** : Representations are invited on the EP SPD between the **18 of October 2021 and midnight on the 29 of November 2021**. To view or make representations, please visit our consultation portal linked below.
- Recovery of Forward Funded Infrastructure Costs SPD** : Representations are invited on the RoFFI Costs SPD between the **18 October 2021 and midnight on the 29 November 2021**. To view or make representations, please visit our consultation portal linked below.
- Sustainable Drainage Systems SPD** : representations were invited on the SuDS SPD between the **9 of August 2021** and the **20 of September 2021**. The comments received are currently being considered and next steps will be publicised shortly.
- Biodiversity Net Gain SPD** : representations were invited on the Draft BNG SPD between the **17 of May 2021** and the **14 of June 2021**. The comments received are currently being considered and the next step will be for the Council to decide whether to adopt the SPD for use in decision-taking.

To view the documents and make representations on open consultations, please visit our [consultation portal](#).

Screenshot: SPDs webpage www.cheshireeast.gov.uk/planning/spatial-planning/cheshire_east_local_plan/supplementary_plan_documents

Appendix 3: Press release



[Listen and translate](#)

Enter Keywords

[Home](#) / [Council and Democracy](#) / [Council Information](#) / [Media Hub](#) / [Media releases](#)
 / 20/10/2021 - Voice your views on protecting your environment and how we fund infrastructure



Voice your views on protecting your environment and infrastructure funding

20 October 2021

Two new planning guides have been published by Cheshire East Council.

They give residents and developers the chance to voice their views on how best to protect the environment and explain how the council secures funding for infrastructure projects.

From new schools to green spaces, delivering key infrastructure is an essential part of the council's responsibilities to residents and underpins the authority's core objective to create an 'open, green and fair' borough.

To ensure schemes do not have a harmful impact on communities, planning permission for major developments often requires a developer to make payments towards a range of additional services. These can include a new school, highways infrastructure or health centre, depending on the scale of the development.

The council's Local Plan sets out how developers should do this and how the borough's infrastructure should be paid for. Occasionally, the council will fund and build infrastructure first, for example a road scheme, to open up employment or housing sites, with the intention of recovering its investment from the developers who then build on these sites.

'Recovery of Forward Funded Infrastructure Costs' is a new supplementary planning document (SPD) explaining how the council seeks to recover its investment in new infrastructure projects. The guide sets out those schemes the council expects to recover costs from, the overall amount and how the developer's contribution is calculated.

The council has also prepared an environmental protection SPD. This will assist council decision making, while providing guidance to developers. It sets out the type of information the council will require in a planning application, how it applies existing policies and the measures it expects to see to minimise any environmental impact, such as air quality, noise pollution, dust, smells and other pollution.

The council seeks to minimise the potential impact of development on local communities and the environment, while recognising that the right infrastructure supports all our communities to thrive.

Councillor Mick Warren, Cheshire East Council chair of environment and communities, said: "While an SPD is not part of a statutory development plan, it is an important tool and these two documents set out how developers should expect to contribute to infrastructure that they rely on, and how they should manage and mitigate environmental issues related to their sites.

"This should help developers come up with better designs, make sure their costing is accurate and ensure the council receives the contributions it needs to make growth work for the borough."

All comments should be received by the council by 29 November by accessing the council's [consultation portal](#).

Comments can also be posted to: Strategic Planning (Westfields), c/o Municipal Buildings, Earle Street, Crewe CW1 2BJ.

Copy of press release

Appendix 4: Consultation portal screenshot

Cheshire East Council Consultation Portal

Accessibility | Privacy | Welcome Stewart House | Home | Contact Us

Search [] Logout Who Said What? Help Print

Planning Policy Consultation Portal > Supplementary Planning Documents Consultations > **Draft Environmental Protection SPD**

Draft Environmental Protection SPD

The Environmental Protection SPD provides guidance on a range of environmental issues that must be addressed in the planning process, including air quality, noise pollution, odour and contamination.

Responses are invited on the Draft EP SPD between **12pm on Monday the 18th October 2021** and **midnight on Monday the 29th November 2021**.

Consultation document

The Draft EP SPD is available to download on this consultation portal:

- [Draft EP SPD \(PDF file\)](#)
- [Draft EP SPD EIA Form \(PDF file\)](#)

A screening exercise has been carried out to determine whether the draft document gives rise to the need for further Strategic Environmental Appraisal or Appropriate Assessment (under the Habitats Regulations). This screening concludes that further such assessment is not necessary. *This can be found under Appendix C of the SPD.*

An Equalities Impact Assessment ('EIA') has also been published and this concludes that the Draft EP SPD will not have a significant adverse impact on persons sharing any of the characteristics protected under the Equality Act 2010. Copies of published EIAs can be found on the Council's website.

For the duration of the consultation, the document can also be viewed at public libraries in Cheshire East. Opening hours may currently be restricted due to the coronavirus pandemic and you are advised to check the current libraries opening times on our [website](#) or telephone the 24 hour library information service on 0300 123 7739.

Submit your views

To comment online using this consultation portal, please log-in or register and then click the 'Start Survey' button below. This is our preferred method of submitting responses, but you can also respond by email (planningpolicy@cheshireeast.gov.uk) or in writing (Strategic Planning Westfields, C/O Municipal Buildings, Earle Street, Crewe CW1 2BJ).

Alternatively, you can download this [Draft EP SPD Comment Form \(PDF file\)](#) and return it by email or by post to the relevant address above.

Whichever method used, please make sure that your comments reach us by **midnight on Monday the 29th November 2021**. We are not able to accept anonymous comments and you must provide us with your name and contact details. Your personal information will be processed in line with our [Strategic Planning Privacy Notice](#) and your name and comments will be published on this consultation portal.

Further information

We have also published a formal notice of publication for the SPD: [Draft EP SPD Statutory Notice \(PDF file\)](#).

For further information or for assistance in making comments, you can contact the Strategic Planning Team at planningpolicy@cheshireeast.gov.uk or by leaving a message on 01270 685893 and we will respond as soon as possible.

Read and comment on document

Event Information | Supporting Documents | All Comments

Access: Login required

Status: **closed**

Privacy: If you take part: your name may be displayed, your answers may be displayed, your town/city will not be shown

Description: Consultation on the first draft SPD. This will provide guidance on a range of health-related environmental issues that must be addressed through the planning process

Organisation: Cheshire East Council

Contact Name: Strategic Planning Team

Contact Email: planningpolicy@cheshireeast.gov.uk

Contact Telephone: 01270 685893 (please leave a message)

Other Contact Information: Strategic Planning (Westfields) c/o Municipal Buildings Earle Street Crewe CW1 2BJ

Sharing Tools What do these do?

Facebook Twitter Delicious Digg reddit StumbleUpon

Terms and Conditions Powered by Objective Online Software ©

Consultation portal screenshot

Appendix 5: Consultation response form



Cheshire East Local Plan

Draft Environmental Protection Supplementary Planning Document - Comments Form

The Draft Environmental Protection Supplementary Planning Document ('EP SPD') has been prepared. The SPD provides guidance on a range of environmental issues that must be addressed in the planning process, including air quality, noise pollution, odour and contamination.

Consultation on the draft SPD will take place between **12pm on Monday the 18th October 2021** and **midnight on Monday the 29th November 2021**.

Consultation document

The consultation document can be viewed online at

<https://cheshireeast-consult.objective.co.uk/portal/planning/spd/>

A screening exercise has been carried out to determine whether the draft document gives rise to the need for further Strategic Environmental Appraisal or Appropriate Assessment (under the Habitats Regulations). This screening concludes that further such assessment is not necessary. The screening report is also available for consultation and this is included at Appendix C of the SPD.

For the duration of the consultation, the document can also be viewed at public libraries in Cheshire East during opening hours. For information about opening hours see www.cheshireeast.gov.uk/libraries or telephone 0300 123 7739).

Submit your views

The council's online consultation portal is our preferred method of submitting responses (<https://cheshireeast-consult.objective.co.uk/portal/planning/spd/>) but you can also submit responses or return this form by email or post to:

By e-mail: planningpolicy@cheshireeast.gov.uk

By post: Strategic Planning (Westfields), C/O Municipal Buildings, Earle Street, Crewe CW1 2BJ

Please make sure that your comments reach us by **midnight on Monday the 29th November 2021**. We are not able to accept anonymous comments and you must provide us with your name and contact details. Your personal data will be processed in line with our Strategic Planning Privacy Notice, which is available on the council's website:

https://www.cheshireeast.gov.uk/council_and_democracy/council_information/website_information/privacy-notices/spatial-planning-including-neighbourhood-planning-team-privacy-notice.aspx

For further assistance in making comments, you can contact the Strategic Planning Team at planningpolicy@cheshireeast.gov.uk or by leaving a message on 01270 685893 and we will respond as soon as possible.



Cheshire East Local Plan

Draft Environmental Protection Supplementary Planning Document - Comments Form

Please return to:

Strategic Planning (Westfields)
C/O Municipal Buildings, Earle Street, Crewe CW1 2BJ or by email to
localplan@cheshireeast.gov.uk

Please return by:

Monday 29th November 2021

This comment form has two parts:

- Part A – Personal details.
- Part B – Your representation(s).

Comments Form Part A: Personal Details

	Personal Details*	Agent's Details (if applicable)
	<i>* If an agent is appointed, please complete only the Title, Name and Organisation in column 1 but complete the full contact details of the agent in column 2.</i>	
Title		
First Name		
Last Name		
Job Title (where relevant)		
Organisation (where relevant)		
Address Line 1		
Address Line 2		
Address Line 3		
Address Line 4		
Postcode		
Telephone Number		
Email Address (where relevant)		
Your Reference No. (if known)		

Please complete a separate Part B form for each comment that you would like to make. This response form provides enough space for four comments but please copy and attach further part B forms if required.

**Comments Form Part B: Draft Environmental Protection SPD
Comments Form**

Name and Organisation:

Office Use Only:	
PID:	RID:

Q1. Which section of the document are you commenting on?

Page / Chapter / Paragraph / Figure
(please delete as appropriate and state which): _____

Q2. What is your overall view on this section? (please tick one box)

☐ Support ☐ Object ☐ Comment only

Q3. Please set out your comments or views on this section:

Extract from comments form (not including the duplicated part B forms)

This page is intentionally left blank

Final Draft Environmental Protection Supplementary Planning Document

Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report

- 1 Cheshire East Council has produced a final draft Environmental Protection SPD. The purpose of the SPD is to provide guidance on the council's approach to Environmental Protection issues when considering planning applications. It adds further detail to policies contained within the Development Plan and sets out relevant technical advice aimed at preventing or reducing the impact of proposed developments and protecting public health, wellbeing and amenity.
- 2 The Development Plan for Cheshire East consists of:
 - The Cheshire East Local Plan Strategy (LPS) adopted July 2017.
 - The Site Allocations and Development Policies Document (SADPD) adopted December 2022.
 - Saved policies from the Cheshire Replacement Minerals Local Plan 1999 and Cheshire Replacement Waste Local Plan 2007; and
 - Completed neighbourhood plans.
- 3 The policy framework for the SPD is contained mostly in the LPS and SADPD, with a particular focus on LPS Policy SE 12 'Pollution, land contamination and land instability'. LPS policies SD 1 'Sustainable development in Cheshire East', SD 2 'Sustainable development principles' and SC 3 'Health and well-being' also contribute to the policy framework for the SPD. The SADPD policies are non-strategic in nature and are in accordance with the strategic policies of the LPS. The final draft Environmental Protection SPD has been prepared in conformity with the policies contained in the adopted LPS and SADPD.
- 4 This screening report is designed to determine whether or not the contents of the final draft Environmental Protection SPD require a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004. The report also addresses whether the final draft Environmental Protection SPD has a significant adverse effect upon any internationally designated site(s) of nature conservation importance and thereby subject to the requirements of the Habitats Regulations. The report contains separate sections that set out the findings of the screening assessment for these two issues.
- 5 This screening report will be the subject of consultation alongside the final draft Environmental Protection SPD, in accordance with the relevant regulations and the council's Statement of Community Involvement for a period of four weeks.

This will include consultation with the relevant statutory bodies (Natural England, Environment Agency and Historic England). Comments received during the consultation on the final draft Environmental Protection SPD and this appendix will be reflected in future updates to the document.

Strategic Environmental Assessment screening

- 6 The objective of SEA is to provide for a high level of protection of the environment with a view to promoting the achievement of sustainable development. It is a requirement of European Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (also known as the SEA Directive). The Directive was transposed in UK law by the Environmental Assessment of Plans and Programmes Regulations 2004, often known as the SEA Regulations.
- 7 Article 3(3) and 3(4) of the Regulations make clear that SEA is only required for plans and programmes when they have significant environmental effects. The 2008 Planning Act removed the requirement to undertake a full Sustainability Appraisal for a SPD although consideration remains as to whether the SPD requires SEA, in exceptional circumstances, when likely to have a significant environmental effect(s) that has not already been assessed during the preparation of a Local Plan.

Overview of the draft Environmental Protection SPD

- 8 The purpose of the final draft Environmental Protection SPD is to provide further guidance on the implementation of strategic LPS policies SE 12 'Pollution, land contamination and land instability', SD 1 'Sustainable development in Cheshire East', SD 2 'Sustainable development principles' and SC 3 'Health and well-being'. It also provides further guidance on the implementation of non-strategic SADPD policies GEN 5, ENV 9, ENV 12, ENV 13, ENV 14, ENV 15, ENV 17, RUR 1, RUR 2, RUR 6, RUR 7, RUR 8, RUR 9, RUR 10, HOU 12, RET 5, RET 9 and REC 4.
- 9 It is important to note that policies in the LPS and SADPD were the subject of Sustainability Appraisal, which incorporated the requirements of the SEA regulations (as part of an Integrated Sustainability Appraisal). The likely significant environmental effects have already been identified and addressed – the SPD merely provides guidance on existing policies. The LPS and SADPD Integrated Sustainability Appraisals have informed this SPD screening assessment.
- 10 SEA has been undertaken for LPS policies SE 12 'Pollution, land contamination and land instability', SD 1 'Sustainable development in Cheshire East', SD 2 'Sustainable development principles' and SC 3 'Health and well-being' as part of the Integrated Sustainability Appraisal that supported the LPS. For the purposes of compliance with the UK SEA Regulations and the EU SEA directive, the following reports comprised the SA “Environmental Report”:
 - SD 003 – LPS Submission Sustainability (Integrated) Appraisal (May 2014)

- PS E042 – LPS Sustainability (Integrated) Appraisal of Planning for Growth Suggested Revisions (August 2015)
 - RE B006 – LPS Sustainability (Integrated) Appraisal Suggested Revisions to LPS Chapters 9-14 (September 2015)
 - RE F004 – Sustainability (Integrated) Appraisal – Proposed Changes (March 2016)
 - PC B029 – Sustainability (Integrated) Appraisal - Proposed Changes to Strategic and Development Management Policies (July 2016)
 - PC B030 – Sustainability (Integrated) Appraisal - Proposed Changes to Sites and Strategic Locations (July 2016)
 - MM 002 - Sustainability (Integrated) Appraisal - Main Modifications Further Addendum Report.
- 11 In addition, an SA adoption statement was prepared in July 2017 to support the adoption of the LPS.
- 12 SEA has also been undertaken for SADPD policies and the following reports comprised the SA “Environmental Report”:
- Revised Publication Draft SADPD Sustainability Appraisal August 2020 (ref ED 03); and
 - SADPD Main Modifications Sustainability Appraisal Addendum April 2022.
- 13 In addition, an SA adoption statement was prepared in December 2022 to support the adoption of the SADPD.

SEA Screening Process

- 14 The council is required to undertake a SEA screening to assess whether the final draft Environmental Protection SPD is likely to have significant environmental effects. If the final draft Environmental Protection SPD is considered unlikely to have significant environmental effects through the screening process, then the conclusion will be that SEA is not necessary.
- 15 Tables 1 'Assessment of likely significant effects on the environment (characteristics of the SPD)' and 2 'Assessment of likely significant effects on the environment (characteristics of the effects and area likely to be affected)' assess whether the draft SPD will have any significant environmental effects using the criteria set out in Annex II of SEA Directive 2001/42/EC¹ and Schedule

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX%3A32001L0042&from=EN>

1 of the Environmental Assessment of Plans and Programmes Regulations 2004².

SEA Directive Criteria Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004. Characteristics of the SPD having particular regard to:	Summary of significant effects, scope and influence of the document	Is the plan likely to have a significant environmental effect (yes/no)
(a) The degree to which the SPD sets out a framework for projects and other activities, either with regard to the location, nature, size or operating conditions or by allocating resources.	<p>Guidance is supplementary to policies contained in the LPS and SADPD, both of which have been the subject of SA/SEA. The policies provide an overarching framework for development in Cheshire East.</p> <p>The final draft Environmental Protection SPD provides further clarity and certainty to form the basis for the submission and determination of planning applications, consistent with policies in the LPS and SADPD.</p> <p>Final decisions will be determined through the development management process. No resources are allocated.</p>	No
(b) The degree to which the SPD influences other plans and programmes including those in a hierarchy.	The final draft SPD is in general conformity with the LPS and SADPD, which have been subject to a full Sustainability Appraisal (incorporating SEA). It is adding more detail to the adopted LPS and SADPD, which have been the subject of Sustainability Appraisal. Therefore, it is not considered to have an influence on any other plans and programmes.	No

² https://www.legislation.gov.uk/ukxi/2004/1633/pdfs/ukxi_20041633_en.pdf

SEA Directive Criteria Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004. Characteristics of the SPD having particular regard to:	Summary of significant effects, scope and influence of the document	Is the plan likely to have a significant environmental effect (yes/no)
(c) The relevance of the SPD for the integration of environmental considerations in particular with a view to promoting sustainable development.	The final draft SPD promotes sustainable development, in accordance with the NPPF (2021) and LPS/SADPD policies. The LPS has been the subject of a full Sustainability Appraisal (incorporating SEA). The final draft SPD has relevance for the integration of environmental considerations and promotes sustainable development by providing guidance to make sure that proposed developments meet policy requirements and is designed to minimise the impacts on public health, wellbeing and amenity.	No
(d) Environmental problems relevant to the SPD.	The final draft SPD provides guidance to make sure that developments comply with existing policies related to environmental problems including air pollution and contaminated land remediation.	No
(e) The relevance of the SPD for the implementation of Community legislation on the environment (for example plans and programmes related to waste management or water protection).	The final draft SPD will not impact on the implementation of community legislation on the environment.	No

**Table 1 Assessment of likely significant effects on the environment
(characteristics of the SPD)**

SEA Directive Criteria Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004. Characteristics of the effects and area likely to be affected having particular regard to:	Summary of significant effects, scope and influence of the document	Is the plan likely to have a significant environmental effect (yes/no)
(a) The probability, duration, frequency and reversibility of the effects.	The final draft SPD adds detail to adopted LPS and SADPD policy; itself the subject of SA	No
(b) The cumulative nature of the effects of the SPD.	The final draft SPD adds detail to adopted LPS and SADPD policy, itself the subject of SA. The SA associated with the LPS and SADPD have considered relevant plans and programmes. No other plans or programmes have emerged that alter this position.	No
(c) The trans-boundary nature of the effects of the SPD.	Trans-boundary effects will not be significant. The final draft SPD will not lead to any transboundary effects as it just providing additional detail regarding the implementation of LPS policies SE 12, SD 1, SD 2 & SC 3 plus non-strategic SADPD policies; and does not, in itself, influence the location of development.	No
(d) The risks to human health or the environment (e.g., due to accident).	The final draft SPD will not cause risks to human health or the environment as it is adding detail to environmental policies in the Local Plan.	No
(e) The magnitude and spatial extent of the effects (geographic area and size of the population likely to be affected) by the SPD.	The final draft SPD covers the Cheshire East administrative area (excluding the part falling within the Peak District National Park). The final draft SPD will assist those making planning applications in the borough.	No

SEA Directive Criteria Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004. Characteristics of the effects and area likely to be affected having particular regard to:	Summary of significant effects, scope and influence of the document	Is the plan likely to have a significant environmental effect (yes/no)
(f) The value and vulnerability of the area likely to be affected by the SPD due to: <ul style="list-style-type: none"> • Special natural characteristics or cultural heritage • Exceeded environmental quality standards or limit values • Intensive land use. 	The final draft SPD will not lead to significant effects on the value or vulnerability of the area. It is adding detail regarding the implementation of LPS policies SE 12, SD 1, SD 2 & SC 3 plus non-strategic SADPD policies; and does not, in itself, influence the location of development.	No
(g) The effects of the SPD on areas or landscapes which have recognised national Community or international protected status.	The SPD does not influence the location of development, so will not cause effects on protected landscape sites.	No

**Table 2 Assessment of likely significant effects on the environment
(characteristics of the effects and area likely to be affected)**

Conclusion and SEA screening outcome

- 16 The SPD does not set new policy, but supplements and provides further guidance on existing LPS and SADPD policy. It is not considered to have a significant effect on the environment and therefore SEA is not required on the draft Environmental Protection SPD. This conclusion will be revisited following consideration of the views of the three statutory consultees (the Environment Agency, Historic England and Natural England) and if there are significant changes to the SPD following public consultation.

Habitats Regulations Assessment statement

- 17 The council has considered whether its planning documents would have a significant adverse effect upon the integrity of internationally designated sites of nature conservation importance. European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna (Habitats Directive) provides legal protection to habitats and species of European importance. The principal aim of this directive is to maintain at, and where necessary restore to, favourable conservation status of flora, fauna and habitats found at these designated sites.

- 18 The Directive is transposed into English legislation through the Conservation of Habitats and Species Regulations 2017 (a consolidation of the amended Conservation of Habitats and Species Regulations, 2010) published in November 2017.
- 19 European sites provide important habitats for rare, endangered or vulnerable natural habitats and species of exceptional importance in the European Union. These sites consist of Special Areas of Conservation (SACs, designated under the EU Directive 92/43/EEC on the conservation of natural habitats and of fauna and flora (Habitats Directive)), and Special Protection Areas (SPAs, designated under EU Directive 2009/147/EC on the conservation of wild birds (the Birds Directive)). Government policy requires that Ramsar sites (designated under the International Wetlands Convention, UNESCO, 1971) are treated as if they are fully designated European sites for the purposes of considering development proposals that may affect them.
- 20 Spatial planning documents may be required to undergo Habitats Regulations Screening if they are not directly connected with or necessary to the management of a European site. As the draft Environmental Protection SPD is not connected with, or necessary to, the management of European sites, the HRA implications of the SPD have been considered.
- 21 A judgment, published on 13 April 2018 (People Over Wind and Sweetman v Coillte Teoranta (C-323/17)) clarified that measures intended to avoid or reduce the harmful effects of a proposed project on a European site may no longer be taken into account by competent authorities at the Habitat Regulations Assessment “screening stage” when judging whether a proposed plan or project is likely to have a significant effect on the integrity of a European designated site.
- 22 Both the LPS and SADPD have been subject to HRA.
- 23 The final draft Environmental Protection SPD does not introduce new policy; it provides further detail to those policies contained within the LPS and SADPD. The HRA concluded that LPS policies SE 12 ‘Pollution, land contamination and land instability’, SD 1 ‘Sustainable development in Cheshire East’, SD 2 ‘Sustainable development principles’ and SC 3 ‘Health and well-being’ as well as the non-strategic SADPD policies could not have a likely significant effect on a European Site. The same applies to the final draft Environmental Protection SPD.
- 24 The final draft Environmental Protection SPD in itself, does not allocate sites and is a material consideration in decision making, once adopted.
- 25 The final draft Environmental Protection SPD either alone or in combination with other plans and programmes, is not likely to have a significant effect on any European site. Therefore, a full Appropriate Assessment under the requirements of the Habitats Regulations is not required.

Conclusion and HRA screening outcome

- 26 Subject to views of the three statutory consultees (the Environment Agency, Historic England and Natural England), this screening report indicates that an Appropriate Assessment under the Habitats Regulations is not required

This page is intentionally left blank

EQUALITY IMPACT ASSESSMENT

TITLE: Draft Environmental Protection Supplementary Planning Document (“SPD”)

VERSION CONTROL

Date	Version	Author	Description of Changes
19.08.2021	1	Stewart House/Tom Evans	Initial Draft
-	-	Sarah Walker	EDI sign off
13.09.2023	2	Stewart House/Tom Evans	Final Draft

EQUALITY IMPACT ASSESSMENT

CHESHIRE EAST COUNCIL - EQUALITY IMPACT ASSESSMENT

Stage 1 Description: Fact finding (about your policy / service /

Department	Strategic Planning		Lead officer responsible for assessment		Tom Evans, Neighbourhood Plan Manager and Interim Environmental Planning Manager	
Service	Environmental and Neighbourhood Services		Other members of team undertaking assessment		Stewart House	
Date	13/09/2023		Version 2			
Type of document (mark as appropriate)	Strategy YES	Plan	Function	Policy	Procedure	Service
Is this a new/ existing/ revision of an existing document (please mark as appropriate)	New YES		Existing		Revision	
Title and subject of the impact assessment (include a brief description of the aims, outcomes , operational issues as appropriate and how it fits in with the wider aims of the organisation) Please attach a copy of the strategy/ plan/ function/ policy/ procedure/ service	Final Draft Environmental Protection Supplementary Planning Document (“SPD”) <u>Background</u> Supplementary Planning Documents (“SPDs”) provide further detail to the policies contained in the development plan. They can be used to provide guidance for development on specific sites, or on particular issues, such as design. SPDs are capable of being a material consideration in planning decisions but are not part of the development plan. They must be consistent with national planning policy, must undergo consultation and must be in conformity with policies contained within the Local Plan. The council has prepared a final draft Environmental Protection SPD for consultation. The draft SPD provides additional guidance primarily on the implementation of policy SE 12 (‘Pollution, Land Contamination and Land Instability’), in the council’s Local Plan Strategy, adopted in July 2017. The SPD also provides guidance on environmental policies in the council’s Site Allocations and Development Policies Document (SADPD), adopted in December 2022. The SPD once adopted, should assist applicants when making planning applications, and the council in determining them. The SPD provides further guidance on existing policies, rather than setting a new policy approach in relation to environmental protection matters.					

EQUALITY IMPACT ASSESSMENT

	<p>The SPD has been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, the National Planning Policy Framework and National Planning Practice Guidance.</p> <p>An Equalities Impact Assessment was prepared alongside the integrated Sustainability Appraisal work which supported the Local Plan Strategy. An Equalities Impact Assessment was also prepared to support the Site Allocations and Development Policies Document. The assessments found that the LPS and SADPD policies (including policies particularly relevant to the SPD) are unlikely to have negative effects on protected characteristics or persons identified under the Equality Act 2010.</p>
Who are the main stakeholders and have they been engaged with? (e.g. general public, employees, Councillors, partners, specific audiences, residents)	<p>Public consultation will take place on the draft SPD for at least four weeks in accordance with the Town and Country Planning ((Local Planning) (England) Regulations 2012) and the council's adopted Statement of Community Involvement. This will include the general public, town and parish councils, statutory consultees, elected members, and consultees who have registered on the strategic planning database.</p>
What consultation method(s) did you use?	<p>The council prepares a Statement of Community Involvement which provides detail on how it will consult on Local Plan documents and SPDs. This includes the availability of documents, how residents and stakeholders will be notified etc. The council's Local Plan consultation database, which will be notified of the consultation, also includes a number of organisations who work alongside groups with protected characteristics in the borough.</p> <p>Consultation has taken place on the first draft SPD, and all comments received have been reviewed and considered whilst preparing the final draft of the document. A report of consultation has been prepared and will be published alongside the final version of the SPD, which will also be subject to further consultation.</p> <p>This EIA will be kept updated as the draft SPD progresses.</p>

Stage 2 Initial Screening

Who is affected and what evidence have you considered to arrive at this analysis? (This may or may not include the stakeholders listed above)	<p>Ward councillors. Those living and working in the borough, property owners, landowners and developers, clinical commissioning group, special interest groups.</p>
--	--

EQUALITY IMPACT ASSESSMENT

Who is intended to benefit and how?	Local communities including landowners and developers. The SPD will provide additional guidance on the implementation of existing planning policies related to the assessment of planning applications on matters relating environmental protection providing guidance on how such matters as air quality, contaminated land, noise, light pollution and odour should be dealt with by applicants and how the policies of the development plan will be applied to these matters.							
Could there be a different impact or outcome for some groups?	No, the SPD builds upon existing planning policy guidance and provides further information about how the council will consider planning applications. The provision of an Environmental Protection SPD will assist in supporting the health and wellbeing of all communities where development takes place. The SPD, in applying additional guidance to assist in the interpretation of planning policies should be beneficial to all groups.							
Does it include making decisions based on individual characteristics, needs or circumstances?	No, the introduction of the SPD is not based on individual characteristics, needs or circumstances. The SPD includes information on the matters related to pollution in various forms. The content of the SPD does not relate directly to the characteristics of human populations.							
Are relations between different groups or communities likely to be affected? (eg will it favour one particular group or deny opportunities for others?)	No, the SPD is not intended to affect different groups or communities in this way.							
Is there any specific targeted action to promote equality? Is there a history of unequal outcomes (do you have enough evidence to prove otherwise)?	No, the SPD is not intended to target any group and will be consulted upon in line with the council's Statement of Community Involvement.							
Is there an actual or potential negative impact on these specific characteristics? (Please tick)								
Age	Y	N	Marriage & civil partnership	Y	N	Religion & belief	Y	N
Disability	Y	N	Pregnancy & maternity	Y	N	Sex	Y	N
Gender reassignment	Y	N	Race	Y	N	Sexual orientation	Y	N
What evidence do you have to support your findings? (quantitative and qualitative) Please provide additional information that you wish to include as appendices to this document, i.e., graphs, tables, charts							Consultation/ involvement carried out	
							Yes	No

EQUALITY IMPACT ASSESSMENT

Age	<p>The SPD may have an impact those living and working in the borough.</p> <p>The final draft Environmental Protection SPD provides further guidance on the implementation of LPS policy SE12 'Pollution, Land Contamination and Land Instability', and policies set out in the SADPD. The SPD also provides guidance on policy requirements and methods that applicants can use to satisfy these requirements related to their sites.</p> <p>The guidance in the SPD may be beneficial as it will assist in supporting the health and wellbeing of communities and ensure that the environmental impacts of development are appropriately mitigated for, minimising such impacts, improving the general amenity, and in some instances the health, of human populations</p> <p>The SPD provides further guidance on the policy approach set out in the Local Plan Strategy and SADPD.</p> <p>No negative impacts are identified at this stage in relation to any of the specific characteristics however public consultation will be undertaken and this may raise issues officers are not currently aware of.</p> <p>The EIA will be reviewed (and updated) once the initial consultation has taken place.</p>			X (to be carried out)
Disability				
Gender reassignment				
Marriage & civil partnership				
Pregnancy & maternity				
Race				
Religion & belief				
Sex				
Sexual orientation				
Proceed to full impact assessment? (Please tick)	Yes	No	Date: 13/09/2023	
Lead officer sign off		Date		
Head of service sign off		Date		

If yes, please proceed to Stage 3. If no, please publish the initial screening as part of the suite of documents relating to this issue

EQUALITY IMPACT ASSESSMENT

Stage 3 Identifying impacts and evidence


This section identifies if there are impacts on equality, diversity and cohesion, what evidence there is to support the conclusion and what further action is needed

Protected characteristics	Is the policy (function etc....) likely to have an adverse impact on any of the groups? Please include evidence (qualitative & quantitative) and consultations <i>List what negative impacts were recorded in Stage 1 (Initial Assessment).</i>	Are there any positive impacts of the policy (function etc....) on any of the groups? Please include evidence (qualitative & quantitative) and consultations <i>List what positive impacts were recorded in Stage 1 (Initial Assessment).</i>	Please rate the impact taking into account any measures already in place to reduce the impacts identified <i>High: Significant potential impact; history of complaints; no mitigating measures in place; need for consultation</i> <i>Medium: Some potential impact; some mitigating measures in place, lack of evidence to show effectiveness of measures</i> <i>Low: Little/no identified impacts; heavily legislation-led; limited public facing aspect</i>	Further action (only an outline needs to be included here. A full action plan can be included at Section 4) <i>Once you have assessed the impact of a policy/service, it is important to identify options and alternatives to reduce or eliminate any negative impact. Options considered could be adapting the policy or service, changing the way in which it is implemented or introducing balancing measures to reduce any negative impact. When considering each option you should think about how it will reduce any negative impact, how it might impact on other groups and how it might impact on relationships between groups and overall issues around community cohesion. You should clearly demonstrate how you have considered various options and the impact of these. You must have a detailed rationale behind decisions and a justification for those alternatives that have not been accepted.</i>
Age				
Disability				
Gender reassignment				
Marriage & civil partnership				

EQUALITY IMPACT ASSESSMENT

Pregnancy and maternity				
Race				
Religion & belief				
Sex				
Sexual orientation				
Is this change due to be carried out wholly or partly by other providers? If yes, please indicate how you have ensured that the partner organisation complies with equality legislation (e.g. tendering, awards process, contract, monitoring and performance measures)				

Stage 4 Review and Conclusion
ASSESSMENT

Summary: provide a brief overview including impact, changes, improvement, any gaps in evidence and additional data that is needed			
Specific actions to be taken to reduce, justify or remove any adverse impacts	How will this be monitored?	Officer responsible	Target date
Please provide details and link to full action plan for actions			
When will this assessment be reviewed?			
Are there any additional assessments that need to be undertaken in relation to this assessment?			
Lead officer sign off	 Tom Evans	Date:	
Head of service sign off		Date:	

Please publish this completed EIA form on the relevant section of the Cheshire East website

Environment and Communities Committee**9 November 2023****Update on the Planning Modernisation Plan****Report of: Peter Skates, Acting Executive Director - Place****Report Reference No: EC/31/23-24****Ward(s) Affected: All****Purpose of Report**

- 1 To provide an update on the progress made so far on the Planning Modernisation Plan that was endorsed by the Environment and Communities Committee on 31 October 2022.

Executive Summary

- 2 A review of the planning service was undertaken, led by the former Executive Director of Place, to consider how the Local Planning Authority (LPA) was performing in the context of its statutory and regulatory obligations, and to understand how the Planning Service was delivering against the vision and objectives of the Council's Local Plan Strategy 2010-2030, and the Corporate Plan 2021-2025.
- 3 The review was needed because of an increase of planning applications received which had resulted in delayed decision making and a backlog of undetermined applications. This had resulted in an increase in complaints about the service. The review resulted in the LPA Review and Service Transformation Report which was reported to Environment and Communities Committee in October 2022 and can be found here - [LPA Review and Service Transformation Report](#). This report detailed the issues that the service was having to deal with against the context of the national pandemic, increasing workloads, changing practices, pressure on staff and recruitment and retention issues. The wide-ranging review identified service improvements needed to reduce the backlog, improve the customer experience and to modernise the service.
- 4 The planning teams face many challenges, and the review highlighted the extremely complex nature of the service, its dependencies, and challenges – being one of the largest Local Planning Authorities in the country. Resource

issues are still a factor with some vacancies, especially senior planner roles, being difficult to be fill - it should be noted that the issue of recruitment is being experienced across the country, it is not just a local issue.

- 5 A full service restructure was also proposed, including a review of staffing resources and structures, to enable the service to meet expectations and deliver its statutory functions. This is currently being progressed.

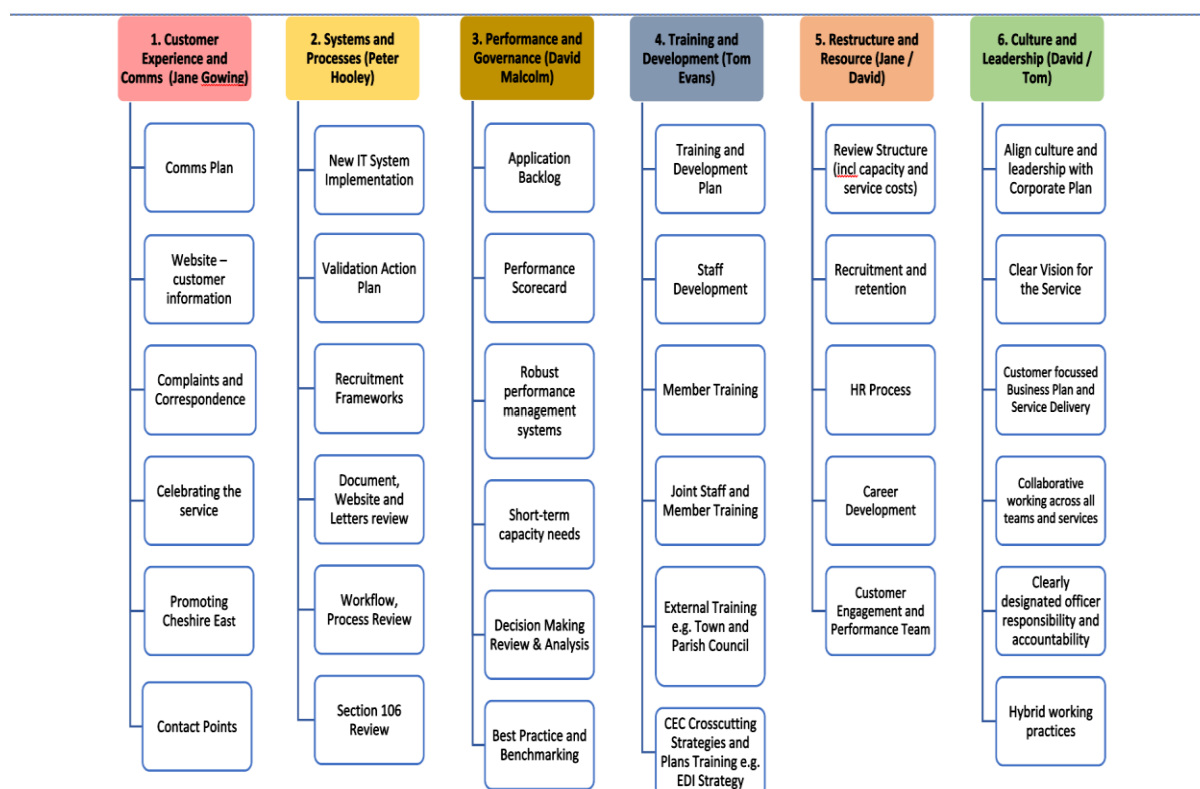
RECOMMENDATIONS

The Environment and Communities Committee is recommended to:

1. Note the progress made implementing the actions of the modernisation plan.

Background

- 6 Following completion of the service review a robust management system was put in place to ensure delivery against the approved Modernisation Plan. This was developed by the Interim Director of Planning Services, Head of Planning, and the Place Business Management Team.
- 7 Six workstreams identified from the Service Review were developed to provide a focus for the delivery of the Plan. Workstream lead officers were identified but due to the interconnecting nature of the issues across the service, managers are working together on the workplan as issues overlap and span across themes and teams. It is not possible for many of the actions to be progressed in isolation since impacts of one change made will usually have a number of other impacts across different parts of the service or application process. Also – due to the nature of the service and the planning application decision making cycle – there will usually be a delay in realising impacts ‘on the ground’ –as the impacts of change become apparent part way through application processes or once decisions have been made.
- 8 The workstream areas and key actions from each are highlighted in the illustration below. This table highlights the wide range of issues involved, the scale of change proposed and the interconnecting impacts of the recommendations across all parts of the service.



- 9 Regular review and progress meetings are held with the Interim Director, Head of Service and Team Leads / Managers to ensure progress continues to be made and any issues / risks mitigated or resolved.
- 10 Attached to this report are the latest Workstream Update Reports to provide more detail about progress made against the numerous recommendations from the review. These are completed and updated to ensure transparency of actions and progress made - so that all officers involved have sight of what others are doing within the Service to ensure that crosscutting issues are tackled together, and any issues identified are resolved effectively.
- 11 Four priority areas of work were identified and agreed with the Executive Director, all of which continue to be actively being worked on:
- Staffing & Restructure
 - Application Backlog
 - ICT System
 - Customer Experience & Communications
- 12 Whilst these four work areas have been prioritised, actions arising from this work have impacts that are wider ranging and touch on other recommendations from the review. One example is the Validation Officer Group that was established, and an action plan developed to focus on issues relating to this area. Whilst the changes made from this group impacted in the most part on the backlog, it is evident that this has resulted in more proactive training for the support team and improved co-ordination of workflow between the support officers who register and validate applications and the planning

officers who assess them. This in turn has seen improvements in customer service and staff morale. This also supports work related to the new ICT system with the cleansing of data/information.

- 13 Terms of Reference for a Transformation Board were approved, and membership of the Board includes senior officers from different departments of the Council. The Board is chaired by the Interim Director of Planning and the range of officers are from outside of the planning service to provide a broad oversight and support the review.
- 14 To support the Transformation Board an Officer Steering Group has also been established, chaired by the Head of Planning to support the Board with the preparation of update reports and information track ongoing progress.
- 15 Work has progressed on a draft restructure for the planning service. Following updated job descriptions and JDQs being finalised, a formal consultation with staff will shortly take place on the proposed new structure. This will take into account relevant recommendations from the review where appropriate to ensure the service is efficiently and appropriately structured to meet its various statutory requirements and customer expectations. Expectations set out in the review about achieving an 'exemplar planning service' will need to be balanced against the Councils current financial situation and any new structure will need to be affordable.
- 16 Regular update meetings have been held with all planning staff to keep them informed about progress delivering actions from the plan, and in addition, what changes they need to make to also contribute to and implement the workplan priorities. A collective and cohesive approach has been adopted with officers at all levels – this encourages buy in to the service changes required and also gives them an opportunity to offer other ways to improve service delivery which has been welcomed.
- 17 Regular meetings have also been held with a number of Council technical consultees. It should be noted that delays in receipt of consultation responses have contributed to the delays in planning decisions and have been an ongoing source of complaint from customers. The Interim Director with team managers has been working with the various consultees to resolve these issues and improve performance. Detailed actions were agreed including improved deadline management, reviewing resources available to undertake functions and improved prioritisation. Since these discussions started significant progress has been made to the extent that consultee backlogs have now all been addressed and the teams are working well delivering new, improved processes which have improved response times and customer service.

Planning Review Recommendations

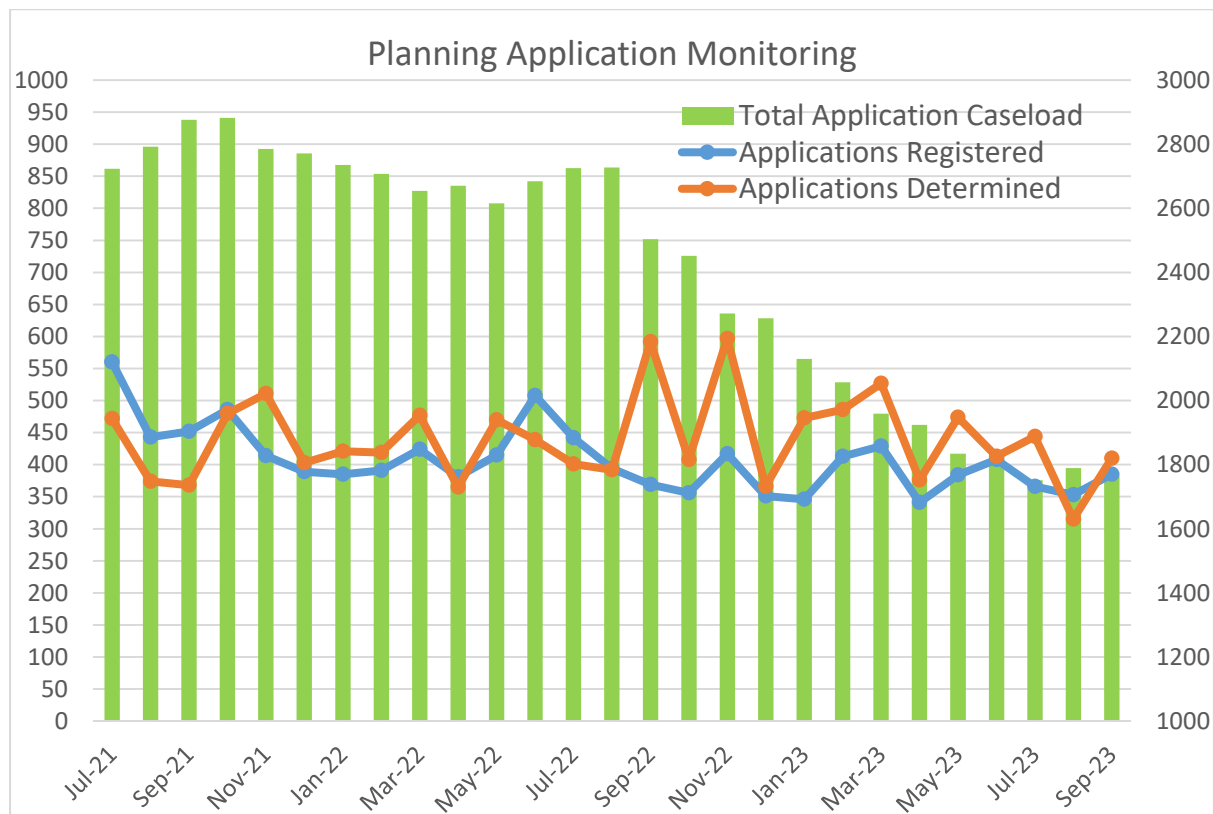
- 18 Significant progress has been made to date implementing many actions of the review and making changes to the service. There was a total of 115 recommendations in the Planning Review Report. 56 have either been completed or are nearing completion with progress made on a further 46 recommendations. Work on the remaining recommendations is to commence soon. It has been necessary to prioritise some actions above others due to the impacts of the change that would be realised in the service, but also importantly due to the resource that is available to manage and deliver a lot of change at the same time – whilst still delivering on the day job. Work is on track for completion of the Modernisation Plan which was expected to take approximately 18 months. Some recommendations involve huge pieces of work and resource - for example implementing the new IT system, whilst others are smaller in scale and impact. It is evident that major progress has been made implementing the wide-ranging actions of the review and benefits are being felt in the service and beyond. Detailed progress reports are included as an appendix to this report for each area of the review. These set out progress against individual recommendations.
- 19 Following the recent audit of S106 matters, recommendations arising from that audit will now form part of the wider modernisation work programme. Work has already commenced implementing actions arising from the audit. An officer workshop was held in early October focussing on S106 and delivered by Planning – including officers from finance, legal and the consultee services who deliver the mitigation schemes on the ground such as highways, education, and greenspace – this was a key piece of work to help progress joint working, improved processes and governance moving forward. This area of the review will also involve a Members Working Group to oversee and input into the review as per a previous decision of this committee.
- 20 A consistent approach is required to continue to drive improvements in the service and build on the excellent work already achieved. All recommendations are intrinsically linked so keeping up the momentum is key to ensuring that all are implemented in a structured way to see the most positive impacts and outcomes.

Performance

- 21 A suite of performance indicators has been gathered from the various areas within the Service to more pro-actively track performance and service delivery.
- 22 The Application Monitoring Chart below shows application numbers from July 2021 to September 2023. Applications registered and determined are also highlighted across the same timeframe. The caseload – referred to as the backlog – has consistently reduced since the pandemic levels as a result of numerous proactive interventions by the service. These include successful use of fast-track days – clearly demonstrated by the spikes in applications determined in September and December last year and more recently in May this year. Further fast track days were also held in October – whilst not

included in the graph below these saw 150 applications determined over 2 days. These events have proven to be very successful and have made a significant difference to reducing the backlog. They do however require significant effort from the team leaders to organise and manage – involving not just all planning officers but also consultees and the support team to enable decisions to be made and issued quickly. The next fast track sessions will be held in December. In addition, sessions are also planned for statutory consultees to address their backlog of responses in a structured way. It should be noted that April performance in determining applications dipped due to Easter holidays and many officers using up annual leave.

- 23 Application numbers on hand continue to fall as the backlog is addressed, but still run at approximately 400 more than pre pandemic numbers. This however should be seen in the context of a peak of 2,876 in September 2022; 2,272 in November 2022 and 1,764 in September 2023 – before the most recent fast track days. It should also be noted that usual workloads of on hand undetermined applications would run in the region of approximately 1300. Work is progressing to determine the older applicants still on hand whilst making progress with new applications coming into the service for decision. New applications are now being progressed in a much more efficient and timely manner – resulting in a noticeable reduction in complaints into the service about delays. This is as a result of the introduction of new ways of working to tackle issues in the modernisation plan – and which are having positive impacts on service delivery and customer experience. Planning officers' caseloads do however remain at very high levels and this will remain until the remaining backlog is addressed. This needs careful management oversight, and support with a view to officers' wellbeing.



24 Key Successes

- Robust systems in place to ensure delivery of the Modernisation Plan
- Backlog significantly reduced and progress continues to be made
- Improved Customer communication – website, letters
- Improved communication and workflow with services across the Council
- Staff now on board with service review and the need for change
- Complaints Pilot completed and implementing lessons learnt
- Reduced customer complaints about the service
- Regular emails and face to face sessions with staff on progress with the service review and restructure
- Planning Support Team relocated – now reporting to Planning and Enforcement Manager for improved ways of working, collaboration, and staff development.
- Cleansing of data / information carried out in readiness for new IT system
- Series of updated planning policy documents progressing through committee to better inform expectations and requirements for planning applications – these cover a range of issues including sustainable urban drainage, environmental protection, planning contributions.
- Some consultees have improved performance which is positively impacting upon decision making
- Integrity of decision making has remained and withstood challenge including at appeal
- Some limited recruitment has been completed to add much needed capacity into the service – example 2 enforcement officers, Planning Assistant post.
- All planning committee members have been trained on ‘Introduction to Planning’ as part of a mandatory training package recommended by the review.

25 Current Issues

- Resource and retention issues continue
- New IT system –significant delays due to supplier issues
- Customer experience improving but more can be done
- Some technical consultee resources and performance issues causing delays in decision making
- Management resource/ capacity is very stretched responding to multiple and complex issues needing attention
- S106 audit report and actions needing implementation
- Continuity and consistency in resources to deliver change
- Proposed changes to 2 planning committees - current uncertainty about the solution

Reasons for Recommendations

- 26 When the service review was reported to committee there was an undertaking that an update report would be brought back to committee to show progress made and to ensure we continue to commit to being an open council. This report provides that update for members information.
- 27 Other options considered at the time of undertaking the review are repeated below for committee information.

Option	Impact	Risk
Independent external review	A full external review would assess the issues however it could take some time to secure and appoint an appropriate external provider to do the review resulting in delays and potential additional cost.	Delays in commissioning the review could result in more issues and complaints for the service leading to reputational harm for the Council. Any alterations to the scope of the review would require further appointment and would result in more delay.
Objective and independent to the Service internal review led by Executive Director of Place	Would deliver earlier understanding of issues and solutions, would be agile to adapt to new circumstances and emerging issues. This also allows improvement measures to be implemented in parallel with the review.	Resources from elsewhere in the Council may be stretched due to other priorities, resulting in possible delays to completing the review.

Implications and Comments

Monitoring Officer/Legal

- 28 The determination of planning applications is a statutory process and delivery of the Service is set against prescribed requirements in terms of time limits and process (such as consultation and challenge).

- 29 The legal team will support the service with the planned modernisation process – including but not limited to advising on areas such as staffing and employment models, contract procurement and review and Member engagement and participating in the modernisation process as one of the teams involved in delivery of the service to customers.

Section 151 Officer/Finance

- 30 Financial planning takes place as part of the usual CEC financial processes. Budget provision has been made for the new IT system and to support additional resources in the short term. Costs associated with all temporary appointments are funded from existing Planning budgets.
- 31 As part of the 2022 - 2023 MTFS, a one-off budget of £500,000 was approved to support the planning review. As this funding will be utilised over more than one financial year, appropriate arrangements will be made each year end to facilitate this. Any additional financial pressures that arise will be reported through the MTFS process in future years.

Policy

- 32 The service contributes to the delivery of the Corporate Plan and Local plan as referenced in the original report of October 2022.

Equality, Diversity and Inclusion

- 33 An Equality Impact Assessment had been completed to support the full Service review and Modernisation Action Plan.

Human Resources

- 34 Human Resources (HR) have been involved in the review and in the staffing restructure, as well as recruitment, retention and workforce development. Initial discussions have been held with Trade Unions regarding the intention to restructure the Service. This dialogue and consultation will continue as this work commences and is progressed.

Risk Management

- 35 For the reasons set out in the original report it is important to have an efficient and effective Planning Service. There are risks to service delivery that have been set out in the report if performance, when measured against Government standards, falls below required levels.
- 36 There are also reputational risks associated with the planning application backlog and complaints generated resulting from this.

Rural Communities

- 37 The planning system helps protect the Green Belt from inappropriate development and helps facilitate business growth in rural areas, including some actions detailed in the Rural Action Plan.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

- 38 There are no implications for children and young people / cared for children arising from this report.

Public Health

- 39 There are no implications for public health arising from this report.

Climate Change

- 40 The various functions of the Planning Service, through the application of policy, help to achieve our environmental sustainability agenda, reduce carbon consumption and provide opportunities for healthy lifestyles.

Access to Information	
Contact Officer:	Jane Gowing Jane.Gowing@cheshireeast.gov.uk
Appendices:	Appendix – Progress against Review Recommendations
Background Papers:	LPA Review and Service Transformation Report.

Approvals trail: to be removed before Committee

Name	Title	Comments	Date
Contributors:			
Approvers:			

UPDATE ON THE PLANNING MODERNISATION PLAN - PROGRESS AGAINST REVIEW RECOMMENDATIONS

Workstream:	Restructure and Resource	
Workstream Lead:	Jane Gowing & David Malcolm	
Date:	October 2023	
Key Areas		
<ul style="list-style-type: none">Review structure (including capacity and service costs)Recruitment and retentionHR processCareer developmentCustomer Engagement and Performance team		
Modernisation Plan Recommendation		
1	Review staff roles, the staff structure, and pay grades.	Good Progress
2	Support career progression.	Good Progress
6	Recruitment.	Good Progress
10	Establish new Team Leader Major Projects role and Principal Planner Major Projects role.	Complete
14.1	Recruit to the vacant Enforcement and Compliance Officer role with immediate effect.	Complete
14.2	Dedicate the borough-wide compliance role to proactive monitoring of approved plans and planning conditions and prioritise residential developments.	Good Progress
17.4	Using job adverts as a promotional tool to showcase the borough as an attractive place to live visit and work.	Complete
19	Consider establishing, through the restructure, a ‘Planning Transformation, Customer Engagement and Performance’ team.	Good Progress

Workstream:	Systems and Processes
Workstream Lead:	Peter Hooley
Date:	October 2023
Key Areas	
<ul style="list-style-type: none">• New IT system implementation• Validation Action Plan• Recruitment Frameworks• Document, website and letters review• Consultee processes review• Workflow, process review• Section 106 review	

Modernisation Plan Recommendation		
11	Use alternative recruitment frameworks when posts can't be filled via Comensura.	Started
14	Adopt a proactive enforcement monitoring and compliance approach:	Good Progress
14.4	Ward Councillors and residents to be updated in writing throughout residential development construction.	To be commenced
15	Write to major housebuilders operating in the borough to advise that development conditions and approved plans will be proactively monitored in future.	To be commenced
22	Business Continuity Risks - identify and address potential problems early and escalate risks.	Complete
23	Risk Registers - ensure business continuity risks feature in the service, directorate, and corporate risk registers as appropriate.	Good Progress
25	In support of a one council approach - Elected Members and officers should work together to resolve service problems.	Good Progress
26.1	Work with other in-house council teams, such as Communications officers, Democratic Services, Regeneration, and the Legal Team:	Good Progress
26.6	Review the government's digitalisation agenda.	Started
29	Establish a triage system.	Good Progress
30	Managing enforcement complaints - introduce a process for keeping ward Members and complainants up to date regarding alleged breaches of planning control.	Started
31	GDPR Compliance - immediately review and update procedures and processes to ensure compliance.	Good Progress
32	IT Systems Project - review governance, risks, capacity, and managerial responsibility for the IT Systems project as a matter of urgency.	Good Progress
33	Preparing decision reports - update the list of standard planning conditions to help with more efficient decision making.	Good Progress
34	Improve the quality of planning submissions - establish and review protocols.	Started
35	Signing off planning decisions - review and implement an improved planning application sign off procedure.	To be commenced
36	Member involvement in the planning process.	Good Progress
37	Improve links between planning and the contact centre.	Good Progress

38	Reduce the number of site visits - appoint one FTE officer for a fixed-term to secure photographic and video information for DM and other specialist officers.	Complete
39	Re-introduce a full pre-planning application service - including use of Planning Performance Agreements (PPA) once the backlog of applications has been cleared.	Started
41	Avoid duplication across multiple services - reiterate to applicants and agents that contact should not be made with consultees, and they should wait until the application is allocated to a planning officer.	Complete
46	Encourage staff who validate applications to seek advice and support from DM officers and specialist staff.	Good Progress
50	Reduce the number of doorways into the service by actively promoting the use of the DM planning enquiry mailbox.	Good Progress
51	Update site notices and neighbour notification letters so that customers are directed to the mailbox only.	Started
55	Re-introduce a planning help desk service.	Started
58	Proactively seek customer feedback via a dedicated mailbox.	To be commenced
61	Ensure clear and consistent protocols across the DM service for consulting on amended plans.	Complete
62	Review the timescales for elected member 'Call In' and align with neighbour consultation timescales as far as practically possible.	Started
67	Committee Chairs and officers to review the planning committee protocols together.	Started
69	Establish a Member / Officer group to take forward a more detailed review of issues relating to process of S106 planning obligations.	Complete
75.3	Officers and Planning Committee Chairs to review committee proceedings with officers and Planning Committee Chairs to minimise duplication and time and make better use of staff resources.	Good progress

Workstream:		Customer Experience and Comms
Workstream Lead:		Jane Gowing
Date:		October 2023
Key Areas		
<ul style="list-style-type: none">• Communications Plan• Website- customer information• Complaints and complaint pilot• Correspondence –standard letters update• Celebrating the Service• Promoting Cheshire East• Contact Points		
Modernisation Plan Recommendation		
14.3	Issue a press release promoting the Enforcement and Compliance role.	Started
16	Improve the relationship with all housebuilders operating in the Borough, working with them to resolve local issues.	To be commenced
17	Improve the image of the Service internally and externally by:	
17.1	Celebrating individual and team successes.	Started
17.2	Developing a Communications Plan for the Planning Service.	Good Progress
17.3	Further promote the work of the planning enforcement team and use media to raise awareness of what the team can and cannot enforce.	Good Progress
17.5	Highlight how the planning service helps facilitate economic, health and sustainability benefits for residents, businesses, and visitors.	Started
18	Utilise staff connections with the Royal Town Planning Institute (RTPI) and LGA.	Started
49	Establish and maintain a clear, transparent, customer focus which effectively manages customer complaints.	Good Progress
53	Design an interactive ‘Day in the Life of an Application’ tool.	To be commenced
54	Work with corporate communications to update the website and planning application acknowledgement letters to better explain the backlog issues.	Complete
56	Review the messages and information provided to customers post validation and pre planning officer allocation.	Good Progress
59	Work with the Contact Centre to review the potential for using webchat.	To be commenced
60	Establish a ‘one point of contact’ for Ward Councillor, Parish and Town Council and MP enquiries.	Started
68	Establish a clearly laid out planning application process for engaging with committee Members, ward Councillors, Parish, and Town councils.	Started
73	Seek feedback from Councillors, Parish and Town Councils on the format, frequency, and content of the planning newsletters.	Started

75.2	Officers to engage Members in the decision process earlier, including at pre application stage to help alignment with the Corporate Plan and Local Plan Strategy.	Started
-------------	---	----------------

Workstream:	Performance and Governance	
Workstream Lead:	David Malcolm	
Date:	October 2023	
Key Areas		
<ul style="list-style-type: none">• Application Backlog• Performance Scorecard• Robust performance management systems• S106 / CIL• Short term capacity needs• Decision making review and analysis• Best practice and Benchmarking		
Modernisation Plan Recommendation		
5	Consider introducing a lead Planning Transformation, Customer Engagement and Performance role.	Started
7	Short-term capacity needs.	Complete
8	Appoint 2 x 0.5 FTE fixed–term officers to erect site notices.	Complete
9	Review the Ringway Jacobs contract - to provide additional specialist flood risk and drainage advice to the service.	Complete
26.2	Maximise networking opportunities with other council planning teams.	Good Progress
26.3	Set up a Cheshire & Warrington Chief Planner's Forum in consultation with subregional colleagues.	Started
26.4	Learn from LGA Peer Challenges and independent reviews of other LPA's.	Started
26.5	Observe and learn from other Councils' online planning committee meetings.	To be commenced
26.8	Consider the role of champions in the transformation board and modernisation plan.	Complete
26.9	Identify another LPA which has introduced the same IT System as that currently being implemented at CEC.	Good Progress
40	Quality of decisions - undertake an analysis of why appeals have been allowed by the Planning Inspectorate and learn from these decisions – both officers and elected Members.	Started
42	Establish a robust performance management process to Monitor, measure, and report:	Good Progress
42.1	The number of Extensions of Time's applied verses number of decisions in that period (broken down by application type).	Started
42.2	The percentage of applications dealt with under delegated powers to officers.	Started

42.3	Number of appeals made to the Secretary of State percentage allowed by Planning Inspectors (including percentages where committee decision was made contrary to officer recommendation).	Started
42.4	The number of enforcement complaints received, investigated, and found to be non-compliant.	Started
42.5	Customer satisfaction data (Brighter Futures Customer Experience Project Manager to help identify performance measures).	Started
42.6	Number of applications determined invalid upon receipt by the planning support team.	Started
42.7	Number of applications determined invalid upon receipt by the planning officer.	Started
42.8	Applications over 26 weeks.	Started
42.9	All S106 decisions and spend on a quarterly basis.	Started
43	Develop and publish a list of accredited agents to drive up quality of planning application submissions.	To be commenced
44	Pilot a 'fast track' validation service so it is ready to launch once the planning backlog has been reduced.	To be commenced
45	Monitor performance of planning applications validations.	Started
52	Establish a Cheshire East Planning Partnership (Stakeholder Forum).	To be commenced
76	Develop the Modernisation Plan.	Good Progress
77	Establish a Planning Service Transformation Board.	Complete
78	Temporary Planning Services Review Lead to continue to support the modernisation process reporting directly to the Executive Director of Place.	Complete

Workstream:	Training and Development
Workstream Lead:	Tom Evans
Date:	October 2023
Key Areas	
<ul style="list-style-type: none"> • Training and Development Plan • Staff Development • Member Training • Joint staff and member training • External training (e.g. Town and Parish Council) • CEC cross cutting strategies and plans training (e.g. EDI Strategy) 	

Modernisation Plan Recommendation		
3	Develop and grow staff; establish a Built Environment Talent Academy.	To be commenced
4	Learning sessions facilitated by specialist staff - specialist subjects.	Started
12.1	Consider how and where is best to create an environment of on-the-job training and learning.	Started
12.2	Think about how and where is best to support colleagues with tricky or challenging conversations with applicants, agents, and objectors.	Started
13	Join in with corporate team conversation toolkits at team meeting level.	Good Progress
26	Embrace and welcome a culture of collaborative learning and working:	Good Progress
28	The service to work with the RTPI Women's Network to support a culture of inclusivity and diversity.	To be commenced
48	Provide training including shadowing planning officers, urban design and conservation staff for staff validating planning applications.	Good Progress
57	Ensure all staff receive the corporate customer care training.	Started
63	Ensure Members are aware of the way central government monitor the quality of decisions and the consequences to the council if the numbers exceed the parameters acceptable to central government.	Good Progress
64	Provide training for members on the Councillors Planning Code of Conduct as set out in CEC Constitution Chapter 4 Part 4.	Complete
65	Review the enforcement policy together, via joint Officer / Member group.	Started
66	Officers and Members work together to establish a common understanding of the Local Plan Strategy and the government's future planning reforms.	Good Progress
70	Improve training for Members, Parish, and Town Councils.	Good Progress
71	Enforce mandatory planning training for Councillors who determine planning applications.	Complete
72	Planning Committee Members to observe other council planning committees.	To be commenced
74	Establish new and refresher training programme for Councillors including the following topics, to be facilitated by external providers where necessary and to include case studies:	Started
74.1	Principles of planning law, material considerations, planning conditions, legal agreements, probity in planning, pre-applications, lobbying, bias, pre-determination and pre-disposition, understanding of different roles and decisions (eg. Council as landowner and project sponsor V that of the LPA).	Complete
74.2	Key policies of the Local Plan Strategy, explaining what they relate to.	Started

74.3	Development Management – follow the journey of a planning application, planning enforcement.	Started
74.4	Encourage peer networking opportunities for Members, such as through the LGA.	To be commenced
75	Improve the effectiveness of planning committees as decision-making forums, this could be helped by:	Started
75.1	· Workshops and mentoring to improve Councillors' understanding of their role in the planning process.	Started

Workstream:	Culture and Leadership	
Workstream Lead:	Tom Evans & David Malcolm	
Date:	October 2023	
Key Areas		
<ul style="list-style-type: none">Align culture and leadership with Corporate PlanClear vision for the serviceCustomer focussed Business Plan and Service DeliveryCollaborative working across all teams and servicesClearly designated officer responsibility and accountabilityHybrid working practices		
Modernisation Plan Recommendation		
12	Review the business needs of the service in the context of the corporate approach hybrid working.	Good Progress
12.3	Consider how to get a ‘happy medium’ between home / office working in the interests of the business needs and the customer.	Good Progress
12.4	Be consistent across comparable teams.	Good Progress
20	Ensure strong leadership and vision for the planning services.	Good Progress
21	The Service Director and Head of Planning to take ownership and accountability.	Complete
24	Customer Focus - ensure a culture of customer-focused service delivery.	Good Progress
26.7	Identify additional Brighter Futures Champions from the service.	Started
27	Adopt a ‘one-team’ approach across the planning services to resolving challenges.	Started
47	Improve links between planning support, DM, and environmental planning teams.	Good Progress

OPEN

**Environment and Communities
Committee**

Thursday, 9 November 2023

**Medium-Term Financial Strategy
Consultation 2024/25 - 2027/28
(Environment and Communities
Committee)**

**Report of: Alex Thompson, Director of Finance and Customer
Services (s151 Officer)**

Report Reference No: [To be provided by Democratic Services]

Ward(s) Affected: All Wards;

Purpose of Report

- 1 The Environment and Communities Committee is being asked to approve the indicative financial envelope for this committee to support consultation on the development of the Cheshire East Medium-Term Financial Strategy 2024/25 to 2027/28.
- 2 The Medium-Term Financial Strategy (MTFS) sets out how the Council will resource the achievement of the Corporate Plan and is subject to consultation and approval on an annual basis. The Finance Sub-committee approved the financial assumptions for the future MTFS at their meeting in June 2023, and this report goes further in recognising the need for financial targets that enable further development of the MTFS.
- 3 Developing the MTFS requires a wide range of stakeholder engagement. Members are key stakeholders in their capacity as community leaders, but also in their capacity as decision makers in setting the Council's budget. During this financial planning cycle there has been a series of all Member events to look at the current and future financial position. The Finance-Sub Committee formed a working group to scrutinise the financial assumptions underpinning the current MTFS.

- 4 Individual Committees are being asked to review the in-year budget positions and consider how this performance, and achieving the MTFS financial envelopes, will impact on services they are responsible for.
- 5 Public engagement will follow when financial proposals have been identified that could balance the Council's budget. The January cycle of Committee meetings will be the forum to scrutinise the draft balanced proposals put forward, alongside other feedback from consultees. All feedback will be collated and provided as evidence to the Corporate Policy Committee on 8 February 2024.
- 6 Final approval of the 2024/25 budget will take place at full Council on 27 February 2024 following recommendation from the Corporate Policy Committee.

Executive Summary

- 7 Financial strategies underpin how Cheshire East Council will allocate resources, achieve the Corporate Plan and provide in the region of 500 local services every day. The strategies must be affordable, based on robust estimates and balanced against adequate reserves.
- 8 In February 2021 the Council approved the Corporate Plan 2021-2025 which articulates the vision of how these services will make Cheshire East an Open, Fair and Green borough:
- 9 Open - We will provide strong community leadership and work transparently with our residents, businesses and partners to deliver our ambition in Cheshire East.
- 10 Fair - We aim to reduce inequalities, promote fairness and opportunity for all and support our most vulnerable residents.
- 11 Green - We will lead our communities to protect and enhance our environment, tackle the climate emergency and drive sustainable development.
- 12 A new Corporate Plan, referred to now as the Council Plan, is being developed to meet new criteria. These are identified as being: challenging but achievable; reflecting manifesto commitments to ensure that they are delivered to the electorate; to be co-created by a diverse range of stakeholders including Members, officers, residents, and partners; to be recognisable as uniquely Cheshire East, and; to have an outcomes framework that will allow measurement of results and review of success. The plan is expected to be approved alongside the budget in February 2024.

- 13 Committees are responsible for overseeing the achievement of the Council's priorities. Resources, including Revenue, Capital and Reserves were allocated by the Finance Sub-Committee in March 2023, following the budget Council. All resources are allocated to a specific Service Committee or the Finance Sub-Committee. This report sets out an early indication of the allocation of resources to support financial planning for the MTFS.
- 14 Each Committee is issued a separate report on the current forecast in-year financial position. As set out in the Second Financial Review report, at this point the forecast adverse variance of £18.7m represents a combination of the several issues:
- (i) National economic pressures facing all councils (such as pay inflation and interest rates).
 - (ii) Growing local demand for services which represents a permanent pressure, also being experienced locally in other councils.
 - (iii) Revised forecasts related to budget changes agreed through the MTFS process in 2022/23. This is a mix of additional growth pressures, or savings taking longer to achieve than originally envisaged.
- 15 The Second Financial Review forecasts are shown in the table below:

2023/24	Revised Budget	Forecast Outturn	Forecast Variance FR2	Forecast Variance FR1	Movement from FR1 to FR2
	(NET)				
	£m	£m	£m	£m	£m
Service Committee					
Adults and Health	136.5	141.2	4.7	0.3	4.4
Children and Families	80.3	91.0	10.8	7.0	3.8
Corporate Policy	41.2	40.7	(0.5)	0.9	(1.4)
Economy and Growth	24.8	22.9	(1.9)	(1.8)	(0.1)
Environment and Communities	48.7	52.3	3.5	4.2	(0.7)
Highways and Transport	11.2	12.4	1.2	1.2	(0.0)
Sub-Committee					
Finance Sub	(342.7)	(341.8)	0.9	1.1	(0.2)
TOTAL	-	18.7	18.7	12.8	5.9

- 16 Analysis of the in-year forecasts and reflecting on the outturn performance against the 2022/23 budget indicates that the most significant prevailing financial pressure is within Services that are the responsibility of the Children and Families Committee. This position is in line with top-tier Local Authorities across England where similar issues are being experienced.

- 17 The Second Financial Review also highlights the potential for very low levels of reserves being retained by the Council at year-end, with a potential £18.7m reduction being forecast. Any positive variations to the financial assumptions reviewed by the Committee should therefore be allocated to recover reserves in the first instance.
- 18 The adverse impacts in the financial review therefore need to be addressed through a re-allocation of resources from within the assumed budget for 2024/25 onwards. The immediate short-term risk to the Council's financial resilience must lead to a focus on budget setting for the 2024/25 budget only. Subsequent years of the medium term will present indicative values, with significant further work required to ensure a sustainable position can be achieved in the medium term. This is a position being widely experienced by councils across the country.
- 19 The initial reallocation of resources responds to pressure in the Children and Families committee, increasing the revenue budget for the committee by £7m compared to the MTFS presented to Council in February 2023. This transfer of resources results in a savings requirement in other Committee budgets to maintain the balanced budget requirement.
- 20 The Financial Reviews presented to Members raise awareness of the current financial position. The reports highlight that the Council has set up a series of Cheshire East Budget Emergency Response Team (CEBERT) workstreams to focus on various elements of spending and pricing controls. The work of CEBERT is focused on both the in-year position and the development of the 2024/25 budget.
- 21 This report sets out the indicative budget envelopes for all Committee budgets for 2024/25 and recommends that officers work with Members to develop further proposals to enable budgets to be set within each envelope for 2024/25.
- 22 The budget envelopes for 2024/25 for all Committees have been set as follows:

	2023/24 Original Approved budget £m	2024/25 Policy proposals* (as included in MTFS Feb 23) £m	2023/24 Pay inflation shortfall £m	2024/25 Target growth / savings £m	2024/25 Revised budget envelope £m
Adults and Health	136.3	+6.1	+0.8	-5.5	137.7
Children and Families	79.1	+2.9	+0.6	+6.4	89.0
Corporate	41.0	+1.0	+0.4	-1.2	41.2

Policy					
Economy and Growth	25.0	+2.4	+0.2	-0.7	27.0
Environment and Communities	48.3	-0.3	+0.7	-1.6	47.2
Highways and Transport	11.0	+1.5	+0.1	-0.4	12.3
Finance Sub (Central)	12.4	+6.1	-	-	18.4
TOTAL	353.1	+19.6	+2.8	-2.8	372.7

*full list of existing budget proposals for 2024/25 is included at Appendix A

Note – there may be roundings present in the table due to the presentation to one decimal place

- 23 It is proposed that a more detailed report of service budgets is shared with Members, to support their further engagement and understanding of service-level expenditure and income, over the coming weeks.

RECOMMENDATIONS

The Environment and Communities Committee is recommended to:

- (a) Note the indicative budget envelope for this committee, as approved at the Finance Sub-Committee on 2 November, as a way of setting financial targets in support of achieving a balanced budget for 2024/25.
- (b) Note that officers will develop further proposals in consultation with Members to enable wider stakeholder consultation prior to approval by Council.
- (c) Note that Committees will be presented with the opportunity to further review financial proposals, designed to achieve a balanced budget, as part of their January cycle of meetings prior to recommendations being made to Council for approval.

Background

- 24 The Council's financial resources are provided from a combination of local taxes, government grants, investment returns on assets and other direct contributions from individuals or organisations. Financial plans are based on estimated spending and income over the next four years and the report of the Chief Finance Officer brings Members' attention to the processes and risks associated with developing these estimates.
- 25 The Council aims to achieve value for money based on Economy (how much we pay for things), Efficiency (how well we use things) and Effectiveness (how we use things to achieve outcomes). Public feedback and internal and external scrutiny create the necessary framework to hold the Council to account for achieving these aims.
- 26 All councils are legally required to set a balanced budget each year and the immediate focus will be on balancing the 2024/25 financial year rather than on the whole medium term as has been the case previously. This reflects the extremely challenging circumstances all councils are facing currently.
- 27 Finance Sub-Committee received a report on 7 June setting out the MTFS 2024-28 planned timetable and budget assumptions underpinning the current MTFS. A working group from that Sub-Committee then met on 6 September to discuss these assumptions and their suitability for the medium term. Feedback from this session was then provided verbally to the Sub-Committee on 7 September.
- 28 The Budget Setting Process 2024-2028 has so far identified additional pressure on budgets across all committee areas, especially within the Children and Families area as reported in the First and Second Financial Reviews. We are not anticipating additional funding to be announced as part of the Provisional Local Government Finance settlement due to be announced, at the earliest, in December 2023.
- 29 Should any benefits emerge from the Local Government Settlement the Council should look to recover reserves that are likely to be depleted based on the current year forecasts. Service budgets must be therefore balance within the current funding envelope as reported in the MTFS in February 2023.
- 30 In response to local financial pressure, identified in the financial reviews, and reflected in a national trend, the Children and Families committee will be allocated an additional £7m compared to the current MTFS to support a response to demand in this area. Allocations have also been made across all committees to address the shortfall in the

pay inflation budgeted for 2023/24. It must be noted that the final pay offer has not been agreed yet for “Green Book” employees, but the calculation is based on the announced offer of an additional £1,925, or 3.88% (whichever is the greater) per employee.

- 31 To accommodate the changes related to the Children and Families Committee budget the remaining service committees have been reduced pro rata based on net spending to rebalance the Council’s budget.
- 32 This has resulted in revised budget envelopes for 2024/25 for each service committee when compared to the published MTFS in February 2023. The revised budget envelope for the Environment and Communities Committees is included in the table above and at Appendix A – 2024/25 Budget Proposals as per MTFS February 2023, plus revised budget envelope.

Consultation and Engagement

- 33 This report forms part of the consultation process for Members on the budget setting for 2024/25. Each committee will receive a similar report covering their own area of responsibilities.
- 34 Once a set of draft budget change proposals have been agreed upon there will be further opportunity during the January cycle of Committee meetings to give formal feedback from each Committee to the Corporate Policy Committee which will then lead on to the full Council meeting in February 2024.
- 35 There are plans for a series of engagement events with wider stakeholders to gather opinion and collate ideas on the final budget for 2024/25.

Reasons for Recommendations

- 36 In accordance with the Constitution, Committees play an important role in planning, monitoring and reporting on the Council’s finances. Each Committee has specific financial responsibilities.
- 37 The Council’s annual budget must be balanced. The proposals within it must be robust and the strategy should be supported by adequate reserves. The assessment of these criteria is supported by each Committee having the opportunity to help develop the financial proposals before they are approved by Full Council.

Other Options Considered

- 38 The Council has a legal duty to set a balanced annual budget taking regard of the report from the Chief Finance Officer. As such options

cannot be considered that would breach this duty. Any feedback from the Committee must still recognise the requirement for Council to fulfil this duty.

- 39 There is no option to “do nothing”. The Council has statutory obligations to provide certain services, which would be unaffordable if the Council failed to levy an appropriate Council Tax.

Implications and Comments

Monitoring Officer/Legal

- 40 The Council should have robust processes so that it can meet statutory requirements and fulfil its fiduciary duty.

Section 151 Officer/Finance

- 41 The Council’s financial resources are agreed by Council on an annual basis and aligned to the achievement of stated outcomes for local residents and communities. Monitoring and managing performance helps to ensure that resources are used effectively, and that business planning and financial decision making are made in the right context.
- 42 Reserve levels are agreed, by Council, in February each year and are based on a risk assessment that considers the financial challenges facing the Council. If spending associated with in-year delivery of services is not contained within original forecasts for such activity it may be necessary to vire funds from reserves.
- 43 The unplanned use of financial reserves could require the Council to deliver a greater level of future savings to replenish reserve balances and/ or revise the level of risks associated with the development of the Reserves Strategy in future.
- 44 The risk associated with the scale of the current financial challenges both in year and in the setting of the 2024/25 budget is that the Council could act illegally, triggering the requirement for a s.114 report from the Chief Financial Officer. Illegal behaviour in this context could materialise from two distinct sources:
- (a) Spending decisions could be made that exceed the available resources of the Council. This would unbalance the budget, which is unlawful.
 - (b) Spending decisions to restrict or hide pressures could be made that avoid an immediate deficit, but in fact are based on unlawful activity.

- 45 The consequences of the Council undermining a budget with illegal activity, or planned illegal activity, is the requirement to issue a s.114 report. Under these circumstances statutory services will continue and existing contracts and commitments must be honoured. But any spending that is not essential or which can be postponed must not take place.
- 46 Further consequences would be highly likely and could include the appointment of Commissioners from the DLUHC, and potential restrictions on the decision-making powers of local leaders.

Policy

- 47 The existing Corporate Plan and the new Council Plan due to be approved in February 2024 will drive and inform Council policy and priorities for service delivery. The priorities and actions may have direct policy implications and will be considered on a case-by-case basis.

Equality, Diversity and Inclusion

- 48 Under the Equality Act 2010, decision makers must show “due regard” to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation;
 - (b) Advance equality of opportunity between those who share a protected characteristic and those who do not share it; and
 - (c) Foster good relations between those groups.
- 49 The protected characteristics are age, disability, sex, race, religion and belief, sexual orientation, gender re-assignment, pregnancy and maternity, and marriage and civil partnership.
- 50 Having “due regard” is a legal term which requires the Council to consider what is proportionate and relevant in terms of the decisions they take.
- 51 The Council needs to ensure that in taking decisions on the Medium-Term Financial Strategy and the Budget that the impacts on those with protected characteristics are considered. The Council undertakes equality impact assessments where necessary and continues to do so as proposals and projects develop across the lifetime of the Corporate Plan. The process assists us to consider what actions could mitigate any adverse impacts identified. Completed equality impact assessments form part of any detailed Business Cases.

- 52 The proposals within the MTFS include positive and negative impacts. A separate Equality Impact Assessment for the budget as a whole is routinely included in the full MTFS report each year.
- 53 The Corporate Plan's vision reinforces the Council's commitment to meeting its equalities duties, promoting fairness and working openly for everyone. Cheshire East is a diverse place and we want to make sure that people are able to live, work and enjoy Cheshire East regardless of their background, needs or characteristics.

Human Resources

- 54 Consultation on the budget change proposals will include staff. Any changes involving staff will be managed in consultation with staff and Trade Unions.

Risk Management

- 55 Cheshire East recognises that in pursuit of its objectives and outcomes it may choose to accept an increased degree of risk. Where the Council chooses to accept an increased level of risk it will do so, subject always to ensuring that the potential benefits and threats are fully understood before developments are authorised, that it has sufficient risk capacity and that sensible measures to mitigate risk are established.
- 56 The Council also establishes a level of reserves that are adequate to protect the Council against financial risks, such as emergencies, which are not specifically budgeted for in individual years.
- 57 The Council will continue to be flexible about investing revenue funding in maintaining sustainable services and reflecting changes to the risks facing the Council. The full Budget Report will include a revised Reserves Strategy for 2024/25 to provide further detail on estimated balances and the application of reserves in the medium term.

Rural Communities

- 58 There are no direct implications for rural communities.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

- 59 Budget change proposals and further mitigations that need to be identified which will affect the Children's area of the budget have been set out in the report to the Children and Families Committee.

Public Health

- 60 There are no direct implications for Public Health due to the nature of this budget being ringfenced.

Climate Change

- 61 The current Corporate Plan has a very strong environmental thread throughout with a specific aim for the Council to be 'Greener'.
- 62 Budget change proposals which will support the Council's commitment of being carbon neutral by 2025 will be included in the relevant Committee report to which they relate.

Access to Information	
Contact Officer:	Alex Thompson, Paul Goodwin, Honor Field alex.thompson@cheshireeast.gov.uk, paul.goodwin@cheshireeast.gov.uk, honor.field@cheshireeast.gov.uk
Appendices:	Appendix A –2024/25 proposals as per MTFS February 2023, plus revised budget envelope (separate Appendix A per Committee area)
Background Papers:	Outturn Report 2022/23 Medium Term Financial Strategy 2023-27 First Financial Review 2023/24 Second Financial Review 2023/24

This page is intentionally left blank

Appendix A – 2024/25 budget proposals as per MTFS February 2023, plus revised budget envelope

Environment and Communities Committee Budget Change Proposal	See note below	2024/25 £m	2025/26 £m	2026/27 £m	2027/28 £m
Waste Disposal - Contract Inflation and Tonnage Growth	Existing MTFS 80	+0.989	+0.402	+0.721	
Environmental Hub maintenance	Existing MTFS 84	+0.023	+0.018	+0.012	
Closed Cemeteries	Existing MTFS 88	+0.005	+0.005	+0.005	
Local Plan Review	Existing MTFS 89	+0.255	-0.160	+0.033	
Strategic Leisure Review - service changes	Existing MTFS 90	-0.194	-0.207	-0.037	
Strategic Leisure Review - use of reserves	Existing MTFS 90	+1.050			
Strategic Leisure Review - use of reserves - payback (three years only)	Existing MTFS 90	+0.200			
Maintenance of green spaces	Existing MTFS 91	-0.200			
Review Waste Collection Service - Green Waste	Existing MTFS 92	-3.150			
Libraries - Service Review	Existing MTFS 93	-0.200			
Pension Costs Adjustment	Existing MTFS 94	-0.151	-0.159		
Review Closed Landfill Sites	Existing MTFS 97	+0.300			
CCTV	Existing MTFS 100	-0.030			
Restructuring Potential (*all Place committee proposals for this item to be managed within E&G committee)	Existing MTFS 75, 96, 107	-0.268*			
Pay inflation - ASDVs	Existing MTFS 4,25,46,65,81,82,102	+0.440	+0.507	+0.519	
Pay inflation – CEC	Existing MTFS 4,25,46,65,81,82,102	+0.653	+0.431	+0.443	
TOTAL CHANGE PROPOSALS FOR ENVIRONMENT AND COMMUNITIES COMMITTEE		-0.278	+0.837	+1.696	

SUMMARY					
2023/24 Approved Budget		48.3			
Proposals for 2024/25 @ Feb 2023	As above	-0.3			
Additional pay inflation required for 23-24 shortfall	Revised MTFS 4,25,46,65,81,82,102	+0.7			
Savings still to find		-1.6			
2024/25 Revised Budget Envelope		47.2			

Appendix A – 2024/25 budget proposals as per MTFS February 2023, plus revised budget envelope

2023/24 FORECAST POSITION					
Adverse variance as per FR2		3.5			

OPEN

**Environment and Communities
Committee**

Thursday, 9 November 2023

**Second Financial Review 2023/24
(Environment and Communities
Committee)**

**Report of: Alex Thompson, Director of Finance and Customer
Services (s151 Officer)**

Report Reference No: [To be provided by Democratic Services]

Ward(s) Affected: (All Wards);

Purpose of Report

- 1 This report provides Members with the second review of the Cheshire East Council forecast outturn for the financial year 2023/24. Members are being asked to consider the serious financial challenges being experienced by the Council (and other councils) and to recognise the important activities aimed at minimising the impact on services.
- 2 Members of the Committee are being asked to consider the financial performance of the Services relevant to their terms of reference.

Executive Summary

- 3 The Council operates a financial cycle of planning, monitoring and reporting. This review is part of the monitoring cycle and provides a forecast outturn position for the 2023/24 financial year. The information in this report also supports planning for next year's budget. This report supports the Council priority of being an open and enabling organisation, ensuring that there is transparency in all aspects of Council decision making.
- 4 The full report was received by Finance Sub Committee on 2 November 2023. Service Committees will receive the sections relevant to their committee.

RECOMMENDATIONS

The Environment and Communities Committee:

1. Consider the report of the Finance Sub Committee: [Finance Sub-Committee, 2nd November, 2023](#)
2. Consider the factors leading to a forecast adverse Net Revenue financial pressure of £3.5m against a revised budget of £48.7m (7.2%).
3. Consider the forecast and further mitigations needing to be identified, aimed at bringing spending back in line with budget.
4. Consider the in-year forecast Capital Spending of £10.2m against an approved MTFS budget of £12.0m, due to slippage that has been re-profiled into future years.
5. Scrutinise the contents of Annex 1 and Appendix 5 and note that any financial mitigation decisions requiring approval will be made in line with relevant delegations.

Reasons for Recommendations

- 5 Committees are responsible for discharging the Council's functions within the Budget and Policy Framework provided by Council. The Budget will be aligned with Committee and Head of Service responsibilities as far as possible.
- 6 Budget holders are expected to manage within the budgets provided by full Council. Committee and Sub-Committees are responsible for monitoring financial control and making decisions as required by these rules.

Access to Information

Contact Officer:	Alex Thompson, Director of Finance and Customer Services (s151 Officer) alex.thompson@cheshireeast.gov.uk Paul Goodwin, Head of Finance & Deputy Chief Finance Officer paul.goodwin@cheshireeast.gov.uk
Appendices:	1 Second Financial Review 2023/24 2 Annex 1 – Second Financial Review 2023/24
Background Papers:	Medium Term Financial Strategy 2023-27 First Financial Review 2023/24 Second Financial Review 2023/24

This page is intentionally left blank

OPEN

Finance Sub Committee

2 November 2023

Second Financial Review 2023/24

Report of: Alex Thompson, Director of Finance and Customer Services

Report Reference No: [To be provided by Democratic Services]

Ward(s) Affected: Not applicable

Purpose of Report

- 1 This report provides Members with the second review of the Cheshire East Council forecast outturn for the financial year 2023/24. Members are being asked to consider the serious financial challenges being experienced by the Council (and other councils) and to recognise the important activities aimed at minimising the impact on services.
- 2 The report highlights the ongoing negative impact of high inflation, rising interest rates and increasing demand for services since the Council set its budget in February 2023. Annex 1 of the report highlights in detail what the Council is forecasting to achieve as part of the 2023/24 budget. Tables include updates to items identified in the MTFS plus further items identified in-year.
- 3 Reporting the financial forecast outturn supports the Council's vision to be an open Council as set out in the Corporate Plan 2021 to 2025. In particular, the priorities for an open and enabling organisation, ensure that there is transparency in all aspects of Council decision making.
- 4 The report also requests Member approval for amendments to the Council's budget in line with authorisation levels within the Constitution.

Executive Summary

- 5 The Council operates a financial cycle of planning, monitoring and reporting. This review is part of the monitoring cycle and provides a forecast outturn position for the 2023/24 financial year. The information

in this report also supports planning for next year's budget. This report supports the Council priority of being an open and enabling organisation, ensuring that there is transparency in all aspects of Council decision making.

- 6 The Council set its 2023/24 annual budget in February 2023. The budget was balanced, as required by statute, and included important assumptions about spending in the year. The budget is part of the Medium-Term Financial Strategy (MTFS) 2023 to 2027.
- 7 The MTFS for 2023/24 included £70m of service growth and £42m of service savings. The equivalent figures for 2022/23 were £21m of growth and £7m of savings. This highlights the challenge of delivering the 2023/24 budget even before the impact of increased demand, prevailing high inflation and rising interest rates.
- 8 The first financial review of 2023/24, reported to Corporate Policy Committee in October 2023, reported a pressure of £12.8m, reduced from £26.6m through potential mitigations. The report highlighted further activities that would be instigated to address current spending forecasts and income levels.
- 9 Prices, and demand, for services to support children and adults that require Council services continue to rise, reflecting complexity of care needs and market conditions.
- 10 Despite further savings of £4.3m being identified the overall spending forecasts have increased. The second financial review of 2023/24 is forecasting a pressure of £18.7m by 31 March 2024, an increase of £5.9m compared to first financial review.
- 11 The financial pressures being experienced by Cheshire East Council are not unique. Headlines published about local government finance including the BBC highlight that:
 - (a) councils will be £5.2bn short by April 2026 (after making £2.5bn of planned reductions),
 - (b) the average council facing a £33m deficit,
 - (c) £1.1bn of reserves will be required to balance in 2023/24.
- 12 Local authorities that have committed, or are likely to commit to, financial activities beyond their legal means must issue a s.114 notice. This has already happened for various reasons at eight local authorities to date (Birmingham, Northamptonshire, Nottingham, Northumberland, Croydon, Woking, Thurrock, and Slough). The pressures quoted in these councils are between £35m and £1.5bn.

- 13 Please see Financial Implications section for risks and consequences relating to a s.114 notice.
- 14 Press articles continue to report that more councils are concerned about further s.114 notices being issued. A search of such reports identifies Coventry, Derby, Havering, Medway, Leeds, Cheshire West and Chester, Warrington, Middlesbrough, Kirklees, Hastings, Kent, Stoke, Somerset, Guildford, Southampton as well as Bournemouth, Christchurch and Poole, as all being linked to financial stress and potential s.114 notices. The pressures quoted in these councils range from £8.5m to £47m. This list has got longer since the First Financial Review and continues to grow.
- 15 Local authorities, including Cheshire East Council, therefore continue to liaise with Government departments over the severity of so many emerging financial issues. The Council achieves this liaison either directly or through professional or political networks. The focus of this lobbying for Cheshire East Council is on the following important local issues:
- (a) **High needs / special educational needs deficit.** The Council reported a cumulative deficit of £47m from 2022/23, which is set to rise to £85.8m by March 2024 and to £243.5m by 2027. The cost of maintaining this deficit in interest payments is forecast to exceed £3m in 2023/24. The Council is also funding transport costs of over £1m in excess of the 2023/24 budget to manage demand. The Council has now begun conversations on entry to the DfE's Safety Valve Scheme.
 - (b) **Capital Funding and HS2.** Major infrastructure schemes are at risk due to construction costs inflation of 15% to 20%. Associated Government grants have not been revised to keep pace and do not reflect up to date costs forecasts. The Council is therefore having to manage all additional costs. The announcement of the cancellation of phase 2 of the HS2 project referred to escalating costs, and this also impacts on the Council's finances. Letters have been sent to Government ministers and officials to highlight the £11.2m spent by the Council on this project. The Government is looking at this issue as well as developing wider plans to provide additional funding for infrastructure projects in the North of England following the announcements about HS2.
 - (c) **Children's Services.** Although Government has previously provided additional funding for Adult Social Care, the costs of Children's Services are not being addressed. New burdens funding is not being provided, nor are capital grants that could potentially create new

provision of services reducing the reliance on private sector placements.

- (d) **Local Government Settlement.** Longer term settlements that address business rate retention, rurality and growth in demand are essential to providing longer term stability. Late and short-term settlements do not support the development of sustainable financial strategies.
- 16 The First Financial Review highlighted local mitigations that would be implemented to reduce expenditure. In October 2023, the Cheshire East Budget Response Team (CEBERT) was set up to lead on coordinating this work across the organisation. Weekly meetings are chaired by the Chief Executive with updates relating to the workstreams identified in the review.
- 17 The workstreams include:
- (a) Establishment Management: a full review of the Council's establishment is near completion. Recruitment controls have reduced the number of vacancies approved for recruitment from an average of over 20 per week to around 3 per week, with approved posts relating to essential safeguarding posts. All agency placements are also under review.
 - (b) Spending Control Panel: all Procurement Engagements are subject to additional review. Procurement has been rejected, with several others on hold requiring enhanced information as to the essential nature of the spending.
 - (c) Pricing Strategies: in many cases the cost of providing charged-for services has increased. This workstream is looking at price increases that may be required to reduce subsidising services that are unaffordable via local taxation.
 - (d) Capital Spending: a further £2.1m of transformation activity previously funded from revenue budgets is now being legitimately funded from Capital Receipts. Re-profiling Capital Expenditure has already reduced interest payments by £0.6m.
- 18 The impact of this work, as well as focused activity on services within each committee is reflected in Annex 1. Now that CEBERT has been established the Chief Executive will develop opportunities for frequent Member updates on progress. The results of further mitigations will also be factored into the third financial review.
- 19 The MTFS highlights that the Council has relatively low levels of reserves as annual funding is required to manage ongoing service demand. This means financial pressure requires changes to ongoing spending and income rather than relying on management via reserves.

Notwithstanding this issue all reserves held for specific purposes are under review through CEBERT.

20 **Annex 1: Second Financial Review 2023/24**

21 **Financial Stability:** Provides information on the overall financial stability and resilience of the Council. It demonstrates how spending in 2023/24 is being funded, including the positions on overall service budgets, centrally held budgets, council tax and business rates. Further details are contained in the appendices.

22 **Appendices:**

Appendix 1 Adults and Health Committee.

Appendix 2 Children and Families Committee.

Appendix 3 Corporate Policy Committee.

Appendix 4 Economy and Growth Committee.

Appendix 5 Environment and Communities Committee.

Appendix 6 Highways and Transport Committee.

Appendix 7 Finance Sub-Committee.

Appendix 7a Update to the Treasury Management Strategy.

Appendix 7b Update to the Investment Strategy.

RECOMMENDATIONS

The Finance Sub Committee:

1. Consider the factors leading to a forecast adverse Net Revenue financial pressure of £18.7m against a revised budget of £353.1m (5.3%).
2. Consider the forecast and further mitigations needing to be identified, aimed at bringing spending back in line with budget.
3. Consider the in-year forecast Capital Spending of £181.4m against an approved MTFS budget of £214.7m, due to slippage that has been re-profiled into future years.
4. Scrutinise the contents of Annex 1 and each of the appendices and note that any financial mitigation decisions requiring approval will be made in line with relevant delegations.

5. Approve capital virements up to and including £5,000,000 in accordance with Financial Procedure Rules as detailed in **Appendix 7 Finance Sub-Committee, Section 5 Capital Strategy, Table 5.**
6. Note that Council will be asked to:
7. Approve fully funded supplementary revenue estimates over £1,000,000 in accordance with Financial Procedure Rules as detailed in **Appendix 1 Adults and Health Committee, Section 3 Corporate Grants Register, Table 2** and **Appendix 4 Economy and Growth Committee, Section 3 Corporate Grants Register, Table 2.**

Background

- 23 Managing performance is essential to the achievement of outcomes. This is especially important in evidencing the achievement of value for money across an organisation the size of Cheshire East Council. The Council is the third largest local authority in the Northwest of England, responsible for approximately 500 services, supporting over 398,000 local people. Gross annual spending is over £750m, with a revised net revenue budget for 2023/24 of £353.1m.
- 24 The management structure of the Council is organised into four directorates: Adults, Health and Integration; Children's Services; Place; and Corporate Services. The Council's reporting structure provides forecasts of a potential year-end outturn within each directorate during the year, as well as highlighting activity carried out in support of each outcome contained within the Corporate Plan.
- 25 The political structure of the Council is organised into six committees, with a single sub-committee, all with financial responsibilities acutely aligned to the management structure. Performance against the 2023/24 Budget within each Committee, and the sub-committee, is outlined in Table 1 below.

Table 1 – Revenue Outturn Forecast split by the Six Service Committees and the Finance Sub-Committee

2023/24	Revised Budget	Forecast Outturn	Forecast Variance FR2	Forecast Variance FR1	Movement from FR1 to FR2
	(NET)				
	£m	£m	£m	£m	£m
Service Committee					
Adults and Health	136.5	141.2	4.7	0.3	4.4
Children and Families	80.3	91.0	10.8	7.0	3.8
Corporate Policy	41.2	40.7	(0.5)	0.9	(1.4)
Economy and Growth	24.8	22.9	(1.9)	(1.8)	(0.1)
Environment and Communities	48.7	52.3	3.5	4.2	(0.7)
Highways and Transport	11.2	12.4	1.2	1.2	(0.0)
Sub-Committee					
Finance Sub	(342.7)	(341.8)	0.9	1.1	(0.2)
TOTAL	-	18.7	18.7	12.8	5.9

National Key issues causing the pressures

- 26 The national economic position of the UK has seen prevailing high inflation. The Office for Budget Responsibility (OBR) forecast that inflation should reduce to 2.9% by quarter 4 of 2023. However, quarter 2 inflation was still at 7.7%, which is higher than the OBR forecast of 6.9% at this stage in the year. The Council is affected by inflation in wages (for Council staff and staff of contracted services), utilities and fuel. But the Council cannot inflate in-year income from Council Tax, Business Rates or Government Grants. The forecast impact of additional pay inflation above the estimates in February is £2.8m.
- 27 The national economic position of the UK is seeing increasing interest rates. In January 2023, when the current MTFS was drafted, interest rates were at 3.5%. Current interest rates are 5.25%. The Council has loans of £242m, mainly acquired to support important Highway and Regeneration schemes, and is therefore exposed to financial pressure from increasing borrowing costs. The Council is receiving more money from investments, but this does not offer adequate compensation. Interest rates are forecast to reduce once inflation is controlled which means a shift to long-term borrowing at this point is not a favourable option.
- 28 Demand for public services, particularly those that are required to support the health and wellbeing of local residents, has increased since the pandemic. Temporary grants associated with the pandemic have ended though. The Council is experiencing demand for care for more

individuals, which is driving up costs, as well as experiencing more complex demand that requires more hours of support in each case.

Consultation and Engagement

- 29 As part of the budget setting process the Pre-Budget Consultation provided an opportunity for interested parties to review and comment on the Council's Budget proposals. The budget proposals described in the consultation document were Council-wide proposals and that consultation was invited on the broad budget proposals. Where the implications of individual proposals were much wider for individuals affected by each proposal, further full and proper consultation was undertaken with people who would potentially be affected by individual budget proposals.

Reasons for Recommendations

- 30 The overall process for managing the Council's resources focuses on value for money, good governance and stewardship. The approach to these responsibilities is captured in the Medium-Term Financial Strategy.
- 31 The budget and policy framework sets out rules for managing the Council's financial affairs and contains the financial limits that apply in various parts of the Constitution. As part of sound financial management and to comply with the Constitution any changes to the budgets agreed by Council in the MTFS require approval in line with the financial limits within the Finance Procedure Rules.
- 32 This report provides strong links between the Council's statutory reporting requirements and the in-year monitoring processes for financial and non-financial management of resources.
- 33 In approving the Cheshire East Council Medium-Term Financial Strategy Members of the Council had regard to the robustness of estimates and adequacy of reserves as reported by the s.151 Officer. The s.151 Officer's report highlighted the importance of each element of the MTFS and the requirement to achieve all the proposals within it. The recommendations of this report highlight the need for ongoing activity to manage the financial pressure being experienced by the Council.

Other Options Considered

- 34 None. This report is important to ensure Members of the Committee are sighted on the financial pressure the Council is facing and the activity to date to try and mitigate this issue. Activity is required to ensure the Council balances its expenditure and income without serious impact on essential Council services.

- 35 Do nothing. Impact – Members are not updated on the financial position of the Council. Risks – Not abiding by the Constitution to provide regular reports.

Implications and Comments

Monitoring Officer/Legal

- 36 The legal implications surrounding the process of setting the 2023 to 2027 Medium-Term Financial Strategy were dealt with in the reports relating to that process. The purpose of this paper is to provide a progress report for 2023/24. Implications arising from individual proposals regarding service growth and savings have and will continue to be the subject of ongoing advice and support.
- 37 Implications arising directly from this report relating to the internal processes of approving supplementary estimates and virements referred to are governed by the Constitution and in particular the Finance Procedure Rules.
- 38 In relation the proposed review to ensure that all available resources are directed towards the delivery of statutory functions, savings and efficiency plans, it should be noted that local authorities are creatures of statute. They are created by statute and are regulated through the legislative regime and whilst they have in more recent times been given a general power of competence, this must operate within that regime. Within the statutory framework there are specific obligations placed upon a local authority to support communities. These duties encompass general and specific duties and there is often significant local discretion in respect of how those services or duties are discharged. These will need to be assessed and advised on as each circumstance is considered.

Section 151 Officer/Finance

- 39 The Council's financial resources are agreed by Council and aligned to the achievement of stated outcomes for local residents and communities. Monitoring and managing performance helps to ensure that resources are used effectively, and that business planning and financial decision making are made in the right context.
- 40 Reserve levels are agreed, by Council, in February each year and are based on a risk assessment that considers the financial challenges facing the Council. If spending associated with in-year delivery of services is not contained within original forecasts for such activity it may be necessary to vire funds from reserves.

- 41 The unplanned use of financial reserves could require the Council to deliver a greater level of future savings to replenish reserve balances and/ or revise the level of risks associated with the development of the Reserves Strategy in future.
- 42 As part of the process to produce this report, senior officers review expenditure and income across all services to support the development of mitigation plans that will return the outturn to a balanced position at year-end.
- 43 Forecasts contained within this review provide important information in the process of developing the Medium-Term Financial Strategy. Analysis of variances during the year will identify whether such performance is likely to continue, and this enables more robust estimates to be established.
- 44 The risk associated with the scale of these challenges is that the Council could act illegally, triggering the requirement for a s.114 report from the Chief Financial Officer. Illegal behaviour in this context could materialise from two distinct sources:
- i) Spending decisions could be made that exceed the available resources of the Council. This would unbalance the budget, which is unlawful.
 - ii) Spending decisions to restrict or hide pressures could be made that avoid an immediate deficit, but in fact are based on unlawful activity.
- 45 The consequences of the Council undermining a budget with illegal activity, or planned illegal activity, is the requirement to issue a s.114 report. Under these circumstances statutory services will continue and existing contracts and commitments must be honoured. But any spending that is not essential or which can be postponed must not take place.
- 46 Further consequences would be highly likely and could include the appointment of Commissioners from the DLUHC, and potential restrictions on the decision-making powers of local leaders.

Policy

- 47 This report is a backward look at Council activities and predicts the year-end position. It supports the Corporate Plan aim Open and priority to be an open and enabling organisation.
- 48 The forecast outturn position, ongoing considerations for future years, and the impact on general reserves will be fed into the assumptions underpinning the 2024 to 2028 Medium-Term Financial Strategy.

- 49 The approval of supplementary estimates and virements are governed by the Finance Procedure Rules section of the Constitution.

Equality, Diversity and Inclusion

- 50 Any equality implications that arise from activities funded by the budgets that this report deals with will be dealt within the individual reports to Members or Officer Decision Records to which they relate.

Human Resources

- 51 This report is a backward look at Council activities at outturn and states the year end position. Any HR implications that arise from activities funded by the budgets that this report deals with will be dealt within the individual reports to Members or Officer Decision Records to which they relate.

Risk Management

- 52 Financial risks are assessed and reported on a regular basis, and remedial action taken if required. Risks associated with the achievement of the 2022/23 budget and the level of general reserves were factored into the 2023/24 financial scenario, budget, and reserves strategy.

Rural Communities

- 53 The report provides details of service provision across the borough.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

- 54 The report provides details of service provision across the borough and notes the pressure on Children in Care.

Public Health

- 55 This report is a backward look at Council activities at the first review and provides the forecast year end position. Any public health implications that arise from activities funded by the budgets that this report deals with will be dealt within the individual reports to Members or Officer Decision Records to which they relate.

Climate Change

- 56 There are no direct implications for climate change.

Access to Information	
Contact Officer:	<p>Alex Thompson</p> <p>Director of Finance and Customer Services (Section 151 Officer)</p> <p>alex.thompson@cheshireeast.gov.uk</p> <p>01270 685876</p>
Appendices:	<p>Annex 1 including:</p> <p>Section 1 provides information on the overall financial stability and resilience of the Council. Further details are contained in the appendices.</p> <p>Appendix 1 Adults and Health Committee.</p> <p>Appendix 2 Children and Families Committee.</p> <p>Appendix 3 Corporate Policy Committee.</p> <p>Appendix 4 Economy and Growth Committee.</p> <p>Appendix 5 Environment and Communities Committee.</p> <p>Appendix 6 Highways and Transport Committee.</p> <p>Appendix 7 Finance Sub-Committee.</p> <p>Appendix 7a Update to the Treasury Management Strategy.</p> <p>Appendix 7b Update to the Investment Strategy.</p>
Background Papers:	<p>The following are links to key background documents:</p> <p>Medium Term Financial Strategy 2023-2027</p>



Second Financial Review 2023/24

November 2023

This report receives scrutiny and approval from Members of Cheshire East Council. As a public report, the Council welcomes feedback to the information contained here.

Anyone wanting to comment is invited to contact the Council at:

RandC@cheshireeast.gov.uk

Introduction

Cheshire East Council is the third largest Council in the Northwest of England, supporting over 398,000 local people with annual spending of over £750m.

Local government is going through a period of financial challenges, with a combination of the impact of increasing demand for services and rising costs due to inflation and interest rates. There is also increasing uncertainty associated with income from business rates and government grants.

Demand for Council services is increasing, with more individuals and families needing support and services than ever before. This reflects an increase in population but also reflects changes in demographics and the national cost of living increases. This demand is resulting in a forecast outturn of £18.7m against a net revenue budget of £353.1m. The most significant impact is within the rising costs of Children's Social Care. Further activity is required to identify other mitigating measures.

When the 2023/24 budget was set, in February 2023, it was highlighted that the use of reserves was not sustainable in the medium term. Net spending therefore needs to be contained within the estimates of expenditure that form the budget. The forecasts at first review highlight pressures due to demand, inflation, interest rates and pay negotiations. These will almost certainly affect the medium term finances of the Council. This situation must be addressed now and as part of the MTFS process for 2024 to 2028.

To support openness and transparency, and provide evidence of strong governance, the report has a main section, to provide background and context, and then nine supporting appendices with detailed information about allocation and management of public money during 2023/24.

The **Financial Stability** section provides information on the overall financial stability and resilience of the Council. It demonstrates how spending in 2023/24 is being funded, including the positions on overall service budgets, centrally held budgets, Council Tax and Business Rates. Further details are contained in the appendices.

- **Appendix 1** Adults and Health Committee.
- **Appendix 2** Children and Families Committee.
- **Appendix 3** Corporate Policy Committee.
- **Appendix 4** Economy and Growth Committee.
- **Appendix 5** Environment and Communities Committee.
- **Appendix 6** Highways and Transport Committee.
- **Appendix 7** Finance Sub-Committee.
- **Appendix 7a** Update to the Treasury Management Strategy.
- **Appendix 7b** Update to the Investment Strategy.

Alex Thompson

Director of Finance and Customer Services
(Section 151 Officer)

Contents

Introduction	1
2023/24 Revenue Forecast	3
Financial Stability	4
- Introduction	
Appendices	
Appendix 5 – Environment and Communities Committee	6

2023/24 Outturn Forecast - Financial Position

2023/24	Revised Budget (NET) £m	Forecast Outturn £m	Forecast Variance £m	For further information please see the following sections
SERVICE DIRECTORATES				
Adults, Health and Integration	136.5	141.2	4.7	Appendix 1
Children's Services	80.3	91.0	10.8	Appendix 2
Place - Directorate/Growth & Enterprise	24.8	22.9	(1.9)	Appendix 4
Place - Environment & Neighbourhood Services	48.7	52.3	3.5	Appendix 5
Place - Highways & Infrastructure	11.2	12.4	1.2	Appendix 6
Corporate Services	41.2	40.7	(0.5)	Appendix 3
Total Services Net Expenditure	342.7	360.5	17.8	
CENTRAL BUDGETS				
Capital Financing	19.0	19.4	0.4	Appendix 7 Section 5
Transfer to/(from) Earmarked Reserves	(7.4)	(7.4)	-	Appendix 7 Section 6
Transfer from MTFs Earmarked Reserve	-	-	-	Appendix 7 Section 6
Corporate Contributions / Central Budgets	(1.2)	(0.7)	0.5	Appendix 7
TOTAL NET EXPENDITURE	353.1	371.9	18.7	
Business Rates Retention Scheme	(55.3)	(55.3)	-	Appendix 7 Section 2
Specific Grants	(26.8)	(26.8)	-	Appendix 7 Section 3
Council Tax	(271.1)	(271.1)	-	Appendix 7 Section 2
Net Funding	(353.1)	(353.1)	-	
NET (SURPLUS) / DEFICIT	-	18.7	18.7	

Financial Stability

Introduction

1. The Council has a track record of sound financial management. Nevertheless, in common with all UK local authorities the Council finds itself in a position where pressures on the revenue budget are intensifying as a result of inflation, the legacy impact of the Coronavirus pandemic on people and on the economy and increasing cost of living pressure on households. These issues have the effect of increasing the demand for services and increasing costs of services.
2. Complexity and market sustainability in Adults' and Children's Social Care remains the most significant financial pressure for the Council in the medium term. The affects of inflation on contracts, utilities and wage levels are affecting costs across all services.
3. **Table 1** provides a service summary of financial performance. The current forecast is that services will be £18.7m over budget in the current year which includes mitigating actions identified to date. The 2023/24 Approved Budget Policy Changes and Forecast Variances provide further details and changes to service net budgets since the Medium-Term Financial Strategy (Section 2 in the **Appendices 1-6**).
4. It also shows that central budgets are forecast to be £0.9m over budget resulting in an overall forecast outturn of £18.7m against a net revenue budget of £353.1m.
5. Further items impacting on the level of the Council's balances are detailed in **Appendix 7**.

Table 1 - Service Revenue Outturn Forecasts

2023/24	Revised Budget	Forecast Outturn	Forecast Variance	Forecast Variance FR1	Movement from FR1 to FR2
	(NET)				
	£m	£m	£m	£000	£000
SERVICE DIRECTORATES					
Adult Social Care - Operations	137.9	142.6	4.7	0.2	4.4
Commissioning	(1.4)	(1.4)	0.1	0.1	-
Public Health	-	-	-	-	-
Adults and Health Committee	136.5	141.2	4.7	0.3	4.4
Directorate	0.2	0.4	0.1	0.7	(0.6)
Children's Social Care	49.4	58.8	9.4	4.8	4.6
Strong Start, Family Help and Integration	7.4	6.8	(0.6)	(0.6)	0.0
Education & 14-19 Skills	23.2	25.0	1.8	2.1	(0.3)
Children and Families Committee	80.3	91.0	10.8	7.0	3.8
Directorate	0.2	(0.0)	(0.2)	(0.2)	-
Growth & Enterprise	24.6	22.9	(1.7)	(1.7)	0.0
Economy and Growth Committee	24.8	22.9	(1.9)	(1.9)	0.0
Environment & Neighbourhood Services	48.7	52.3	3.5	4.2	(0.7)
Environment and Communities Committee	48.7	52.3	3.5	4.2	(0.7)
Highways & Infrastructure	11.2	12.4	1.2	1.2	0.1
Highways and Transport Committee	11.2	12.4	1.2	1.2	0.1
Directorate	0.6	0.5	(0.1)	0.2	(0.3)
Finance & Customer Services	12.8	12.9	0.2	0.5	(0.3)
Governance & Compliance Services	10.8	10.3	(0.4)	0.1	(0.5)
Communications	0.7	0.7	0.0	(0.0)	0.0
HR	2.6	2.4	(0.2)	-	(0.2)
ICT	11.8	12.0	0.2	0.3	(0.2)
Policy & Change	2.0	1.9	(0.1)	(0.1)	0.0
Corporate Policy Committee	41.2	40.7	(0.5)	0.9	(1.4)
TOTAL SERVICES NET EXPENDITURE	342.7	360.5	17.8	11.7	6.2
CENTRAL BUDGETS					
Capital Financing	19.0	19.4	0.4	0.4	0.0
Transfer to/(from) Earmarked Reserves	(7.4)	(7.4)	-	-	-
Corporate Contributions / Central Budgets	(1.2)	(0.7)	0.5	0.7	(0.2)
Finance Sub-Committee - Central Budgets	10.4	11.3	0.9	1.1	(0.2)
TOTAL NET EXPENDITURE	353.1	371.9	18.7	12.8	5.9
Business Rates Retention Scheme	(55.3)	(55.3)	-	-	-
Specific Grants	(26.8)	(26.8)	-	-	-
Council Tax	(271.1)	(271.1)	-	-	-
Finance Sub-Committee - Net Funding	(353.1)	(353.1)	-	-	-
NET (SURPLUS) / DEFICIT	-	18.7	18.7	12.8	5.9
General Reserves Balance					
2023/24 Budget					
£m					
Opening Balance April 2023	14.1	Actual			
2023/24 Impact on Reserves (see above)	(18.7)	Forecast			
Closing Balance March 2024	(4.6)	Forecast			

Appendices to Second Financial Review 2023/24

Page 567

November 2023

Appendix 5 : Environment and Communities Committee

Contents

- 1. Changes to Revenue Budget 2023/24 since First Financial Review**
- 2. 2023/24 Approved Budget Policy Changes and Forecast Variances**
- 3. Corporate Grants Register**
Table 1: Environment and Communities Committee Grants
- 4. Debt Management**
- 5. Capital Strategy**
- 6. Reserves Strategy**

Appendix 5

Environment and Communities Committee

1. Changes to Revenue Budget 2023/24 since First Financial Review

	First Review Revised Net Budget	Adjustments to FR1 Budget	Second Review Revised Net Budget	Unringfenced Grants to be Actioned
	£000	£000	£000	£000
PLACE				
Environment & Neighbourhood Service	48,789	(40)	48,749	-
Environment and Communities Committee	48,789	(40)	48,749	-

Note the unringfenced grants to be actioned column includes the expenditure part of centrally held unringfenced grants. These budget adjustments will take place once all second financial review approvals have been given. No adjustments are required as part of this review.

Environment and Communities Committee

2. 2023/24 Approved Budget Policy Changes and Forecast Variances

Forecast Outturn Commentary:

Environment & Neighbourhood Services are reporting a pressure of £3.5m against a net budget of £48.7m. This is an improvement of £0.7m from the last review, mainly from the wholly owned companies. £1.4m of the pressure relates to ongoing income pressures in Planning and Building Control. There are pressures of £1.5m comprising continued increased contract inflation for the waste disposal contracts (+£0.7m) plus impact of recycling income shortfall due to a decline in the market (+£1.1m) offset by a reduction in fuel inflation (-£0.3m). The anticipated pay rise above budget rates is expected to result in a £0.3m pressure for Cheshire East services and £0.5m for the wholly owned companies. Implications related to one off changes to staff contracts have been included in the forecast for Libraries as a result of the recently approved reduction in opening hours.

Further mitigations include stopping non-essential spend and continued vacancy management.

MTFS Ref No	Detailed List of Service Budget Changes	2023/24 £m	2023/24 Variance £m	Commentary
	Environment and Communities Committee	4.543**		** Totals will not match to MTFS as Place Restructuring items all moved under E&G. No.98 moved to H&T.
80	Waste Disposal - Contract Inflation and Tonnage Growth	4.976	1.515	Regular monitoring of actual vs forecast tonnages continues to be undertaken across all waste streams collected. This monitoring also covers the unit rate disposal costs where these vary due to market forces, such as recyclates collected at the kerbside.
81	Pay Inflation – Wholly Owned Companies	1.378	0.496	The total cost of pay inflation may exceed 5% based on national pay negotiations. This may be mitigated through management of vacancies.
82	Pay inflation - CEC	1.239	0.259	The total cost of pay inflation may exceed 5% based on national pay negotiations. This may be mitigated through management of vacancies.

MTFS Ref No	Detailed List of Service Budget Changes	2023/24 £m	2023/24 Variance £m	Commentary
83	Planning and Building Control income	0.800	1.381	Budget adjusted for 2023/24. Delays in implementing the national planning application fee regulations, along with a national drop in planning application submissions has resulted in a first quarter pressure. This will need to be monitored through the year to see if income improves – this is subject to national economic trends. Current government announcements advise national planning application fee increases will be implemented from April 2024 – this should mitigate this pressure in the following financial year.
84	Environmental Hub maintenance	0.447	-	Maintenance works to this key Council owned operational facility are ongoing and continue to be delivered within forecast budget.
85	Review of governance of Council Wholly Owned Companies and seeking increased opportunities for savings / commercial opportunities	0.240	-	Budget adjustment only to balance previous under recovery of savings target – now actioned.
86	Orbitas management fee uplift	0.175	-	Now included in agreed Orbitas management fee for 2023/24.
87	Bereavement income	-0.175	-	Now included in agreed Environment Commissioning budget for 2023/24 and latest income forecasts are ahead of original projection (shown as part of in-year savings line below).
88	Closed Cemeteries	0.093	-0.041	A single closed cemetery has now transferred to Cheshire East Council and regular works have been incorporated within commissioned maintenance schedules.
89	Local Plan Review	0.036	-	On track, subject to ongoing monitoring. Anticipated new legislation may change the spend profile for the review however this is not known at this time as further details are not available from Government.

MTFS Ref No	Detailed List of Service Budget Changes	2023/24 £m	2023/24 Variance £m	Commentary
90	Strategic Leisure Review	-1.291	-	The Strategic Leisure Review is now well established in terms of governance and collating the relevant public health data sets which will inform the outcomes. Target is to seek approval to consult on the draft review outcomes at a November Committee. 2023/24 savings have been secured, where appropriate under the operating contract with Everybody Health & Leisure and via a forecast grant receipt from Sport England relating to maintaining public swimming pools.
91	Maintenance of green spaces	-0.398	0.198	Works to develop a new draft maintenance schedule policy are now well progressed with a September Committee date targeted to seek approval to consult publicly. Environmental Services as the commissioner continue to work with ANSA Environmental Services as the appointed provider to mitigate any in year effects.
92	Review Waste Collection Service - Green Waste	-0.900	-	Environment and Communities Committee approved the implementation of the green waste subscription charge on 27 July 2023. Final stages of implementation works are proceeding in advance of opening for subscription payments in October and commencement of paid for collections in January 2024.
93	Libraries - Service Review	-0.519	0.300	Environment and Communities Committee approved the implementation of the revised opening hours informed by public consultation on 27 July 2023. Allowance has now been made within the forecast for any changes to staff contracts as a one off which will be influenced by the level of take up from Town and Parish Councils to the top up scheme.
94	Pension Costs Adjustment	-0.676	-	On track, subject to ongoing monitoring, dependent on in-year staffing costs.
95	Investment in improving the customer experience in Planning Services	-0.500*	-	Action complete – budget adjusted.
97	Review Closed Landfill Sites	-0.300	-	Budget line adjustment only – now actioned.

MTFS Ref No	Detailed List of Service Budget Changes	2023/24 £m	2023/24 Variance £m	Commentary
99	Environment Strategy and Carbon Neutrality	-0.061	-	Budget line adjustment only – now actioned.
100	CCTV	-	-	Income opportunities are currently being explored both new and by expansion of existing external customer base offer.
101	Household Waste and Recycling Centres - introduce residency checks	-0.021	-	Implementation of the physical site checks has been delayed but the budget saving has been secured through the operating contract.
	In-year savings across wholly owned companies		-0.194	
	In-year savings across Environment & Communities (excluding wholly owned companies)		-0.404	
	TOTAL FORECAST VARIANCE		3.510	
	Further Mitigating Actions		TBD	Stop non-essential spend and continued vacancy management
	REVISED FORECAST VARIANCE		3.510	

Environment and Communities Committee

3. Corporate Grants Register

- 3.1 Cheshire East Council receives two main types of Government grants; specific purpose grants and general use grants. Specific purpose grants are held within the relevant service with a corresponding expenditure budget. Whereas general use grants are held in central budgets with a corresponding expenditure budget within the allocated service area.

3.2 Spending in relation to specific purpose grants must be in line with the purpose for which it is provided.
- 3.3 There has been no change in the grants forecast position for Environment & Communities.

3.4 **Table 1** provides a detailed listing of all Environment & Communities related grants, their movements between the reporting period and the treatment of the grant.

Table 1 – Corporate Grants Register

Grants 2023/24	Original Budget	Revised Forecast FR1	Revised Forecast Mid-Year	Change from FR1	Treatment of Grant
	2023/24 £000	2023/24 £000	2023/24 £000	2023/24 £000	Notes 2 - 5
ENVIRONMENT & COMMUNITIES					
Specific Purpose (Held within Services)					
Bikeability Grant	240	240	240	0	
Enforcement Grant (Planning) - brought forward	0	30	30	0	
High Speed 2 (HS2) Ltd	0	850	850	0	
Air Quality Grant (Awareness) - brought-forward	0	25	25	0	
Air Quality Grant (Cycling) - brought-forward	0	10	10	0	
Offensive weapons - brought-forward	0	4	4	0	
Cosmetic fillers - brought-forward	0	7	7	0	
Food Information Grant - Natasha's Law - brought forward	0	11	11	0	
Food Standards Agency - 22-23	0	1	1	0	
Food Standards Agency 23-24	0	1	0	(1)	
Section 31 grant - Biodiversity net gain	0	20	20	0	
Natural England - Stewardship scheme	0	2	2	0	
Natural England - Stewardship scheme	0	7	7	0	
Apprentice Incentive Scheme	0	2	2	0	
Total Environment & Communities - Specific Purpose	240	1,209	1,209	(1)	
General Use (Held Corporately)					
TOTAL ENVIRONMENT & COMMUNITIES	240	1,209	1,209	(1)	

Notes

- 1 The Dedicated Schools Grant, Pupil Premium Grant, Sixth Form Grant and Other School Specific Grant from the Education Funding Agency (EFA) figures are based on actual anticipated allocations. Changes are for in-year increases/decreases to allocations by the DfE and conversions to academy status.
- 2 SRE - Supplementary Revenue Estimate requested by relevant service.
- 3 ODR - Officer Decision Record to approve immediate budget change to relevant service.
- 4 Reserves - transfer to reserves at year end.
- 5 Balances - amount will be included as a variance to budget.

Environment and Communities Committee

4. Debt Management

	Outstanding Debt £000			Over 6 months old £000		
	Jun-23	Sep-23	Increase / (Decrease)	Jun-23	Sep-23	Increase / (Decrease)
Environment and Communities Committee						
Environment and Neighbourhood Services	266	331	65	219	206	(13)

Note: Increase in outstanding debt mainly due to £55,000 of Market Rental invoices now being overdue by 1-3 months.

Environment and Communities Committee

5. Capital Strategy

Environment & Communities								CAPITAL						
CAPITAL PROGRAMME 2023/24 - 2026/27														
Scheme Description	Forecast Expenditure							Forecast Funding					Total Funding £000	
	Total Approved Budget £000	Prior Years £000	Forecast Budget 2023/24 £000	Forecast Budget 2024/25 £000	Forecast Budget 2025/26 £000	Forecast Budget 2026/27 £000	Total Forecast Budget 2023-27 £000	Grants £000	External Contributions £000	Revenue Contributions £000	Capital Receipts £000	Prudential Borrowing £000		
Committed Schemes in progress														
Environment Services														
Arnold Rhodes Public Open Space Improvements Phase 2	94	89	5	0	0	0	5	0	5	0	0	0	5	
Bereavement Service Data System	35	6	29	0	0	0	29	0	0	29	0	0	29	
Carbon Offset Investment	1,000	78	172	250	500	0	922	0	0	0	0	922	922	
Chelford Village Hall Open Space and Sport Improvements	164	115	50	0	0	0	50	0	50	0	0	0	50	
Church Lane Community Park Development	95	93	2	0	0	0	2	0	2	0	0	0	2	
Congleton Household Waste Recycling Centre Development	50	20	30	0	0	0	30	0	0	0	0	30	30	
Energy Improvements at Cledford Lane	985	890	95	0	0	0	95	0	0	0	0	95	95	
Future High Street Funding - Sustainable Energy Network	1,695	289	1,406	0	0	0	1,406	1,406	0	0	0	0	1,406	
Green Investment Scheme (Solar Farm)	3,950	339	3,611	0	0	0	3,611	0	0	0	0	3,611	3,611	
Household Waste Recycling Centres	860	39	821	0	0	0	821	0	0	0	0	821	821	
Litter and Recycling Bins	208	111	46	52	0	0	97	0	0	0	0	97	97	
Little Lindow Open Space Improvements	69	63	5	0	0	0	5	0	5	0	0	0	5	
Nantwich Cemetery Roadway Extension	75	72	3	0	0	0	3	0	0	3	0	0	3	
Newtown Sports Facilities Improvements	99	81	18	0	0	0	18	0	18	0	0	0	18	
Park Development Fund	931	577	204	150	0	0	354	0	0	0	0	354	354	
Pastures Wood De-carbonisation	51	31	20	0	0	0	20	0	0	20	0	0	20	
Pitch Improvements - Alderley Edge Park and Chorley Hall Lane Playing Fields	25	13	12	0	0	0	12	0	12	0	0	0	12	
Queens Park Lake Planting	18	17	1	0	0	0	1	0	1	0	0	0	1	
Rotherhead Drive Open Space and Play Area	141	113	28	0	0	0	28	0	28	0	0	0	28	
Solar Energy Generation	14,180	48	252	13,880	0	0	14,132	0	0	0	0	14,132	14,132	
Victoria Park Pitch Improvements	29	5	24	0	0	0	24	0	24	0	0	0	24	
Woodland South of Coppice Way, Handforth	89	66	22	0	0	0	22	0	22	0	0	0	22	
Wynbunbury Parish Open Space	5	1	4	0	0	0	4	0	4	0	0	0	4	

Environment & Communities

CAPITAL

CAPITAL PROGRAMME 2023/24 - 2026/27

Scheme Description	Forecast Expenditure							Forecast Funding					Total Funding £000
	Total Approved Budget £000	Prior Years £000	Forecast Budget 2023/24 £000	Forecast Budget 2024/25 £000	Forecast Budget 2025/26 £000	Forecast Budget 2026/27 £000	Total Forecast Budget 2023-27 £000	Grants £000	External Contributions £000	Revenue Contributions £000	Capital Receipts £000	Prudential Borrowing £000	
Committed Schemes in progress													
Neighbourhood Services													
Congleton Leisure Centre	12,860	12,676	184	0	0	0	184	0	0	0	0	184	184
Crewe Towns Fund - Valley Brook Green Corridor	100	54	46	0	0	0	46	46	0	0	0	0	46
Macclesfield Leisure Centre Improvements	3,865	3,398	467	0	0	0	467	0	0	0	0	467	467
Middlewich Leisure Centre	60	51	9	0	0	0	9	0	0	0	0	9	9
Libraries - Next Generation - Self Service	374	329	44	0	0	0	44	0	0	0	0	44	44
Poynton Leisure Centre	4,606	417	0	1,974	2,215	0	4,189	0	0	0	0	4,189	4,189
Planning Services													
Regulatory Systems & Environmental Health ICT System	313	267	46	0	0	0	46	0	0	21	0	25	46
Replacement CCTV Cameras	301	135	166	0	0	0	166	0	0	166	0	0	166
Total Committed Schemes	47,326	20,483	7,823	16,306	2,715	0	26,844	1,452	172	239	0	24,981	26,844
New Schemes													
Environment Services													
Barony Skate Park Refurbishment	100	0	100	0	0	0	100	100	0	0	0	0	100
Fleet EV Transition	6,897	0	1,605	1,991	3,301	0	6,897	0	0	0	0	6,897	6,897
Fleet Vehicle Electric Charging	585	0	290	179	116	0	585	0	0	0	0	585	585
Macclesfield Chapel Refurbishment	429	0	343	86	0	0	429	0	0	0	0	429	429
Unsafe Cemetery Memorials	35	0	35	0	0	0	35	0	0	0	0	35	35
Cremator Flue Gas Modifications	30	0	30	0	0	0	30	0	0	0	0	30	30
Total New Schemes	0	0	2,403	2,256	3,417	0	8,076	100	0	0	0	7,976	8,076
Total Environment & Communities	47,326	20,483	10,226	18,562	6,132	0	34,919	1,552	172	239	0	32,956	34,919

Environment and Communities Committee

6. Reserves Strategy

Environment and Communities Committee

Name of Reserve	Opening Balance 1 April 2023 £000	Forecast Movement in Reserves 2023/24 £000	Forecast Closing Balance 31 March 2024 £000	Notes
<u>Environment and Neighbourhood Services</u>				
Strategic Planning	568	0	568	To meet costs associated with the Local Plan - site allocations, minerals and waste DPD.
Trees / Structures Risk Management	166	(56)	110	New reserve to respond to increases in risks relating to the environment, in particular the management of trees, structures and dealing with adverse weather events.
Spatial Planning - revenue grant	89	(47)	42	Funding IT costs over 4 years.
Neighbourhood Planning	82	(0)	82	To match income and expenditure.
Air Quality	36	(19)	17	Air Quality Management - DEFRA Action Plan. Relocating electric vehicle chargepoint in Congleton.
Street Cleansing	26	(26)	0	Committed expenditure on voluntary litter picking equipment and electric blowers.
Community Protection	17	(17)	0	£4k illicit tobacco grant; £13k Natasha's Law grant.
Licensing Enforcement	8	(8)	0	Three year reserve to fund a third party review and update of the Cheshire East Council Taxi Licensing Enforcement Policies.
Flood Water Management (Emergency Planning)	2	0	2	Relating to Public Information Works.
ENVIRONMENT AND COMMUNITIES TOTAL	994	(173)	821	

This page is intentionally left blank

OPEN

Environment and Communities Committee

9 November 2023

2023/24 Mid Year Performance Review - Environment and Neighbourhood Services

Report of: Peter Skates, Acting Executive Director of Place

Report Reference No: EC/10/23-24

Ward(s) Affected: All

Purpose of Report

- 1 The purpose of the report is to provide the Committee with an update on the performance across Environment and Neighbourhood Services to the mid-point of the fiscal year 2023-24 against the relevant priorities, actions and measures of success within the Council's Corporate Plan 2021-25.

Executive Summary

- 2 This report gives an update on performance at across Environment and Neighbourhood Services at mid-point of 2023-24

RECOMMENDATIONS

The Environment and Communities Committee is recommended to:

1. Note the performance of the department.

Background

- 3 Environment and Neighbourhood Services is responsible for delivering a range of Place based front line customer facing services and statutory functions. These include Waste and Recycling, Street Cleansing, Planning, Building Control, Environmental Health, Licensing, Trading Standards, Leisure Services, Libraries, Bereavement Services, Anti-social Behaviour, Community Enforcement, Parks, Play Areas, Playing Pitches and Green Spaces.
- 4 Several of our larger and public facing services are commissioned through the Council's wholly owned companies including Ansa Environmental Services Ltd and Orbitas Bereavement Services Ltd, and the independent leisure trust Everybody Health & Leisure.
- 5 The Cheshire East Council Corporate Plan 2021-25 sets out our vision for an open, fairer, greener Cheshire East with three broad aims to be an open and enabling organisation; a council which empowers and cares about people, and a thriving and sustainable place. The Environment and Neighbourhood Services department contributes to a number of the priorities under the aim of a thriving and sustainable place:
 - (a) A great place for people to live, work and visit
 - (b) Welcoming, safe, and clean neighbourhoods
 - (c) To reduce the impact on our environment
 - (d) To be carbon neutral by 2025
- 6 The department provides leadership and management for the Council's Environment Strategy and associated action plans, including the Carbon Neutral Action Plan to deliver the commitment to be a carbon neutral council by 2025. An update on delivery of the Carbon Neutral Action Plan will be presented to Committee in February 2024.
- 7 The department also contributes to the priority to be an open and enabling organisation, increasing transparency in decision-making through the Environment and Communities Committee during the year and undertaking borough wide consultations on draft policies and plans. We have also engaged with residents on projects and initiatives at a local level.

Environmental Services

Corporate Plan 2021-25: Key priorities	
Welcoming, safe, and clean neighbourhoods	Improved green spaces for all, enabling people to exercise and socialise in our parks and open spaces
To reduce our impact on our environment	To have minimised overall waste generated in the borough and maximised our levels of recycling To improve biodiversity and natural habitats in the borough
To be carbon neutral by 2025	Deliver actions in the Cheshire East Council Carbon Action Plan <ul style="list-style-type: none"> • Introduction of green vehicles across the fleet (including waste and highways) • Reduce use of Gas by decarbonising sources of heating for our buildings • Promote carbon neutrality and carbon zero development across Cheshire East, providing information, advice and guidance for householders and businesses to reduce their carbon use

Key Performance Indicators	2022/23 Outturn	2023/24 Mid-year	2023/24 Target
Fly Tipping No. of fly tipping incidents logged	4456	2021	NA
Tonnage of materials reused	771 tonnes	460* tonnes	1% per year
Residual household waste collected per household (kgs)	480kg	246kg*	<510kg
Increase the % of all waste collected sent for recycling, reuse	53%	55%*	>50%
Reported missed bin collections	NA	76	75 per 100,000
H&S Near misses	NA	6	NA
H&S Accidents	NA	11	0
H&S RIDDOR incidents	NA	2	0
Number of hours delivered by waste prevention volunteers	Approx. 100	105	100

(* pending approval by Defra)

Table 1: Key Performance Indicators

- 8 The Service continues to deliver on a number of large scale transformation activities, aligned to approved MTFS initiatives such as;
- Subscription charge for green waste – as approved at Committee in July 2023 for implementation and which has now gone live for payments, with paid for collections due to start in January 2024.
 - Green Spaces Maintenance Review – as approved at September Committee to undertake public consultation, now ongoing and in advance of a final decision in February 2024.
 - A review of the boroughs Household Waste Recycling Centre provision, again approved at September Committee for public consultation and to undertake operating contract procurement for a succinct list of options for future service delivery.
 - The delivery of a refreshed Cemeteries Strategy which now provides a robust framework for the future investment and management of the borough's cemetery sites. this is due to be presented at February committee.
- 9 In preparation for the changes set out in paragraph 8 the Service has also seen investment into the team to ensure it has adequate capacity to manage these changes, in particular from a customer service perspective.
- 10 A new contract governance and monthly reporting process has been installed with ANSA Environmental Services to ensure that this arrangement continues to deliver the required levels of performance. This has included the introduction of a number of additional key performance indicators which are summarised in Table 1. This new way of working will continue to evolve over the coming months, again aligned to driving the required service change and efficiencies.
- 11 The Council's official recycling rate for 2021-22 is 56.3%. This is a slight reduction from the 2020-21 at 57.5%. We expect to see this drop further with the introduction of the Councils Garden waste subscription charge in Q4 of this year. The Council will therefore need to look to additional measures to increase reuse and recycling in future years to achieve the current 50% target and the national recycling target of 60 % by 2035. To contribute to this for the first time the council is working with its contractor to offer mattress recycling as part of it household waste recycling centre service.
- 12 We will continue to monitor the key measure of 'kg residual waste per household'. It will be important to reduce residual waste per household to achieving recycling targets though continuing waste and recycling

education and campaigns as well as potential service changes. As part of this work the council though Ansa undertake a large scale waste prevention program with over 100 volunteer hours last quarter. Key highlights include Primary School Junior recycling officer of the year event held at Reaseheath College, attending talks and shows such as Refresh Knutsford, Nantwich show and ongoing programs such as textile workshops, 'Love Food, Hate Waste', Home Composting and 'Life with less plastic'.

- 13 The Council continues to inspect, repair and where investment is available improve our play areas and parks. A major project funded by the Crewe Towns Fund will refurbish 8 pocket parks as key green spaces amongst densely populated areas of Crewe. This quarter projects are underway to a value of £800k on four pocket parks located at McLaren Street Playing Fields; School Crescent; Derby Docks; and Queens Street Recreation Ground with works completing in quarter 4 of this year. The improved parks will offer health, wellbeing and amenity enhancement to these vibrant green spaces amidst densely populated areas of Crewe.
- 14 The Council is on track to be carbon neutral as an organisation by 2025, however, there remains a risk related to the delivery of our second solar insetting scheme. Gas use, particularly within leisure centres, and larger fleet vehicles continue to present areas of challenge for decarbonisation.
- 15 Carbon Action Plan priorities continue with work to decarbonise Council buildings. Seventeen solar installations have been completed, providing approximately 1GWh per year. The Council has also put in place a programme of replacing gas boilers with air source heat pumps with 15 installations underway. We continue to replace petrol and diesel vehicles with electric across our services and we have installed 26 new or upgraded electric vehicle charge points with more in plan for the second half of this year.
- 16 Wider Borough 2045 target: Base line modelling of Carbon emissions form the Borough is completed and approval has been granted by the Environment and Communities committee to develop a key priorities action plan. A consultant has been contracted and engagement with special interest groups and councillors is underway to produce a draft action plan which will then be subject to public consultation.

Planning

Corporate Plan 2021-25: Key priorities	
A great place for people to live, work and visit	Enable access to well designed, affordable, and safe homes for all residents New development to be appropriately controlled to protect and support our borough
To reduce our impact on our environment	To improve biodiversity and natural habitats in the borough
A transport network that is safe and promotes active travel	Improvements in the strategic infrastructure that support sustainable and inclusive growth across the borough Safer and well-maintained roads More residents to use walking routes
Thriving urban and rural economies with opportunities for all	Delivery of a strategic regeneration plan for Crewe Delivery of a strategic regeneration plan for Macclesfield Maximise the commercial and regeneration opportunities associated with HS2 for the whole borough

(*base date March 2022)

Key Performance Indicators	2022/23 Mid-year	2022/23 Outturn	2023/24 Mid-year	2022/23 Target
Number of major applications registered	55	115	37	-
Number of non-major applications registered	1,374	2,639	1190	-
Major applications determined within 13 weeks or agreed time	95%	97%	95%	>90%
Non-major applications determined within 8 weeks or agreed time	83%	84%	83%	>90%
% Planning appeals allowed	40%	38%	33%	<30%
Supply of deliverable housing land	-	11.6 years*	-	5 years

(*base date March 2022)

- 17 The Planning Service remains under pressure from continuing high workloads and high demands across the whole Service, as well implementing significant service change and improvement. Planning application performance against statutory performance measures (including agreed extensions to time) is above target for major applications at 95% but below for minors at 83% which reflects some of the current challenges.
- 18 The 'backlog' of planning applications has continued to reduce to approximately 1750 applications against a normal live workload level of 1300-1400. (This figure was 2504 at the end of September 2022 and had reduced significantly). Some applications are still taking 3-6 months to determine, however an increased number are now being determined within the normal statutory timeframes. In particular newer applications are now being determined in much shorter timeframes as a result of measures that have been implemented as part of the service review. Fast track days continue for applications and are also planned for consultees to help manage delays and backlogs that consultees are facing. These improvements have resulted in a noticeable decrease in complaints about delays in decision making and positive impacts of this progress are being felt by customers.
- 19 Application numbers in general have followed the national trend and dropped from this time last year (along with income levels), albeit the above application numbers are the statutory returns which do not include all application types which total 2435 applications. Cheshire East continues to be the busiest Planning Authority in the North West and in the top ten nationally for planning applications.
- 20 Pre-application services have continued for major applications, but normal pre-application services have so far remained suspended to enable a focus on delivery of the core statutory requirements. It is proposed to re introduce a pre application service for non major applications in the new year to positively influence planning applications before they are submitted to help satisfy policy requirements and to once again provide this service that customers expect. The team has also started to progress a Local Validation Checklist for adoption in the early 2024 to further support applicants and agents and provide clarity of expectations regarding planning application submissions in Cheshire East.
- 21 The number of allowed appeals has reduced to 33% which demonstrates a consistent level of good decision making and is a measure of quality planning decisions. Scrutiny of those appeals that have been allowed

does not raise any significant trends of concern at this time but will always be a source of future learning.

- 22 Despite the above challenges the team have continued to assist in delivering significant major development schemes on identified allocated sites across the Borough, including employment and residential schemes across North Congleton while also seeking to protect sensitive environments from unacceptable development and poor design.
- 23 Enforcement complaints have increased to 515 in comparison with 440 for the same period last year. However, the planning enforcement team have been very active with the serving of 15 Enforcement Notices, 15 Planning Contravention Notices and 3 Temporary Stop Notices – a significant increase in the previous period. There are also a number of pending prosecutions. Recent recruitment to two enforcement posts in the service will help to better manage high workloads and provide a better resourced team - and therefore more responsive enforcement services.
- 24 In respect of planning policy, a number of Supplementary Planning Documents (SPDs) are also in progress to adoption showing a commitment to improving local guidance on a range of planning matters to better inform applications and impact development positively in our communities. These cover a number of themes including Sustainable Drainage (SUDS) SPD out for final consultation and two further SPDs on this same agenda are to be progressed. The service has also committed to a review of the Local Plan and whilst this will be dependent upon national legislative changes some early work to prepare the foundations for a new plan can be commenced now. A separate report on this agenda provides a full update on this review.
- 25 Building Control is continuing to adapt and change to the new legislative framework. Formal registration of all individuals for professional competency is required by April next year and a new suite of Building Regulations has just been introduced. The team continue to provide 24/7 stand by response for dangerous structures and have managed 628 applications with 5400 site visits over the 6 months period.
- 26 The Service continues to progress the recommendations of the Service Modernisation Plan with a continued focus on four main areas, the application backlog; customer service and communications; implementation of the new Planning and Land Charges IT system; and the service restructure. A focus on s106 legal agreements process, governance and procedures is also now prioritised. Separate reports on this agenda provides more information on these two areas. Clear and positive progress can be seen across a wide range of recommendations coming out of the service review with positive impacts for staff and customers.

- 27 Work on these areas continues to be resourced from within the service which creates particular challenge for senior members of the team who are diverted from day-to-day oversight and management. Work continues with the full service restructure and following JDQ assessment a staff consultation will follow in the coming months. It will be necessary to balance the requirements of the service review and expectations for a transformed planning service that is adequately resourced, with the current financial situation of the Council. Any restructure will need to be affordable. Implementation of the new IT system is unfortunately further delayed due to supplier issues. We continue to escalate our concerns and take appropriate actions to resolve this issue. This delay is however having real impacts on the team resource and delivery of some service improvements which are dependent upon implementation of the new system.

Regulatory Services

Corporate Plan 2021-25: Key priorities	
Welcoming, safe, and clean neighbourhoods	Crime and anti-social activity and anti-social behaviour to be reduced Victims of crime and exploitation to be supported effectively by the council and partners through collaboration To protect residents and improve our environment

- 28 The implementation of the new wireless CCTV network continues across the Borough. To date the towns of Disley, Alsager, Holmes Chapel, Middlewich, Sandbach and Congleton are complete and there is a programme for our remaining towns with a target for completion of the whole project of November 2023. In parallel we are stepping down our fibre requirements with BT in line with contractual obligations.
- 29 The CCTV service has also procured a new maintenance contract for the incoming wireless system that will offer an enhanced 24/7/365 service for general maintenance, repairs and updates and provide cost savings in future years.
- 30 The 2023 Annual Air Quality Status Report (ASR) has been submitted to, and approved by, Defra. The ASR is the 'go to' document to understand the up-to-date situation with air quality across the whole borough and contains monitoring results, data trends, updates on progress against our Air Quality Action Plan objectives and our priorities for the coming year.

- 31 Following grant funding by Defra an extensive education and awareness campaign has been undertaken highlighting the impact of vehicle engine idling and domestic fuel burning. Plans are underway for the use of residual funding for further activities which meet the brief of the original grant objectives, focussed particularly with our schools. Having responded to requests for 'anti-idling' signage, 35 schools now have specific signs for use around their school grounds and child pick up points with the next tranche of schools set to follow suit in the coming months.
- 32 The Trading Standards Team have recently reviewed and updated signage for the existing No Cold Calling Zones (NCCZ) across the whole Borough by applying a cost-effective replacement sticker for the existing metal signs. NCCZ signs provide a deterrent to would-be rogue traders and our protocol with the Citizens Advice Consumer Service means that if we can any calls from residents within an NCCZ then they are diverted to the rapid response officer on duty that day.
- 33 The Trading Standards Team scooped a national award in recognition of their efforts to raise awareness of the dangers of using loan sharks. This is the second time that the team have won the award, and, on this occasion, we have also had the 'Partner Recognition' accreditation from the Illegal Money Lending Team for organisations that go above and beyond in their awareness raising and protection of the local community.
- 34 Concerns over the purchase and use of vaping products by young people is of increasing concern nationally. To identify the extent of underage sales our Trading Standards Team are participating in a funded project during October 2023 to 'test purchase' vapes from online suppliers. The aim of the project is to understand current controls in place by suppliers to prevent illegal sales either online and/or at the point of delivery. It is expected that the results of this work will help shape further enforcement related projects around vape sales and protect our young people.
- 35 Our annual audit by the Sports Ground Safety Authority recognised the work that has been done to improve the approach to our sports ground safety function in the last twelve months. This has included the appointment of a deputy within the team to support our existing experienced officer, improved certification information and the completion of all recommended actions identified in the previous 2022 audit.
- 36 Senior officers met with representatives of the Food Standards Agency (FSA) to discuss the Food Law Enforcement Plan for 2023-2024. The Plan sets out how the authority will deliver on the statutory requirements for food hygiene and food standards activity each year including inspection and intervention work, dealing with complaints, and responding to allegations of food poisoning. Overall, the FSA were satisfied with our approach to food safety matters, particularly given the

pressures of Covid-19 and were encouraged by our approach of dealing with higher risk premises as a priority. They were however keen to understand how we are seeking to address the backlog of low-risk premises either through direct inspection or alternative strategy work and a further plan has been developed and shared.

- 37 There is significant enforcement activity across team with ongoing investigations into airport parking, illegal dog breeding and counterfeit goods. More recently the service has successfully challenged a Judicial Review into prosecution proceedings. The Licensing Team continue to deal with licence reviews where responsible authorities and/or the public challenge the ability of a premises to manage their activities in accordance with the licensing objectives.
- 38 The Council's Taxi Licensing Policy was approved in November 2022 leading to a significant change in processes. Some of the changes implemented were staggered to mitigate any burdens on the existing trade and the Licensing Team is continuing to implement these changes as they take effect. To support those changes in policy, and to help reduce the administrative pressures on both applicants and the Licensing Team, new online intelligent forms are being created for all application process.
- 39 Pressures following the Covid pandemic continue to impact the taxi trade and the numbers of applicants for new licenses have not significantly increased. This is having a direct impact upon income levels for the service.
- 40 The Team has also successfully repocured contracts for the provision of taxi licensing plates and the testing of licensed vehicles. Both contracts were awarded to existing suppliers and build on value for money, quality of service and the good working practices that are in place.
- 41 Following the election in May, the membership of the Licensing Committee changed. As a result, the Team have been liaising with colleagues in Democratic Services and Legal Services to ensure new members receive specific licensing training to help them in their statutory role.
- 42 Satisfaction with the Pest Control service remains extremely high with regular positive feedback received from our domestic and business customers.
- 43 Juggling work and study is difficult enough at the best of times but to do this during a pandemic is even more difficult. So, it is all credit to our two environmental health students who have passed their Environmental Health degree and can now start their practical portfolio whilst moving to

full time roles within the Commercial Services Team. Similarly, our Regulatory Compliance Apprentice moves from their Stage 1 qualification to Stage 2 in the Trading Standards Team. Our Business and Administration apprentice has also moved into a full-time permanent role within the service providing the necessary support to allow our inspecting officers to be out and about. In professions where there is a national decline in available qualified officers, this approach to training and the mentoring provided by the officers across the team is vital.

- 44 World Environmental Health Day took place on 26 September 2023 and this year we decided to use this opportunity to raise the profile of environmental health in a few small but hopefully effective ways. Alongside daily social media posts we organised a pop-up stall in Crewe Market where we challenged residents on the effectiveness of their handwashing using our special hand gel and light box as well as providing general information on our roles and responsibilities. We also provided a shortened version of the Food Hygiene Training Course to a small group of Members from our Environment and Communities Committee.

Neighbourhood Services

Corporate Plan 2021-25: Key priorities	
A great place for people to live, work and visit	A high-quality accessible library service that remains relevant to the changing needs of Cheshire East residents and delivers value for money High quality leisure and sports provision across the borough that delivers good value for money
Welcoming, safe, and clean neighbourhoods	Crime and anti-social activity and anti-social behaviour to be reduced Victims of crime and exploitation to be supported effectively by the council and partners through collaboration To protect residents and improve our environment

Key Performance Indicators	2022/23 Outturn	2023/24 Mid-year (end of September)	2023/24 Target
Number of visitors to libraries	684,574	552,332	NA
Number of visitors to leisure centres	2,600,000	1,204,086	2,300,000

Libraries

Performance Indicators	2023/24 Mid-year (end of September)
Newsletter subscribers	22,370
New members	10,310
Number of PC sessions	27,999
Book loans/issues	877,406
E-book loans	45,206
E-magazine downloads	41,602
Council enquiries handled	9,940

- 45 In July Committee approved a set of revised opening hours for the libraries service and provided delegations to officers to implement those changes. Following that approval the following actions have been undertaken;
- Continued staff engagement immediately post the decision;
 - Development of a final revised team structure to meet the opening hours now approved and;
 - Formal consultation with Trade Unions and staff affected by the changes to opening hours which has now concluded and with the final solution due to be implemented by early December.
- 46 In parallel with those discussions the team has also been proactively engaging with Town and Parish Councils around top up for library services and can confirm that the following local councils have now entered formal agreements to fund these services for the next 3 years;
- Crewe Town Council – top up to maintain opening hours of 9.30am – 6pm each weekday (7.5 hours per week)
 - Nantwich Town Council – top up to maintain opening hours of 9.30am – 6pm each weekday (4 hours per week)
- 47 The above levels of service provision will be maintained between the new Cheshire East funded hours being implemented, target for late November, and the start of top up funded services (1st April 2024).
- 48 In total the top up offer has generated an additional 598 hours of time into the library service each year, to the value of c. £60k per annum. This has also helped to limit the impact on staff in the service. The scheme remains open to other Town or Parish Councils who may wish to sign up.
- 49 Works to optimise immediately available income opportunities have also progressed with the following now in place;
- (a) Alexander clinic- Health and wellbeing
 - (b) Barclays Bank – Macclesfield, Wilmslow and Holmes Chapel
 - (c) NatWest bank Popup service- Knutsford
 - (d) Weight watchers- Holmes Chapel

- 50 As per the Committee resolution at the point that the current review is fully implemented work will commence on a Library Strategy which will focus on how the Library Service becomes more financially self sustaining via a medium to long term view on income generation opportunities. It is expected that this will be presented to committee later in 2024/25.
- 51 The summer reading challenge which is annual event to encourage children under 12 to maintain their reading during the school summer holidays, this year was a sporting theme, where in collaboration with our Leisure Trust provider Everybody Health and Leisure, each child that was given a free swimming voucher, this year 6,360 children participated which was a raise of 13% on previous year.
- 52 Library staff undertook assemblies at 89 out 130 schools as part of the reading challenge and digital resources were sent to all schools and 103 volunteers helped with the challenge, which resulted in nearly a 1000 new children becoming members of the library.

Leisure

- 53 Strategic Leisure Review – officers working with Everybody Health and Leisure have continued to bring forward the review which is the subject of a separate report on the same committee agenda.
- 54 The redevelopment of Congleton Leisure Centre now been completed with an official opening ceremony held in late June. Initial monitoring of use suggests that the investment will as planned achieve a wide range of benefits.
- 55 The Learn to Swim scheme has grown to 9,700 swimmers participating in weekly lessons and leisure memberships have exceed 20,000 for the first time, with over 2.5 million individual visits to our leisure centre sites.

Community Enforcement & Anti-Social Behaviour Team

- 56 Our community enforcement team continues to make a significant impact in and around the alleyways in Crewe, under the banner of the Cleaner Crewe Project. This project is working in conjunction with Crewe Town Council as well as local resident groups.
- 57 Committee recently approved the extension and variation of the current Public Space Protection Orders which will allow the continued enforcement around dog fouling and responsible dog owners, alongside the continue use of alley gates across the borough.
- 58 The Multi Agency Action Group (MAGG) continues to meet on a bi-monthly based. Two new Nominations have been received for Hibal

road underpass in Macclesfield and Leighton Brook Park in Crewe. Through collaboration with partners, mitigation measures have been instigated which will reduce the significant levels of ASB that has been affecting the lives of the residents.

- 59 The ASB team continues to address areas of anti-social behaviour with Community Protection Notice legislation from prevention through to enforcement.
- 60 The ASB team in collaboration with Cheshire Police have been able to address issues associated with young people engaging in ASB at Crewe Alex Football club and Macclesfield Town Centre.

Consultation and Engagement

- 61 No specific consultation or engagement is required in support of this report.

Reasons for Recommendations

- 62 The Environment and Communities Committee is responsible for reviewing and scrutinising the performance of the Environment and Neighbourhood Services department.

Other Options Considered

- 63 Not applicable.

Implications and Comments

Monitoring Officer/Legal

- 64 There are no legal implications arising from this report.

Section 151 Officer/Finance

- 65 The financial implications of changes in performance requirements or responding to current performance levels is provided in separate Finance Review reports to the Committee.

Policy

- 66 The report sets out how the department is contributing to the Cheshire East Council Corporate Plan 2021-25.

Equality, Diversity and Inclusion

- 67 There are no equalities implications arising from this report.

Human Resources

- 68 There are no human resources implications arising from this report.

Risk Management

- 69 The performance reporting process provides opportunities for the Council to identify and focus on areas for improvement to support achievement of its strategic ambitions. Timely performance reporting mitigates risk of the Council not achieving its outcomes by providing the opportunity to review outputs, identify trends and areas for improvement, and introduce corrective and/or preventative actions wherever necessary to address areas of poor - or under – performance.

Rural Communities

- 70 There are no implications for rural communities arising from this report.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

- 71 There are no implications for children and young people arising from this report.

Public Health

- 72 There are no implications for public health arising from this report.

Climate Change

- 73 An update on delivery of the Carbon Neutral Action Plan will be provided in a separate report to the Committee in due course.

Access to Information	
Contact Officer:	<p>Tom Shuttleworth, Interim Director of Environment and Neighbourhood Services</p> <p>tom.shuttleworth@cheshireeast.gov.uk</p> <p>Jane Gowing, Interim Director of Planning</p> <p>Jane.gowing@cheshireeast.gov.uk</p>
Appendices:	None
Background Papers:	None

Approvals trail: to be removed before Committee

Name	Title	Comments	Date
Contributors:			
Chris Allman	Head of Neighbourhood Services		
Tracey Bettaney	Head of Regulatory Services		
Ralph Kemp	Head of Environmental Services		
David Malcolm	Head of Planning		
Wendy Broadhurst	Finance Lead - Place		
James Thomas			
Approvers:			
Tom Shuttleworth	Interim Director of Environment & Neighbourhoods		
Jane Gowing	Interim Director of Planning		

This page is intentionally left blank

OPEN

Environment and Communities Committee

9 November 2023

MTFS 90 Strategic Leisure Review - Update

Report of: Peter Skates, Acting Executive Director - Place

Report Reference No: EC/11/23-24

Ward(s) Affected: ALL

Purpose of Report

- 1 To update Members on the progress of the implementation of the Strategic Leisure Review following the approval of the Council's Medium Term Financial Strategy 2023-27 (MTFS) at Full Council on 22 February 2023.
- 2 The review supports the Corporate Plan priorities of:
 - **Open** - A sustainable financial future for the council, through service development, improvement and transformation and;
 - **Fair** - Work together with residents and partners to support people and communities to be strong and resilient, reducing health inequalities across the borough
- 3 The report sets out the current context to service provision and the outputs from the review, the first stage of which has been informed by a robust review of both site usage and targeted public health evidence bases.
- 4 The report provides a roadmap for the next steps in the review including seeking permissions to move forward with a public consultation exercise

on proposals for a future model for leisure commissioning, accompanied by a draft investment plan.

Executive Summary

- 5 At Full Council on 22 February 2023, Council adopted the council's updated Medium Term Financial Strategy for 2023 - 2027. This included approving the Strategic Leisure Review proposal, which was to be delivered in two stages.
- 6 The first stage of the Review which was based around the need to generate a £1.291m budget saving in 2023/24 is now secured.
- 7 The principal objective of the second stage of the Strategic Leisure Review is to consider how we address health inequalities and maximise health outcomes for the residents of Cheshire East, from the current value of Council funding towards the delivery of leisure services.
- 8 From a [policy context the report also briefly sets out how this review supports the emerging Cheshire East Plan priorities of addressing health inequalities.
- 9 Cheshire East Councils leisure centres are operated by its current delivery partner Everybody Health and Leisure (EHL), a charitable trust. The operating contract was entered into in May 2014 for an initial period of ten years with an option of a further fixed 5 years. The contract was then the subject of a Cabinet decision in 2019 to extend it taking the end date to May 2029, in total a contract period of 15 years.
- 10 The Council's leisure estate spans across a total of 15 sites located throughout the borough, a summary of each is included at Appendix B. The EHL operated sites at Alderley Park and Holmes Chapel Community Centre are private initiatives and hence are out of scope.
- 11 The development of the review has consisted of looking at a range of data from both a public health and site usage perspective. With the latter being provide to the Council by EHL some of which is contained as a Part 2 item due to its commercial sensitivity.
- 12 A weighted site assessment matrix included at Appendix C1 and C2 which shows how each site has been rated is included at Appendix B. the weightings applied have placed more onus on the public health elements of the scoring. This splits the sites into two groups, Group 1 being those sites where Council subsidy to leisure provision will continue unaffected and Group 2 being those sites where that subsidy will be removed.

- 13 Proposals for the future of the sites within Group 2 are then considered in the report, subject to consultation and a final committee decision.
- 14 Alongside the proposals related to the requirement for sites in specific locations an investment plan has been developed which looks at both revenue and capital aspects of the leisure commissioning function. This is considered in detail in Appendix D.

RECOMMENDATIONS

The Environment and Communities committee is recommended to:

1. Note the objectives of and progress to date of the work to bring forward the Strategic Leisure Review alongside its contribution to delivering the Council's Medium-Term Financial Strategy, as adopted at council on 22 February 2023;
2. Authorise the Interim Director of Environment and Neighbourhood Services to carry out public consultation based on the proposals contained within this report, which will inform future leisure commissioning activities and;
3. Note that following the consultation process, a report will be brought back to Committee setting out the final proposed delivery model and the financial implications of a proposed investment plan.

Background

- 15 At Full Council on 22 February 2023, Council adopted the council's updated Medium Term Financial Strategy for 2023 - 2027. This included approving the Strategic Leisure Review proposal, which was to be delivered in two stages.
- 16 The first stage of the Review which was based around the need to generate a £1.291m budget saving in 2023/24 is now secured, with the saving built up as follows;
 - A contribution from Public Health based on substantiated health outcomes - £625k
 - A reduction in the discount provided through the Options scheme which the Council pays for from 30% to 25% - £60k
 - The adjustment of a number of qualifying criteria to the Options scheme including shifting to state pension age of 66 from 60 - £22k

- The introduction of a 50 pence swimming surcharge to support the leisure estate in terms of significantly increased costs related to operating a large number of public swimming pools - £241k
 - The successful receipt of a one-off revenue grant from Sport England from the Swimming Pool Support Fund - £500k
 - A targeted reduction in energy uses through day-to-day operational interventions across the leisure estate - £82k
 - Giving a total achieved in year saving against the revenue leisure commissioning budget line of £1.53M.
- 17 There was also a proposal to review subsidised car parking provision at Crewe and Nantwich Leisure Centre sites, the £70k annual budget which has now been removed, with the implementation now aligned to the wider Parking Review, under Highways and Transport Committee.
- 18 In parallel with delivering these savings work has been undertaken to develop stage two of the review which looks at the medium term, the next 2-3 years from 1st April 2024.

Stage 2 Review Objectives

- 19 The principal objective of the Strategic Leisure Review is to consider how we address health inequalities and maximise health outcomes for the residents of Cheshire East, from the current value of Council funding towards the delivery of leisure services.
- 20 Aligned to the principal objective also considering options around;
- Alternative “commercial” delivery models for leisure sites where council subsidised funding provision cannot be justified on a combined public health and service demand basis.
 - In conjunction with the above promoting a managed approach to future capital investment in Council leisure sites, driven by public health need, service user demand and considering pinch points in capacity of existing sites.
- 21 The outcomes from the review are intended to implement a transitional change process towards a new Leisure operating model for post May 2029, accelerating the reduction in subsidies paid in support of Everybody Health and Leisure (EHL).
- 22 This transitional arrangement will be supported by a defined Investment Plan delivered over a period of 2-3 years, designed to enhance both

service provision specific to health-based outcomes and the fixed leisure asset.

Overview of Operation and Site Locations

- 23 Cheshire East Councils leisure centres are operated by its current delivery partner Everybody Health and Leisure, a charitable trust. The operating contract was entered into in May 2014 for an initial period of ten years with an option of a further fixed 5 years. The contract was then the subject of a Cabinet decision in 2019 to extend it taking the end date to May 2029, in total a contract period of 15 years.
- 24 As part of establishing the initial contract it was agreed that the Council would support the provision of leisure services in the following ways;
 - The payment of an annual management fee which for 2023/24 was agreed at £ 1.291m. This includes a subsidy paid towards the delivery of a subsidised membership scheme titled “Options”.
 - That the Council would act as corporate landlord and as such fund all facilities management costs related to the leisure estate which includes minor maintenance and utility costs. For 2022/23 the actual costs associated equated to £ 3.765M, which was a significant increase from £2.136M actual expenditure in 2021/22. This is principally due to significant uplifts in energy costs but also planned and reactive maintenance which is a direct reflection of the age of a number of these facilities. It should be noted that the associated costs for the Congleton site are not included in these figures as it was undergoing redevelopment.
- 25 The Council's leisure estate spans across a total of 15 sites located throughout the borough as shown at Figure 1. The EHL operated sites at Alderley Park and Holmes Chapel Community Centre are private initiatives and hence are out of scope, with the latter considered as part of mitigation to the proposals contained within the review.
- 26 The council also owns a leisure centre at Bollington which is also out of scope of this review as it is not currently funded by the Council and is leased to and operated by another charitable organisation Bollington Health and Leisure.

Leisure Centres in Cheshire East

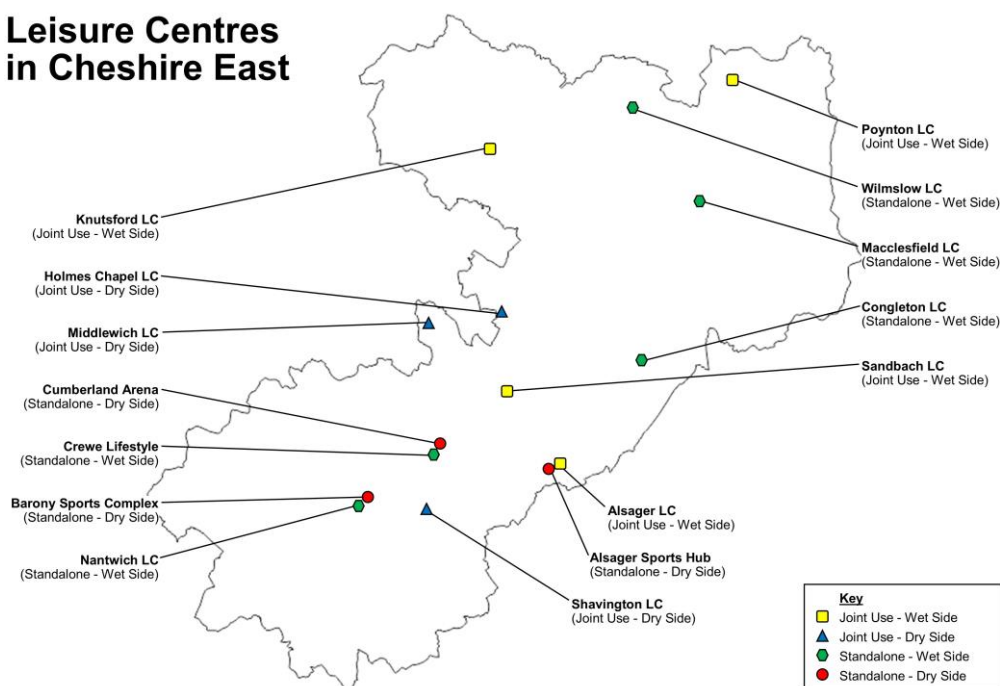


Figure 1: Map of Council funded leisure site locations

- 27 These sites vary in scale and scope of services offered, a detailed overview of which is included at Appendix B but in summary;
- 4 joint use wet sites (with swimming pools) – Alsager, Knutsford, Poynton and Sandbach Leisure Centres;
 - 3 joint use dry sites at – Holmes Chapel, Middlewich and Shavington Leisure Centres;
 - 5 standalone wet sites (with swimming pools) at – Congleton, Crewe, Macclesfield, Nantwich and Wilmslow Leisure Centres and;
 - 3 standalone dry sites at – Alsager Sports Hub, Cumberland Arena and Barony Sports Complex.

Reference to standalone and joint use relates to whether the leisure site in question also has another purpose, generally these are attached to a secondary school site who also utilise the facilities during school hours.

- 28 In terms of core services, as a collective the sites provide the following:
- 13 purpose built gyms & studios with the relevant equipment
 - 9 swimming pools, including one outdoor pool located at Nantwich
 - 9 sports pitches – grass & artificial grass

- 2 athletics tracks

29 Site opening hours are shown in the information sheets at Appendix B.

Review development

- 30 Since the MTFS was approved at Full Council in February 2023 a project team comprising of but not limited to officers from Neighbourhood Services, Public Health, Finance and Legal has been put in place to develop and deliver the review.
- 31 The review approach has been developed, utilising a review of a robust evidence base from both a site usage and public health data sets.

Site Usage Data

- 32 A summary of current site usage is contained at Table 1, including percentage comparators. All figures are taken over a 12 month period between August 2022 and 31st July 2023.
- 33 For the purposes of the review noting the complimentary offers, geographical proximity and the fact that operationally they work in tandem it is proposed to group the following sites together for assessment;
- Alsager Leisure Centre and Alsager Sports Hub
 - Crewe Lifestyle Centre and Cumberland Arena
 - Nantwich Leisure Centre and Barony Sports Complex

Leisure Site	Visits		Members		Options		LTS	
	No.	%	No.	%	No.	%	No.	%
Alsager		5.9		7.3		6.5		9.1
Alsager Sports Hub	LINKED TO ALSAGER LEISURE CENTRE - COMBINED OFFER							
Congleton		14.1		13		8.1		11.9
Crewe		14.4		17		20.7		17.0
Cumberland Arena	LINKED TO CREWE LIFESTYLE CENTRE - COMBINED OFFER							
Holmes Chapel		2.5		0.5		0.2	NA	\
Knutsford		5.2		5.4		6.1		7.2
Macclesfield		15.3		13.7		12.0		16.4
Middlewich		2.8		0.8		0.4	NA	\
Nantwich		10.1		13.7		13.4		12.4
Barony Sports Hub	LINKED TO NANTWICH LEISURE CENTRE - COMBINED OFFER							
Poynton		5.3		3.6		4.5		6.0
Sandbach		12.1		10.0		9.1		10.2
Shavington		5.9		7.2		8.3	NA	\
Wilmslow		6.5		7.5		10.8		10.0
Totals		100		100		100		100

Table 1: Site Usage Summary (full Table included as Part 2 item)

Note: due to redevelopment works Congleton site visits figures pro rata'd from 3 months (July – Sept 2023)

Participation in Leisure

- 34 As part of the initial data analysis a review of the levels of participation has been undertaken with results presented by ward within the respective public health areas.

- 35 Participation in leisure services has been calculated by comparing the total number of memberships of all grades against the population of each ward to give a percentage. This information is included in detail within Appendix B however Table 2 summarises. The notation (+1) references to sites with a combined offer as show in Table 1.

Public Health Area (Care Communities)	No of Wards	No of CEC leisure sites	Total Population (A)	Participation by ward %			A x B
				Ave. (B)	Low	High	
Congleton	3	2	39,900	10.2	9.8	11.1	4,070
Crewe	11	2 (+1)	88,000	8.2	6.3	11.4	7,216
Knutsford	3	1	22,900	8.3	1.8	11.4	1,901
Macclesfield	9	1	61,700	7.2	4.4	15.5	4,442
Nantwich	5	1 (+1)	35,300	9.3	4.1	14.2	3,283
Poynton	4	1	29,500	5.4	0.7	9.6	1,593
SMASH	9	3 (+1)	74,300	7.7	4.4	10.7	5,721
Wilmslow	8	1	48,200	7.1	3.4	11.2	3,422
Totals	52	12 (+3)	378,900	\			\

Table 2: Summary of participation in Leisure Services by Care Community

- 36 As a direct comparator the average level of participation in leisure services across all Cheshire East wards is 7.9%, hence only the Poynton area average falls significantly below this.
- 37 It can be seen from the column to the right in Table 2 that the individual sites at Knutsford and Poynton based on average percentages of participation in leisure services service a smaller proportion of the population of the wards in their respective public health (Care Community) areas.
- 38 This information has been used to inform thinking around how to increase participation levels in specific wards were this is currently lower than the average and there is a documented health inequality.

Participation Reach

- 39 A further data analysis was undertaken to understand whether any specific site was seeing attendances from leisure members registered at other sites. This is intended to determine whether sites are acting as a 'group' in servicing demand for a geographical area or essentially stand alone. The 12 month period of 1st August 2022 through to 31st July 2023 was used for this analysis utilising electronic access data available, specifically to the secure fitness suites located at each site.
- 40 A detailed summary of when and from which home destination these visits happened is included as part of the information in Appendix B and for the list of leisure sites in Table 3, which acts as a summary.
- 41 In summary the trends observed within Table 3 highlight the following;
- The sites at Holmes Chapel, Middlewich and Poynton attract the fewest visits from members registered at other sites and therefore a reasonable assumption could be that these sites operate more on a standalone basis.
 - Crewe and Nantwich attract 45.5% of the overall migration usage from members registered at other sites which would suggest that these sites at peak times are operating at capacity and hence users are diverting to alternative adjacent sites.
 - The site at Shavington provides for a disproportionately large migration of use for members registered at other sites, when compared to the site infrastructure. This is particularly evident for both Crewe and Nantwich sites and it could be concluded that these three sites operate as a collective in servicing the need of the wider geographical area.

Leisure Site	Other Members visits		Comments *all %'s quoted are rounded
	No.	%	
Alsager		4.5	A large proportion of use comes from members registered at Crewe LC (44%) however not in the same volumes as observed at either Shavington or Sandbach sites.
Barony Sports Complex		4.3	As expected the data evidences a large proportion of use from Nantwich LC (62%)
Congleton	No data available at present due to only recently opening		
Crewe		25.4	The three largest contributing sites are Shavington (35%), Sandbach (26%) and Nantwich (19%) of total visits
Holmes Chapel		1.1	A large proportion of the visiting members at this site originate at the adjacent Holmes Chapel Community Centre (80%), which is also operated by EHL.
Knutsford		3.7	The two largest contributing sites for visiting members are Macclesfield (28%) and Wilmslow (25%)
Macclesfield		8.0	The two largest contributing sites for visiting members are Alderley Park (32%) and Wilmslow (20%)
Middlewich		0.4	The largest visiting set of members came from Sandbach (51%)
Nantwich		20.1	The three largest contributing sites for visiting members are Crewe (36%), Shavington (36%) and The Barony Sports Complex (20%)
Poynton		1.3	The two largest contributing sites for visiting members are Macclesfield (39%) and Wilmslow (37%)
Sandbach		10.2	The majority of these visiting members originate from Crewe (46%)

Leisure Site	Other Members visits		Comments *all %'s quoted are rounded
	No.	%	
Shavington		17.7	Circa 85-90% of these visits are from members registered at the Crewe and Nantwich sites. It can be seen in November 2022 as Crewe site was undergoing refurbishment a large number of those members used Shavington as their alternative venue.
Wilmslow		3.3	The two largest contributing sites for visiting members are Alderley Park (36%) and Macclesfield (29%)
Totals		100	

Table 3: Summary of Membership Reach analysis (full table at Part 2)

Benchmarking

- 42 A basic benchmarking exercise has been undertaken against three neighbouring local authorities in relation to;
- The total number of sites operated v's population;
 - The total number of swimming pools operated v's population and;
 - The prices of various grades of memberships. This has included informing the review of the Options (concessionary) membership scheme which is covered later in this paper.
- 43 This information is contained at Appendix D in more detail however the key headlines are as follows;
- Currently Cheshire East has a higher number of facilities by head of population than all of the sample neighbouring local authorities.
 - Currently Cheshire East has a higher number of swimming pools by head of population than all but one of other neighbouring local authorities, with the review bringing this metric in line with the average.
 - The prices charged for various grades of membership where these can be directly compared are mid-range when compared with operators delivering public leisure services for neighbouring local authorities.

Site Assessment

- 44 Utilising the above site usage data combined with the various publicly available public health data sets a site assessment process has been undertaken. This has been summarised in the form of a weighted scoring matrix included at Appendix C. The scoring matrix as observed places a greater weighting on key public health metrics other than those of site usage.
- 45 Table 4 summarises the total scores for each site.

Leisure Site	Sub Total Site Usage	Sub Total Health	Total Score
Alsager (inc Sports Hub)	15	6	21
Congleton	21	11	32
Crewe (inc Cumberland Arena)	29	28	57
Holmes Chapel	6	0	6
Knutsford	12	4	16
Macclesfield	28	22	50
Middlewich	6	8	14
Nantwich (inc. Barony Sports Hub)	25	12	37
Poynton	13	2	15
Sandbach	19	12	31
Shavington	13	20	33
Wilmslow	18	8	26

Table 4: Summary of Site Assessment Scoring

46 Based on the score obtained the sites have then been grouped as follows;

- **Group 1** - Retain Council financial support at current levels through both Annual Management Fee and Corporate Landlord funding streams – **scores above 20 points**
- **Group 2** – Remove Council financial support specifically the Corporate Landlord funding with a view to these sites being either operated on a commercial basis, alternative funding sources being secured or being closed. These sites would also not be able to offer any discounted memberships which are currently subsidised by the Council – **scores below 20 points**

47 Therefore from the assessment process the following are lists of sites included in each of the two groups with respective scores (X) and where appropriate a brief supporting narrative.

Group 1 – Sites to continue to be subsidised

- Alsager Leisure Centre with Alsager Sports Hub (21) – combined offer providing one of the two swimming pools in the SMASH care community and also attracts a larger share of visits and memberships than other similar joint use sites.
- Congleton Leisure Centre (32) – despite being closed as a site for development works the levels of forecast annual visits and current memberships are amongst the highest across the estate.
- Crewe Lifestyle Centre with Cumberland Arena, Crewe (57) – combined offer which attracts the highest visits, memberships across all categories and services six of the most deprived wards in the borough. It is clear that this site at peak times is operating at capacity.
- Macclesfield Leisure Centre (50) – similar to Crewe attracts a high number of users across all membership categories and provides leisure and wellbeing services for Macclesfield's most deprived areas.
- Nantwich Leisure Centre with Barony Sports Complex (37) – combined offer with similar capacity issues as those seen at Crewe.
- Sandbach Leisure Centre (31) – attracts a high number of visiting members from particularly Crewe but also services Middlewich area for access to swimming.

- Shavington Leisure Centre (33) – as shown through the participation data this site acts as an ‘overspill’ to the larger sites Crewe and Nantwich sites during busier periods. It is therefore considered to be integral to the offer in the south of the borough.
- Wilmslow Leisure Centre (26) – provides coverage for this area of the borough in particular for access to swimming. Has the highest number of casual memberships across the leisure estate.

The operation of all Group 1 sites will be unaffected. Additional provision will be considered as per the Investment Plan.

Group 2 – Sites to have Council funding removed

- Holmes Chapel Leisure Centre (6) – this site has the lowest number of visits and registered memberships across all categories. Membership has decreased marginally since the start of the current operating contract. It does not feature in public health areas of need with Congleton offering a larger more well equipped offer.
- Knutsford Leisure Centre (16) – scores low on both usage and the public health assessments undertaken and site services the smallest population from a Care Community perspective with low participation from 2 of the 3 wards. Only a modest uplift (7.6%) in memberships seen since the start of the current operating contract in 2014.
- Middlewich Leisure Centre (14) – this site has the second smallest number of memberships across all categories with a large element of the registered members choosing to utilise other adjacent sites, primarily at Sandbach. Middlewich Ward sees only 4% participation from its population in leisure services. There are a number of other better equipped public leisure facilities within a short drive distance from the current site.
- Poynton Leisure Centre (15) – scores low on both site usage and public health factors, with a very small number of visiting members. Whilst not reflected in the scoring applied, the data mapping used to inform the assessment process has highlighted that there is significant use of this site by members registered outside of Cheshire East. There are a number of other public leisure facilities within a short drive distance from the current site.

Investment Plan

- 48 The Investment Plan is contained at Appendix D to this report and is currently split into two parts, revenue and capital.

Revenue

- 49 The revenue aspects will focus on the commissioning of additional but much more targeted health and wellbeing services delivered through the existing leisure centres or in the community via EHL, as the Councils delivery partner.
- 50 The revenue element of the Investment Plan has considered a series of amendments to the subsidised membership operated by EHL and funded directly by the Council known as the “Options” scheme. These amendments shift the focus of this funding to promoting the use of leisure services by those communities which currently have barriers to accessing it and where there is a clear need from a public health perspective. In developing this revised eligibility criteria we have benchmarked against neighbouring local authorities and considered the appropriateness of some eligibility criteria when set against a public health perspective.
- 51 The key proposal is to reduce the current 25% discount to a maximum of 20% and minimum of 15% with a one step differential pricing for multiple qualifying criteria.
- 52 The Options scheme will through the normal contract management process be reviewed by officers in partnership with EHL on an annual basis. This is to ensure it continues to provide the best use of this Council subsidy and on the following broad themes;
- The membership eligibility criteria remains current and relevant;
 - To determine the targeted health services to be delivered over the next 12 month period also defining the outcomes against which these will be measured and;
 - To review the applicability of the Options scheme across all sites, based on the use of the latest Public Health data
- 53 Any site in Group 2 will not be able to offer subsidised Options memberships.
- 54 There is also now a clear policy statement around not providing access to the subsidised Options membership scheme to anyone who’s registered home address is outside of the Cheshire East boundary.

- 55 Further to the same the proposals will include a differential pricing policy for any residents accessing CEC subsidised sites who's home address is not in the borough. The pricing for these members will be aligned to that for the same grade of membership of the relevant neighbouring local authority operator.

Capital

- 56 The capital aspects of the Investment Plan will focus around targeting physical infrastructure improvements to enhance the leisure estate to enable their viability by creating capacity, creation of additional space to enable diversification of the health and wellbeing services offered. Any capital investment will be done on an invest to save basis and for Group 1 sites only.
- 57 Where appropriate this element of the investment plan will include schemes funded via secured S106 developer contributions and details of this will form part of the final recommendation presented back to committee in early 2024.

Group 2 Sites – Proposed Approach

- 58 Noting the above the following is a brief summary of the proposed approach to the Group 2 sites, assuming that alternative funding cannot be secured either from commercial operation or third parties;
- **Holmes Chapel Leisure Centre** – existing joint use site located at Holmes Chapel Comprehensive School to be closed and specific leisure functions transferred to EHL controlled facility at Holmes Chapel Community Centre – replacement facility in 2024/25 subject to notice period of joint access agreement.
 - **Knutsford Leisure Centre** – existing joint use site located at Knutsford Academy school site to be closed as leisure centre from 1st April 2024, full handover following any decommissioning activities in mid-2024/25
 - **Middlewich Leisure Centre** – existing joint use site located at Middlewich High School site to be closed as leisure centre from 1st April 2024, full handover following any decommissioning activities in mid-2024/25.
 - **Poynton Leisure Centre** – joint use site located adjacent to Poynton High School to be closed – closed as leisure centre from 1st April 2024, full handover following any decommissioning activities in mid-2024/25 subject to notice period of joint access agreement.

Group 2 Sites – Direct Impacts Mitigation

- 59 In the event of not securing alternative funding provision a series of detailed mitigations will be developed for these sites in terms of the following;
- Incentivising transfer of all grades of membership to other leisure sites within Cheshire East;
 - Making provision within other nearby leisure centres for Learn to Swim classes, where capacity exists and for Cheshire East residents;
 - Where practicable provision of alternative arrangements for community, sports and swimming clubs at other EHL operated centres. This will be undertaken in direct consultation with the relevant clubs and;
 - In initial discussions with EHL related to the review they have indicated that for those areas where sites are proposed to be closed without a direct replacement option then they may pursue the bringing forward of their own alternative service offer. This will be an EHL business decision as to whether to do so.

Group 2 Sites – Alternative Provision Mitigation

- 60 A mapping exercise has been undertaken to highlight the alternative provision within these areas for the Group 2 which is contained within Appendix B.

Programme

- 61 The following is the outline programme of work associated with this review;
- Committee paper (seek approvals to approach and consultation launch) – 9th November 2023
 - Public Consultation on proposals – late November 2023 – Jan 2024
 - Committee paper (final recommendation) – February 2024
 - Issue Contract change notice – February 2024
 - New leisure delivery model in place – including amended Options membership scheme – April 2024

- Delivery of Investment Plan – April 2024 onwards (assumed maximum of 3 years)

62 The report to Environment and Communities Committee planned for February 2024 will be accompanied by a detailed business plan which will consider in terms of the recommendation made both the feedback received through the public consultation and the affordability of the various options. The latter will be informed by confirmation of the final contract changes required with Everybody Health and Leisure.

Consultation and Engagement

63 The SLR was consulted upon in January of 2023 as part of the council's Medium Term Financial Strategy (MTFS) budget engagement. The consultation received 695 responses specific to the SLR. Overall, there was 4% net support to the proposal.

64 When invited to give reasons for their support or opposition comments were summarised in four main categories of oppose proposal (35 comments), current service insufficient (23 comments), concern for public health and wellbeing (19 comments) and further information required (11 comments), the specific details of which the review has considered in its development.

65 Extensive engagement on the proposals contained within has also been undertaken with Everybody Health and Leisure as a key stakeholder to any future delivery model. EHL have provided a number of data sets relating to site usage.

66 There is now a need to undertake a public consultation to seek views on the proposed approach prior to a final decision on implementation.

67 It is envisaged that the consultation will run from mid-November over a period of 6 weeks with final dates to be publicised in due course. The consultation will have its own communications plan attached to ensure residents are actively engaged. Part of the engagement will be;

- All Member briefings
- Engagement with Town and Parish Councils.
- Engagement with specific stakeholder groups in the form of sports, community and other user groups who may be directly affected by the proposals

- 68 Following consultation final proposals will be developed and brought back to committee for a decision on future leisure commissioning in Cheshire East. This is targeted at February 2024 meeting to allow the new delivery model to be in place for 1st April 2024 or as soon as possible thereafter.

Reasons for Recommendations

- 69 The recommendations have been made on the basis of the review work undertaken by the officer project group;
- The need to focus current levels of investment into leisure services to achieve the greatest outcomes for public health;
 - Ensuring that the service continues to be delivered in an efficient and effective way both geographically and also in the provision of well equipped modern sites and;
 - To ensure that the review process undertaken adequately considers all of the factors in making a decision, underpinned by a robust evidence base.

Other Options Considered

- 70 Consideration has been given through the review of operating the Group 2 sites on a commercial footing however this was deemed not a viable proposition due to the current infrastructure constraints, the overall operating costs of the facilities and the lack of any viable investment potential.
- 71 The outcome of the review as presented also considers the long term affordability of Council commissioned leisure services, in the context of the wider financial challenges that the Council currently faces.
- 72 At this stage based on the data evidence gathered to inform the review, and the mitigations proposed to offset any negative impacts where possible, there are no other options under consideration.

Implications and Comments

Monitoring Officer/Legal

Consultation

- 73 A public consultation exercise is to proposed to be undertaken and as such the Council should ensure that it follows the Gunning Principles and to ensure that the following are met;

- (i) The proposals are still at a formative stage and no formal decision has been made or predetermined by the decision makers
- (ii) That sufficient information is provided to the consultees this needs to be available accessible and easily interpretable by the consultees to provide an informed response
- (iii) Sufficient opportunity should be given to consultees to participate in the consultation, the length of time given for the consultee to respond should depend upon the subject and the extent of the impact on the consultation.
- (iv) Conscientious consideration must be given to the consultation responses before a decision is made.

Property Implications

- 74 EHL occupies all of the sites under the terms of Lease a which is co-terminus with the operating contract and run until May 2029. If EHL no longer operate the Group 2 sites, then the leases will need to be terminated and the sites will revert to the Council.
- 75 All of the Group 2 sites are Academies. This means that there are separate leases with each school which deal with shared use of areas of common usage which facilitated operation and use of the leisure centre sites. In some cases, this allows the Council access to areas of the school for the purpose of movement between parts of the leisure centre, maintenance of shared equipment (such as boilers) and shared use of car parking. If the leases are terminated the land will not automatically pass to the schools. Any agreement to pass the sites to the adjacent schools will need to be negotiated with each individual school, alternatively the sites will close and remain vacant.
- 76 In order to facilitate use of the leisure centre sites by the schools there are Joint Use/Facilities Access agreements in place on each site. If the leisure facilities are closed and the school does not take them over, then the agreement will terminate on notice (or varying lengths).
- 77 Due diligence will need to be carried out on each site in order to determine the position depending on the outcome (closure or handover).

Changes to Leisure Operating Agreement

- 78 Once a new operating model is approved, the contact will need to be amended and this will be implemented through the normal change

control mechanism contained within the operating agreement in place with EHL.

- 79 Approvals required to advance specific elements of the Investment Plan, for instance letting of contracts, will need to be sought separately at the appropriate time.

Education Implications

- 80 Physical education is a compulsory part of the National Curriculum for children at Key Stages 1 – 4 (Reception – Year 11). Additionally, children at Key Stages 1 and 2 (Primary School) must have swimming as part of their physical education. Consideration must therefore be given to consultation with schools who use the leisure centres to deliver this part of the National Curriculum.

Section 151 Officer/Finance

Revenue

Annual Management Fee

- 81 At the point of establishing the contract the Annual Management Fee was set at c.£2M per annum, with a set contract default of a 3% reduction year on year until the end of the contract term.
- 82 The balance of revenue monies from savings against facilities management costs of the Group 2 sites will be a direct contribution to the Strategic Leisure Review MTFS budget savings target. These are summarised for 2022/23 full year spend actuals in Table 5.
- 83 As per the above the proposed changes to the subsidised Options (concessionary) membership scheme will also be considered as part of the budget savings required against the Review.

Site	Planned Maintenance	Statutory Compliance	Utilities	Total
Holmes Chapel	£ 11,207	£ 4,015	£ 67,036	£ 82,258
Knutsford	£ 14,107	£ 4,143	£ 245,291	£ 263,541
Middlewich	£ 978	£ 5,112	£ 33,737	£ 39,827
Poynton	£ 12,121	£ 3,447	£ 94,187	£ 109,755
Total	£ 38,413	£ 16,717	£ 440,251	£ 495,381

Table 5: Summary of 2022/23 actual Facilities Management Costs – Group 2 sites

- 84 It should be noted that the figures in Table 5;
- Will be their very nature vary from year to year;
 - Are actual spend for 2022/23 rather than the annual budgets for these facilities which in total considering recent savings targets applied equate to £302k for 2023/24 and;
 - Do not include any response maintenance costs which are held centrally and deployed across the wider Council property estate on a priority basis. For reference only in 2021/22 the total actual spend on response maintenance across these four sites amounted to an additional £89k increasing to £179k in 2022/23. This increase in response maintenance costs is relevant to the increasing age of these facilities, a trend which is likely to continue across the wider estate.

Capital

- 85 A Minor Works Investment Programme is proposed, included at Appendix D and as summarised below in Table 6 has a total capital cost of £3.4M.
- 86 This equates to an annual average borrowing cost of £306k assumed over 25 years and at the latest interest rates, however it is considered as an invest to save initiative, as it is forecast to generate when fully delivered £415k, hence a revenue surplus.
- 87 This programme of investment has been targeted at those sites where the data collated demonstrates a clear public health need, where service demand is greatest and there are issues around medium-term capacity to continue to service demand.
- 88 Integrated into the final Investment Plan funding mix for the purposes of clarity will be a series of S106 contributions which have been secured against specific deliverables and hence cannot be used to fund other investments.

Site and Brief Description	Investment Value	Ave. borrowing cost (£pa)	Minimum income to CEC (£pa)
Crewe LC – repurpose existing underused space	£ 250k	£ 17k	£ 30k
Macclesfield LC – expand gym and fitness suite offer	£ 250k	£ 17k	£ 30k
Macclesfield LC – new fitness equipment 2024	£ 450k	£ 105k (5yr)	£ 95k
Nantwich LC – extension to gym	£ 1M	£ 68k	£ 100k
Nantwich LC – convert old changing area to additional usable space	£ 400k	£ 27k	£ 40k
Shavington LC – replace end of life with new 4G pitch	£ 250k	£ 17k	£ 30k
Shavington LC – internal repurpose / upgrade	£ 100k	£ 7k	£ 10k
Wilmslow LC - convert squash court 3 to 2 flr gym	£ 250k	£ 17k	£ 30k
Wilmslow LC – new changing facilities	£ 450k	£ 31k	£ 50k
TOTALS	£ 3.4M	£ 306k	£ 415k

Table 6: Summary of Minor Works Investment Programme financials

Policy

89 The proposal supports the following [Corporate Plan](#) priorities.

An open and enabling organisation	A council which empowers and cares about people	A thriving and sustainable place
<ul style="list-style-type: none"> • Ensure that there is transparency in all aspects of council decision making. • Support a sustainable financial future for the council, through service development, improvement and transformation. • Promote and develop the services of the council through regular communication and engagement with all residents. 	<ul style="list-style-type: none"> • Work together with our residents and partners to support people and communities to be strong and resilient. • Reduce health inequalities across the borough. 	<ul style="list-style-type: none"> • A great place for people to live, work and visit. • To be carbon neutral by 2025.

90 The progress in delivering the replacement for the current Corporate Plan now titled the “Cheshire East Plan” was presented to Corporate Policy Committee on 5 October 2023. As part of the emerging key priorities for the borough addressing health inequalities has been clearly identified. The key objectives and proposed outcomes of this review, which are evidenced by data, directly support this priority.

Equality, Diversity and Inclusion

91 An Equality Impact Assessment has been completed in support of the project and is included at Appendix A.

92 This will be reviewed post the consultation closure and presented back to committee as part of the final recommendation.

Human Resources

93 There are no human resources implications for the Council as a result of this report.

94 All resources to manage the project will be obtained from within the current Council staffing establishment, supplemented by suitably

procured external legal, procurement and technical advice where needed.

Risk Management

- 95 Table 7 summarises the key risks associated with the various aspects of the review in a general sense, together with the mitigations which are or will be in place.

Risk	Mitigation
Current Operating Agreement with Everybody Health and Leisure – costs for change	Early and ongoing engagement with EHL to determine likely impacts of change and ensure adequate mitigations are built into emerging and the final proposal to be presented back to Committee, including any cost implications.
Impact on site users – Group 2 sites	<p>Proactive discussions ongoing with EHL to consider how to accommodate key user groups across these sites</p> <p>Consider incentivisation of membership retention at alternative sites by offering discounted period or similar promotion.</p> <p>It should however be noted that there will be some instances where a mutually agreed mitigation cannot be provided.</p>
Capital investments – current market conditions, inflation and increased costs	Undertake robust cost forecasting as part of review development process to ensure these factors are built into final business plan and hence any adjustment to the Council's capital programme.
Decommissioning costs – Group 2 sites	There are likely to be modest one off costs associated with any site decommissioning activities which will be considered and included as part of the business plan for the final recommendation.

Table 7: General risks to review process

Rural Communities

- 96 There are no impacts on rural communities at this stage, which will be reviewed as part of the development of final recommendations.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

- 97 In developing the SLR there has been a specific consideration in relation to the impact that the provision of leisure services has on young people. It should be noted that there is a range of 3 – 11% with an average of 8% of total leisure memberships being held by persons 15 years of age or less.
- 98 Where through the use of Public Health data specific target interventions are needed to address identified needs for young people these will be considered alongside other initiatives to be commissioned via the leisure service provider annually.

Public Health

- 99 Understanding variation in health and wellbeing need across Cheshire East is an essential component of the strategic leisure services review to ensure that any changes in provision optimise health and wellbeing for residents and do not widen existing health inequalities.
- 100 The public health implications of changes to leisure service provision have been carefully, and pragmatically considered as part of this review through a process of consensus building. Consensus building has involved input from the Consultant Leads for: Health Intelligence and Children and Young People; Health Protection and Wider Determinants; and Health and Care Public Health and by the Corporate Manager for Health Improvement.
- 101 Underpinning the consensus building was analysis that considered variation of health and wellbeing need across wards and towns in Cheshire East.
- Health and wellbeing has been considered in context of public health across all ages, as outlined by the Tartan Rug 2021 (attached at Appendix E) and the Joint Outcomes Framework¹
 - In addition, more focussed implications in relation to poverty, children and young people, and older people have also been

¹ Office for Health Improvement & Disparities. Public Health Profiles. <https://fingertips.phe.org.uk> © Crown copyright 2023 (Accessed 24 May 2023).

considered through review of relevant indicators in the: Poverty JSNA² and the Office for Health Improvement and Disparities Local Health Profiles³.

- 102 Overall, this analysis identified that there were consistently higher levels of need in Crewe and Macclesfield. In addition, there were also multiple needs highlighted in Nantwich, Sandbach, Congleton and Handforth. There were multiple, but less intense needs (in the top 40% of need across England but not the top 20%) identified in Mobberley and Middlewich. In addition, the national curriculum requirement of ensuring children could swim 25m by the end of year 6 was recognised as an important public safety consideration⁴. Whilst the analysis considered need alone, it was also recognised that the impact of existing leisure provision on health and wellbeing and that service usage data should be considered in conjunction with the needs analysis.
- 103 Prior to a final proposal, it will also be important to understand variation in healthy lifestyles across Cheshire East in more detail and the factors that act as barriers to adopting healthy lifestyles. This information is planned to be available by the end of 2023 following a lifestyle survey.
- 104 Furthermore, there is a recognition that understanding the actions within the Local 'All Together Active' Plan will be another important consideration included as part of the final recommendation to committee. 'All Together Active' is a Cheshire and Merseyside Population Health Board initiative and each of the nine local authorities is now preparing local implementation plans. The Cheshire East Plan will be considered for approval at the Health and Wellbeing Board in March 2024.

Climate Change

- 105 At this stage of the process there are no specific impacts on climate change, however the proposals would directly generate a reduction in energy usage by the Council across its estate, lessening its carbon footprint.

² Cheshire East Council (2022) Poverty. Cheshire East Joint Strategic Needs Assessment. Available from: https://www.cheshireeast.gov.uk/council_and_democracy/council_information/jsna/healthier-places/poverty.aspx (Accessed 24 May 2023).

³ Office for Health Improvement & Disparities. Public Health Profiles-Local Health. <https://fingertips.phe.org.uk> © Crown copyright 2023 (Accessed 24 May 2023)

⁴ Swim England (2022) Swimming and Water Safety in Schools. Available from: <https://www.swimming.org/schools/swimming-national-curriculum/> (Accessed 14 June 2023).

Access to Information	
Contact Officer:	Chris Allman, Head of Neighbourhood Services christopher.allman@cheshireeast.gov.uk
Appendices:	<p>Appendix A – Equality Impact Assessment (pre consultation)</p> <p>Appendix B – Leisure Sites Overview (redacted, full version included as Part 2 item)</p> <p>Appendix C1 – Site Assessment Matrix (redacted, full version included as Part 2 item)</p> <p>Appendix C2 – Site Assessment Matrix weightings</p> <p>Appendix D – Investment Plan</p> <p>Appendix E - Tartan Rug, 2021</p>
Background Papers:	<p>CEC Tartan Rug – please note that the analysis was based on the previous Tartan Rug attached at Appendix E, rather than the recently published version Tartan Rug (cheshireeast.gov.uk) due to the latest version not being available at the time of the analysis. However, the most recent version (Tartan Rug 2022) presents a similar picture of health inequality as presented in the Tartan Rug 2021.</p> <p>Poverty JSNA - JSNA Food and Fuel Poverty: Spotlight review (cheshireeast.gov.uk)</p> <p>CE Budget Engagement 2023 - 2027 - Full report (cheshireeast.gov.uk)</p>

This page is intentionally left blank

Equality Impact Assessment (EIA)

Engagement and our equality duty

Whilst [the Gunning Principles](#) set out the rules for consulting ‘everyone’, additional requirements are in place to avoid discrimination and inequality.

Cheshire East Council is required to comply with the Equality Act 2010 and the Public Sector Equality Duty. The Equality Act 2010 simplified previous anti-discrimination laws with a single piece of legislation. Within the Act, the Public Sector Equality Duty (Section 149) has three aims. It requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act, by consciously thinking about equality when making decisions (such as in developing policy, delivering services and commissioning from others)
- advance equality of opportunity between people who share a protected characteristic and people who do not share it, by removing disadvantages, meeting their specific needs, and encouraging their participation in public life
- foster good relations between people who share a protected characteristic and people who do not

The Equality Duty helps public bodies to deliver their overall objectives for public services, and as such should be approached as a positive opportunity to support good decision-making.

It encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people’s needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people’s opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

Complying with the Equality Duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve providing a service in a way which is appropriate for people who share a protected characteristic, such as providing computer training to all people to help them access information and services.

The Equality Act identifies nine ‘protected characteristics’ and makes it a legal requirement to make sure that people with these characteristics are protected from discrimination:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnerships
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Applying the equality duty to engagement

If you are developing a new policy, strategy or programme you may need to carry out an Equality Impact Assessment. You may be able to ascertain the impact of your proposal on different characteristics through desk-based research and learning from similar programmes, but you also need to carry out some primary research and engagement. People with protected characteristics are often described as ‘hard to reach’ but you will find everyone can be reached – you just need to tailor your approach, so it is accessible for them.

Contacting the [Equality and Diversity mailbox](#) will help you to understand how you can gain insight as to the impacts of your proposals and will ensure that you help the Council to comply with the Equality Act 2010 and the Public Sector Equality Duty.

Section 1 – Details of the service, service change, decommissioning of the service, strategy, function or procedure

Proposal Title	Strategic Leisure Review
Date of Assessment	10.10.2023
Assessment Lead Officer Name	Christopher Allman
Directorate/Service	Place
Details of the service, service change, decommissioning of the service, strategy, function or procedure.	<p>The Strategic Leisure Review is to consider how the councils address health inequalities and maximise health outcomes for the residents of Cheshire East, from the current value of Council funding towards the delivery of leisure services.</p> <p>The review has looked at the council's subsidy towards the following main factors,</p> <ul style="list-style-type: none"> • Individual Leisure Centres • Options Scheme membership <p>In the development of the review has looked at a range of data from both a public health and site usage perspective.</p> <p>The consultation will seek views on:</p> <ul style="list-style-type: none"> • The removal of the council subsidy at those sites where there isn't a demonstrated health need. • The revised options scheme and reduction of categories and percentage discount • The concept of no subsidies for residents with home addresses outside of the borough. • The future investment plan for those sites that will be continued to be subsidised by the council.
Who is Affected?	<p>Local residents – The main impact will be on those residents that use the centres that are proposed to have the subsidy removed and will have to find alternative provision, there will also be a benefit to those residents that use the retained sites by targeted investment and target interventions in areas with the greatest health need.</p>

	<p>Everybody Health and Leisure staff – reduction in the subsidy will potentially impact staffing numbers at those sites.</p> <p>Elected members, town and parish councillors & MPs – Potentially effected through adverse reaction to proposals by constituents.</p> <p>Room hirers/Community Clubs and sports clubs – reducing availability and need to find alternative provision.</p>
Links and impact on other services, strategies, functions or procedures.	<p>The work on the Strategic Leisure review has been co-produced with the councils Public Health team and collaborating closely with the council leisure trust provider, there should be a positive impact in addressing health inequalities in the most deprived areas of the council as identified on Joint Strategic Needs Assessment, as the councils subsidy into leisure services will be targeted according to health need.</p>

<p>How does the service, service change, strategy, function or procedure help the Council meet the requirements of the Public Sector Equality Duty?</p>	<p><i>The Public Sector Equality Duty is a legal requirement contained within the Equality Act 2010 which requires public authorities and others carrying out public functions to have due regard to the need to: -</i></p> <p><i>Eliminate unlawful discrimination, harassment and victimisation.</i></p> <p><i>Advance equality of opportunity between people who share a protected characteristic and those who do not</i></p> <p><i>Foster good relations between people who share a protected characteristic and those who do not</i></p> <p>Cheshire East through its partner Everybody Health and Leisure (EHL), provides inclusive facilities that cater for the needs of different people.</p> <p>The councils fund a discount options scheme that allows people that meet a certain criterion to access the facilities at discount rate. These include Age 66 and above, people in receipt of disability living allowance, children under 18.</p> <p>EHL have a stated ambition of providing 'Leisure for Life' and seeks to make participation in any recreational activity an enduring habit from the earliest years to later life, helping people to live well and for longer.</p>
--	---

Section 2- Information – What do you know?

What do you know?	What information (qualitative and quantitative) and/or research have you used to commission/change/decommission the service, strategy, function, or procedure?
Information you used	<p>The information and data used for the review is as follows:</p> <ul style="list-style-type: none"> – The Tartan Rug (February 2021) – The Joint Outcomes Framework (January 2023) – The Poverty JSNA (2022); and income domains of the Tartan Rug (February 2021) – The Poverty JSNA (2022); relevant children and young people domains of the Office for Health Improvement and Disparities Public Health Profiles (May 2023) – The poverty JSNA (2022); relevant older people domains of the Office for Health Improvement and Disparities Public Health Profiles – Site usage data including: <ul style="list-style-type: none"> – General Membership – Learn to swim Memberships. – overall usage by site but also particular focus on usage by deprivation decile and special education needs/disability, and swimming lesson activity. – Participation Reach – All the above has been consider as part of a weighted site assessment matrix.
Gaps in your Information	None identified.

3. What did people tell you?

What did people tell you	What consultation and engagement activities have you already undertaken and what did people tell you? Is there any feedback from other local and/or external regional/national consultations that could be included in your assessment?
Details and dates of the consultation/s and/or engagement activities	<p>Consultation on the proposals our being recommended for approval at the Environment and Communities committee on 9th November.</p> <p>If approved by committee a period of consultation and engagement will be conducted starting in mid-November.</p>
Gaps in consultation and engagement feedback	None

4. Review of information, consultation feedback and equality analysis

Protected characteristics. groups from the Equality Act 2010	What do you know? Summary of information used to inform the proposal	What did people tell you? Summary of customer and/or staff feedback	What does this mean? Impacts identified from the information and feedback (actual and potential). These can be either positive, negative or have no impact.
Age	<p>The review of the facilities is proposing to focus the provision where the identified health need is the greatest. Where possible, specific allowance within the programme could provide support groups, social gatherings and events, recreational time and exercise.</p> <p>The proposal is also propositioning a reduction to the discount for over 66 years and 18 years to 15%, with those that meet the eligibility criteria to be at 20%</p>		<p>There will be a negative impact potential on those areas that will potential have the subsidy removed, but overall, there should have a positive impact across the borough through targeted interventions in the areas of greatest need, which should reach a wider cross section of people and enable them to become more active.</p> <p>The proposed reduction in the options scheme discount for older and younger people may have a negative impact on individuals' ability to pay.</p>
Disability	<p>People with long-standing illness or health conditions benefit from accessible sport and leisure activities that can boost their rehabilitation or help them maintain their health and wellbeing as well as social and mental health.</p>		<p>As the proposal potentially reduces the number of existing leisure sites people with this characteristic should still be able to access these activities within their local community however the reduction in sites may impact when they can access them. there will be an option for people to travel between leisure sites to access activities</p>

	<p>The facilities comply with DDA regulations, and any new investment will be compliant with planning regulations and will ensure that all activities available within the new facilities will accommodate users with any disability.</p> <p>Facilities also include accessible changing rooms, lifts to falls and pool hoist.</p>		
Gender reassignment	EHL doesn't hold gender re-assignment membership data. Census 2021 data could be used for population gender identity data		There is no evidence that there will be a detrimental impact for people with this protected characteristic. However, the public consultation will be available for anyone from the protected characteristic to complete.
Pregnancy and maternity	EHL doesn't collect pregnancy membership data		As the proposal potentially reduces the number of existing leisure sites people with this characteristic should still be able to access these activities within their local community however the reduction in sites may impact when they can access them. there will be an option for people to travel between leisure sites to access activities
Race/ethnicity	EHL doesn't hold full and comprehensive data on race of its members or wider users.		As the proposal potentially reduces the number of existing leisure sites, residents with this characteristic may not be able to access these services within their local community

Religion or belief	EHL doesn't collect religion membership data. Census 2021 will provide ward data		There is no evidence that there will be a detrimental impact for people with this protected characteristic. However, the public consultation will be available for anyone from the protected characteristic to complete.
Sex			
Sexual orientation	EHL does not collect sexual orientation data.		There is no evidence that there will be a detrimental impact for people with this protected characteristic. However, the public consultation will be available for anyone from the protected characteristic to complete.
Marriage and civil partnership	EHL does not collect marriage and civil partnership data		There is no evidence that there will be a detrimental impact for people with this protected characteristic. However, the public consultation will be available for anyone from the protected characteristic to complete.

5. Justification, Mitigation and Actions

Mitigation	What can you do? Actions to mitigate any negative impacts or further enhance positive impacts
<p>Please provide justification for the proposal if negative impacts have been identified?</p> <p>Are there any actions that could be undertaken to mitigate, reduce or remove negative impacts?</p> <p>Have all available options been explored? Please include details of alternative options and why they couldn't be considered?</p> <p>Please include details of how positive impacts could be further enhanced, if possible?</p>	<p>Several mitigating factors are being explored, including:</p> <ul style="list-style-type: none">• Accommodating displaced user at an alternative site• Use of potential vacated space for alternative usages• Direct provision between the Academy and EHL• EHL commercial offering.

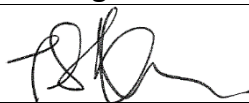
6. Monitoring and Review-

Monitoring and review	How will the impact of the service, service change, decommissioning of the service, strategy, function or procedure be monitored? How will actions to mitigate negative impacts be monitored? Date for review of the EIA
Details of monitoring activities	
Date and responsible officer for the review of the EIA	Post public consultation close – mid January 2024, Chris Allman, Head of Neighbourhood Services

7. Sign Off

When you have completed your EIA, it should be sent to the [Equality, Diversity and Inclusion Mailbox](#) for review. If your EIA is approved, it must then be signed off by a senior manager within your Department (Head of Service or above).

Once the EIA has been signed off, please forward a copy to the Equality, Diversity and Inclusion Officer to be published on the website. For Transparency, we are committed to publishing all Equality Impact Assessments relating to public engagement.

Name	Tom Shuttleworth, Interim Director of Environment and Neighbourhoods
Signature	
Date	13.10.2023

8. Help and Support

For support and advice please contact EqualityandInclusion@cheshireeast.gov.uk

Strategic Leisure Review

Appendix B Leisure Sites Overview

October 2023

Open

Fair

Green

Introduction

This document sets out a summary of each site which Cheshire East Council holds as a leisure asset which is subsequently operated under formal agreement by a charitable trust, Everybody Health and Leisure, on its behalf.

This document has been produced to provide a suitable overview of the scale of and type of facilities on offer, in order to inform the proposed public consultation.

Public Health Data

The borough is divided into eight areas, known as Care Communities, through which public health metrics are monitored, which are as follows;

Congleton and Holmes Chapel (COHC) – consisting of Congleton East, Congleton West, Dane Valley wards. Total population of 39,900

Crewe – consisting of Crewe Central, Crewe East, Crewe North, Crewe South, Crewe St Barnabas, Crewe West, Leighton, Shavington, Willaston & Rope, Wistaston, Wybunbury wards. Total population of 88,000

Knutsford – consisting of High Legh, Knutsford, Mobberley wards. Total population of 22,900

Macclesfield – Broken Cross and Upton, Gawsorth, Macclesfield Central, Macclesfield East, Macclesfield Hurdsfield, Macclesfield South, Macclesfield Tytherington, Macclesfield West and Sutton wards. Total population of 61,700

Nantwich and Rural – consisting of Audlem, Bunbury, Nantwich North and West, Nantwich South and Stapeley and Wrenbury wards. Total population of 35,300

Bollington, Disley and Poynton (BDP) – Bollington, Disley, Poynton East and Pott Shrigley and Poynton West and Adlington wards. Total population of 29,500

Sandbach, Middlewich, Alsager, Scholar Green and Haslington (SMASH) – Alsager, Brereton Rural, Haslington, Middlewich, Odd Rode, Sandbach Elworth, Sandbach Ettiley Heath and Wheelock, Sandbach Heath and East and Sandbach Town wards. Total population of 74,300

Chelford, Handforth, Alderley Edge and Wilmslow (CHAW) – Alderley Edge, Chelford, Handforth, Prestbury, Wilmslow Dean Row, Wilmslow East, Wilmslow Lacey Green and Wilmslow West and Chorley wards. Total population of 48,200

The population figures quoted are derived from the 2021 census as per Office of National Statistics, hence will be different from those included in the published 'Tartan Rug 2022'.

Group 2 Sites – Alternative Provision

For each of the Group 2 sites an additional summary is included of alternative provision within the immediate geographical area.

This includes drive distances and average drive times which have been derived from Google Maps.

Public transport options have also been summarised.

Everybody Health and Leisure operate sites at Alderley Park and Holmes Chapel Community Centre are private initiatives and hence are out of scope, with the latter considered as part of mitigation to the proposals contained within the review.

The council also owns a leisure centre at Bollington which is also out of scope of this review as it is not currently funded by the Council and is leased to and operated by another charitable organisation, Bollington Health and Leisure. It should however be considered as part of the wider offer of publicly accessible leisure services for this area of the borough.

Sites are listed in alphabetical order as follows;

Site Name	Page No.
Alsager Leisure Centre	5
Alsager Sports Hub	6
Barony Sports Complex	7
Congleton Leisure Centre	8
Crewe Lifestyle Centre	9
Cumberland Arena	10
Holmes Chapel Leisure Centre	11
Knutsford Leisure Centre	13
Macclesfield Leisure Centre	15
Middlewich Leisure Centre	16
Nantwich Leisure Centre	18
Poynton Leisure Centre	19
Sandbach Leisure Centre	21
Shavington Leisure Centre	22
Wilmslow Leisure Centre	23

ALSAGER LEISURE CENTRE



Address:	Alsager Leisure Centre Hassall road, Alsager, Cheshire, ST7 2HP		
	Google Maps: https://maps.app.goo.gl/Bfa5SMhB4U7xoNv99		
CE Ward:	Alsager		
Public Health area:	SMASH		
Centre Opening Hours:	Monday-Friday	06:00 AM - 22:00 PM	
	Saturday	07:00 AM - 18:00 PM	
	Sunday	07:00 AM - 18:00 PM	
Overview:	Joint Use with Alsager School – Academy Recent investment has included 2x Squash court conversion with mezzanine level to create new gym, created from 2 fitness studios from social and bar area, investment in dry side changing to support increased usage of above and associated upgrades to mechanical plant.		
Facilities:	<ul style="list-style-type: none">• Swimming pool – 1 x (25m x 10m)• Sports hall• Gym• 2 x Fitness studio• 2x Squash courts• Artificial Grass pitch hire – outside of school use		

ALSAGER SPORTS HUB



Address:	Alsager Sports Hub Alsager, ST7 2TH Google Maps: https://maps.app.goo.gl/yGwW5fFYSmAppL16	
CE Ward:	Alsager	
Public Health area:	SMASH	
Centre Opening Hours:	Monday-Friday	15:00 PM - 21:00 PM
	Saturday	09:00 AM - 18:00 PM
	Sunday	09:00 AM - 18:00 PM
Overview:	Standalone site providing a combined offer with Alsager Leisure Centre Facility constructed via S106 works	
Facilities:	<ul style="list-style-type: none"> • 2 x artificial grass pitches, • 5 x grass pitches, • Pavilion • Walking/running trail around perimeter of site 	

BARONY SPORTS COMPLEX

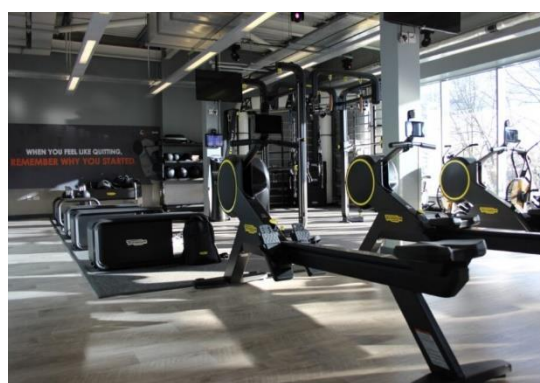
			
Address:		Barony Sports Complex Barony Road, Nantwich, Cheshire, CW5 5Q Google maps: https://maps.app.goo.gl/rct8cir8oHCDYxtE6	
CE Ward:		Nantwich North and West	
Public Health area:		Nantwich	
Centre Opening Hours:		Monday-Friday	12:00 PM - 21:00 PM
		Saturday	09:00 AM - 17:00 PM
		Sunday	09:00 AM - 17:00 PM
Overview:		Standalone site providing a combined offer with Nantwich Leisure Centre <ul style="list-style-type: none">• Creation of Reception• Creation of Fitness studio on first floor• Installation of Lift• Improvements to changing facilities.	
Facilities:		<ul style="list-style-type: none">• Gym,• Fitness Studios• Artificial grass pitch,• Grass pitches,• Tennis courts,• Bowling green	

CONGLETON LEISURE CENTRE



Address:	Congleton Leisure Centre Worrall Street, Congleton, Cheshire, CW12 1DT		
	Google Maps: https://maps.app.goo.gl/LUUhvnKZr3ArSiPr8		
CE Ward:	Congleton East		
Public Health area:	Congleton		
Centre Opening Hours:	Monday-Friday	6:00 AM - 22:00 PM	
	Saturday	7:00 AM - 18:00 PM	
	Sunday	7:00 AM - 18:00 PM	
Overview:	Standalone site, recently undergone major refurbishment including extension with new swimming pool, re-opened in June 2023.		
Facilities:	<ul style="list-style-type: none">• Taste for Life Café• Fitness Suite• Fitness Studios• Thermal Suite including Sauna, Steam Room & Plunge Shower• Dedicated Spin Studio• Treatment rooms/consultation rooms• Sports Hall• Soft Play Area & Party Room• 6 lane 25m pool and learner pool		

CREWE LIFESTYLE CENTRE




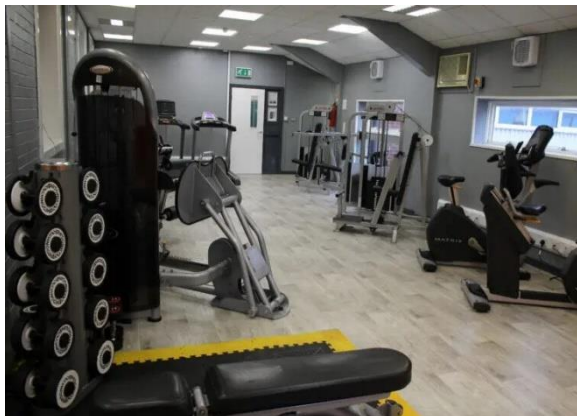
Address:	Crewe Lifestyle Centre, Moss Square, Crewe, CW1 2BB		
	Google Maps: https://maps.app.goo.gl/DTSwwgSKQph8DMGr8		
CE Ward:	Crewe Central		
Public Health area:	Crewe		
Centre Opening Hours:	Monday-Friday	6:00 AM - 22:00 PM	
	Saturday	7:00 AM - 18:00 PM	
	Sunday	7:00 AM - 18:00 PM	
Overview:	Stand alone site but co-located with Crewe library and social care service provision. Recent investment has included fit out of new gym equipment and improvements to layout		
Facilities:	<ul style="list-style-type: none">• 2 x swimming pools, 25m main pool 15m Leaner pool• sports hall,• gym,• fitness studios• Taste for Life Café• Village changing room		

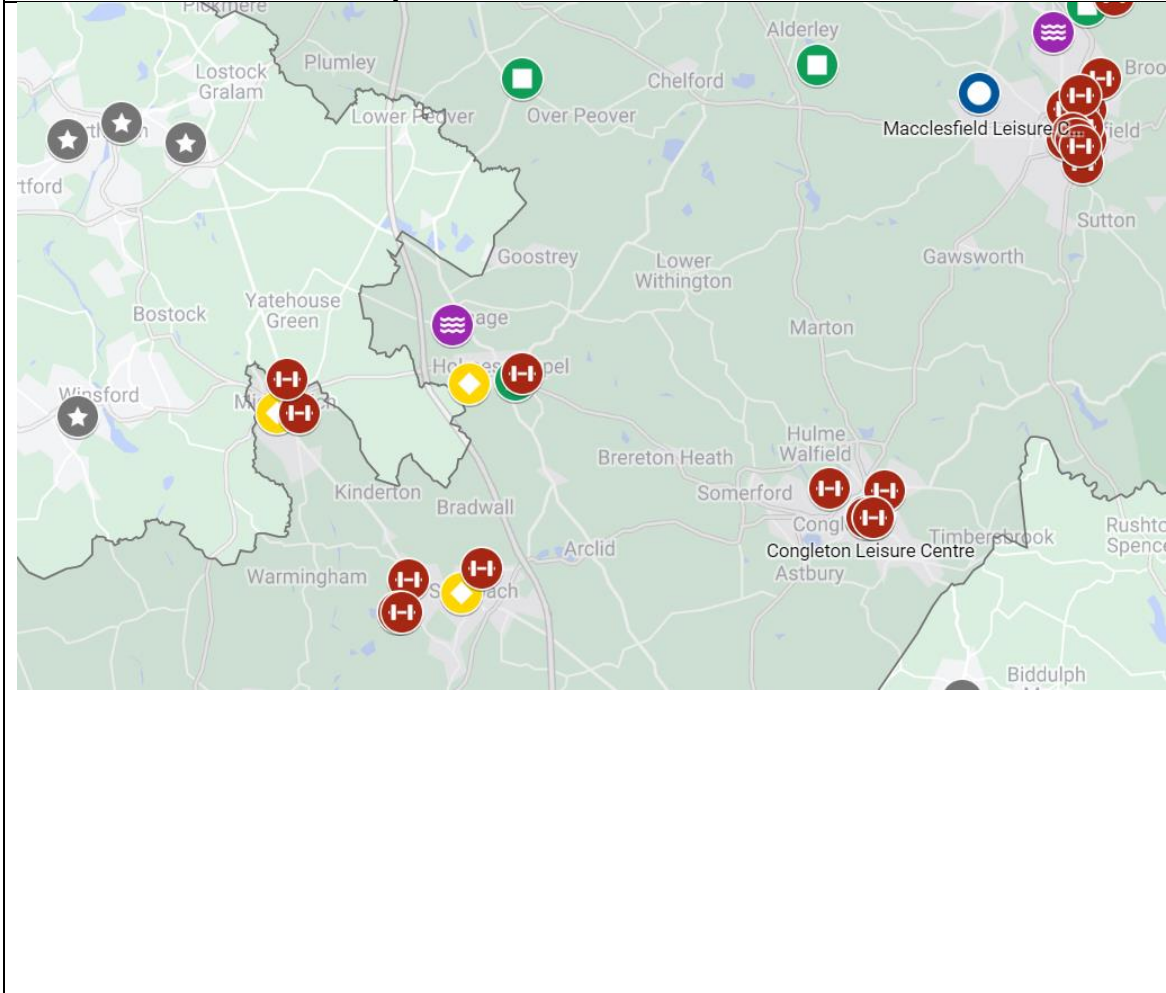






CUMBERLAND ARENA



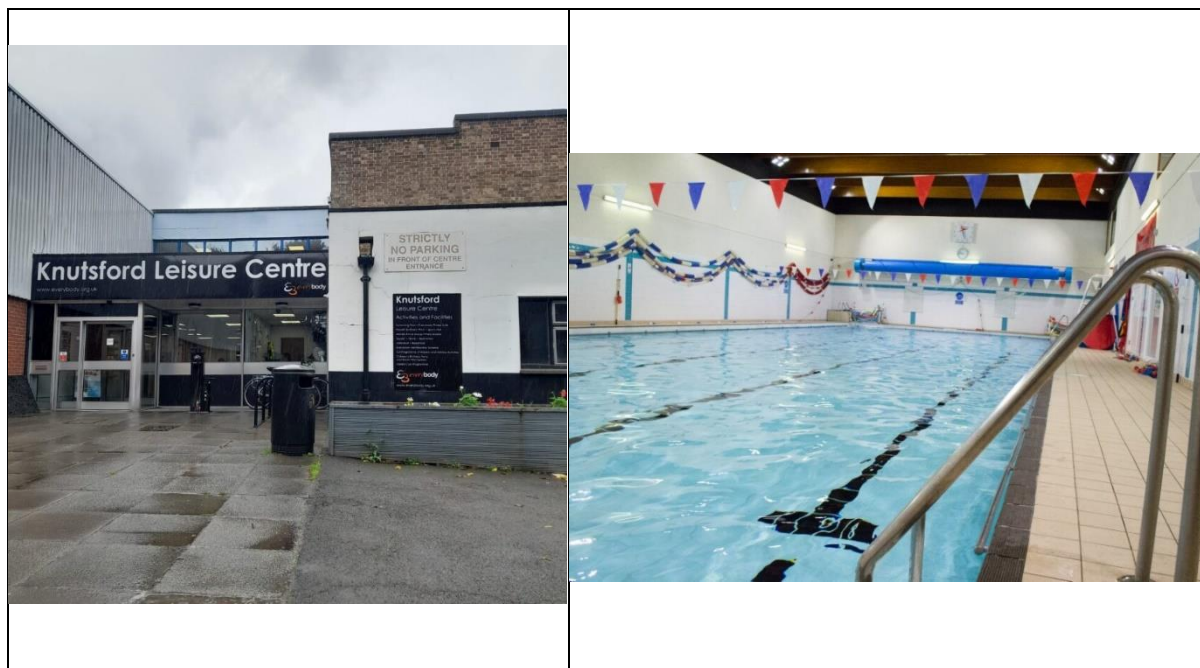
Address:	Cumberland Arena Thomas Street, The Wharf, Crewe, Cheshire East, CW1 2BD		
	Google Maps: https://maps.app.goo.gl/vQHDP3hu3CRuVaWC8		
CE Ward:	Crewe East		
Public Health area:	Crewe		
Centre Opening Hours:	Monday	16:30 PM - 21:00 PM	
	Tuesday thro' Thursday	16:30 PM - 22:00 PM	
	Friday	16:00 PM - 21:00 PM	
	Saturday	09:00 AM - 18:00 PM	
	Sunday	09:00 AM - 19:00 PM	
Overview:	Standalone site providing a combined offer with Crewe Lifestyle Centre. Committed investment as part of the Crewe Towns Fund, to include inclusive changing facilities, 3 multi-functional spaces and improved spectator provision		
Facilities:	<ul style="list-style-type: none">• Athletics Track• Artificial Grass Pitch• Accessible changing facilities		

HOLMES CHAPEL LEISURE CENTRE

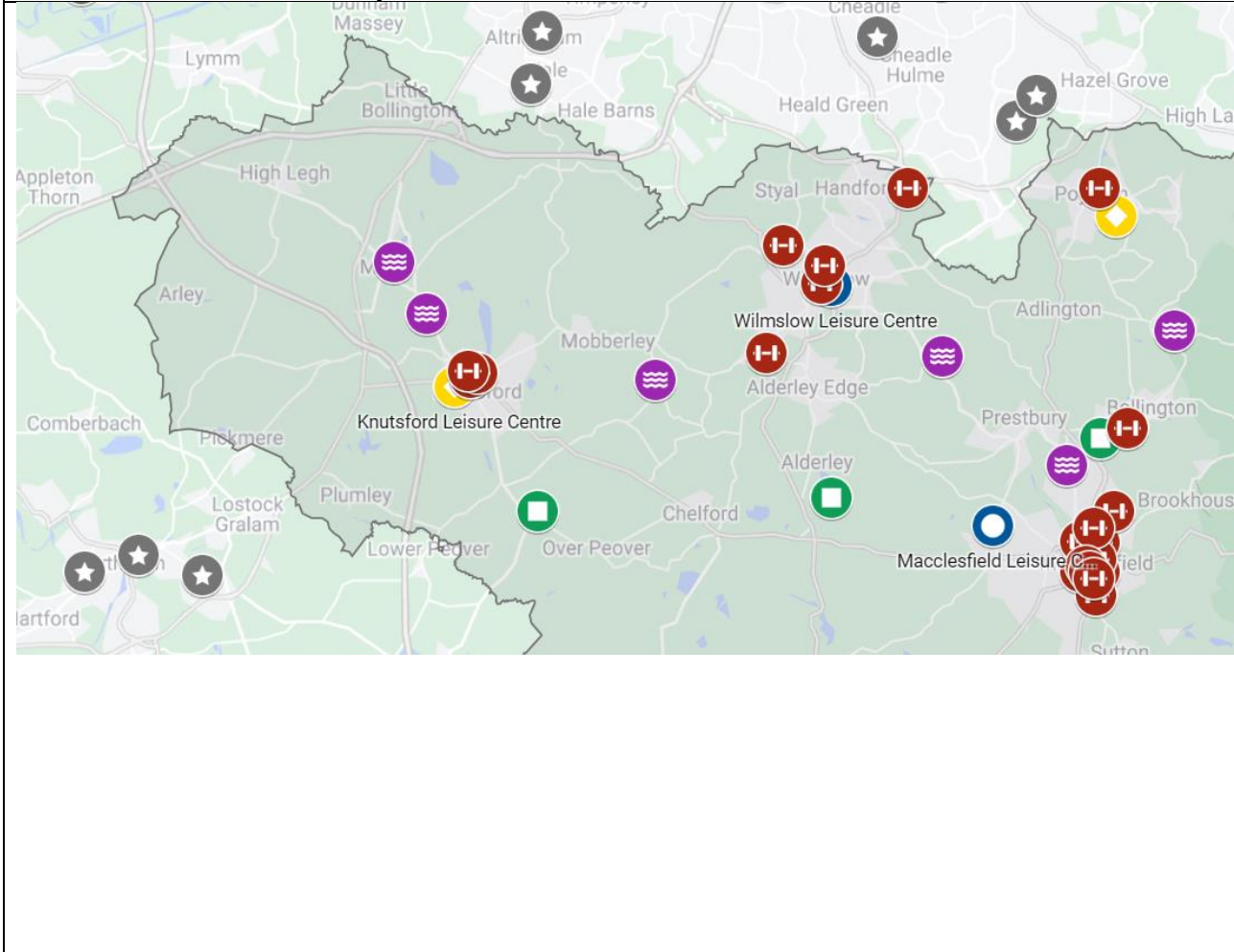






			
Address:		Holmes Chapel Leisure Centre Selkirk Drive, Holmes Chapel, Cheshire, CW4 7DZ Google Maps: https://maps.app.goo.gl/4Pa8YrLTXouT2CS2A	
CE Ward:		Dane Valley	
Public Health area:		Congleton	
Centre Opening Hours:		Monday-Friday	5:00 PM - 10:00 PM
		Saturday	9:00 AM - 17:00 PM
		Sunday	9:00 AM - 17:00 PM
Overview:		<ul style="list-style-type: none">• Joint use, Holmes Chapel comprehensive High School – Academy• Reception area improvements.	
Facilities:		<ul style="list-style-type: none">• Sports hall• Gym• Fitness studio• Artificial grass pitch	

Alternative Provision Map	Alternative Provision Description
	<p>Key</p> <p>CEC facilities on map  </p> <p>Other public leisure facilities </p> <p>Other private sector provision   </p> <p>Leisure Sites locations</p> <p>Nearest CEC leisure facilities with same or enhanced service provision;</p> <ul style="list-style-type: none"> • Sandbach Leisure Centre - 5.9 miles driving (11 mins) • Congleton Leisure Centre – 7.8 miles driving (14 mins) <p>Nearest non CEC public leisure facilities with same or enhanced service provision;</p> <ul style="list-style-type: none"> • Holmes Chapel Community Centre – 1.9 miles (5 mins) • Winsford Lifestyle Centre – 7.8 miles driving (15 mins) <p>Public Transport connectivity</p> <p>Holmes Chapel Railway Station is located to the east of the town centre. The line connects to Crewe and Sandbach in the West and Wilmslow and Manchester to the North. The 42 bus connects to Congleton as well as Middlewich – operating from Monday to Saturday. The 319 bus connects to Sandbach but only operates on Mondays and Thursdays.</p>

KNUTSFORD LEISURE CENTRE



Address:	Knutsford Leisure Centre Westfield Drive, Knutsford, Cheshire, WA16 0BL	
CE Ward:	Knutsford	
Public Health area:	Knutsford	
Centre Opening Hours:	Monday-Friday	6:00 PM - 22:00 PM
	Saturday	7:00 AM - 18:00 PM
	Sunday	7:00 AM - 18:00 PM
Overview:	Joint use site – Academy, school have use of swimming changing rooms during the day, which restricts public access	
Facilities:	<ul style="list-style-type: none"> • Artificial Grass Pitch • Fitness Studio • Fitness Suite • Sports Hall • Squash Court • Swimming Pool – 1 x main pool 25m 	

Alternative Provision Map	Alternative Provision Description
	<p>Key</p> <p>CEC facilities on map  </p> <p>Other public leisure facilities </p> <p>Other private sector provision   </p> <p>Leisure Sites locations</p> <p>Nearest Group 1 CEC leisure facilities with same or enhanced service provision;</p> <ul style="list-style-type: none"> • Wilmslow Leisure Centre – 8.3 miles driving (18 mins) • Macclesfield Leisure Centre – 11.1 miles driving (21 mins) <p>Nearest non CEC public leisure facilities with same or enhanced service provision;</p> <ul style="list-style-type: none"> • Rudheath Leisure Centre – 6.7 miles driving (11 mins) <p>Public Transport connectivity</p> <p>Knutsford Railway Station rail line connects to Northwich and Chester in the West and Altrincham and Manchester to the North. The 88 bus connects to Macclesfield and Wilmslow with the 89 connecting to Northwich – operating from Monday to Saturday.</p>

MACCLESFIELD LEISURE CENTRE

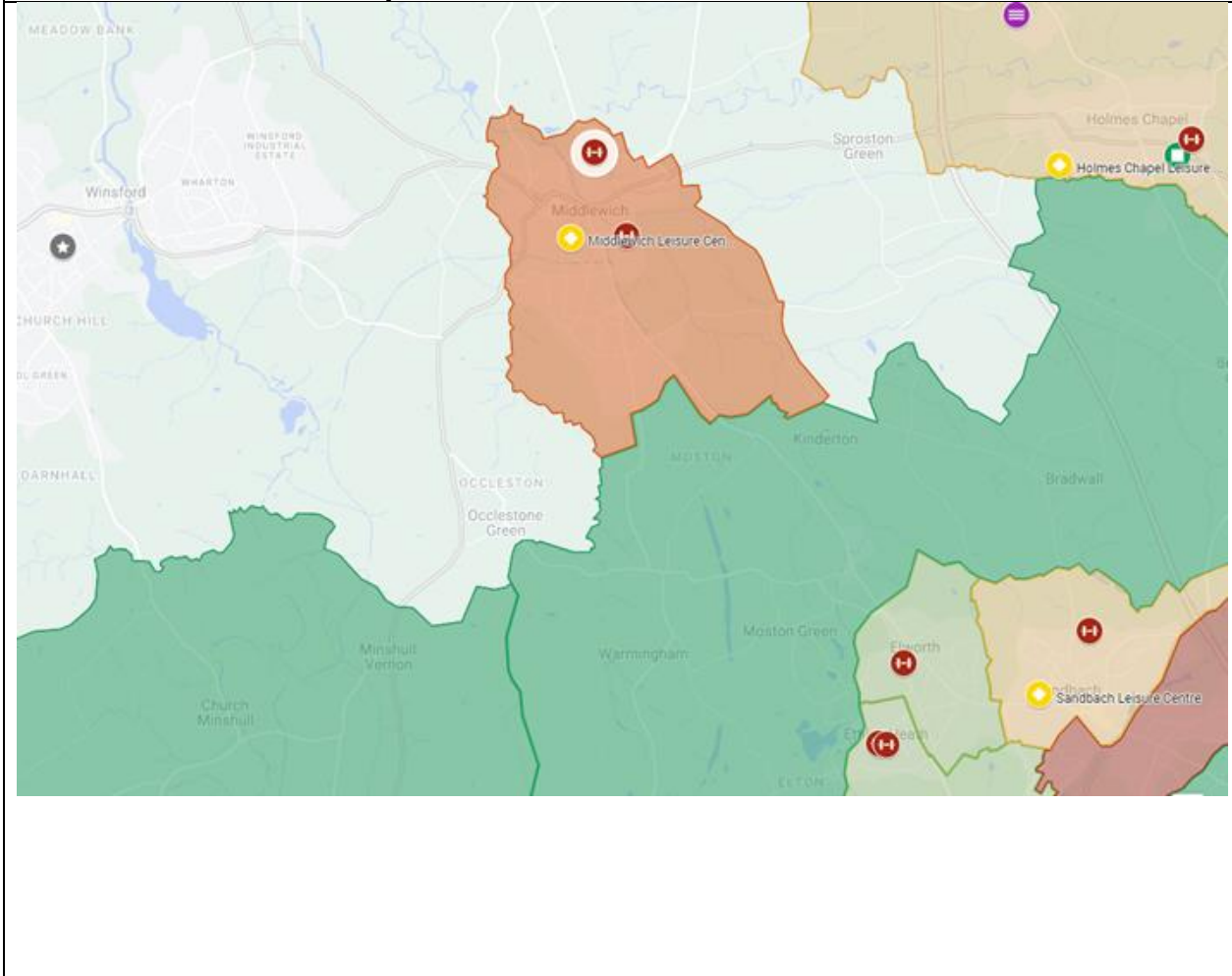








Address:	Macclesfield Leisure Centre Priory Lane, Macclesfield, Cheshire, SK10 4AF	
	Google Maps: https://maps.app.goo.gl/HMM5BB9fDNqBDsWU6	
CE Ward:	Broken Cross and Upton	
Public Health area:	Macclesfield	
Centre Opening Hours:	Monday-Friday	6:00 PM - 22:00 PM
	Saturday	7:00 AM - 18:00 PM
	Sunday	7:00 AM - 18:00 PM
Overview:	Large standalone site, co-located also with adult day care services Recent investment around reception reconfiguration and enhancement and improvements to energy efficiency	
Facilities:	<ul style="list-style-type: none"> • Athletics Track • Adult day care • Fitness Studios • Spin Studio • Fitness Suite • Sports Hall • Squash Courts • Swimming Pool – 1x Main Pool 1 x Leaner Pool • Spa • Taste for Life Café 	



MIDDLEWICH LEISURE CENTRE



Address:	Middlewich Leisure Centre St. Ann`s Walk, Off King Edward Street, Middlewich, CW10 9BU Google Maps: https://maps.app.goo.gl/4f5AJMgobBHasSQs5	
CE Ward:	Middlewich	
Public Health area:	SMASH	
Centre Opening Hours:	Monday-Thursday	17:00 PM - 22:00 PM
	Friday	CLOSED
	Saturday	09:00 AM - 17:00 PM
	Sunday	09:00 AM - 17:00 PM
Overview:	Joint use – forms part pf Sir John Brunner Academy foundation school site. No recent investment activity.	
Facilities:	<ul style="list-style-type: none"> • Artificial Grass Pitch • Fitness Suite • Sports Hall • Tennis Courts 	

Alternative Provision Map	Alternative Provision Description
	<p>Key</p> <p>CEC facilities on map  </p> <p>Other public leisure facilities </p> <p>Other private sector provision   </p> <p>Leisure Sites locations</p> <p>Nearest Group 1 CEC leisure facilities with same or enhanced service provision;</p> <ul style="list-style-type: none"> • Sandbach Leisure Centre - 5.0 miles driving (10 mins) • Crewe Lifestyle Centre – 7.9 miles driving (21 mins) <p>Nearest non CEC public leisure facilities with same or enhanced service provision;</p> <ul style="list-style-type: none"> • Holmes Chapel Community Centre – 5.0 miles driving (10 mins) • Winsford Lifestyle Centre - 4.1 miles driving (9 mins) <p>Public Transport connectivity</p> <p>The 37 bus connects to Crewe, Sandbach, Winsford and Northwich. The 42 bus connects to Holmes Chapel / Congleton. Both routes operate from Monday to Saturday.</p>

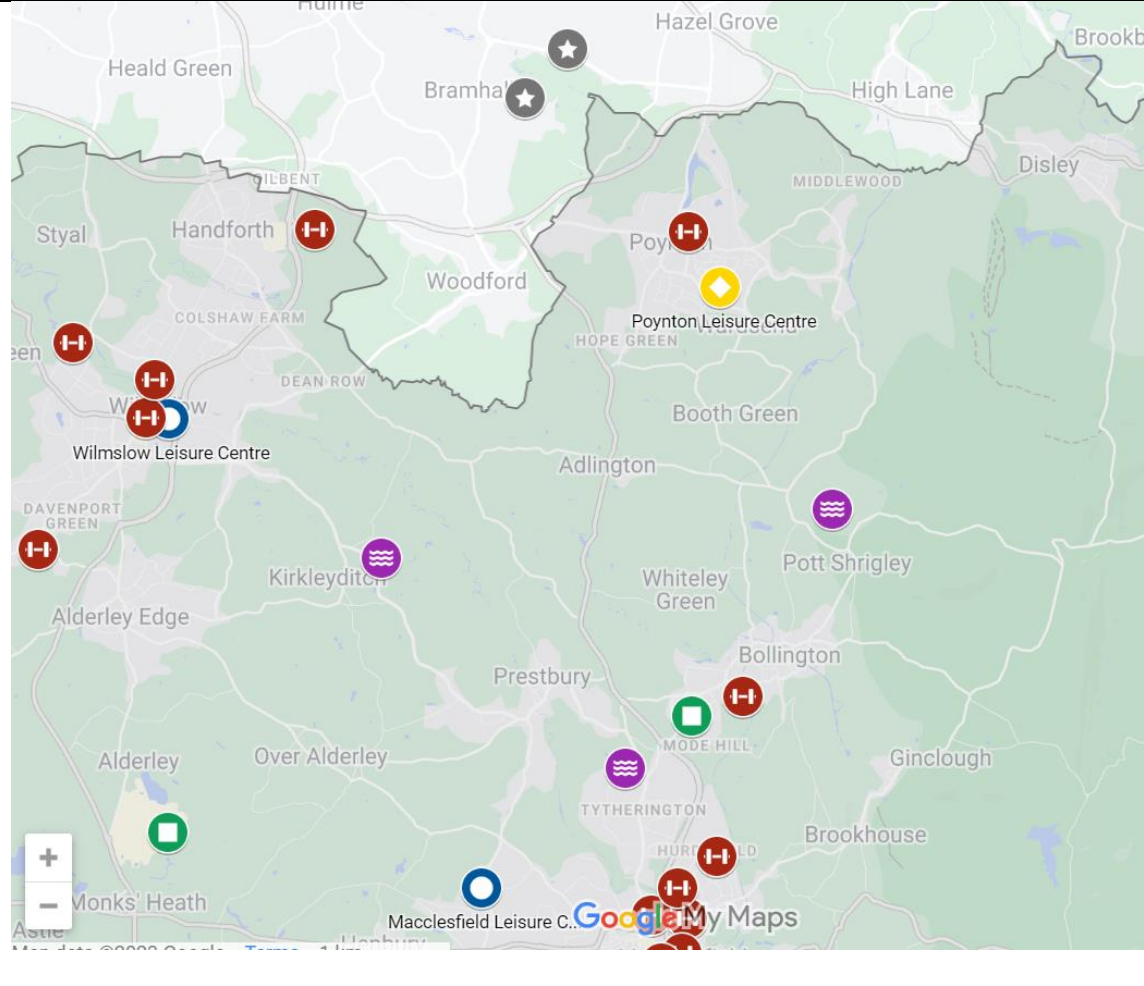






NANTWICH LEISURE CENTRE

			
Address:		Nantwich Leisure Centre Wall Lane, Nantwich, CW5 5LS	
		Google Maps: https://maps.app.goo.gl/1HAUHVXCUEVUSKte9	
CE Ward:		Nantwich North and West	
		Nantwich	
Centre Opening Hours:		Monday-Friday	6:00 PM - 22:00 PM
		Saturday	7:00 AM - 18:00 PM
		Sunday	7:00 AM - 18:00 PM
Overview:		Standalone site Investment completed 2022, including new entrance and reception, gym and studio facilities, new Taste for Life Café and changing room refurbishment for outdoor pool	
Facilities:		<ul style="list-style-type: none">• Indoor swimming pool 25m leaner pool• Outdoor brine swimming pool 30m• Gym• Fitness studio• Spin Studio• Outdoor café• Taste for Life Café	

POYNTON LEISURE CENTRE



Address:	Poynton Leisure Centre Yew Tree Lane, Poynton, Stockport, Cheshire, SK12 1PU Google Maps: https://maps.app.goo.gl/aYtoLaFvsr9A62jR9	
CE Ward:	Poynton East and Pott Shrigley	
	Poynton	
Centre Opening Hours:	Monday-Friday	06:00 PM - 22:00 PM
	Saturday	07:00 AM - 18:00 PM
	Sunday	07:00 AM - 18:00 PM
Overview:	Joint Use site with Poynton high school – Academy No recent investment	
Facilities:	<ul style="list-style-type: none"> • Fitness Suite • Sports Hall • Squash Courts • Swimming Pool – 25m 	

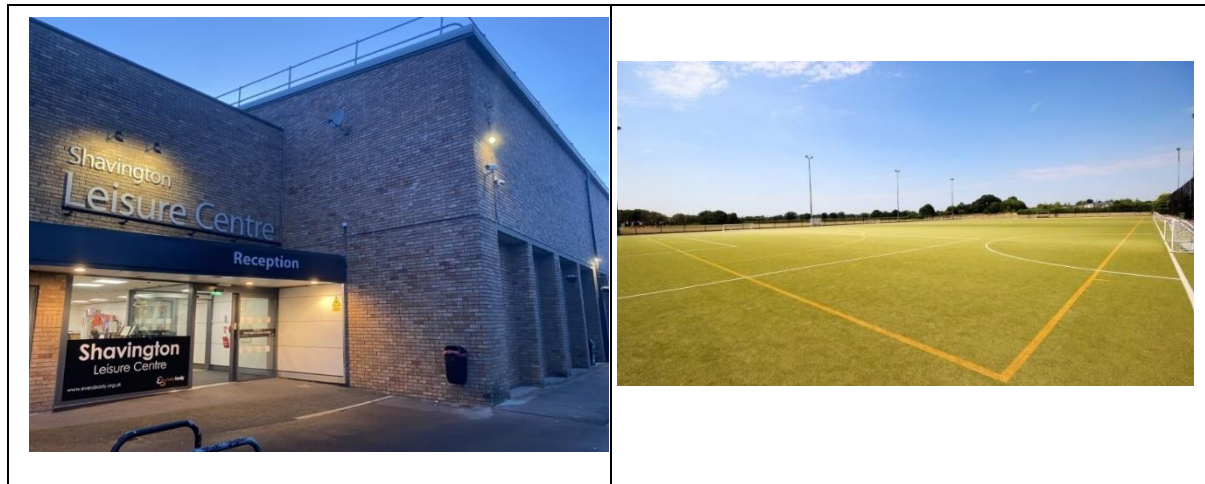
Alternative Provision Map	Alternative Provision Description
	<p>Key</p> <p>CEC facilities on map  </p> <p>Other public leisure facilities </p> <p>Other private sector provision   </p> <p>Leisure Sites locations</p> <p>Nearest Group 1 CEC leisure facilities with same or enhanced service provision;</p> <ul style="list-style-type: none"> • Wilmslow Leisure Centre – 7.3 miles driving (15 mins) • Macclesfield Leisure Centre – 7.2 miles driving (16 mins) <p>Nearest non CEC public leisure facilities with same or enhanced service provision;</p> <ul style="list-style-type: none"> • Bollington Health and Leisure – 5.7 miles (12 mins) • Life Leisure Hazel Grove – 3.9 miles driving (9 mins) • Life Leisure Bramhall – 4.7 miles driving (12 mins) <p>Public Transport connectivity</p> <p>Poynton Railway Station rail line connects to Macclesfield in the South and Hazel Grove, Stockport and Manchester to the North. The 391 and 392 buses connect Poynton with Macclesfield, Bollington and Hazel Grove – operating from Monday to Saturday.</p>

SANDBACH LEISURE CENTRE



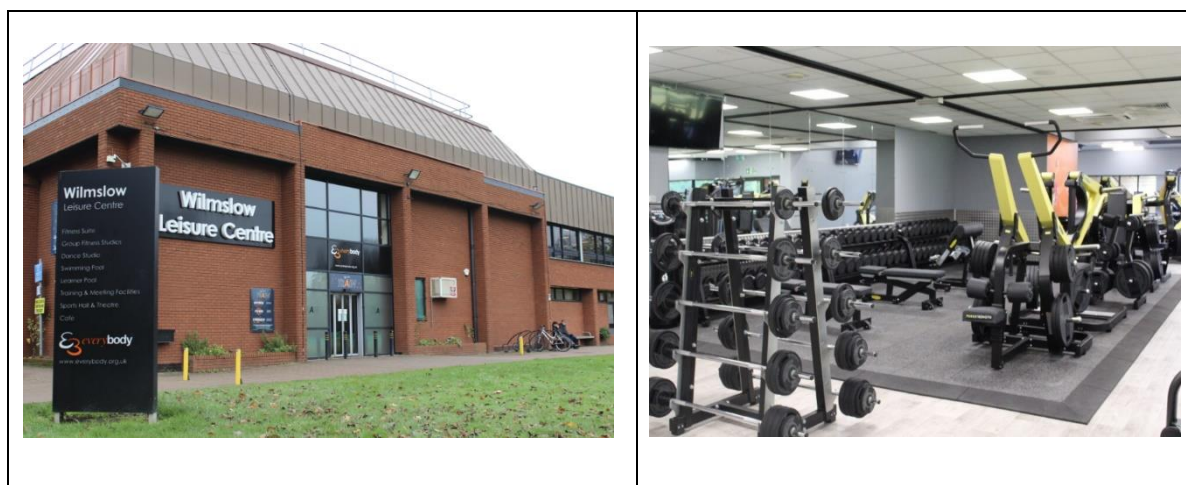
Address:	Sandbach Leisure Centre Middlewich Road, Sandbach, Cheshire, CW11 1FH		
	Google Maps: https://maps.app.goo.gl/xEGHqdYgJdF2Q8PU9		
CE Ward:	Sandbach Town		
	SMASH		
Centre Opening Hours:	Monday-Friday	06:00 PM - 22:00 PM	
	Saturday	07:00 AM - 18:00 PM	
	Sunday	07:00 AM - 18:00 PM	
Overview:	Joint Use with Sandbach School- Academy Recent investment work has included conversion of a squash court to gym and fitness suite area		
Facilities:	<ul style="list-style-type: none">• Fitness Studio• Fitness Suite• Sports Hall• Squash Courts• Swimming Pool – 25m•		

SHAVINGTON LEISURE CENTRE



Address:	Shavington Leisure Centre Rope Lane, Shavington, Crewe, Cheshire, CW2 5DJ	
	Google Maps: https://maps.app.goo.gl/Au3PY5M4mWkayg9T6	
CE Ward:	Shavington	
	Crewe	
Centre Opening Hours:	Monday-Friday	06:00 PM - 22:00 PM
	Saturday	08:00 AM - 17:00 PM
	Sunday	08:00 AM - 17:00 PM
Overview:	<p>Joint use with Shavington Academy</p> <p>Recent redevelopment work has included the conversion of two squash courts to a new gym and fitness suite area.</p>	
Facilities:	<ul style="list-style-type: none"> • Artificial Grass Pitch • Fitness Studio • Fitness Suite • Sports Hall • Spin Room 	

WILMSLOW LEISURE CENTRE



Address:	Wilmslow Leisure Centre Rectory Fields, Wilmslow, Cheshire, SK9 1BU	
	Google Maps: https://maps.app.goo.gl/vVww9muKKYaPTwkV6	
CE Ward:	Wilmslow East	
	Wilmslow	
Centre Opening Hours:	Monday-Friday	6:00 PM - 22:00 PM
	Saturday	7:00 AM - 18:00 PM
	Sunday	7:00 AM - 18:00 PM
Overview:	Standalone site which has seen recent works to extend gym facility including roof terrace sled track	
Facilities:	<ul style="list-style-type: none"> • Fitness Studio • Fitness Suite • Sports Hall • Squash Courts • Swimming Pool – 25 m main pool, and leaner pool • Taste for Life Café 	

This page is intentionally left blank

Strategic Leisure Review - Appendic C1 Site Assessment Matrix

	General		Site Usage 1st August 2022 to 31st July 2023														
Leisure Site	Sole or Joint Use	Swimming Pool	Visits	Standard Members	Options Members	Long Term Health	Wildcards	Learn to Swim (KS2)	Sub Total Usage Score	Public Health Factors					Sub-Total Public Health Score	Total Score	Site Rank
			Score	Score	Score	Score	Score	Score		Tartan Rug	Joint Outcomes Framework	Poverty & Income	Children & Young People	Older People			
Alsager	Joint	Yes	3	2	3	2	3	2	15	0	2	2	2	0	6	21	8
Alsager Sports Hub	Sole	No	LINKED TO ALSAGER LEISURE CENTRE - COMBINED OFFER														
Barony Sports Complex	Sole	No	LINKED TO NANTWICH LEISURE CENTRE - COMBINED OFFER														
Congleton*	Sole	Yes	5	4	4	1	3	4	21	2	2	2	3	2	11	32	5
Crewe Lifestyle Centre	Sole	Yes	5	5	5	5	4	5	29	6	6	6	6	4	28	57	1
Cumberland Arena	Sole	No	LINKED TO CREWE LIFESTYLE CENTRE - COMBINED OFFER														
Holmes Chapel	Joint	No	2	1	1	1	1	0	6	0	0	0	0	0	0	6	12
Knutsford	Joint	Yes	2	1	3	1	3	2	12	2	0	0	0	2	4	16	9
Macclesfield	Sole	Yes	5	4	5	4	5	5	28	6	4	6	2	4	22	50	2
Middlewich	Joint	No	2	1	1	1	1	0	6	2	2	0	2	2	8	14	11
Nantwich	Sole	Yes	4	4	5	3	5	4	25	2	2	2	2	4	12	37	3
Poynton	Joint	Yes	3	1	3	1	3	2	13	0	0	0	0	2	2	15	10
Sandbach	Joint	Yes	4	3	4	2	3	3	19	4	2	2	2	2	12	31	6
Shavington	Joint	No	3	2	4	2	2	0	13	4	4	4	4	4	20	33	4
Wilmslow	Sole	Yes	3	2	4	1	5	3	18	2	2	4	0	0	8	26	7

* due to recent redevelopment activities the site visits figure is derived from a pro rata calculation of the first 3 months of operation (July - Sept 23)

Group 1 sites scoring 20 or above
Group 2 sites scoring less than 20

This page is intentionally left blank

Appendix C2 - Site Assessment Matrix - Score Weightings							
Site Usage Data							
Score	Visits	Standard Members	Options Members	Long Term Health	Wildcards	Learn to Swim (KS2)	
0	0	0	0	0	0	0	
1	<50,000	<1,000	<100	<25	<50	<500	
2	50,000 - 124,999	1,000 - 1,499	100 - 199	25 - 74	50 - 99	500 - 999	
3	125,000 - 199,999	1,500 - 1,999	200 - 299	75 - 124	100 - 199	1,000 - 1,249	
4	200,000 - 299,999	2,000 - 2,499	300 - 499	125 - 199	200 - 299	1,250 - 1,499	
5	300,000+	2,500+	500+	200+	300+	1,500+	
Public Health Factors - by associated Wards							
Score	Tartan Rug		Joint Outcomes Framework		Poverty & Income	Children & Young People	Older People
0	None		None		None	None	None
2	Worst for one / 2nd worst multiple		Significantly worse - one		One	One	One
4	Worst for multiple		Significantly worse - multiple		Multiple	Multiple	Multiple
6	Worst for all		Significantly worse - all		All Indicators	All Indicators	All Indicators

This page is intentionally left blank

Strategic Leisure Review

Appendix D Investment Plan

October 2023

Open

Fair

Green

Introduction

1. This document sets out an Investment Plan (the 'Plan') the into leisure services, produced in order to inform the proposed public consultation. It has been produced via initial consultation with Everybody Health and Leisure (EHL) as the Council's nominated leisure services delivery partner.
2. The Plan is split into two distinct parts as follows;

Part 1 Revenue

3. This section of the plan considers the following matters;
 - How the Council subsidised Options membership scheme currently operates in terms of qualifying criteria and proposals around changes to those criteria to make this focussed around achieving key public health outcomes. This is also with a view to providing specific funding to enable the promotion of use of leisure services as a way of improving health and wellbeing in specific communities, based on a clear public health evidence base.
 - Sets out the overall subsidy provided by the Council to those sites proposed to be included in Group 2 under the "corporate landlord" approach in terms of facilities management costs which includes planned maintenance, repairs and utilities costs.

Part 2 – Capital Portfolio Investment

4. This section sets out a range of proposed capital investments, delivered on a portfolio based approach to secure maximum benefit.
5. Alongside the forecast investment £values this part of the Plan outlines the respective site specific benefits and implementation timescales of these capital investments, which have been developed to;
 - Provide modern fit for purpose leisure facilities which will provide a long-term asset to the communities which they serve;
 - Creation of additional or re-purposing of existing spaces together with new or amended infrastructure at specific locations to enable diversification of the health and wellbeing services offered and;
 - Drive an increase in memberships at these sites which will wholly or partially enable them to become financially self-sustaining, noting for the Group 2 sites the absence of a Council subsidy in the future.
6. In the final version of the plan this section will also encapsulate the current secured S106 developer contributions, setting out the £value and detail of any specific obligations that these monies have been secured to deliver.

Benchmarking

7. A basic benchmarking exercise has been undertaken against neighbouring local authorities in relation to;
 - The number of publicly funded sites operated v's population
 - The number of publicly funded swimming pools operated v's population
 - The prices of various grades of memberships,
 - To inform the review of the Options membership scheme what are the corresponding eligibility criteria
8. Population data is derived from census 2021 first results data set, (Office of National Statistics)
9. The providers for each local authority selected are as follows;
 - **Cheshire East** – Everybody Health and Leisure - [Everybody Health & Leisure | Join Online Today](#)
 - **Cheshire West and Chester** – Brio Leisure - [Brio Leisure - Gyms and Entertainment in Cheshire](#)

- **Warrington** – LiveWire - [LiveWire Warrington • Health & Fitness, Culture and Community Hub](#)
- **Stockport** – Life Leisure - [Leisure Facilities & Classes Stockport | Life Leisure](#)

Total Provision by Population

Table 1 sets out a basic comparison of number of leisure sites, which are supported with public funding, by head of population and provides a variance to the average as a simple method of comparison.

The last row illustrates the change in the position as a result of the review proposals.

Local Authority	Total Public funded sites	Population	Sites per 100,000 people	Difference from sample average (3.06)
Current position as at 5 October 2023				
Cheshire East	15	398,800	3.76	+ 0.70
Cheshire West and Chester	8	357,200	2.24	- 0.82
Warrington	6	210,900	2.84	- 0.22
Stockport	10	294,800	3.39	+ 0.33
Post review position				
Cheshire East	11	398,800	2.76	- 0.30

Table 1: Summary breakdown of overall public leisure site provision by total population

Swimming Provision

Table 2 sets out a basic comparison of number of swimming pools which are publicly available by head of population.

The last row illustrates the change in the position as a result of the review proposals.

Local Authority	Sites with Pools (1 or more)	Total Pools (Main + Learner)	Population	Pools per 100,000 people	Difference from sample average (2.95)
Current position as at 5 October 2023					
Cheshire East	9	14	398,800	3.51	+0.56
Cheshire West and Chester	6	10	357,200	2.80	- 0.15
Warrington	4	8	210,900	3.79	+ 0.84
Stockport	5	5	294,800	1.70	- 1.25
Post review position					
Cheshire East	7	12	398,800	3.01	+0.06

Table 2: Summary breakdown of overall public swimming provision by local authority

The result of the review brings swimming pool provision per 100,000 population head more in line with the average observed across these four neighbouring authorities, and directly comparable with that provision in Cheshire West and Chester.

Membership Pricing

Table 3 sets out a summary of membership pricing across the publicly funded leisure estates in each of the four local authorities in the sample. It should be noted that these are as a guide as there are slight differences between the detailed terms and conditions.

Local Authority	Standard (£ per month)	Concession (£ per month)	Youth (£ per month)	Junior (£ per month)
Cheshire East	£ 35.99	£ 26.00	£ 26.00	£ 26.00
Cheshire West and Chester	£ 34.00	£ 27.50	£ 17.00	£ 13.00
Warrington	£ 33.50	Not Available	£ 15.00	£ 10.00
Stockport	£ 38.00	£36.00	£ 26.50	£ 16.00

Table 3: Summary of membership pricing by category

Concessionary Eligibility Criteria

Cheshire West & Chester – Brio Leisure

20% discount offered from standard membership prices

- Employment & Support Allowance
- Job Seekers Allowance
- Child Tax Credit & Working Tax Credit
- Disabled Living Allowance, Disabled Benefit & Registered Disabled
- Senior Citizen (66+)
- Full Time Student
- Ex-Member of Armed Forces - this membership is available to those who have left the forces in the last five years. The five year period commences from their official discharge date and not from start of membership date.
- Serving Members of Armed Forces - a complimentary off-peak membership for the serving members of the British Army, Royal Navy and Royal Air Force.

- Medically Discharged from Armed Forces - a free one year off-peak membership for armed forces who have been medically discharged with an option for a further 4 years of discounted membership thereafter.

Warrington – LiveWire

Percentage discount offered from standard membership prices not available at time of writing.

- Universal Credit
- Income Support
- Employment and Support Allowance
- Housing Benefit
- Working Tax Credit
- Council Tax Support Scheme
- Personal Independence Payment (adults only, 16+)
- Disability Living Allowance (adults only, 16+)
- Carers Allowance
- Student 16+ years in full time education
- 65+ years
- Ante/Post Natal
- Armed Forces – Armed Forces personnel in active service are eligible to claim 2-weeks free membership at LiveWire, twice per year.

Stockport – Life Leisure

No specific concessionary scheme. Additional grade of membership as follows;

- 60 years + - £36.00 per month direct debit

Strategic Leisure Review

Investment Plan – Revenue

Options Membership Scheme

10. Table 4 sets out the current criteria, how many people hold these memberships (as at 26th September 2023) and the estimated total financial value of the subsidy paid.

Ref	Qualifying Criteria	Number Members by criteria	% of total Options Members	Approx. CEC Subsidy £value
E1	Senior Citizen (Aged 66 and over)	1,585	33.7	£ 171,180
E2	Full Time Student (Aged 17 and over)	737	15.7%	£ 79,596
E3	Young Person (Aged 16 and under)	1,608	34.1%	£ 173,664
E4	Serving Armed Services Personnel	101	2.1%	£ 10,908
E5	Jobseekers Allowance (Income and Contribution Based)	52	1.1%	£ 5,616
E6	Income Support	143	3.0%	£ 15,444
E7	Housing Benefit or Council Tax Support	146	3.1%	£ 15,768
E8	Disability Living Allowance, Personal Independence Payment, Armed Forces Independence Payment or Severe Disablement Allowance	205	4.3%	£ 22,140
E9	Attendance Allowance	6	0.1%	£ 648
E10	Incapacity Benefit	0	0%	£nil
E11	War Disablement Pension with Mobility Supplement	0	0%	£ nil
E12	Carers Allowance	123	2.6%	£ 13,284
E13	War Disablement Pension without Mobility Supplement	0	0%	£ nil
E14	Concessionary Travel Scheme for people with Disabilities	0	0%	£ nil
Totals		4,706	100%	£ 508,356

Table 4: Summary breakdown of current subsidised memberships by qualifying criteria.

11. The table includes an estimate of the total financial support that the Council is providing to the delivery of each of the Options scheme eligibility criteria, based on the current 25% discount from a standard price membership, paid monthly over a set 12 month period. This is for guidance only, relative to the order of magnitude of overall financial support to providing this membership scheme.

12. Having given due consideration to the benchmarking undertaken and in terms of continued affordability of the scheme for the Council Table 5 therefore sets out the proposed revised criteria for the Options Membership, which forms part of the public consultation. It also sets out the evidence required to be resubmitted every 12 months in order to continue to access the discount.

Ref	Proposed Qualifying Criteria	Discount %	Fixed subsidy £value	Evidence required
NE1(a)	Senior Citizen (Aged 66 and over)	15%	£ 117,000	Valid photo ID with date of birth
NE1(b)	NE1(a) plus Pension Credit	20%	£ 25,000	Allowance Book
NE2(a)	Young Person (Aged 18 and under)	15%	£ 175,000	Valid photo ID with date of birth
NE2(b)	NE2(a) plus full time education	20%	£ 30,000	Letter from relevant educational establishment
NE3	Jobseekers Allowance	20%	£ 5,000	Job Seekers Allowance Book
NE4	Child Tax Credit	20%	£ 5,000	Award Notice Letter
NE5	Working Tax Credit	20%	£ 12,000	Award Notice Letter
NE6	Disabled Living Allowance, Disabled Benefit or Registered Disabled	20%	£ 18,000	Award Notice or Allowance Book
NE7	Serving armed forces personnel	20%	£ 9,000	Copy of valid warrant card.
NE8	Ex member of armed forces	20%	£ 4,000	Available for a period of 5 years from date of discharge. Official copy of discharge papers.
NE9	Targeted health outcomes	NA	£ 20,000	NA
NE10	Targeted promotions	NA	£ 20,000	NA
Total			£ 440,000	

Table 5: Summary breakdown of proposed subsidised memberships by qualifying criteria.

13. The revised approach to the Options scheme moves to a fixed subsidy £value payable to EHL annually for each of the qualifying criteria proposed, irrelevant of the number of memberships which have been taken out.

14. It should also be noted that the proposed new approach considers making financial allowances under NE9 and NE10 for the following;

- Targeted promotions within known areas of deprivation to encourage those residents to take up subsidised leisure memberships, as one way of accessing health based services. Promotions could include a period of free of charge 'trial' memberships for instance or reduced priced activities over a fixed 12 month period, such as causal swimming or fitness classes.
 - The geographical areas to be targeted would be reviewed on an annual basis and agreed as part of the normal contract management process with EHL. The method through which such a targeted scheme would be administered would be designed by EHL as the appointed operator and approved by the leisure commissioning team in consultation with public health.
 - A fixed sum of money each year to deliver targeted health outcome based services through one or more leisure centres. These would be agreed on an annual basis as part of the setting of the Annual Management Fee and the performance of EHL in delivering the outcomes would be managed through the established contract processes.
15. Options memberships will run for a set 12 month period from the start of subscription, after which there will be a requirement to re-provide evidence of continued eligibility prior to the commencement of each subsequent 12 month period.
16. Through the review it has become apparent that there could be Options scheme members who's registered home address falls outside the Cheshire East Council boundary. As such it is proposed to make a clear policy decision relating to ensuring only Cheshire East residents can access this scheme. This would commence from 1st April 2024.
17. Only sites included in Group 1 would be able to offer Options scheme memberships, with this subsidy re-invested into other areas of greatest need.

Group 2 Sites Subsidy

18. Table 6 sets out the current values of financial support provided to EHL in relation to the general running costs (energy, compliance testing and cyclical and responsive maintenance) of those sites proposed to be included in Group 2, where this support will be removed.

Site	Planned Maintenance	Statutory Compliance	Utilities	Total
Holmes Chapel	£ 11,207	£ 4,015	£ 67,036	£ 82,258
Knutsford	£ 14,107	£ 4,143	£ 245,291	£ 263,541
Middlewich	£ 978	£ 5,112	£ 33,737	£ 39,827
Poynton	£ 12,121	£ 3,447	£ 94,187	£ 109,755
Total	£ 38,413	£ 16,717	£ 440,251	£ 495,381

Table 6: Summary breakdown of current site operation financial support

Strategic Leisure Review

Investment Plan – Capital

Leisure Minor Works Investment Programme

19. Table 4 sets out the proposed capital investments which have been considered on a portfolio based approach rather than a standalone basis.

20. It is intended that these investments will be considered on an invest to save basis, as they generate a revenue return for the Council.

Site and Brief Description	Investment Value	Average borrowing cost (£pa)	Minimum income to CEC (£pa)
Crewe LC – repurpose existing underused space	£ 250k	£ 17k	£ 30k
Macclesfield LC – convert squash court to gym	£ 250k	£ 17k	£ 30k
Macclesfield LC – new fitness equipment 2024	£ 450k	£ 105k (5yr)	£ 95k
Nantwich LC – extension to gym	£ 1M	£ 68k	£ 100k
Nantwich LC – convert old changing area to additional usable space	£ 400k	£ 27k	£ 40k
Shavington LC – replace end of life with new 4G pitch	£ 250k	£ 17k	£ 30k
Shavington LC – internal repurpose / upgrade	£ 100k	£ 7k	£ 10k
Wilmslow LC - convert squash court 3 to 2 flr gym	£ 250k	£ 17k	£ 30k
Wilmslow LC – new changing facilities	£ 450k	£ 31k	£ 50k
TOTALS	£ 3.4M	£ 306k	£ 415k

Table 4: Summary of proposed capital investments

21. Investment values have taken into consideration the following factors the larger values of which have been the subject of a formal feasibility study;

- All professional fees including the requirement for any consents
- Current forecast inflation rates applied to base costs
- Risk and contingency allowances.

Where possible costs are based on recent similar works or supplier quotations.

22. Capital borrowing annual repayments have been calculated on the basis of a 25 year payback period, unless otherwise stated.

23. In terms of delivery timescales for these investments Table 5 sets out some target dates for implementation, these dates are inclusive of any design or feasibility work that will be required.

Investment	Works Start	Works Complete
Crewe LC – repurpose existing underused space	Apr 24	Nov 24
Macclesfield LC – convert squash court to gym	Apr 24	Dec 24
Macclesfield LC – new fitness equipment 2024	Dec 24	Jan 25
Nantwich LC – extension to gym	Apr 24	Oct 25
Nantwich LC – convert old changing area to additional usable space	Apr 24	Jan 26
Shavington LC – replace end of life with new 4G pitch	Apr 24	Sept 24
Shavington LC – internal repurpose / upgrade	Apr 24	Mar 25
Wilmslow LC - convert squash court 3 to 2 floor gym	Apr 24	June 25
Wilmslow LC – new changing facilities	Apr 24	Apr 25

Table 5: Summary of Minor Works Investment Programme target timescales

24. It should be noted that the Council's current MTFS contains £4.189M of capital borrowing related to investment in leisure at Poynton Leisure Centre, which is unfunded. Poynton has now been categorised as a Group 2 site. It is therefore proposed to remove this budget line from the programme as this investment no longer has a valid business case.

This page is intentionally left blank

The chart below shows how the health of people in Cheshire East compares with the rest of England

<div> <div></div> <div>Quintile 1 - Highest 20% of wards nationally</div> </div>	<p>Indicator Notes - Data extracted from March 2020 and up to date as of February 2021.</p> <p>Population 1 Total resident population, 2017 2 % people stating their ethnicity as not White (not any White category), 2011 Census 3 % people whose main language is not English and cannot speak English well or cannot speak English, 2011 Census 4 % resident population aged under 16, 2017 5 % resident population aged 65 and over, 2017 6 % people aged 65 and over living alone, 2011</p> <p>Income 7 % of people aged 60 or over living in a household receiving means-tested benefit & low income (pension credits), 2015 8 % people in this area living in 20% most deprived areas in England, 2015 9 % children (under 16) in families receiving means-tested benefits & low income, 2010 10 Average monthly claimants of jobseekers allowance who have been claiming for more than 12 months, rate per 1000 of the working age population (age 16-64 years), 2017/18</p> <p>Young People 11 Total live births per 1000 females aged 15-44, 2011-2015 12 % of live and stillbirths weighing less than 2500 grams, 2011-15 13 % of delivery episodes, where the mother is aged under 18 years, crude rate per 1,000 resident population, 2013/14-2015/16 (financial years pooled) 14 A&E attendance for children aged 0-4 years, crude rate per 1,000 resident population, 2013/14-2015/16 (financial years pooled) 15 Hospital admissions following injury in children aged 0-4 years, crude rate per 1,000 population measured in reception year (age 4-5) who were classified as overweight or obese, 2015/16-2017/18</p> <p>Life expectancy 21 % children aged 11-15 who regularly smoke, Modelled estimates 2009-12 22 % children aged 16-17 who regularly smoke, Modelled estimates 2009-12 23 % adults aged 16 and over that consume 5 or more portions of fruit and vegetables per day, Modelled estimates 2006-08 24 % adults aged 16 and over classified as obese (BMI of 30+), Modelled estimates 2006-08 25 % adults aged 16 and over who binge drink, Modelled estimates 2006-08 26 The number of admissions involving an alcohol-related primary diagnosis or an alcohol-related external cause, standardised admission ratio, 2013/14-2017/18</p> <p>Illness 27 % of people who reported their health as bad or very bad in the 2011 Census 28 % of people who reported their day-to-day activities were limited by ill health or disability, 2011 Census 29 Hospital admissions for intentional self harm, standardised admission ratio, 2013/14-2017/18 30, 31, 32, 34 Emergency admissions, standardised admission ratio, 2013/14-2017/18 33 Emergency hospital admissions for hip fractures, persons aged 65+, standardised admission ratio, 2013/14-2017/18</p> <p>Cancer 35, 36, 37, 38, 39 Standardised incidence ratio for new cancer diagnoses, 2013-2016</p> <p>Death 40, 41, 42 Standardised mortality ratio for deaths aged under 75, 2013-2017 43, 44 Standardised mortality ratio for deaths all ages, 2013-2017 45 Female Life Expectancy at birth, 2013-2017 46 Male Life Expectancy at birth, 2013-2017</p> <p>More information and full metadata available www.localhealth.org.uk</p>
<div> <div></div> <div>Quintile 2</div> </div>	
<div> <div></div> <div>Quintile 3</div> </div>	
<div> <div></div> <div>Quintile 4</div> </div>	
<div> <div></div> <div>Quintile 5 - Lowest 20% of wards nationally</div> </div>	
<div> <div></div> <div>Data suppressed to prevent disclosure</div> </div>	
<p>Shades of blue used when an indicator has no preferred polarity. If when it is not appropriate to say whether a high/low value is good or bad.</p>	<p>Abbreviations</p> <p>SMASH = Sandbach, Middlewich, Alsager, Scholar Green, Haslington</p> <p>SAR = Standardised Admissions Ratio</p> <p>SIR = Standardised Incidence Ratio</p> <p>SMR = Standardised Mortality Ratio</p> <p>Ratios are calculated by dividing the observed total number of admissions, new cases or deaths in the area by the expected number and multiplying by 100. Expected numbers are calculated by applying age-sex-specific rates for England in the same time period to each area's population.</p>

This page is intentionally left blank

Environment and Communities Committee Work Programme 2023-24

Report Reference	Environment & Communities Committee	Title	Purpose of Report	Lead Officer	Consultation	Equality Impact Assessment	Corporate Plan Priority	Part of Budget and Policy Framework	Exempt Item
EC/13/23-24	01/02/2024	Third Financial Review of 2023/24 (Environment & Communities Committee)	This report outlines how the Council is managing resources to provide value for money services during the 2023/24 financial year. The purpose of the report is to note and comment on the Third Financial Review and Performance position of 2023/24 and approve Supplementary Estimates and Virements.	Director of Finance & Customer Services	No	No	Open	Yes	No
EC/15/23-24	01/02/2024	Medium Term Financial Strategy Consultation 2024/25 - 2027/28 Provisional Settlement Update (Environment & Communities Committee)	All Committees were being asked to provide feedback in relation to their financial responsibilities as identified within the Constitution and linked to the budget alignment approved by the Finance Sub-Committee in March 2023. Responses to the consultation would be reported to the Corporate Policy Committee to support that Committee in making recommendations to Council on changes to the current financial strategy.	Director of Finance & Customer Services	Yes	No	Open	Yes	No
EC/27/22-23	01/02/2024	Approval of Cemeteries Strategy	To seek committee approval of the updated Cemeteries Strategy	Interim Director Environment and Neighbourhoods	Yes	Yes	Open	Yes	Yes

Environment and Communities Committee Work Programme 2023-24

Report Reference	Environment & Communities Committee	Title	Purpose of Report	Lead Officer	Consultation	Equality Impact Assessment	Corporate Plan Priority	Part of Budget and Policy Framework	Exempt Item
EC/26/23-24	01/02/2024	MTFS 90 Strategic Leisure Review - Final Recommendations	To present for Committee approval the final recommendations from the review, informed by public consultation feedback.	Interim Director Environment and Neighbourhoods	Yes	Yes	Open	Yes	TBC
EC/24/23-24	01/02/2024	MTFS 91 Green Spaces Maintenance Review - Final Recommendations	To seek Committee approval to implement the final recommendations of the green spaces review, informed by public consultation feedback	Interim Director Environment and Neighbourhoods	Yes	Yes	Open	Yes	Yes
EC/25/23-24	01/02/2024	Carbon Neutral Programme - Progress Update	To provide an update to Committee on the progress in delivering the Councils carbon neutral programme	Interim Director Environment and Neighbourhoods	No	No	Green	No	No
EC/33/23-24	01/02/2024	Tree Risk Management Strategy Update Report	To provide an update on work carried out under the Tree Risk Management Strategy to date, report key issues and outline future work and pressures.	Interim Director of Planning	Yes	TBC	Green	Yes	Yes
EC/34/23-24	01/02/2024	Jodrell Bank Supplementary Planning Document	To seek a decision to publish and consult on the final draft SPD	Interim Director of Planning	Yes	Yes	Green	Yes	No
EC/27/23-24	28/03/2024	Updated Playing Pitch & Open Spaces Strategy	To seek Committee approval to the revised Playing Pitch & Open Spaces Strategy for the borough	Interim Director Environment and Neighbourhoods	Yes	Yes	Open;#Green	Yes	No
EC/01/24-25	06/06/2024	Service Budgets 2024/25 (Environment & Communities Committee)	The purpose of this report is to set out the allocation of approved budgets for 2024/25 for services under the Committee's remit, as determined by Finance Sub Committee	Director of Finance & Customer Services	No	No	Open	Yes	No

Environment and Communities Committee Work Programme 2023-24

Report Reference	Environment & Communities Committee	Title	Purpose of Report	Lead Officer	Consultation	Equality Impact Assessment	Corporate Plan Priority	Part of Budget and Policy Framework	Exempt Item
EC/28/23-24	06/06/2024	Street Trading Policy	To receive and approve the adoption of the updated Policy	Interim Director Environment and Neighbourhoods	Yes	Yes	Open	No	No

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank