

Cheshire East Local Plan

Developer Contributions Supplementary Planning Document

First Draft

August 2022



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1. Introduction

Purpose of the Supplementary Planning Document

- 1.1 Supplementary Planning Documents (“SPDs”) add further detail to policies contained within the development plan and are used to provide guidance on specific sites or particular issues. SPDs do not form part of the adopted development plan but they are a material planning consideration in decision taking.
- 1.2 This Draft Planning Contributions SPD builds upon existing development plan policies found in the Cheshire East Local Plan Strategy (adopted July 2017) and ‘saved’ policies within previous Local Plans¹. The SPD also identifies additional plans and policies that are currently in preparation.
- 1.3 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, set out the circumstances where infrastructure provision, including financial contributions, will be sought through planning obligations.
- 1.4 This SPD updates, consolidates and sets out the Councils approach to developer contributions in a single Planning Obligations 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 development process and ensure negotiating obligations is based on a clear and consistent approach.
- 1.5 The Draft SPD:
 - Explains what a planning obligation is and the relationship with CIL.

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

- Identifies the national and local planning policies of relevance when considering planning obligations;
- 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.

1.6 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

1.7 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).

1.8 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).

1.9 This draft SPD relates to policies held in both the Cheshire East Local Plan Strategy (CELPS) and the Site Allocations and Development Policies Document (SADPD). At the time of writing, the SADPD is yet to be adopted. The first draft Developer Contributions SPD is being prepared in advance of adoption of the SADPD. The SADPD is anticipated to be adopted during the autumn of 2022. The final draft of the Developer Contributions SPD will not be adopted until the SADPD has been adopted.

2. Draft SPD Consultation

2.1 Consultation on the draft SPD will take place between 15th August 2022 and 23rd September 2022. Comments must be received by the Council **no later than 5pm on 23rd September 2022.**

2.2 The consultation documents can be viewed online at:

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

and at:

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

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

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

Submitting your views

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

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

2.6 Please make sure that your comments reach us by **5pm on the 23rd of September 2022**. We are not able to accept anonymous comments and you must provide us with your name and contact details. Your personal data will be processed in line with our Spatial Planning Privacy Notice, which is available on the council's website (www.cheshireeast.gov.uk). Your name and comments will be published and made available to view on the council's online consultation portal.

What happens after the consultation?

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

3. Planning Policy Framework

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

National Planning Policy Overview

Legislation 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:

- Restrict development or use of land in a specified way.
- Require specified operations or activities to be carried on, in or over the land.
- Require the land to be used in any specified date or dates periodically.
- Require a sum or sums of money to be paid to the local planning authority on a specified date or dates.

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:

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

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) 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 54). The NPPF also restates the previous three statutory tests for planning obligations which are defined in CIL Regulations (paragraph 56).

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 57).

3.8 The national planning practice guidance (“PPG”) provides further advice on planning obligations and viability³. It sets out a clear expectation that viability assessments should be made publicly available other than in exceptional circumstances. It also states that an “existing use value plus” (“EUV+”)

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

approach should be taken to land value assumptions in viability assessments, which is based in the existing use value of the land plus a suitable premium for the landowner.

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

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 and 'saved' policies within previous local plans which remain in effect until such time as they are replaced by the emerging Site Allocations and Development Policies Document ("SADPD"). Neighbourhood Development Plans that have been successful at referendum and have subsequently been 'made' also form part of the statutory development plan.
- 3.11 Development plan policies of relevance to planning contributions are summarised below. Consideration will also be given to other relevant planning policies within each plan, where appropriate to the planning application proposals.

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

Cheshire East Local Plan Strategy

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

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

‘Saved’ policies from previous Local Plans

3.8 The Crewe and Nantwich, Congleton Borough and Macclesfield Borough legacy local plans contain ‘saved policies’ that remain part of the development plan. These policies will continue to be used in determining planning applications until such time that the SADPD is adopted and the legacy authority plans are formally withdrawn. For a full list ‘saved’ policies please see Appendix B of the Local Plan Strategy⁵.

⁵ [local-plan-strategy-web-version-1.pdf \(cheshireeast.gov.uk\)](#)

Made Neighbourhood Development Plans

3.9 As at the 31 March 2020, 30 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

3.10 The council has adopted a number of Supplementary Planning Documents and full details of these can be found on the council’s website at: https://www.cheshireeast.gov.uk/planning/spatial_planning/cheshire_east_local_plan/supplementary_plan_documents/supplementary_plan_documents.aspx

3.11 Relevant SPDs include:

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

3.12 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

3.13 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.

3.14 It should be noted that upon adoption of the Developer Contributions SPD, these two SPDs will be revoked.

Emerging plans

3.15 The council is currently preparing a number of Local Plan Documents which once adopted, will form part of the adopted development plan. These include the Site Allocations and Development Policies Document and the Minerals and Waste Development Plan Document.

Cheshire East Site Allocations and Development Policies Document

3.16 The Cheshire East Site Allocations and Development Policies Document (“SADPD”) will form the second part of the Local Plan. It will set non-strategic and detailed planning policies to guide planning decisions and allocate additional sites for development to assist in meeting the overall development requirements set out in the LPS.

3.17 The Revised Publication Draft SADPD is being published for representations between the 19 October and 31 November 2020. Further details about this can be found on the council’s website: www.cheshireeast.gov.uk/localplan

3.18 The draft SPD has been prepared in a way that is consistent with, and supplementary to, emerging planning policies. Whilst this is not a legal or national planning policy requirement, this approach provides opportunity for this SPD to complement and support the implementation of future development plan policies too.

3.19 Relevant policies in the Revised Publication Draft SADPD 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.

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.

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:

- Section 106 agreements with mutual obligations between the Council and owners with interest in the application site;
- 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:

- Affordable housing
- Public Open Space

- Transport
- Social infrastructure, including education and healthcare.

What is a Community Infrastructure Levy?

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

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

Relationship between CIL and Planning Obligations

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

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

Section 278 Agreements

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

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.
- 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

Viability

- 5.5 The NPPF (paragraph 57) 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.
- 5.6 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. The guidance here provides the detailed approach the council will take to calculating financial contributions.
- 5.7 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 SADPD⁶. 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 results on mixed use and brownfield sites.
- 5.8 The conclusions of this assessment confirm that the Council must continue to engage with site promoters and should consider potentially accepting a lower level of affordable housing or policy requirements in these areas.
- 5.9 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

⁶ [July 2022 SADPD Viability Assessment Update](#)

delivering the full suite of policy obligations, they are invited to submit a viability assessment as part of their planning application.

- 5.10 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

- 5.11 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

- 5.12 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

- 5.13 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.

- 5.14 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.
- 5.15 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.
- 5.16 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'.
- 5.17 This index is produced annually, made publicly available and does not change through the year.
- 5.18 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 year⁷.
- 5.19 The BCIS index will reapply if for any reason the RICS CIL index is not produced in November of any preceding year.
- 5.20 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

⁷ [Calculation of the RICS Community Infrastructure Levy \(CIL\) Index](#)

- ii) Index linked for inflation/deflation between the date the agreement is signed, and the payment is made towards the actual delivery.

5.21 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.

5.22 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 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.

Legal Fees

5.23 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

5.24 Monitoring of obligations will be undertaken by the Council's Planning Contributions Officer to ensure that all obligations entered into are complied with by both the developer and the Council.

5.25 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.

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

6. Contributions and Requirements

7. Ecology

Objective:

7.1 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.

7.2 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.

7.3 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

7.4 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;

7.5 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.

7.6 Biodiversity Net Gain is a concept introduced by the Environment Act and will become a statutory obligation from 2023 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.

7.7 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.

7.8 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.

7.9 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

7.10 Where contributions are required, developers must provide a financial contribution to:

- i) secure the long-term management and maintenance of on or off-site habitat enhancement or creation.

7.11 To determine whether a proposal is compliant with policy requirements applicants will be expected to submit detailed worked-up proposals that clearly set out how Biodiversity Net Gain will be achieved

7.12 Commuted sum calculations are to be undertaken in accordance with the Natural England Version 3.1 metric (April 2022)⁸ or subsequent revised Natural England/Defra metric.

7.13 The calculation must consider both the direct impacts of a proposed development, both permanent and temporary, also the indirect effects of development, such as lighting on a woodland edge, or pollution resulting from the operation of a scheme.

7.14 Applicants are advised to seek assistance from Cheshire Wildlife Trust, the Environment Bank or an ecological consultant when completing the calculation.

7.15 In some circumstances, particularly lower impact schemes or where the Council is aware of suitable opportunities for compensatory habitat creation at an offsite location, the Council may consider a commuted sum secured through a legal agreement, that would be used to deliver suitable compensatory habitat.

⁸ [The Biodiversity Metric 3.1 - JP039 \(nepubprod.appspot.com\)](https://nepubprod.appspot.com)

- 7.16 The Council will charge a fee to cover its own, and partners, costs of developing and implementing habitat creation and management measures using the commuted funds. The fee will cover officer time to:
- i) to liaise with landowners and partners
 - ii) undertake site visits to appraise the opportunities for habitat creation
 - iii) draw up habitat creation measures and management plans
 - iv) legal fees for land acquisition and associated administration
 - v) site visit to monitor delivery and to maintain a registry of offsets agreed.
- 7.17 At the time of writing fees are anticipated to be £1,200 per biodiversity unit required. CEC fees are likely to be reviewed periodically.
- 7.18 The Council will work with partner organisations, primarily Cheshire Wildlife Trust, to ensure that any commuted sum is used appropriately to ensure sufficient habitat creation is delivered in a quantifiable way to address the loss of biodiversity resulting from the consented development. The Council will utilise the funding to create habitat that delivers best value for biodiversity. In some circumstances this may involve the creation of smaller areas of habitat subject to more costly long-term management or alternatively funding may be utilised to deliver larger areas of habitat with relatively limited management input.
- 7.19 The overall costings for offsite contributions will include habitat creation, 30 years management, land costs and monitoring of the site.
- 7.20 An offset provider/habitat bank may ask for lower or higher prices than the council would define using the DEFRA metric.
- 7.21 Very large-scale habitat creation schemes involving multiple habitat types on substantial areas of land may require substantial additional staff and infrastructure resources to deliver and maintain. A bespoke commuted sum calculation is likely to be required for these schemes.

S106 Agreements

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

8. Highways and Transport

Objective:

- 8.1 The Councils objective is to secure delivery of strategic infrastructure that ensures the safe and efficient operation of the highways network and prioritises measures that positively encourage sustainable transport through walking and cycling.
- 8.2 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.
- 8.3 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.
- 8.4 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

- 8.5 The CELPS identifies strategic highways infrastructure, and site-specific transport requirements necessary to enable development, including any parking requirements.
- 8.6 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.

- 8.7 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.
- 8.8 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,
- 8.9 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

- 8.10 For major development and large-scale development sites, applications must be accompanied by a Travel Assessment.
- 8.11 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.
- 8.12 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

- 8.13 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.

8.14 Parking

8.15 Appendix C of the Local Plan Strategy sets out Parking Standards for Cheshire East. These requirements are included at Appendix 3 of this SPD.

8.16 Off-Site Contributions

8.17 For major development, a Travel Assessment will be used to establish whether off-site contributions are required to improve the strategic and local highways 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.

8.18 Where modelling identifies a significant impact on the highways network, contributions will be required. Such contributions will be calculated proportionately and based on the percentage impact that the scheme has on the capacity of key receptors in the network, and the costs of delivering improvements that ensure the continued safe and efficient operation of the network.

8.19 Strategic Infrastructure

8.20 Where appropriate, development sites will be required to contribute to the delivery of identified strategic infrastructure on a proportionate basis.

8.21 This will normally be secured through a S278 agreement on a tariff style basis, related to identified infrastructure needs. Sites that rely on highways infrastructure 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).

8.22 Strategic and Major Schemes:

- (1) M56 Junctions 6-8
- (2) M6 Junction 19 Improvements
- (3) M6 Junctions 16-19
- (4) A556 Knutsford to Bowden
- (5) M6 J17 Improvements (Sandbach)
- (6) M6 J16 Improvements (Stoke on Trent)
- (7) Crewe Green Roundabout
- (8) Sydney Road Bridge
- (9) Middlewich Eastern Bypass
- (10) Congleton Link Road
- (11) A6 to Manchester Airport Relief Road (A6MARR)
- (12) A500 Dualling (Crewe)
- (13) Poynton Relief Road
- (14) Southern Link Road Bridge, (Crewe)

8.23 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.

8.24 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'.

- 8.25 The policy requires that the overall amount to be recovered for each scheme is divided by the overall number of homes/employments floorspace.
- 8.26 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 and financing costs associated with both providing the infrastructure and its subsequent recovery through the planning obligations process.

S278 Agreements

- 8.27 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.
- 8.28 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.
- 8.29 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

S106 Agreements

- 8.30 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.

9. Recovery of Infrastructure Costs

Objective:

- 9.1 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.
- 9.2 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.
- 9.3 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

- 9.4 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.

- 9.5 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.
- 9.6 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.

Required Contributions

- 9.7 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 or employment floorspace likely to be developed.
- 9.8 The sites linked to each infrastructure scheme are set out at table 3.1 of the SADPD and the cost of each infrastructure scheme is set out at table 3.2 of the SADPD.

S106 Agreements

- 9.9 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
- 9.10 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.

- 9.11 The recovery of infrastructure costs will be monitored by relevant CEC officers and recovered funds will be held by CEC in perpetuity and used to support infrastructure delivery which will unlock or accelerate additional growth.
- 9.12 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.
- 9.13 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.

10. Education

Objective:

10.1 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). The Council will seek contributions from development toward the delivery of education provision and infrastructure. including education of all phases (age 0-19) and special educational needs.

Background

10.2 Contributions to education provision may be required from all residential development. A housing impact assessment will be carried out to determine whether there would be a surplus or deficit of school places arising from the impact of a proposed development and therefore whether:

- i) a developer contribution is required; and
- ii) whether this is required as a contribution to the expansion of existing education facilities, or toward the creation of a new school.

10.3 All residential planning applications of 11 dwellings (2 bedroom +) or more will be assessed against impact on education.

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

10.5 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.

10.6 Where the Service has built school provision/infrastructure in anticipation of forthcoming Local Plan sites, The Service will require a proportionate share of

a retrospective contribution where the development is directly relatable to the project.

- 10.7 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 therefore S106 contributions will be used at the most appropriate school at the time of implementing the additional infrastructure requirements.
- 10.8 Contributions to EYFS and Further Education are not currently sought.
- 10.9 Forecasts are used to estimate the future need for school places, considering 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 live in the catchment area of the school or otherwise, or what percentage are siblings, as it is highly unlikely that the same ratios will exist in the future.
- 10.10 A housing impact assessment is carried out to determine whether the impact of a proposed development would result in a surplus or deficit of school places and therefore whether a developer contribution is required. This assessment is provided as part of every education consultation response to a proposed development.
- 10.11 The methodology used is to estimate future need based on School Census data, but also considering live birth data, parent choice through admission process and other trends. Approved housing is factored into the forecasts based on the Cheshire East build rate.
- 10.12 When a housing impact assessment is carried out, assessment of primary schools identified within either a two-mile straight line, or a two-mile safe walking distance, will be carried out. For secondary schools, assessments will be carried out based on either a three-mile straight line or a three-mile safe walking distance.

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

10.14 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.

10.15 The Council will seek contributions for SEN infrastructure until data shows that SEN children from new development can be accommodated sustainably.

Required Contributions

10.16 Pupil Yields

10.17 The Council applies the following yields:

- i) 19 x Primary children per every 100 dwellings
- ii) 15 x Secondary children per every 100 dwellings 2 x SEN pupil per every 100 dwellings (see section 15 for details regarding this)
- iii) 13 x EYFS children per every 100 dwellings – Currently the Early Years' Service are developing a Policy for claims/yields for EYFS, and this will be consulted upon and added to this document as an Appendix at a later date
- iv) 4 x Further Education Pupils per every 100 dwellings –

10.18 Currently the Education Service is developing a Policy for claims/yields for FE Pupils, and this will be consulted upon and added to this document as an Appendix at a later date.

10.19 The yields are derived from the 2011 Census and relatable to Cheshire East only.

10.20 The SEN yield reflects SEN need for all through ages for EYFS (0.13), Primary (0.19), Secondary (0.15) and Further Education (0.04) with a total of 0.51.

Current statistics show that 3.6% of the Borough's children have a Special Education Need. SEN need is reviewed regularly, and the requirement may therefore change.

10.21 **Worked Example based on school expansion figures**

10.22 In addition to provision of school places, contributions may be sought toward school expansion costs, provision of new schools (including retrospective contributions), synthetic pitch costs and school transport costs.

10.23 Example:

10.24 400 2 bed + dwellings would expect to generate 52 EYFS children (400 x 0.13), 76 primary children (400 x 0.19) 60 secondary children (400 x 0.15) and 16 Further education children. The development would be anticipated to result in 5 pupils requiring an SEN school place (of which 1 child is of EYFS age, 2 children are of primary age, 1 child of secondary age and 1 child of Further Education age).

10.25 $76 (-2 \text{ SEN}) \times \text{£}17,268 / 1.08695622 = \text{£}1,175,606$ Primary Contribution

10.26 $60 (-1 \text{ SEN}) \times \text{£}23,775 / 1.08695622 = \text{£}1,290,507$ Secondary Contribution

10.27 $5 \times \text{£}76,185 / 1.08695622 = \text{£} 350,451$ SEN Contribution

10.28 Total education contribution = $\text{£}2,816,564$

S106 Agreements

10.29 S106 will be used to secure education contributions based on the requirements outlined above.

10.30 The Service has the flexibility to use S106 contributions at the most appropriate school at the time of implementing the additional infrastructure requirements.

10.31 It should be noted that 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 between re-assessments for a particular area, the outcome of a housing impact assessment may fluctuate.

11. Health Infrastructure

Objective:

- 11.1 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.
- 11.2 The Councils 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).

Background

- 11.3 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.
- 11.4 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).
- 11.5 Recognising that new major residential development will introduce new populations with various health care needs into an area, the CELPS addresses this issue at a local level via CELPS 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 new or enhanced health and social care facilities.

- 11.6 An example screening assessment is set out at Appendix 4 and should be submitted with all major development applications.
- 11.7 Integrated Care Boards are responsible for commissioning planned hospital care, rehabilitative care, urgent and emergency care, most community health services, and mental health and learning disability services. The ICBs do not manage local NHS hospitals, however they commission many of the services they offer.
- 11.8 Advice will be sought from the ICBs to establish the likely impact on health services in the area, and the necessary mitigation measures that will be required to meet the needs of the community.
- 11.9 Financial contributions will be based on a formula approach, adjusted to each area, on the basis of ICBs.

Required Contributions

- 11.10 Where a direct link between proposed development and appropriate health care needs can be demonstrated, development sites will be required to contribute to the delivery of health infrastructure including financial contributions toward the provision and maintenance of local health services.
- 11.11 Financial contributions to health services will be established through liaison with local ICBs. A proportionate approach, based on the increase in local population, the increase in health service needs arising from the new population, and the costs of servicing the new population is used. Based on deprivation and health economy modelling data the financial effect a new resident has on local health services in Cheshire East equates to £360⁹.

⁹ NHS Cheshire and Mersyside

11.12 The table below sets out the required financial contributions on 1st April 2022 and will be adjusted annually for inflation.

| Size of Residential Unit | Occupancy Assumptions Based on Size of residential unit | Health Need/Sum Requested per residential unit as of April 2022 |
|--------------------------|---|---|
| 1 bed unit | 1.4 persons | £612.50 per 1 bed unit |
| 2 bed unit | 2.0 persons | £875.00 per 2 bed unit |
| 3 bed unit | 2.8 persons | £1,225.00 per 3 bed unit |
| 4 bed unit | 3.5 persons | £1,537.50 per 4 bed unit |
| 5 bed unit | 4.8 persons | £2,100.50 per 5 bed unit |

S106 Agreements

11.13 Where appropriate, S106 agreements will be used to secure financial contributions towards health care. Agreements will include relevant trigger points at which payments are required and timescales within which funding should be received and spent. The agreement will also include a clawback provision to ensure that where a GP practice dissolves, any contribution received on the basis of S106 will be returned to the Local Planning Authority for reinvestment for the same purpose.

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

Objective

- 12.1 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.
- 12.2 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.
- 12.3 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.
- 12.4 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

- 12.5 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'
- iv) and SADPD policies
- v) REC 1 'Open space Protection'
- vi) REC 2 'Indoor Sport and Recreation Implementation'
- vii) REC 3 'Open Space Implementation'.

12.6 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.

12.7 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.

12.8 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 and allotments as referred to in SE6.

12.9 The purpose of the guidance in this section is to clarify the Council's the approach to securing contributions 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

- 12.10 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.
- 12.11 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.
- 12.12 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.
- 12.13 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.
- 12.14 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.
- 12.15 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.
- 12.16 Major development developments will require a specific Sports Needs Assessment to best identify what, how and where to provide outdoor sports facilities, often in combination with indoor sport and recreation.
- 12.17 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.
- 12.18 Indoor sport will be secured by means of a commuted sum to the council.

12.19 Major development developments will require a specific Sports Needs Assessment and often combine indoor, outdoor and other provisions for health and wellbeing.

12.20 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 | 40m ² per family home* Or 20m ² per bedroom | Contributions for offsite provision will be accompanied by a com sum for maintenance ⁴ . [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 ² [to a maximum of £4,500 per apartment ³] | |
| | | Residential homes / supported living / sheltered housing 20m ² per bed space | Residential homes / supported living / sheltered housing or similar will be expected to provide amenity open space consistent with the requirements of the development and/or as appropriate to location, size and scale of development where offsite opportunities exist |
| Or Financial contribution of £1,125 per bed space or as negotiated for specific offsite opportunities ⁶ | | | |
| Open space: Commercial developments | Major development of 10 or more units | 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 ⁴ |
| | | Class E(b) Shops Food £32.15 per m ² | |
| | | Class E(a) Shops non-food £22.50 per m ² | |
| | | Class E(b) food and drink restaurants £20 per m ² | |
| | | Sui Generis food and drink fast food / drive through £13 per m ² | |
| | | Class E (g) offices £15 per m ² | |
| | | Class E(c) business parks £11.42 per m ² | |
| | | Class B2 and B8 General industry, storage and distribution £10 per m ² | |
| | | Class C1 Hotels £450 per bedroom | |
| Recreation and outdoor sport: | Major Development | 40m ² per family bedroom; Or financial contribution of £1,500 | Contributions for offsite provision will be accompanied |

| | | | |
|--|---|---|---|
| Residential Development | (10 or more units) | per family home / £750 per bed space in apartments | by a com sum for maintenance ⁴ |
| | | | 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 outdoor sport: Commercial Development | Commercial developments over 1,000m ² of floor space | 40m ² 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 ⁴ . 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 as appropriate to type, location, size and scale of development. |
| | | On site provision negotiated as appropriate | |
| | | Or | |
| | | Class E (b) Shops Food £32.15 per m ² | |
| | | Class E(a) Shops non-food £22.50 per m ² | |
| | | Class E(b) food and drink restaurants £20 per m ² | |
| | | Sui Generis food and drink fast food / drive through £13 per m ² | |
| | | Class E (g) offices £15 per m ² | |
| | | Class E(c) business parks £11.42 per m ² | |
| | | Class B2 and B8 | |
| | | Class B2 and B8 General industry, storage and distribution £10 per m ² | |
| | | Class C1 Hotels £450 per bedroom | |
| Allotments / growing space / community gardens | Major development of 10 or more units | 5m ² per family home | On site provision may include land set aside for future development along with com sum to enable at later date in line with community development |
| | | Or | Offsite provision may include land purchase as well as projects to expand existing or introduce new opportunities. |
| | | Financial contribution of £562.50 per family home / £281.25 per apartment ⁷ | Contributions for offsite provision will be accompanied by a com sum for maintenance ⁴ |

| | | | |
|---|---|---|---|
| Allotments / growing space / community gardens | Commercial developments over 1,000m ² of floor space | 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 ⁸ |
| Green Infrastructure (Residential developments) | Major development of 10 or more units | 20m ² per family home | Presumption is most major developments will provide GI on site unless significant opportunities or need exists in locality of development |
| | | Or Financial contribution of £1,125 per family home / £562.50 per apartment | Shortfalls in on site will require payment of com sum for offsite provision and will be accompanied by a com sum for maintenance ⁴ |
| Green Infrastructure | Commercial developments over 1,000m ² of floor space | 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 ⁴ |

12.21

S106 Agreements

12.22 SADPD Policy **REC 3 (Green Space Implementation)** states “applicants will need to demonstrate how the management and maintenance of additional green space provision will be provided for in perpetuity. All areas of green space that are of strategic significance, for example because they will form part of a wider, connected network of green space, should be conveyed to the council along with a commuted sum for a minimum period of 20 years maintenance”.

12.23 S106 Agreements will be used to secure commuted sums for provision, enhancement and maintenance as appropriate.

13. 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 Website¹⁰.

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 developments¹¹. 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 for sites to be artificially divided into smaller components in order to take a site below the stated affordable housing threshold.

¹⁰ [Housing Supplementary Planning Document \(cheshireeast.gov.uk\)](https://www.cheshireeast.gov.uk)

¹¹ 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.

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

- 13.1 To enable the delivery of sustainable growth Cheshire Constabulary and Cheshire Fire Service must deliver the infrastructure necessary to guarantee the safety, security and wellbeing of existing and planned communities.
- 13.2 Where the scale, nature and significance of proposals may place a demand on the police service, a contribution to police and fire infrastructure may be required mitigate the impacts of development.
- 13.3 Increases in population bring with it a risk of a corresponding increase in crime and demand from new residents for policing services across a wide spectrum of support and intervention. The development will require police deployment on occupation of the first dwellings and throughout the lifetime of the development as residents go about their daily lives at the site and across the wider policing sub region.

Background

- 13.4 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.
- 13.5 The total number of crimes reported across Cheshire increased 6.2% between the periods of April to December 2020 (63,850) and April – December 2021 (67,806). There was also an upward trend in the number of 999 calls made to the Constabulary’s Force Control Centre; 131,179 in the year ending December 2020 and 148,788 in the year ending December 2021. This in turn resulted in an increase in the Constabulary’s attendance rates to the most serious “emergency” incidents.
- 13.6 Where development is proposed, the Constabulary will seek to deploy additional staffing and infrastructure at the same level that is required to deliver policing to the locality. Without additional support, unacceptable pressures will be placed on existing personnel and capital infrastructure.

Required Contributions

- 13.7 Contributions will be sought based on staff set up, vehicles and premises.
- 13.8 **Staff set-up**
- 13.9 Establish A) Local population to policing personnel ratio

13.10 Establish B) average population of development (homes / divided by ONS average household size for CE)

13.11 Establish C) Local population to central policing personnel

13.12 Establish increase in police personnel required to serve the new development.

13.13 Cheshire Constabulary currently employs 4,198 staff to do this (2,275 officers/1,923 staff). The Constabulary serves a population of approximately 1,027,709 across Cheshire (2011 census) and 329,608 in Cheshire West and Chester.

13.14 Force wide, Cheshire Constabulary employ officers to staff at a ratio of 0.54 to 0.46. Basic set-up costs of equipping and recruiting staff are set out below. Prices are correct as of 2022 and will be updated annually:

| | | | |
|---|-----------|------|-----------|
| Officer Costs | | | |
| Start-up equipment (uniform, ICT and workstation, radio, body worn cameras) | £4,767.83 | 0.54 | £2,574.62 |
| Start-up recruitment | £940 | 0.54 | £507.60 |
| Total | £5,707.83 | 0.54 | £3,082.22 |
| Support Costs | | | |
| Start-up equipment (ICT and workstation) | £2,120.83 | 0.46 | £975.58 |
| Start-up recruitment | £400 | 0.46 | £184.00 |
| Total | £2,520.83 | 0.46 | £1,159.58 |

13.15 Vehicles

13.16 Current fleet deployment to Cheshire is 735 vehicles.

13.17 The average equipped cost of a vehicle is £16,255 (not including fuel and maintenance) and this is very close to the actual cost of a GRV. Our guideline for the majority of marked vehicles is to replace them on average every 8 years or 110,000 miles. The condition of vehicles at the end of their police life varies

however the Constabulary forecasts that they will redeem on average, 5% of a vehicles original value on disposal.

13.18 To calculate the increase in police vehicles required to serve the new development requires establishing the net average value of vehicles (a) serving the population of an area (b) and then establishing a unit cost per person (a divided by b).

13.19 Following this, the unit cost per person is multiplied by the population of the new development.

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

13.21 Population of Cheshire East is 398,800 people.

13.22 Therefore, the unit cost per person would be $(1,625,000 \text{ divided by } 398,880) = \text{£}4.07$.

13.23 For a proposed new development, this equates to $\text{£}4.07 \times$ population of new development, to give an 8-year life of provision.

13.24 Premises

13.25 Due to the recent shift in working approaches, the Constabulary is currently undertaking an exercise to understand capacity at Winsford HQ premises and its ability to accommodate force-wide, centralised staffing provision. Therefore, a contribution is not being sought towards premises costs for centralised policing staff generated by the development in this instance.

13.26 Establish net additional personnel staff (A)

13.27 Establish average floorspace provision across the existing estate (including WC and locker / changing facilities) (B).

13.28 Establish adaption / conversion Costs (C). The Q1 2022 (15/01/2022) issue of the RICS BICS costs lists the median cost for adaptation/conversion of northwest police stations as $\text{£}1,897 \text{ p/sqm}$ (Median) which would be considered

the minimum cost appropriate to support the additional officers/staff based at Northwich LPU.

13.29 Multiply (A) x (B) x(C). I.e., net additional personnel staff multiplied by floor space required per staff member, multiplied by adaption/conversion costs.

S106 Agreement

13.30 The contributions set above will be secured through S106 agreements which will include relevant trigger points.

15. Other Matters

Heritage

15.14 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.

15.15 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:

- (1) securing the investigation and protection of archaeological remains in advance of development;
- (2) recording, removing, storing, displaying and maintaining specifically identified artefacts or remnants from demolition as part of a new development or in another location;
- (3) drawing up of a conservation management plan;
- (4) providing and implementing a restoration scheme for historic buildings and features to a set timescale and an agreed specification;

- (5) 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
- (6) undertaking and completing specified works to a heritage asset at risk prior to the construction or occupation of any enabling development.
- (7) enabling development to secure the repair, restoration and maintenance of a heritage asset.
- (8) Repairing, restoring or maintaining a heritage asset identified as being at risk
- (9) Increased public access and improved signage;
- (10) Measures for preservation or investigation, recovery and interpretation of archaeological remains and sites.

15.16 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

15.17 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.

15.18 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.

15.19 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.

15.20 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.

15.21 Information is available on the Cheshire East Council website ¹² for applicants whose schemes are likely to impact on a public right of way. This includes 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

¹² Cheshire East Council Public Rights of Way, available at: https://www.cheshireeast.gov.uk/leisure_culture_and_tourism/public_rights_of_way/public_rights_of_way.aspx

diversion orders, public path extinguishment orders or public path creation orders.

Flood Risk and SUDS

15.22 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.

15.23 The Council's Strategic Flood Risk Assessment (SFRA) 2013¹³ draws on Environment Agency Flood Zone and Surface Water mapping data and data on local sources of flood risk supplied by the Council's Flood Risk Team and United Utilities.

15.24 CELPS Policy SE134: 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.

15.25 Management of 'local' flood risk³² and land drainage is a function of Cheshire East Council in its role as Lead Local Flood Authority (LLFA). The LLFA investigates and publishes the results of incidents of significant flooding; it 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.

15.26 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

¹³ [Strategic Flood Risk Assessment \(cheshireeast.gov.uk\)](http://cheshireeast.gov.uk)

continued safe operation and maintenance of the surface water drainage network to ensure that flood risk is appropriately managed.

15.27 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.

15.28 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.

15.29 It is envisaged that any such requirements would be identified on a site-by-site and scheme specific basis.

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.

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| Amenity | A positive element or elements that contribute to the overall character or enjoyment of an area. For example, open land, trees, historic buildings and the inter-relationship between them. |
| Authority Monitoring Report | An annual report prepared by Cheshire East Council to assess progress and effectiveness of a Local Plan. |
| Building for Life 12 | The industry standard endorsed by government for designing new homes in England, based on 12 key criteria. |
| Catchment school/s | School/s allocated to serve a specific area of a community |
| Cheshire Home Choice | A partnership between the council and registered providers who advertise properties and manage the housing need register and allocation policy. |
| Community Infrastructure Levy | A levy allowing local authorities to raise funds from owners or developers of land undertaking new building projects in their area. |
| Custom and Self-Build Dwellings | As defined by the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). |
| Development | Defined by the Town and Country Planning Act 1990 as “the carrying out of building, engineering, mining or other operation in, on, over or under land, or the making of any material change of use of any building or other land.” Most forms of development require planning permission, unless expressly granted planning permission via a development order. |
| Development Plan | This includes adopted Local Plans and Neighbourhood Plans and is defined in Section 38 of the Planning and Compulsory Planning Act 2004 |
| DfE | Department for Education |
| Entry Level Exception Sites | As defined in the NPPF, entry level exception sites are suitable for first time buyers or those looking to rent their first home. The NPPF provides more details. |
| EYFS | Early Years Foundation Stage (nursery,pre-school, and reception) |
| Family Housing | Domestic dwellings with 2 bedrooms or more |
| FE | Further Education (6 th form and colleges) |
| First Homes | First Homes are a specific kind of discounted market sale housing and should be considered to meet the definition of ‘affordable housing’ for planning purposes |

| | |
|------------------------------------|--|
| Green Infrastructure | A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities. |
| Habitats Regulations Assessment | 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 Space Standards | 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 |

| | |
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| Site Allocations and Development Policies Document | <p>accommodating householders who are either current residents or have an existing family or employment connection.</p> <p>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.</p> |
| SEN Supplementary Planning Document | <p>Special Educational Needs</p> <p>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.</p> |
| Sustainability Appraisal | <p>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.</p> |
| Strategic Environmental Appraisal | <p>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.</p> |
| Viability Study | <p>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.</p> |
| Walking Distance | <p>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.</p> |

Appendices

Appendix 1 HRA / SEA Screening Assessment

Draft Developer Contributions Supplementary Planning Document

Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report

Introduction and Purpose

1. Cheshire East Council has produced a first 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 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 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 draft SEA / HRA statement, alongside the 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 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 draft Developer Contributions SPD is likely to have significant environmental effects. If the 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. | Yes | The SPD will be prepared and adopted by Cheshire East Borough Council. |
| 2. | No | The Council's Local Development Scheme (2020 – 2022) does not specifically identify the need to produce a Developer Contributions SPD. |
| 3. | 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. | 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 | No | The SPD will not determine the use of small areas at a local level. The SPD provides guidance on the provision of rural exception sites for local needs, |

| | | | |
|----|---|----|--|
| | of a PP subject to Art. 3.2? (Art 3.3) | | 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 draft SPD will have any significant environmental effects using the criteria set out in Annex II of SEA Directive 2001/42/EC¹⁴ and Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004¹⁵.

Table 2: assessment of likely significance of effects on the environment

| SEA Directive Criteria Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004 | Summary of significant effects, scope and influence of the document | Is the Plan likely to have a significant environmental effect (Yes / No) |
|--|---|--|
| 1.Characteristics of the SPD having particular regard to: | | |
| (a) The degree to which the SPD sets out a framework for projects and other activities, either with regard to the location, nature, size or operating conditions or by allocating resources. | Guidance is supplementary to policies contained in the LPS and has been the subject of SA / SEA. The policies provide an overarching framework for development in Cheshire East. The draft Developer Contributions SPD provides further clarity and certainty to form the basis for the submission and determination of planning applications, consistent with policies in the LPS. Final decisions will be determined through the development management process. No resources are allocated. | No |

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

¹⁵ http://www.legislation.gov.uk/uksi/2004/1633/pdfs/ukxi_20041633_en.pdf

| SEA Directive Criteria Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004 | Summary of significant effects, scope and influence of the document | Is the Plan likely to have a significant environmental effect (Yes / No) |
|---|--|--|
| | | |
| (b)The degree to which the SPD influences other plans and programmes including those in a hierarchy. | The 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 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 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 |
| (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 draft SPD will not impact on the implementation of community legislation on the environment. | No |
| 2.Characteristics of the effects and area likely to be affected having particular regard to: | | |
| (a)The probability, duration, frequency and reversibility of the effects. | The 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 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 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 |

| 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) |
|---|---|--|
| (d)The risks to human health or the environment (e.g., due to accident). | The 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 draft SPD covers the Cheshire East administrative area. The draft SPD will assist those making planning applications in the borough. | No |
| (f)The value and vulnerability of the area likely to be affected by the SPD due to: <ul style="list-style-type: none"> • Special natural characteristics of cultural heritage • Exceeded environmental quality standards or limit values • Intensive land use. | The draft SPD will not lead to significant effects on the value or vulnerability of the area. It is adding detail regarding the implementation of Developer Contributions policies N1 and IN2 in the LPS, and does not, in itself, influence the location of development. | No |
| (g)The effects of the SPD on areas or landscapes which have recognised national Community or international protected status. | The SPD does not influence the location of development, so will not cause effects on protected landscape sites. | No |

Conclusion and SEA screening outcome

15. Consultation on the initial 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 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 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 draft Developer Contributions SPD. The draft Developer Contributions SPD in itself, does not allocate sites and is a material consideration in decision making, once adopted.

23. The 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 draft of the Developer Contributions SPD will take place between during August and September 2022. Subject to views of the three statutory consultees (the Environment Agency, Historic England and Natural England) during this consultation, this screening report indicates that an Appropriate Assessment under the Habitats Regulations is not required. This conclusion will be reviewed post-consultation and updated accordingly.

Appendix 2: Local Plan SADPD Viability Assessment Update and Refresh.

| Table 12.5 Residential Development – BLV v Residual Values | | | | | |
|--|----------------------|--------|--------------------|----------------------|----------------|
| 30% Affordable (65% Social Rent / 35% Intermediate), CIL, s106 £5,202/unit | | | | | |
| | | | Existing Use Value | Benchmark Land Value | Residual Value |
| Site 2 | Medium Green 40 | Prime | 25,000 | 625,000 | 1,763,912 |
| Site 3 | Medium Green 20 | Prime | 25,000 | 625,000 | 2,284,239 |
| Site 4 | Small Green 11 | Prime | 50,000 | 800,000 | 2,335,060 |
| Site 5 | Small Green 9 | Prime | 50,000 | 800,000 | 2,200,897 |
| Site 6 | Brown 50 | Prime | 740,000 | 888,000 | 1,733,554 |
| Site 8 | Mixed Large 80 LD | Prime | 740,000 | 888,000 | 1,815,422 |
| Site 9 | Mixed Medium 20 | Prime | 740,000 | 888,000 | 2,040,124 |
| Site 12 | Large Allocation 200 | Prime | 25,000 | 625,000 | 1,749,138 |
| Site 15 | Medium Green 40 | High | 25,000 | 625,000 | 527,120 |
| Site 16 | Medium Green 20 | High | 25,000 | 625,000 | 698,075 |
| Site 17 | Small Green 11 | High | 50,000 | 800,000 | 868,888 |
| Site 18 | Small Green 9 | High | 50,000 | 800,000 | 564,381 |
| Site 19 | Brown 50 | High | 740,000 | 888,000 | 413,165 |
| Site 22 | Mixed Medium 20 | High | 740,000 | 888,000 | 489,879 |
| Site 2 | Medium Green 40 | Medium | 25,000 | 625,000 | 101,764 |
| Site 3 | Medium Green 20 | Medium | 25,000 | 625,000 | 142,029 |
| Site 4 | Small Green 11 | Medium | 50,000 | 800,000 | 356,434 |
| Site 5 | Small Green 9 | Medium | 50,000 | 800,000 | -19,502 |
| Site 6 | Brown 50 | Medium | 740,000 | 888,000 | 97,873 |
| Site 9 | Mixed Medium 20 | Medium | 740,000 | 888,000 | 105,373 |
| Site 11 | Large Allocation 550 | Medium | 740,000 | 888,000 | 131,899 |
| Site 14 | Large Green 70 | Low | 25,000 | 625,000 | -315,687 |
| Site 15 | Medium Green 40 | Low | 25,000 | 625,000 | -326,894 |
| Site 16 | Medium Green 20 | Low | 25,000 | 625,000 | -396,697 |
| Site 17 | Small Green 11 | Low | 50,000 | 800,000 | -126,836 |
| Site 18 | Small Green 9 | Low | 50,000 | 800,000 | -627,274 |
| Site 19 | Brown 50 | Low | 740,000 | 888,000 | -440,990 |
| Site 22 | Mixed Medium 20 | Low | 740,000 | 888,000 | -529,309 |
| Site 23 | Large Allocation 550 | Low | 25,000 | 625,000 | -194,095 |
| Site 24 | Large Allocation 550 | Low | 740,000 | 888,000 | -308,005 |
| Site 25 | Large Allocation 200 | Low | 25,000 | 625,000 | -202,931 |

Source: HDH (June 2020)

Appendix 3: Cheshire East Council Parking Standards

| Car Parking Standards | | |
|-----------------------|--|--|
| A1 | Food Retail | 1 per 14m ² |
| | on Food Retail | 1 per 20m ² |
| | Open Air Markets | 3 spaces per vendor |
| | DIY Store | 1 car space per 25 m ² / 1 lorry space per 500m ² |
| | Retail Parks | Individual assessment based against use-classes and location |
| A2 | Financial and Professional Services | 1 per 30m |
| A3 | Restaurants | 1 per 5m ² per Public Floor Area (PFA) |
| A4 | Pubs | 1 per 5m ² per PFA |
| A5 | Fast Food Drive Through | 1 per 7.5m ² |
| B1 | Office / Light Industry | 1 per 30m ² |
| B2 | General Industry | First 235m ² - 1 per 30m ² , then 1 per 50m ² |
| | | Warehouse Storage -1 per 80m ² and 1 lorry space per 200m ² Warehouse Distribution - 1 per 60m ² and 1 lorry space per 200m |
| B8 | Storage and Distribution | Warehouse Distribution - 1 per 60m ² and 1 lorry space per 200m |
| | | Warehouse Distribution - 1 per 60m ² and 1 lorry space per 200m |
| C1 | Hotels and Motels | 1 per bedroom |
| C2 | Hospitals | 1 per 2 resident staff and 1 per 3 beds |
| | Sheltered Accommodation | Residents - 0.5 per unit and 1 per 3 units (for visitors) Staff - 1 per resident staff and 1 per 2 non-resident staff |
| | Extra Care | Residents - 0.5 per unit and 1 per 3 units (for visitors) Staff - 1 per resident staff and 1 per 2 non-resident staff Facilities (open to non-residents) 1 per 4m ² of floor space used for this purpose |
| | Residential Homes and Nursing Homes | Residents - 1 per 3 beds Staff - 1 per resident staff and 1 per 2 non-resident staff |
| | Purpose built student accommodation | Residents - 1 space per 3 bedrooms Staff - 1 per resident staff and 1 per 2 non-resident staff |
| C3/C4 | Dwelling Houses and Houses in Multiple Occupation | Principal Towns and Key Service Centres: for 1 bedroom - 1 space per dwelling; for 2 bedrooms - 2 spaces per dwelling; for 3+ bedrooms - 2 spaces per dwelling Remainder of borough: for 1 bedroom - 1 space per dwelling; for 2/3 bedrooms - 2 spaces per dwelling; for 4/5+ bedrooms - 3 spaces per dwelling |
| D1 | Medical and Health Facilities | 1 per 2 staff and 4 per consulting room |
| | Creche, Day Nursery, Day Centre, Primary / Junior School | 1 per staff and 3 additional spaces for visitors and safe picking up/ dropping off point |

| | | |
|--------------------------------------|---|---|
| | Secondary Schools | 1 per 2 staff and 5 spaces (less than 1200 students) or 10 spaces (more than 1200 students) and 1 per 10 sixth form students and safe picking up / dropping off point. Consider bus facilities, drop off / pick up |
| | Higher and Further Education | 1 per 2 staff and 1 per 15 students |
| | Art Galleries, Museums and Libraries | 1 per staff and 1 per 30m ² (PFA) or 1 per staff and 1 per 15m ² up to 300m ² (PFA) and 1 per 50m ² over 300m ² (PFA) |
| | Public or Exhibition Hall | 1 per staff and 1 per 4m ² PFA |
| | Places of worship | 1 per 5 seats |
| D2 | Leisure | Individual assessment based on use - See Cheshire East Parking Standards Guidance Note for details and recommended standards for a variety of land uses |
| | Cinema | 1 per staff and 2 for buses / coaches and 1 per 3 seats |
| Sui Generis | For example, theatres | Individual assessment based on use - See Cheshire East Parking Standards Guidance Note for details and recommended standards for a variety of land uses |
| Disabled Parking Requirements | | |
| B1, B2, B8 | Employment | Min 1 space or 2% of overall requirement, whichever is greater. |
| | Shopping, recreation, education, health and leisure, hotels, community halls and advice centres | Min 1 space or 6% of total capacity up to a total of 200 bays (whichever is greater) plus 4% of capacity above 200 bays. Allow spaces for larger special needs transport as appropriate. An additional 4-5% of provision of enlarged spaces to meet future needs at health / medical locations. Parent / infant parking to be provided at 6% of total capacity. |
| | Railway and other public car parks | Min 1 space per 55 of capacity up to 200 spaces plus 4% of spaces above 200 bays |
| | Places of worship, crematoria and cemetery chapels | Min of 2 spaces or 6% of total as close as possible to the entrance. Larger bays to be provided for special needs transport. |
| | Housing | 1 wider space for every dwelling provided to wheelchair standard. 1 wider space for every 10 spaces provided in parking areas separate from dwellings. |
| | Sheltered accommodation | p to 10 spaces or garages 3 wider spaces or garages to be provided. Thereafter, 1 wider space or garage to be provided for every 4 additional spaces or garages. |
| Cycle Parking Requirements | | |
| A1 | Convenience retail | 1 space per 125m ² < 1000m ² / 1 space per 400m ² > 1000m |

| | | |
|--------|--|--|
| A2 | Comparison retail | 1 space per 300m ² < 1000m ² / 1 space per 400m ² > 1000m |
| A3 | Financial and Professional Services | 1 space per 125m ² < 1000m ² / 1 space per 400m ² > 1000m |
| A4 | Restaurants and Cafes | 1 space per 18 covers |
| A5 | Pubs, wine bars and private clubs | 1 space per 100m ² drinking area |
| B1 | Offices / Flexible business uses | 1 space per 250m ² < 1000m ² / 1 space per 400m ² > 1000m |
| B2 /B8 | Industry and warehouses | 1 space per 500m ² < 1000m ² / 1 space per 400m ² > 1000m |
| C1 | Hotels and guesthouses | Provision based on expected staff requirements |
| C2 | Purpose built student accommodation | 1 space per 4 bedrooms |
| | Sheltered residential accommodation | 1 space per 10 units |
| | Hospitals | 1 space per 10 staff |
| C3/C4 | Flats and apartments | 1 space per unit |
| D1 | Higher and further education and schools | 1 space per 10 staff and students |
| | Doctors' dentists and health centres | 1 space per consulting room |
| D2 | Cinema, concert halls and conference centres | 1 space per 50 seats |

Appendix 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? https://www.healthystreets.com/resources/healthy-streets-index | Yes | | Positive | |
| | No | | Negative | |
| | N/A | | Neutral | |
| | | | Uncertain | |
| Does the proposal prioritise and encourage walking, for example through the use of shared spaces? | Yes | | Positive | |
| | No | | Negative | |
| | N/A | | Neutral | |
| | | | Uncertain | |

| | | | | |
|---|-----|--|-----------|--|
| Does the proposal prioritise and encourage cycling, for example by providing secure cycle parking, showers and cycle lanes? | Yes | | Positive | |
| | No | | Negative | |
| | N/A | | Neutral | |
| | | | Uncertain | |
| Does the proposal connect public realm and internal routes to local and strategic cycle and walking networks? | Yes | | Positive | |
| | No | | Negative | |
| | N/A | | Neutral | |
| | | | Uncertain | |
| Does the proposal include traffic management and calming measures to help reduce and minimise road injuries? | Yes | | Positive | |
| | No | | Negative | |
| | N/A | | Neutral | |
| | | | Uncertain | |
| Does the proposal well connect to public transport, local services and facilities? | Yes | | Positive | |
| | No | | Negative | |
| | N/A | | Neutral | |
| | | | Uncertain | |
| Does the proposal include an appropriate level of parking in accordance with CELPS Parking Standards (Appendix 3)? | Yes | | Positive | |
| | No | | Negative | |
| | N/A | | Neutral | |
| | | | Uncertain | |
| Does the proposal allow people with mobility problems or a disability to access buildings and places? | Yes | | Positive | |
| | No | | Negative | |
| | N/A | | Neutral | |
| | | | Uncertain | |
| Does the proposal incorporate elements to help design out crime? | Yes | | Positive | |
| | No | | Negative | |
| | N/A | | Neutral | |
| | | | Uncertain | |
| Does the proposal incorporate design techniques to help people feel secure and avoid creating 'gated communities'? | Yes | | Positive | |
| | No | | Negative | |
| | N/A | | Neutral | |
| | | | Uncertain | |
| | Yes | | Positive | |

| | | | | |
|---|-----|--|-----------|--|
| Does the proposal include attractive, multi-use public spaces and buildings? | No | | Negative | |
| | N/A | | Neutral | |
| | | | Uncertain | |
| Has engagement and consultation been carried out with the local community and voluntary sector? | Yes | | Positive | |
| | No | | Negative | |
| | N/A | | Neutral | |
| | | | 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 | |

| | | | | |
|---|-----|--|-----------|--|
| Does the proposal include opportunities for work for local people via local procurement arrangements? | Yes | | Positive | |
| | 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 | |

| | | | | |
|--|-----|--|-----------|--|
| Does the proposal incorporate sustainable design and construction techniques? | Yes | | Positive | |
| | 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 | |



Cheshire East Council

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