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# 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 100<sup>th</sup> 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 Plans<sup>1</sup>. 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

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<sup>1</sup> 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 17<sup>th</sup> 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](http://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](mailto: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 22<sup>nd</sup> 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](http://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 otherwise<sup>2</sup>. 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.

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<sup>2</sup> 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 viability<sup>3</sup>. It sets out a clear expectation that viability

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<sup>3</sup> 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 matters<sup>4</sup> 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.

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<sup>4</sup> [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 accommodation 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](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 Council's 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](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 1<sup>st</sup> 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 1<sup>st</sup> 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](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 SADPD<sup>5</sup>. 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.

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<sup>5</sup> [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 year<sup>6</sup>.

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<sup>6</sup> [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 Website<sup>7</sup>.

### 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 developments<sup>8</sup>. 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

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

<sup>8</sup> 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 Framework<sup>9</sup> 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 Plans<sup>10</sup> 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

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

<sup>10</sup> [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<sub>y</sub>** = pupil yield for primary/secondary places, as set out in the latest published DfE guidance/scorecard

**S<sub>y</sub>** = 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  $116 (-3 \text{ SEN}) \times \text{£}19,425.00 / 1.08695622 = \text{£} 2,019,423.56$  primary contribution

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

17.97  $11 \times \text{£}74,920.00 / 1.08695622 = \text{£}758,190.61$  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 Councils Child Care Sufficiency Statement<sup>11</sup>, 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.

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<sup>11</sup> [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 <sup>2</sup> per family home* Or 20m <sup>2</sup> 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 <sup>2</sup> 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
		ClassA1 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	
		ClassB1 offices £15 per m2	
		Class B2 and B8 General industry, storage and distribution £10 per m2	
Class C1 Hotels £450 per bedroom			
Recreation and sport: Residential Development	Major Development of 10 or more units or site more than 0.5ha	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 <sup>2</sup> of floor space or site area more than 1ha	On site provision negotiated as appropriate	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
		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 <sup>2</sup> 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 <sup>7</sup>	Contributions for offsite provision will be accompanied by a com sum for maintenance
Allotments / growing space / community gardens	Commercial developments over 1,000m <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 m<sup>2</sup>; 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 <sup>12</sup> for applicants whose schemes are likely to impact on a public right of way. This includes

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<sup>12</sup> 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](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) 2013<sup>13</sup> 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 risk<sup>32</sup> 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

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<sup>13</sup> [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 <sup>th</sup> 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	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	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/EC<sup>14</sup> and Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004<sup>15</sup>.

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)
<b>1.Characteristics of the SPD having particular regard to:</b>		
(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

<sup>14</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001L0042&from=EN>

<sup>15</sup> [http://www.legislation.gov.uk/uksi/2004/1633/pdfs/uksi\\_20041633\\_en.pdf](http://www.legislation.gov.uk/uksi/2004/1633/pdfs/uksi_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

<b>SEA Directive Criteria Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004</b>	<b>Summary of significant effects, scope and influence of the document</b>	<b>Is the Plan likely to have a significant environmental effect (Yes / No)</b>
(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
<b>2.Characteristics of the effects and area likely to be affected having particular regard to:</b>		
(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)
<p>(f)The value and vulnerability of the area likely to be affected by the SPD due to:</p> <ul style="list-style-type: none"> <li>• Special natural characteristics of cultural heritage</li> <li>• Exceeded environmental quality standards or limit values</li> <li>• Intensive land use.</li> </ul>	<p>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.</p>	<p>No</p>
<p>(g)The effects of the SPD on areas or landscapes which have recognised national Community or international protected status.</p>	<p>The SPD does not influence the location of development, so will not cause effects on protected landscape sites.</p>	<p>No</p>

## 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.

<b>Table 12.5 Residential Development – BLV v Residual Values</b>					
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 <sup>2</sup>
	on Food Retail	1 per 20m <sup>2</sup>
	Open Air Markets	3 spaces per vendor
	DIY Store	1 car space per 25 m <sup>2</sup> / 1 lorry space per 500m <sup>2</sup>
	Retail Parks	Individual assessment based against use-classes and location
A2	Financial and Professional Services	1 per 30m
A3	Restaurants	1 per 5m <sup>2</sup> per Public Floor Area (PFA)
A4	Pubs	1 per 5m <sup>2</sup> per PFA
A5	Fast Food Drive Through	1 per 7.5m <sup>2</sup>
B1	Office / Light Industry	1 per 30m <sup>2</sup>
B2	General Industry	First 235m <sup>2</sup> - 1 per 30m <sup>2</sup> , then 1 per 50m <sup>2</sup>
		Warehouse Storage -1 per 80m <sup>2</sup> and 1 lorry space per 200m <sup>2</sup> Warehouse Distribution - 1 per 60m <sup>2</sup> and 1 lorry space per 200m
B8	Storage and Distribution	Warehouse Distribution - 1 per 60m <sup>2</sup> and 1 lorry space per 200m
		Warehouse Storage -1 per 80m <sup>2</sup> and 1 lorry space per 200m <sup>2</sup>
C1	Hotels and Motels	1 per bedroom
C2	Hospitals	1 per 2 resident staff and 1 per 3 beds
		Residents - 0.5 per unit and 1 per 3 units (for visitors) Staff - 1 per resident staff and 1 per 2 non-resident staff
	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
		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 <sup>2</sup> of floor space used for this purpose
	Extra Care	Residents - 1 per 3 beds Staff - 1 per resident staff and 1 per 2 non-resident staff
	Residential Homes and Nursing Homes	Residents - 1 per 3 beds Staff - 1 per resident staff and 1 per 2 non-resident staff
		Residents - 1 space per 3 bedrooms 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
		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
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 <sup>2</sup> (PFA) or 1 per staff and 1 per 15m <sup>2</sup> up to 300m <sup>2</sup> (PFA) and 1 per 50m <sup>2</sup> over 300m <sup>2</sup> (PFA)
	Public or Exhibition Hall	1 per staff and 1 per 4m <sup>2</sup> 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
<b>Disabled Parking Requirements</b>		
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.
<b>Cycle Parking Requirements</b>		
A1	Convenience retail	1 space per 125m <sup>2</sup> < 1000m <sup>2</sup> / 1 space per 400m <sup>2</sup> > 1000m
A2	Comparison retail	1 space per 300m <sup>2</sup> < 1000m <sup>2</sup> / 1 space per 400m <sup>2</sup> > 1000m

A3	Financial and Professional Services	1 space per 125m <sup>2</sup> < 1000m <sup>2</sup> / 1 space per 400m <sup>2</sup> > 1000m
A4	Restaurants and Cafes	1 space per 18 covers
A5	Pubs, wine bars and private clubs	1 space per 100m <sup>2</sup> drinking area
B1	Offices / Flexible business uses	1 space per 250m <sup>2</sup> < 1000m <sup>2</sup> / 1 space per 400m <sup>2</sup> > 1000m
B2 /B8	Industry and warehouses	1 space per 500m <sup>2</sup> < 1000m <sup>2</sup> / 1 space per 400m <sup>2</sup> > 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 may be 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? <a href="https://www.healthystreets.com/resources#healthy-streets-index">https://www.healthystreets.com/resources#healthy-streets-index</a>	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	
			Uncertain	
Does the proposal facilitate the supply of local food, for example allotments, community farms and farmers' markets?	Yes		Positive	
	No		Negative	
	N/A		Neutral	
			Uncertain	
Are there a range of retail uses, including food stores and smaller affordable shops for social enterprises?	Yes		Positive	
	No		Negative	
	N/A		Neutral	
			Uncertain	
Does the proposal avoid contributing towards an over-concentration of hot food takeaways in the local area?	Yes		Positive	
	No		Negative	
	N/A		Neutral	
			Uncertain	
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	
			Uncertain	
Does the proposal provide childcare facilities?	Yes		Positive	
	No		Negative	
	N/A		Neutral	
			Uncertain	
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	