

Environment and Communities Committee

Agenda

Date: Thursday, 18th July, 2024
Time: 10.00 am
Venue: The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the top of each report.

It should be noted that Part 1 items of Cheshire East Council decision making meetings are audio recorded and the recordings will be uploaded to the Council's website

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

To note any apologies for absence from Members.

2. **Declarations of Interest**

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

3. **Minutes of Previous Meeting** (Pages 5 - 24)

To approve as a correct record the minutes of the following meetings:

30 January 2024
11 March 2024

For requests for further information

Contact: Josie Lloyd

Tel: 01270 686466

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

4. **Public Speaking/Open Session**

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

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

Petitions - To receive any petitions which have met the criteria - [Petitions Scheme Criteria](#), and falls within the remit of the Committee. Petition organisers will be allowed up to three minutes to speak.

5. **Libraries Strategy - Initial Proposals** (Pages 25 - 78)

To consider the initial proposals for a Libraries Strategy, the need for which was established following the public consultation undertaken in support of the Libraries Service Review undertaken in 2023 and now as part of the Council's Medium Term Financial Strategy.

6. **Waste Collection - Implementation of Weekly Food Waste Collections** (Pages 79 - 132)

To consider a report on the implementation of weekly food waste collections and the proposal to move to a three-weekly collection frequency for residual waste.

7. **Final Outturn 2023/24** (Pages 133 - 158)

To receive a report on the final outturn for Environment and Communities services for the financial year 2023/24.

8. **Service Budgets 2024/25 (Environment & Communities Committee)** (Pages 159 - 186)

To receive a report setting out the allocation of the approved budget for 2024/25 to the Environment and Communities Committee.

9. **Revised Street Trading Policy** (Pages 187 - 204)

To consider a report seeking adoption of a revised Street Trading Policy.

10. **Updated Air Quality Strategy** (Pages 205 - 282)

To consider a report seeking adoption of an updated Air Quality Strategy.

11. **Ecology and Biodiversity Net Gain Supplementary Planning Document** (Pages 283 - 402)

To consider a report seeking approval to adopt the Ecology and Biodiversity Net Gain Supplementary Planning Document.

12. **Appointments to Working Groups and Panels** (Pages 403 - 408)

To appoint Members to the committee's working groups and panels for the 2024-25 municipal year.

13. **Cheshire East Major Emergency Response Plan Update** (Pages 409 - 414)

To consider a report seeking approval to adopt the updated Cheshire East Major Emergency Response Plan.

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

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

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

15. **Cheshire East Major Emergency Response Plan Update** (Pages 415 - 502)

To consider the confidential appendix to the report.

16. **Work Programme** (Pages 503 - 506)

To consider the work programme and determine any required amendments.

Membership: Councillors M Brooks, C Chapman, D Clark (Vice-Chair), T Dean, A Farrall, S Gardiner, H Moss, D Jefferay, B Posnett, H Seddon, L Smetham, M Warren (Chair) and H Whitaker

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Environment and Communities Committee**
held on Tuesday, 30th January, 2024 in the Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

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

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

OFFICERS IN ATTENDANCE

Tom Shuttleworth, Interim Director of Environment and Neighbourhoods
Chris Allman, Head of Neighbourhood Services
Ralph Kemp, Head of Environmental Services
David Malcolm, Head of Planning
Tracey Bettaney, Head of Regulatory Services
Tracy Baldwin, Finance Manager
James Thomas, Principal Solicitor
Josie Lloyd, Democratic Services Officer

122 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Hayley Whittaker.
Councillor Janet Clowes attended as a substitute.

123 **DECLARATIONS OF INTEREST**

In the interest of openness and transparency the following Councillors
declared that they were members of the library service:

Councillor M Brooks, T Dean, D Jefferay and H Seddon.

During consideration of item 6, Councillor L Buchanan declared an interest
that she worked for, and was a member of, Everybody Health and Leisure.
Cllr Brooks also declared that she was a member of Everybody Health and
Leisure.

124 **MINUTES OF PREVIOUS MEETING****RESOLVED:**

That the minutes of the meeting held on 9 November 2023 be agreed as a
correct record.

125 **PUBLIC SPEAKING/OPEN SESSION**

There were no public speakers.

126 **THIRD FINANCIAL REVIEW 2023/24 (ENVIRONMENT AND COMMUNITIES COMMITTEE)**

The Committee received a report which provided the third review of the Cheshire East Council forecast outturn for the financial year 2023/24.

Members were asked to consider the serious financial challenges being experienced by the Council (and other councils) and to recognise the important activities outlined which aimed at minimising the impact on services.

Overall the Council was forecasting an over spend of £13m and this was an improvement of £5.7m since the second finance review. The Environment and Health Committee had pressures of £3.1m and this was a reduction of £0.4m since the second financial review.

There were some income pressures in planning and building control of £1.3m, increased waste disposal, contract inflation and recycling shortfall pressures of £1.8m and pay inflation pressures of £0.8m. There were some one off charges linked to the delay in some of the savings that had been previously discussed at Committee and they had been offset by in year improvements linked to capitalisation and also the use of earmarked reserves, as well as holding vacancies and some of the mitigation factors taken by the directorate.

An amendment to recommendations 1 – 4 was moved and seconded which sought to add the words ‘and note’ after the first word ‘Consider’. This was carried unanimously.

In relation to recommendation 6 officers agreed to review a request made that in future it would be appropriate if members were being advised that officer delegations were to be used, that they would like to know what the specific delegations are related to, in the context of the Council’s constitution.

RESOLVED: (By Majority)

That the Environment and Communities Committee:

1. Consider and note the report of the Finance Sub Committee: Finance Sub Committee, 11th January, 2024
2. Consider and note the factors leading to a forecast adverse Net Revenue financial pressure of £3.1m against a revised budget of £48.7m (6.4%), for Environment and Communities Committee services.

3. Consider and note the forecast and further mitigations needing to be identified, aimed at bringing spending back in line with budget.

4. Consider and note the in-year forecast Capital Spending of £6.9m against an approved MTFS budget of £12.0m, due to slippage that has been re-profiled into future years, in respect of Environment and Communities Committee projects.

5. Approve fully funded supplementary revenue estimates over £500,000 up to £1,000,000 in accordance with Financial Procedure Rules as detailed in Appendix 5 Environment and Communities Committee, Section 2 Corporate Grants Register, Table 2.

6. Scrutinise the contents of Annex 1 and Appendix 5 and note that any financial mitigation decisions requiring approval will be made in line with relevant delegations.

127 **MEDIUM TERM FINANCIAL STRATEGY CONSULTATION
2024/25 - 2027/28 PROVISIONAL SETTLEMENT UPDATE
(ENVIRONMENT & COMMUNITIES COMMITTEE)**

The Committee considered a report which sought feedback on the responsibilities of the Committee as consultees, on the development of the Cheshire East Medium-Term Financial Strategy 2024/25 to 2027/28.

Officers reported that the High Level Business Cases would be presented at the Corporate Policy Committee on the 13th of February.

Councillor J Clowes proposed two amendments, seconded by Councillor T Dean which were as follows;

EC4 “Fund Libraries in a different way”

It was felt that whilst the approach was supported it must go further than as described in the consultation extract.

If the potential savings for 2024/25 were to be achieved, the Library Strategy must be expedited. It was proposed that;

- 1) That the Library Strategy (together with the schedule for its’ delivery), was included in the MTFS proposals for 2024/25 (Savings could not be effectively met without it).
- 2) That progress of the Library Strategy was included in MTFS quarterly reviews scheduled into the Committee’s work programme in order that Members had sight of emerging policy objectives at the earliest opportunity. This offered optimum opportunity for oversight and scrutiny of that work.

- 3) That all Library governance models remained “on the table”. Engagement with Town and Parish Councils was only one approach, but other models such as Staff Mutuals, Constituted Community Groups, Industrial & Provident Societies, may better suit different libraries and communities.
- 4) That the proposed outcomes of the Library Strategy were brought forward to Committee in a timely way to deliver savings within year.

Parish Compacts

- 1) As part of the 2024/25 MTFS quarterly reporting process, all asset transfers and devolved services to Town and Parish Councils are reported to Committee in order that Members are able to provide optimal oversight and scrutiny.
- 2) the 2024/25 MTFS includes opportunities for proportionate, devolved services, through an expansion of the parish compact system (or appropriate alternative models), for smaller (often more rural) parishes, where CEC service provision is commensurately more costly than that which local parishes and communities may wish to source for themselves.
- 3) These opportunities to be investigated in terms of local consultation and cost-benefit analysis, prior to bringing forward any realistic savings to Committee later in 2024/25 or for inclusion against the 2025/26 MTFS.
- 4) As the Green Spaces Review (MTFS 2023/24) is implemented, it is timely to further review Green Space maintenance over 2024/25 in the context of Town and Parish Council devolved services (this is already underway), but also in the context of parish precepts (where such parishes express an interest).

The amendments were voted on and carried unanimously therefore the amendments became part of the substantive recommendations. Officers undertook to include them into the revised MTFS documentation.

Following an introduction on each proposal members asked questions and provided comments in relation to each proposal. These included:

Proposal EC1: Refresh wholly owned company overheads and contributions

Had a view already been formed on this a proposal of £1m savings had been cited is there already a review on this?

Officers reported that an update on the review would initially be presented to the Finance Sub Committee in March.

Proposal EC2: Strategic Leisure Review (Stage 2)

Were officers confident that the proposals that would be presented in March be supported by the Environment & Communities Committee and if it was agreed to take those forward were they confident that the £1.3m would be achieved, and secondly if the proposals were not approved was there a fallback position in order to meet the saving?

In response officers stated that it was a member decision so they could not comment whether they would be acceptable to the Committee. There were ongoing negotiations with Everybody Health and Leisure around achieving the target. In respect of whether there was a fall back position, there were alternatives that could be explored but these were dependent on what the decision that committee made.

In response to concerns raised about whether the target could be met and the mitigations in place officers reported that any savings would be monitored and there would be in year adjustments made if savings were not forecast to be achieved. Further proposals would be presented to committee at the appropriate time if that was the case.

Members felt that it was difficult to appraise what was coming out of the public consultations for example if there were legitimate savings put forward those would need to be considered and at what point would each committee know about those as they could have an impact on proposals? Officers highlighted that the recent consultation had closed, the feedback had been assessed and that the consultation report had been published publicly a few days earlier.

Proposal EC3: Reduce costs of waste disposal and number of Household Waste Recycling Centres (HWRC)

It was suggested that this would be clearer if it was two budget lines rather than one so that they would be identified separately and not connected to each other directly. Officers took an action to ensure that this item was split in the final version of the MTFS document.

Members asked for clarity around whether the Household recycling centres being 'mothballed' was time limited or was it ongoing.

Officers reported that there was a piece of work ongoing around procurement for the replacement of the existing household waste centre contract and that final recommendations related to the long term provision of HWRCs for Cheshire East proposals would be presented to committee later in 2024, currently targeted for September.

Clarification was sought to whether the Committee was being asked to make a decision on identifying the savings and the mechanism as to how that could be achieved would be delegated to the appropriate officer under their delegated powers. There were concerns that members were not by

association of being a member of the Environment and Communities Committee going to be accused of closing a waste recycling centre.

Officers confirmed that the Committee was being asked to recommend the proposals to Corporate Policy Committee and Full Council would be asked to agree to the emergency closure proposals as part of the budget setting process in February.

A question was raised in respect of whether other recycling centres were equipped to deal with the additional waste and whether there were any mitigations in the budget to deal with potential fly tipping. Officers reported that a previous review of provision undertaken approximately 2-3 years ago suggested that 4 sites were enough centres for the number of residents the local authority had, even including the forecast growth of the borough. As part of the formal review this assessment is being refreshed via external consultants and will be presented in support of any final recommendations around the future of the service. The historical closure of two household waste centres had not resulted in an observed increase in fly tipping.

Proposal EC4: Fund libraries a different way

Members agreed that making good use of resources was sensible but asked what research had been undertaken and who the current experts were, and whether they had the capacity to deliver the development?

Officers reported that there was an experienced in-house library service team with knowledge and expertise but they had a day job and it was a finite resource so it may be necessary to bring in external suitably qualified resource in to the project to compliment them. This was specifically in the context of the need to expedite the delivery of the piece of work. Members raised that there were also external resources from Library Connected and the Department of Culture and England Sport, which officers confirmed they are already engaged with on a regular basis and who would be used to inform strategy development.

Proposal EC5: Reduce costs of street cleansing operations

In response to a question raised in respect of whether the proposal was to stop or reduce street cleaning or whether it was a proposal to carry it out more efficiently officers reported that the aim was to make the service more efficient, potentially through exploring the use of technology. Officers further stated that they had been looking at how to deliver savings for 2024/25 working with the appointed delivery provider, but there was not a guarantee that it would not involve some reduction in service levels. At this point it was target budget saving value.

Proposal EC6: Reduce revenue impact of carbon reduction capital schemes

It was suggested that whilst it was disappointing that the capital project was being slowed down in respect of the Council becoming carbon neutral by 2025, there could be some other budget proposals coming forward, such as sustainable transport interventions, which might have carbon benefits and may help offset the proposal.

Officers confirmed that as part of the MTFs document a Carbon assessment is undertaken and that any positive impact of these other proposals would be considered within this, at a high level.

Proposal EC7: Increase Garden Waste charges to recover costs

Members raised questions in respect of the slow uptake in the subscription and whether or not officers were confident in being able to achieve the figures set, whether the increased annual charge proposed would potentially have a detrimental impact on subscription levels and how did the value of the charge compare to the Councils neighbours.

Officers reported that the business plan was based on a 60% uptake (so 90,000 properties) and from conversations had with neighbouring authorities their take up had been higher than 60%, particularly in year 2 onwards. Officers reported that as of 23rd January the level of subscriptions sat at circa 63,000 but as this is a live system and was one week ago this number would be higher. As the collections had only started again very recently and with the growing season approaching officers were confident that they would hit the 60% target and that an increased charge would not have any detriment to the business plan.

Members suggested that if the Council over achieved on its target it needed to be careful if it was going to consider increasing the charge as it wanted to encourage as many people to subscribe as possible.

In response to a question raised as to whether there would be any impact on the contractual arrangements with the provider Biowise if the Council did not meet its 60% target it was reported that there would not be an impact as it was worked out on annual tonnage and at this time of year it was low level amounts of garden waste collected. There would be monitoring of other elements of the model, not just the uptake and officers would report back on performance through the usual channels later in 2024.

RESOLVED:

That the Environment and Communities Committee

- (a) Recommend to the Corporate Policy Committee, for their meeting on 13 February 2024, all proposals within the budget consultation, as related to the Committee's responsibilities, for inclusion in the Council's budget for 2024/25.

- (b) Submit the comments and proposals outlined above to the Corporate Policy Committee

128 **WORK PROGRAMME**

The Committee considered the work programme.

Members requested the following be taken in to consideration

- It was important that the various submissions put forward for the MTFS were included in the quarterly reviews of the MTFS so that members would know exactly where the Council was up to in delivering those projects and identify at an early stage if there was slippage. .
- A request for informal briefings in between the scheduled formal meetings to have round table discussions, which officers undertook to provide further detail on.

RESOLVED:

That the work programme be noted.

The meeting commenced at 2.00 pm and concluded at 4.38 pm

Councillor M Warren (Chair)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Environment and Communities Committee**
held on Monday, 11th March, 2024 in the The Assembly Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

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

Councillors J Bird, M Brooks, T Dean, A Farrall, S Gardiner, D Jefferay,
B Posnett, H Seddon, H Whitaker, L Crane and J Clowes

OFFICERS IN ATTENDANCE

Tom Shuttleworth, Interim Director of Environment and Neighbourhoods
Chris Allman, Head of Neighbourhood Services
Ralph Kemp, Head of Environmental Services
David Malcolm, Head of Planning
Jeremy Owens, Development Planning Manager
Tom Evans, Neighbourhood Planning Manager and Interim Environmental
Planning Manager
Tracy Baldwin, Finance Manager
Julie Gregory, Legal Manager
Josie Lloyd, Democratic Services Officer
Emma Williams, Carbon Manager
Emma Fairhurst, Conservation and Design Officer
Robert Law, Planning Team Leader
Chris Greenhalgh, Project Manager
Lauren Ebsworth, Environmental Service Graduate Trainee

ALSO PRESENT

Councillor A Kolker
Councillor M Sewart

136 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors L Buchanan and L
Smetham. Councillors L Crane and J Clowes attended as substitutes.

137 **DECLARATIONS OF INTEREST**

Cllr Brooks declared that she was a member of Everybody Health and
Leisure and a Trustee of the Packhorse Bowling and Social Club.

Cllr Whitaker declared that she was a current member of Everybody
Health and Leisure in Poynton.

Cllr Gardiner made the following declarations:

- In respect of public speakers, he was known to Ms Jamison as they were both members of a community group within Knutsford for many years, both were involved in the Knutsford Neighbourhood Plan and Ms Jamison regularly attended Knutsford Town Council meetings. Cllr Gardiner was also known to Mr Finnan and occasionally met socially
- Until the end of February 2024, he was in regular contact with senior personnel at Barratt Homes relating to a situation outside of Cheshire East Council, not related to Planning, and did not discuss anything relating to their consultation responses
- He was a former employee of Barton Willmore who had also made representations through the consultation in relation to item 11 – Developer Contributions Supplementary Planning Document. Cllr Gardiner also declared that he was still in the Barton Willmore pension scheme
- He was a former employee of Emery Planning, who had also made representations
- He was heavily involved in Knutsford Town Council's role in respect of the Legh Road Conservation Area
- During consideration of item 6, Cllr Gardiner declared in relation to Tatton Estates that he was known to Mr Brooks and was the Chair of the Tatton Conservative Association

138 **MINUTES OF PREVIOUS MEETING**

RESOLVED:

That the minutes of the meeting held on 1 February 2024 be agreed as a correct record.

139 **PUBLIC SPEAKING/OPEN SESSION**

Mr Thomas Eccles, Chair of the Save Danes Moss community group, attended the meeting to speak in relation to item 8 (Local Plan Issues Paper) and item 7 (Carbon Neutral Programme Update). Mr Moss was encouraged by some of the documentation associated with the new Local Plan, particularly appendix A which referred to peatland habitats which the Local Plan should aim to protect and encourage their restoration. Mr Eccles felt that currently some of Cheshire East's environmental policies were in contradiction to their environmental ambitions, for example the previous Local Plan which allocated eight separate peatlands for various forms of development which meant there would be extraction at those sites and contrasted with plans to reduce carbon emissions. On behalf of

Save Danes Moss, Mr Eccles asked the committee to introduce a policy to prohibit peat extraction in Cheshire East except for peatland habitat restoration and to remove all peatland sites allocated for housing from the Local Plan.

Mr John Finnan from the Save Longridge Greenbelt community group attended to speak in relation to item 8 (Local Plan Issues Paper) and referred to Longridge LPS 38 which was a local wildlife site and part of it also ancient woodland. Mr Finnan stated that its rich ecology and a covenant preventing access to it did not inform its adoption into the Local Plan and that it should not have been included. The outline planning application had been refused but it was still in the Local Plan. Mr Finnan asked what mechanisms were in place, or could be put in place, to expedite its removal from the Local Plan.

In response, the Chair advised that through the Council's new Local Plan the status of any allocated sites that had not come forward for development would be reviewed. However, such assessments would be made much further into the plan-making process in light of up-to-date evidence and circumstances at that time.

Ms Debbie Jamison attended the meeting to speak in relation to item 5 (Strategic Leisure Review) and asked the following questions:

1. Why there was no reference to the Council seeking to control its own corporate landlord operating costs, engagement with property services or an understanding of how the contract with external suppliers works
2. Regarding recommendation 3e asking for officer delegation to negotiate top up funding agreements with Town and Parish Councils, was the committee accepting a double taxation system in Cheshire East with no oversight on the fairness of how these monies may be requested
3. Free text comments had not been made available in the appendix whereas responses sent via letter or email had been reproduced in full, therefore did the committee understand that some groups did not feel that they had been listened to
4. Would the committee ensure that the contract amendments with Everybody Health and Leisure contained key performance indicators around utilisation of various facilities, to make sure that all opportunities for public health activity were promoted, specifically regarding hours of use and not just numbers attending
5. Regarding the Playing Pitch and Outdoor Sports Strategy, did the committee see an overlap with the Strategic Leisure Review where Everybody Health and Leisure had outdoor facilities

The following responses were provided by officers:

1. The observed cost increases in the main related to the prices of energy and maintenance construction works, which were driven by much higher levels of inflation. This was a trend seen nationally and was not specific to Cheshire East. This cost pressure and the need to assist in protecting local leisure services had already been recognised by Government in the form of the £500k Sport England revenue grant awarded in 2023 which specifically related to offsetting increased energy prices. A working group had been established during 2023/24 involving the leisure commissioning team, Cheshire East Facilities Management, supported by Equans and Everybody Health and Leisure to ensure that, moving forward, corporate landlord costs were considered and managed jointly by all parties
2. Discussions with Town and Parish Councils around the top up of a variety of services, from libraires where an established model existed, green spaces, community enforcement and leisure were already ongoing. These discussions had, in a number of cases, been initiated by the Town Councils. The figures used were based on prior years' corporate landlord costs which had been included in the Council's published accounts.
3. In developing the proposals presented today all views expressed through the consultation had been considered thematically, whether they appeared in the published report or otherwise.
4. Officers, including representatives of the Public Health Team, were in the very early stages of developing a suite of new KPIs to build into any modified contract. These would cover themes specific to each leisure site such as usage, membership, public health and driving efficiencies for the corporate landlord.
5. It was acknowledged that there was an overlap with the Playing Pitch and Outdoor Sports Strategy. All available facilities, regardless of ownership or control interest, had been considered in terms of the demand analysis for each area.

140

MTFS 90 STRATEGIC LEISURE REVIEW - FINAL PROPOSAL

The committee considered the report which provided an update on the progress of the implementation of Cheshire East's Strategic Leisure Review following approval of the Council's Medium Term Financial Strategy 2023-27 at Full Council on 22 February 2023 and following the previous report to the committee in November 2023 which gave approval to undertake a consultation exercise.

Cllr Sewart attended the meeting to speak as a visiting member and expressed that he felt that the report had a geographical bias against the

north of the borough. Cllr Sewart felt that it was unfair to ask Town and Parish Councils to bridge funding gaps, particularly where contributions would vary between towns, and was concerned that residents from surrounding areas would also be using the facilities without those Town and Parish Councils contributing. Cllr Sewart also raised a concern that air source heat pumps had been installed at the Poynton site but were not yet connected. During discussion of the item, officers advised that the delay with the air source heat pump was with the electricity provider as an upgraded grid connection was awaited.

Cllr Kolker also spoke as a visiting member and as the Council's representative at Everybody Health and Leisure and the Chair of Trustees. Cllr Kolker thanked all Cheshire East officers and members who had worked with Everybody Health and Leisure to seek fair solutions. He believed the recommendations overall would help to safeguard the leisure estate for future years.

During consideration of the item, the committee resolved to move into part 2 to consider the confidential report and appendix. Cllr Whitaker left the meeting before the committee returned to part 1 and gave apologies for the rest of the meeting.

The committee moved back into part 1 for the debate in which the following points were raised:

- There was concern that a lack of investment in the Knutsford, Poynton and Alsager sites could negatively impact their chances of sustainability
- Where leisure facilities would be transferred to schools (Holmes Chapel and Middlewich), there was a request for the Council to work with schools to ensure affordable, quality provision long term
- Some members felt that all Town and Parish Councils with a leisure centre should be asked to provide the same amount of funding support
- There was also a view put forward that there should be recognition of Town and Parish Councils varying in size and that any funding agreement should be based on a ratio to avoid smaller towns and parishes subsidising larger ones
- There was a need to be mindful that there were several pieces of work within the committee's remit to which Town and Parish Councils were being asked to contribute and that it may not always be possible to secure the required funding

An amendment was moved and seconded which sought to amend recommendation 4 in the report to the following:

Note the requirement for a further update to be brought to Committee in mid-2024/25 to set out the progress in delivering the required MTFs saving, to set out further proposals in order to deliver a balanced budget and a programme of investment to counter the current lack of future

proofing at Poynton, Alsager and Knutsford for inclusion in future MTFS programmes subject to favourable fiscal conditions.

This was carried by majority and became part of the substantive motion.

There was a request for the update report to be brought to committee no later than the 26 September 2024 meeting.

RESOLVED (unanimously):

That the Environment and Communities Committee:

1. Note the progress made to date in implementing the Strategic Leisure Review included as a specific proposal within the Medium-Term Financial Strategy 2023-27 as approved at Council on 22 February 2023, including the feedback from the recent public consultation exercise

2. Approve the final details of the proposals to meet the MTFS budget savings target for 2024/25 onwards, as set out at paragraphs 39-51 of this report

3. Delegate authority to the Interim Director Environment and Neighbourhoods to take all necessary steps to implement the proposals including but not limited to:

a. Make the necessary changes to the operating agreement with Everybody Health and Leisure to secure additional income or cost reductions to the Council subsidies paid

b. Enter into a modification of the existing leisure operating agreement, subject to the constraints set out in the associated Part 2 report

c. Take forward to completion asset disposals at the Holmes Chapel and Middlewich joint use sites, to allow alternative local delivery models to establish

d. Implement pricing increases to the joint / access facilities access agreements for joint use school sites and

e. Enter into “top up” funding agreements with Town and Parish Councils relating to the safeguarding of leisure provision for their local area

4. Note the requirement for a further update to be brought to Committee in mid-2024/25 to set out the progress in delivering the required MTFS saving, to set out further proposals in order to deliver a balanced budget and a programme of investment to counter the current lack of future proofing at Poynton, Alsager and Knutsford for inclusion in future MTFS programmes subject to favourable fiscal conditions

RESOLVED:

That the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A)(4) of the Local Government Act 1972 as amended on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 and the public interest would not be served in publishing this information.

142 **MTFS 90 - STRATEGIC LEISURE REVIEW - FINAL PROPOSAL**

The committee considered the confidential report and appendices.

143 **UPDATED PLAYING PITCH AND OPEN SPACES STRATEGY**

The committee received the report which provided an update on the progress of updating the Cheshire East Playing Pitch and Outdoor Sports Strategy and sought approval for its formal adoption.

It was noted that the report contained an error, referring to an Outdoor Spaces Strategy, and it was confirmed that this should be Outdoor Sports.

RESOLVED (unanimously):

That the Environment and Communities Committee approve the adoption of the Playing Pitch and Outdoors Spaces Strategy.

144 **CARBON NEUTRAL PROGRAMME - PROGRESS UPDATE**

The committee received the report which provided an updated on the progress the Council has made in relation to its carbon neutral commitments.

RESOLVED (by majority):

That the Environment and Communities Committee:

1. Note the progress made to date towards the Council's carbon neutral commitments
2. Note that Full Council has approved an extension of the time for the achievement of the Carbon Neutral Council objective to 2027
3. Authorise the Head of Environmental Services to take all necessary steps to carry out a public consultation to seek views on the Wider Borough Carbon Action Plan 2024-29 (Appendix 1) and to inform the final action plan to be returned to this committee for adoption and approval of actions arising from it

The committee adjourned for a short break after this item. Cllr Jefferay left the meeting and did not return.

145 **LOCAL PLAN ISSUES PAPER AND LOCAL DEVELOPMENT SCHEME UPDATE**

The committee considered the report which sought agreement to carry out public consultation regarding the new Local Plan Issues Paper and associated background draft reports.

Cllr Clowes read out a statement on behalf of Cllr Chris O’Leary and referred to a petition from the Save Danes Moss Group which had been submitted to the Council. The statement also asked the committee to ensure peatland sites were not included in the Local Plan without assessment of the scale of the peat deposits, and that specific planning guidance be introduced to protect peatlands from development.

In response, the Head of Planning stated that officers had responded to the petition by advising that the correct procedure would be for the petition to be considered as a representation through the planning application process due to there being a number of live planning applications for the site. It would therefore form part of the overall assessment of the planning application which would be presented to a future planning committee. In developing the new Local Plan, the Council would consider appropriate protections for peatland, wetlands, meres and mosses in line with legislation and national planning policy, recognising the wider benefits they can have.

It was requested that, before carrying out the consultation, officers carefully review the questions in the issues paper and accompanying topic papers to ensure that the questions being raised were focused on things that could be achieved and were Planning focused, with a suggestion that the language be looked at to ensure it was specific. Officers therefore suggested that the recommendations as set out in the report also include a delegation to the Head of Planning to review the questions and make any minor changes required prior to publication.

A query was raised in relation to page 6 of appendix M and whether peat should be a safeguarded resource. It was agreed that officers would look into this further outside the meeting.

RESOLVED (unanimously):

That the Environment and Communities Committee:

1. Agree that the following documents, appended to this report, are published for 12 weeks public consultation, with delegation to the Head of Planning to review and make minor changes prior to publication:

- a. Issues Paper (Appendix A), supported by Topic Papers (Appendices B to N)
 - b. Draft Land Availability Assessment Methodology (Appendix O), accompanied by a 'call for sites'
 - c. Draft Sustainability Appraisal Scoping Report (Appendix P)
 - d. Draft Settlement Hierarchy Review Methodology (Appendix Q)
2. Agree that the update to the Local Development Scheme, appended to this report (Appendix R) is published on the Council's web site and that a copy is sent to the Secretary of State for Levelling-up, Housing and Communities

Cllr Crane left the meeting and did not return.

146 **ENVIRONMENTAL PROTECTION SUPPLEMENTARY
PLANNING DOCUMENT**

The committee considered the report which sought approval to adopt the Environmental Protection Supplementary Planning Document.

RESOLVED (unanimously):

That the Environment and Communities Committee:

1. Consider the Report of Consultation (Appendix B); the Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report (Appendix C); and the Equalities Impact Assessment Screening Report (Appendix D)
2. Adopt the Environmental Protection Supplementary Planning Document (Appendix A)
3. Delegate to the Head of Planning the authority to make minor changes and corrections to the SPD prior to publication

147 **CONSERVATION AREA APPRAISALS AND MANAGEMENT
PLANS**

The committee considered the report which sought approval to adopt Conservation Area Appraisals and Management Plans for Legh Road Knutsford, Holmes Chapel, Gawsforth and Bollin Hill Wilmslow, following a four-week public consultation.

RESOLVED (unanimously):

That the Environment and Communities Committee:

1. Consider the feedback from the public consultation (Appendix E)

2. Approve the Legh Road Conservation Area Appraisal (including a boundary review) and Management Plan (Appendix A) for adoption
3. Approve the Holmes Chapel Conservation Area Appraisal and Management Plan (Appendix B) for adoption
4. Approve the Gawsorth Conservation Area Appraisal and Management Plan (Appendix C) for adoption
5. Approve the Bollin Hill Wilmslow Conservation Area Appraisal and Management Plan (Appendix D) for adoption

Cllr Dean and Cllr Posnett left the meeting and did not return.

148 **DEVELOPER CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT**

The committee considered the report which sought approval to adopt the Developer Contributions Supplementary Planning Document.

RESOLVED (unanimously):

That the Environment and Communities Committee:

1. Consider the Report of Consultation (Appendix 2); the Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report (Appendix 3); and the Equalities Impact Assessment Screening Report (Appendix 4)
2. Adopt the Developer Contributions Supplementary Planning Document (Appendix 1)
3. Revoke 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)
4. Delegate to the Head of Planning the introduction of the detailed charging regime for s106 Monitoring Fees by 1 April 2024
5. Delegate to the Head of Planning the authority to make minor changes and corrections to the SPD prior to publication

149 **REVISED DRAFT LOCAL VALIDATION CHECKLISTS FOR PLANNING APPLICATIONS**

The committee considered the report which sought approval to adopt the Council's updated Local Validation Checklists for planning applications.

The Local Validation Checklists set out the information that will usually be required to be submitted with a planning application.

RESOLVED (unanimously):

That the Environment and Communities Committee:

1. Approve the adoption of the updated set of Local Validation Checklists
2. Permit officers to make any minor revisions / changes to the Local Validation Checklists in response to the public consultation so long as such changes are not substantive in nature
3. Publish the associated Equalities Impact Assessment Screening Report ("EQIA") (Appendix 1)

150 **WORK PROGRAMME**

The committee considered the work programme.

It was noted that a July meeting had been included in the calendar of meeting approved by full Council. Some items currently scheduled for June would be moved onto the July agenda to balance the two meetings.

There was discussion around the trial of one twilight meeting during the 2024-25 municipal year, as agreed by the Corporate Policy Committee. There was a preference for this to be trialled at one of the earlier meetings in the year.

RESOLVED:

That the work programme be noted.

The meeting commenced at 10.00 and concluded at 16.20

Councillor M Warren (Chair)

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OPEN

**Environment and Communities
Committee**

18 July 2024

**MTFS EC24-28/73 Libraries Strategy –
Initial Proposals**

**Report of: Tom Shuttleworth, Interim Director Environment and
Neighbourhoods**

Report Reference No: EC/06/24-25

Ward(s) Affected: All

Purpose of Report

1. This report details the progress in bringing forward a Libraries Strategy (the “Strategy”) the need for which was established following the public consultation undertaken in support of the Libraries Service Review undertaken in 2023 and now as part of the Councils Medium Term Financial Strategy (MTFS 2024-28)
2. The development of the Strategy supports the Corporate Plan priorities of enabling “a sustainable financial future for the council, through service development, improvement and transformation” whilst also considering the medium to long term future of the library service, in the context of different delivery approaches.
3. The report then provides a roadmap for the next steps in developing the Strategy, including seeking permissions to move forward with a public consultation on the current draft proposals.

Executive Summary

4. The report sets out the core content of the four year Strategy (see Appendix A) including its objectives, alignment to other council priorities and the introduction of a tiering system in respect to how library services will be promoted and invested into moving forward (Appendix B). It makes clear how a wide range of services from across the Council

have been involved in its development and the specific opportunities which exist such as joining up the library offer with Family Hubs.

5. The report sets out the options upon which views are being sought from the public in relation to potential alternative service delivery models, including benchmarking, demonstrating how other library authorities chose to deliver their service.
6. Details of the proposed approach to consultation are included in support of the approvals requested, including a supporting equality impact assessment (see Appendix C)
7. Finally, the report sets out the current legal and financial implications of the proposals contained within the Strategy and how these will need to be modified in order that the final proposal presented is compliant with the budgetary framework set out within the Councils MTFs 2024-28.

RECOMMENDATIONS

The Environment and Communities Committee is recommended to:

1. Approve the draft objectives of the Libraries Strategy (2024 – 2028);
2. Delegate authority to the Interim Director of Environment and Neighbourhood Services to take all necessary steps to undertake a public consultation and associated engagement to establish;
 - a. Resident's views on the Libraries Strategy contained within Appendix A of this report and;
 - b. Expressions of interest from all relevant stakeholders relating to the future operation of the proposed tier 3 community managed library sites.
3. Note that a clear recommendation on implementation of the Strategy, informed by the outcome of the public consultation and engagement with communities, will be brought back to Committee at a future date.

Background

8. The report to this Committee in July 2023 set out the final proposals for the Libraries Service Review and at the same time also established the need for the Council to develop a strategy for the medium to long term

of this service area, see paragraph 29. This was in direct response to feedback received during the related public consultation.

9. More recently the Strategy was included as a specific initiative within the Council's approved MTFS 2024-28. The inclusion of this initiative was discussed at the consultative meeting of the Committee on 30th January 2024.
10. It is intended that the Strategy will span the four years from 2024 to 2028 to align it to the period of the current MTFS and a draft for consultation is included at Appendix A.

Draft Objectives

11. As an initial task a draft set of objectives of the Libraries Strategy were developed. The development of these objectives have been shared with a wide variety of internal teams and are as follows;
 - To offer a library service delivered in partnership with local councils, communities and organisations with similar aims;
 - To maintain the service offer for all and enhance it through the introduction of other complimentary Council services focussed on enabling customers and public health and wellbeing - in locations where it is needed the most;
 - To actively promote the service, increasing visitors and becoming more accessible to residents through the use of new technologies and;
 - To ensure that the service continues to be affordable for the residents of Cheshire East
12. It is considered that these objectives will be relevant in terms of how they would dovetail into any new and emerging Cheshire East (Corporate) Plan.
13. The finalisation of these objectives is now subject to public consultation.

Cross Organisational Working

14. In developing the Strategy cross organisational working has been undertaken to ensure that the proposals reflect that libraries offer a significant range of services for local communities.
15. This cross organisational working continued throughout the work which has been undertaken to date and was underpinned by a workshop held on 8 April with attendance and contributions from the following service areas within the Council and it's partners;
 - Adults
 - Childrens
 - Communities
 - Customer
 - Public Health
 - Local leisure offer (Everybody Health and Leisure)
16. Further to the collaborative workshops, individual discussions have been held with services to talk in more detail around opportunities for joint working. This is expanded upon in this report and also reflected in the site assessment process undertaken in support of the site tiering system.

Tier System

17. The Strategy proposes the introduction of a tier system to the operation of the library service. This mirrors how a number of local authorities already operate their own library estate.
18. Assignment of sites to the first 3 tiers which cover the fixed location library sites have been defined by way of a site assessment process, contained at Appendix B. This matrix has considered a wide range of different factors from a variety of service areas, weighted appropriately. It demonstrates the opportunities to utilise the libraries estate in areas of high demand and need to better deliver council services in a more joined up way.
19. Tier 4 covers the mobile library and volunteer delivered home library service.

20. It should be specifically noted that sites assigned into tier 3 will be considered principally on a community managed basis with a maximum of 1.5 weekdays of direct staff time and available. The staffed time that the Council proposes to continue to fund will be invested into the days where greatest use is observed, together with accommodating where practicable the current activities delivered. A summary of the proposed opening times is contained at Appendix D. It is therefore these sites on which the Council will be inviting expressions of interest from communities to operate independently outside those hours which will continue to be funded by the Council. Please see paragraphs 36 to 40 of this report as to how this process is intended to work, however Town and Parish Councils who wish to provide funding to “top up” opening hours can still actively be considered.
21. Officers have considered how the approach to tier 3 sites relates to that nationally. Based on the latest data available, (a survey response of 146 of 151 library authorities as at December 2022) it can be seen that 35.6% of authorities have a least one library operated by a community or voluntary group with some support from the local authority. For the majority this was 1 or 2 libraries but for some the likes of Dorset and Staffordshire where 50% of their service was at that point delivered via community managed libraries. It is expected that in the intervening period, and with cognisance of the challenging financial position of many local authorities, that these percentages have increased further.
22. Cheshire East Council currently does not have any community managed libraries within the estate recognised as providing the statutory service, as such it could be considered that the current mode of operation is outside the norm.
23. On the basis that any site in tier 3 is not the subject of a valid business case from the community to operate during hours outside those to be funded by the Council, or a confirmed decision to provide top up funding to safeguard opening hours, then the new reduced opening hours will commence from 1st January 2025.

Alternative Service Delivery Models

24. As was set out in the MTFs there is an opportunity as part of this same process to consider whether an alternative delivery model exists for tiers 1 and 2 sites. this would be in the form of private sector operation, as observed elsewhere in the form of a charitable trust or similar.
25. This approach could have cost benefits to the Council outside the need to reduce levels of service.

26. Benchmarking has been undertaken to understand how other library authorities deliver their services, with some statistics highlighted below (data correct as at December 2022);
- 11% of library authorities in England commission a trust or other organisation to run their public library service;
 - 2.7% of library authorities have a trust or other organisation run some of their libraries but retain control of the remainder and;
 - 89% library authorities run the majority of their libraries however only 38% of authorities run their entire service
27. It is proposed therefore to seek public opinion via the planned consultation on a proposal that tier 1 and 2 sites are operated by an alternative service provider. Following this feedback and consideration in greater detail of the different models available recommendations will be brought back to Committee.
28. It is anticipated that any alternative service delivery model which may be pursued will need to be procured competitively and hence could take 12-18 months to establish.

Consultation and Engagement

MTFS 2024-28 consultation feedback

29. Through the consultation process undertaken in establishing the now approved MTFS 2024-28 the Council received a large amount of feedback, with 331 responses received in total specific to the Libraries Strategy. 54% of respondents supported the need for a Strategy, with 30% opposed.
30. Under the suggestions made around service transformation the draft Strategy considers the following themes;
- Maximise revenue opportunities
 - Make libraries more of a community hub
 - Combine other services into libraries
 - Investment into sites where demand and need is greatest

Pre Consultation Engagement with Department for Media, Culture and Sport

31. The Council has statutory duty under the 'Public Libraries and Museums Act 1964' to deliver library services. The act outlines that "It shall be the

duty of every library authority to provide a comprehensive and efficient library service for all persons desiring to make use thereof”.

32. The Act states that it is up to each local area to determine how much they spend on libraries and how they manage and deliver their service.

This must however be done:

- in consultation with their communities;
- through analysis of evidence around local needs; and,
- in accordance with their statutory duties.

33. The Department for Culture Media and Sport (DCMS) have also stated that Councils can take their available resources into account when deciding how to deliver their public library service. There are no longer prescribed national standards.

34. It should be noted that prior to the implementation of any recommendations that the council is required to notify DCMS of the proposal with ‘such information as the Secretary of State may require for carrying out their duties’.

35. They also strongly advise that councils considering changing their library service inform the DCMS Libraries team about their proposals before public engagement or consultation begins. On this basis a meeting was held with the relevant DCMS colleagues on Tuesday 7th May at which the draft Strategy was presented. The feedback from this meeting has been used to shape the proposal and the approach. A further briefing session with DCMS will be arranged in advance of presenting any final Strategy back to Committee later in 2024.

Pre Consultation Engagement with Town and Parish Councils

36. During the week of 17 June officers undertook pre consultation engagement meetings with eleven Town and Parish Councils who have a library site within their area. The purpose of this engagement was to capture stakeholder feedback on the draft Strategy objectives whilst also offering the opportunity to feed into the development and promotion of the planned formal consultation process.
37. The detailed feedback from these sessions will be included in the final consultation report.
38. Subsequently and based on asks from a number of these organisations officers have provided further information in order that

Proposal for Consultation

39. This paper seeks permission to consult publicly on the proposed Strategy contained at Appendix A of this report, together with the supporting site assessment process at Appendix B which is the tool used to divide the sites into the respective tiers.
40. The consultation will seek views from residents on the objectives and overall content of the draft Strategy. It will also seek views on the option of considering alternative service delivery for all sites via the private sector.
41. In relation to the Tier 3 sites the proposed opening hours to be funded by Cheshire East Council are shown at Appendix D, alongside the rationale for selecting these opening times. Comments on these opening hour proposals will be sought through the consultation.
42. It should however be noted that as the proposal does not meet the budgetary framework as established in the MTFS a series of other options will need to be considered in order to bridge the savings gap. These could be one of or a combination of the following (not an exhaustive list);
 - A review of opening hours at the Tier 2 sites, based on up to date usage data;
 - Withdrawal of customer service access points from Tier 2 sites;
 - A further reduction to the budgets which support service delivery such as the book fund and;
 - Partial or complete withdrawal of the mobile library service
43. It is envisaged that the consultation will run from early August 2024 over a period 6 weeks with final dates to be publicised in due course. The consultation will have its own communications plan attached to ensure residents are actively engaged. Part of the engagement specific to the consultation will be;
 - All Member briefings
 - Engagement with all Town and Parish Councils via Cheshire Association of Local Councils.
44. Following consultation final proposals will be developed and brought back to committee for a decision to implement, which is targeted at November 2024 to allow the Strategy to be implemented from 1st January 2025 at the latest.

Community Engagement

45. During the first two weeks of the formal consultation proactive engagement will be undertaken with key community groups, local councils and other interested parties. This initial process will be to establish any expressions of interest in developing a business case for the onward provision of library services outside those hours to be funded by Cheshire East Council and under a community managed and/or top up funding model.
46. This will be supported as necessary by face-to-face meetings with council officers to discuss specific aspects of site operations and those services which the council will be able to continue to provide in support of any community managed, volunteer led or top up funding arrangements.
47. The next stage of the process will be to invite formal business cases from those parties who have expressed an interest. It is expected that the development of business cases could be an iterative process which will take longer than the six weeks set aside for consultation.
48. Where it is considered a valid business case has been submitted this will be reflected in any recommendations put back to committee within the report which seeks implementation of the finalised strategy. Irrelevant, all engagement will be captured and reported to ensure that the process undertaken is transparent.
49. For those sites which are owned by the Council community asset transfer could also be considered as part of any business case proposals.

Staff Engagement

50. Due to the scale of the changes proposed specifically relating to the tier 3 sites, formal consultation will need to be entered into with both staff and the Trade Unions.
51. As part of the staff engagement already undertaken in developing the proposals all staff briefings were held on the 9th July.
52. These briefings were used to update staff on the current position with the Strategy development and to give advance notice of planned next steps. Informal briefings have also been held with the Trade Unions in advance of the formal engagement processes.
53. Further staff engagement sessions will be delivered in advance of any final recommendations on Strategy implementation being presented to

Committee, which will also consider any implications of any proposals around alternative service delivery models.

Reasons for Recommendations

54. The proposal supports Open and enabling objective of the Corporate Plan, delivering the priority set out to:
 - a. Support a sustainable financial future for the council, through service development, improvement and transformation.

Other Options Considered

55. **Do Nothing** - As always there is an option for Members to decide to make no changes to the service however this would be outside both the budgetary and policy frameworks established through the MTFS. As such the associated budget saving would need to be found from another similar but currently unplanned service review initiative within the remit of Environment and Communities. This would need to achieve the same value of savings for the relevant years of the current MTFS.
56. **Do Something 1** – Members could resolve to consider the Tier 3 sites on a wholly community managed basis withdrawing all Council funding from their direct operation. This option would meet the budgetary framework established within the MTFS and would still offer an opportunity for local communities to take ownership and control of their library as a community asset.
57. **Do Something 2** – is the option currently under consideration within the Strategy and as set out earlier in this report, noting the specific financial implications of this approach.

Implications and Comments

Monitoring Officer/Legal

Employment law implications

58. If a decision is made to outsource the operation of library services to the private sector, TUPE may apply to transfer the employment of staff assigned to the library to the new provider. Whether or not TUPE applies will depend on several factors, including if the service will remain the same before and after the change in service provider.

59. TUPE imposes strict obligations to inform and consult with affected staff in good time before a proposed transfer. The more significant any proposed changes are, the longer the timeframe will be to consult. Failure to inform and consult properly can result in claims with a 90-day uncapped compensation award for each employee. There may also be increased pension costs to consider if the Council decides to absorb pension bonds associated with a private sector organisation seeking admitted body status to the LGPS.
60. If the Tier 1 and 2 sites remain within the Council but there are reduced operating hours/days, this will have staffing implications and a full consultation process will need to be followed with trade unions and staff on any proposed changes to terms and conditions of employment.
61. Regarding the Tier 3 sites:
 - If a final decision is subsequently made to substantially reduce the opening hours of the Tier 3 sites, library staff may be at risk of redundancy or be entitled to a buy-out of hours dependent on individual circumstances. A full and genuine consultation process will need to be carried out with trade unions and staff to reduce the risk of legal claims such as unfair dismissal or breach of contract. If no suitable alternative roles are available in a redundancy situation, staff will be entitled to redundancy payments upon termination of their employment.
 - If the Tier 3 sites are to be operated by a community group, TUPE may or may not apply depending on the type of organisation that takes over the service (TUPE is unlikely to apply to a group of volunteers but is more likely to apply to if the libraries are taken over by a charitable organisation).
62. Detailed equality impact assessments will be fundamental to assessing potential risks and challenges under the Equality Act and public sector equality duty. Careful consideration will need to be given to the impact of any closures or transfers on vulnerable members of the public who may be disadvantaged by the proposals.
63. If a public consultation exercise is to be commenced, the Council should ensure that it follows the Gunning Principles and to ensure that the following are met;
 - The proposals are still at a formative stage and no formal decision has been made or predetermined by the decision makers;

- That sufficient information is provided to the consultees this needs to be available accessible and easily interpretable by the consultees to provide an informed response;
 - Sufficient opportunity should be given to consultees to participate in the consultation, the length of time given for the consultee to respond should depend upon the subject and the extent of the impact on the consultation and;
 - Conscientious consideration must be given to the consultation responses before a decision is made.
64. If the Council fails to comply with the above, the consultation exercise may be deemed to be illegitimate and any subsequent decision ultra vires.
65. Ongoing regard must be had to the public sector equality duty and any mitigations around perceived breaches. Evidence will be required to substantiate changes and the process in reaching any final decisions should be accurately recorded so the Council can defend its position in the event of a legal challenge.

Section 151 Officer/Finance

Financial Implications

66. Within the MTFS the Libraries Strategy has a revenue savings target of £365k to be delivered in 2024/25 and a further £250k in 2025/26.
67. Initial financial modelling of the proposals as presented in the draft Strategy confirm that they could generate a saving in the order of £200-300k but will **not** achieve the budgeted savings target for 2024/25 as a minimum.
68. As set out at paragraph 42 of this report further proposals will need to be considered as part of any final proposal presented to committee in order to achieve the savings target as set out within the MTFS, which could include a move to an alternative service delivery model.
69. The budget savings are split between savings taken from the service staffing structure and a reduction in facilities management costs payable for the Tier 3 sites. It will be necessary in order to achieve these savings that the current lease arrangements at several of the tier 3 sites are re-negotiated.
70. Due to the current level of vacancies within the service and the use of temporary staffing contracts at this stage it is not anticipated that there will be any significant costs relating to staffing changes, however this

will be reviewed in greater detail at the point that a final proposal has been developed.

- 71. The costs of any site specific investments which enable the joining up of service delivery, will be considered on a standalone business case perspective.
- 72. The planned public consultation will be delivered by internal resources with any materials costs funded from within existing service budgets, including the Strategy document itself.

Policy

- 73. The proposal primarily supports the following priorities from the Corporate Plan 2021-25 as show in the table overleaf.

An open and enabling organisation	A council which empowers and cares about people	A thriving and sustainable place
<p><i>Priority: Promote and develop the services of the council through regular communication and engagement with all residents</i></p>	<p><i>Priority: Work together with our residents and our partners to support people and communities to be strong and resilient.</i></p>	<p><i>Priority: A great place for people to live, work and visit</i></p>
<p>Residents and staff to be aware of the council and the services we provide</p>	<p>All services to be developed together with our residents and communities, so they are based on what works for people in Cheshire East.</p>	<p>A high-quality accessible library service, that remains relevant to the changing needs of Cheshire East residents and delivers value for money</p>

Equality, Diversity and Inclusion

- 74. A full Equality Impact Assessment has been undertaken as at Appendix C and will be updated with the feedback from the public consultation to inform and in support of any final recommendations.

Human Resources

- 75. The option proposed will require a permanent reduction in staffing levels across the service. This has already been mitigated by the use of temporary contracts and is further so by the fact that a level of vacancies exist across the libraries service allowing any staff affected

by eth proposed changes to consider redeployment opportunities. These changes will be subject to the usual staff consultation processes.

76. During the period of change and subsequent adjustment to the new ways of working, as this is viewed by many staff that the change is detrimental to the service and our residents, there is a risk the Service could suffer from the loss of morale, goodwill, and elevated levels of sickness absence.

Risk Management

77. Table 1 sets out the key risks to the implementation of the Strategy and ongoing mitigating actions taken;

Risk	Mitigating Actions
Budget savings attached to proposal do not include costs of change	Recruitment undertaken on temporary basis only and vacancy management within service to minimise potential for redundancies. Staff redeployment opportunities identified.
Impact on staff, increased sickness levels, objections from Trade Unions to proposals	Commenced service re-design work and seeking of approvals at earliest opportunity, developed and now delivering a clear communications and engagement strategy with staff and Trade Unions
Proposals are not considered appropriate by DCMS [statutory consultee] leading to delay for all stakeholders and impact on Council finances.	Early engagement undertaken with DCMS on proposals. Input to be offered into public consultation materials with further briefing held post consultation close, in advance seeking decision on final Strategy adoption.
External challenge to decision to implement Strategy	Ensure processes followed in developing and implementing Strategy are robust. Ensure adequate oversight by Committee on proposals and how public consultation and other engagement activities have helped to shape.
Requirement to re-profile MTFS budget savings across subsequent years of MTFS due to implementation programme constraints	Identify risks to service budget early, highlighting probability through the appropriate governance and oversight channels.
Ability to retain current staff, particularly those on permanent contracts	Detailed plans developed in relation to redeployment opportunities for staff based at sites where opening hours proposed to be reduced.

Table 1: summary of key service review risks and proposed mitigations

Rural Communities

78. The councils' rural committees are served to a greater extent by the Mobile Library service which has a total of 93 stopping points across a 3 week period, servicing some of the most remote communities in the borough. Should as part of developing the final proposal it be considered that the partial or complete removal of the mobile library service then the impacts of such a decision on rural communities will need to be carefully considered at that stage.

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

79. In developing the Strategy there has been significant coproduction with colleagues in Childrens Services relating to library sites being co-joined with Family Hubs in areas where a need has been identified. Identified need to join libraries and family hubs services has been based upon targeting resources to the 0-30% most deprived Local Super Output Areas (LSOAS) across the Borough. This has led to the proposal that the majority of tier 1 & 2 site's will be connected with family hub services under the Family Hub Connect model. This new approach will offer a significant benefit to our children and families broadening access to multiple services by connecting them together in one community location.
80. In the context of the tier 3 sites and their future as libraries the proposal may mean reduced access at these sites for activities which support for instance early learning, therefore having a negative impact, however the revised opening hours have been designed to mitigate these impacts as far as reasonably practicable.

Public Health

81. An analysis of the Tartan Rug has informed the criteria for the tiering of the libraries and emphasised the importance of maintaining (and where possible enhancing) service provision in areas with the highest levels of health inequality.
82. The introduction of a tiering system but specifically related to sites in tier 3 is likely to have a negative impact on the wellbeing of residents where access to services is reduced. A reduction in opening hours would reduce access to a wide range of services and activities dependent on the day.
83. In particular, the Library Service, as part of its role providing Customer Contact Centres, supports vulnerable residents who are digitally

excluded to access online services, information and advice, both Council but also national government departments (for example driving licence renewal applications, NHS Patient Choice, benefit claims etc). A reduced library estate and/or opening hours will impact upon these people's ability to access the support they need when they need it.

Climate Change

84. This proposal will not have a material impact on the council's carbon agenda, although the buildings will open less, advice received states that the impact will be a marginal reduction in utility costs.

Access to Information	
Contact Officer:	Joanne Shannon, Library Manager joanne.shannon@cheshireeast.gov.uk
Appendices:	Appendix A – Libraries Strategy (draft for consultation) Appendix B – Site Assessment Matrix Appendix C – Equality Impact Assessment (pre consultation) Appendix D – Tier 3 proposed reduced opening hours (draft for consultation)
Background Papers:	Committee Report - Libraries Service Review – Implementation, July 2023 CEC Report Template (cheshireeast.gov.uk) MTFS 2024-28 – appendix-c-mtfs-2024-2028.pdf (cheshireeast.gov.uk) MTFS (Budget) 2024-25 consultation report (pg 56) – CE Budget Consultation for 2024 to 2025 - Full report (cheshireeast.gov.uk)

Libraries Strategy

2024-28



Introduction

Located within the heart of communities, Cheshire East libraries provide a rich selection of free resources and support in welcoming accessible and social spaces, that facilitate events and collaborative working. Funded by local government, library services are determined at a local level by the priorities of the council however as part of a national network, the Libraries Taskforce reporting to the Department of Culture Media and Sport provides leadership and advocates on behalf of the sector.

This strategy has been developed following the library service review in 2023 when feedback from the public consultation demonstrated that libraries are vitally important to Cheshire East residents however unprecedented financial challenges have meant that reductions in the budget for libraries will require the service to be run in a different way to maintain this valued offer where it is most needed across the borough.



What we do

“Libraries not only provide access to books and other literature but also help people to help themselves and improve their opportunities, bring people together, and provide practical support and guidance”

Libraries Deliver:
Ambition for Public Libraries in England, DCMS



**Libraries
Connected**

Mission

To connect communities, improve wellbeing and promote equality through learning, literacy and cultural activity.

Universal Library offers:



Health and Wellbeing Healthier, Happier, Connected

To support the health and wellbeing of local people and communities through services that inform, engage and connect.



Reading Engage, Imagine, Discover

To build a literate and confident society by developing, delivering and promoting creative reading activities in libraries.



Information and Digital Inform, Inspire, Innovate

To ensure local communities have access to quality information and digital services, to learn new skills and to feel safe online.



Culture and Creativity Explore, Create, Participate

To enable local communities to access and participate in a variety of quality and diverse arts and cultural experiences through local libraries.

Users need

Libraries deliver



Early Years

- Reading
- Digital literacy
- Family activities
- Life skills

- Bookstart
- Rhymetime
- Summer reading challenge
- Code clubs
- Volunteering



Active Learners

- Study space
- Connectivity
- Careers
- Information

- Free Wi-Fi & Computers
- Free study space
- Books & E-resources
- Homework clubs
- Social spaces
- Reading ahead & quick reads



Active Citizens

- Community
- Business support
- Family activities
- Learning
- Health & Wellbeing

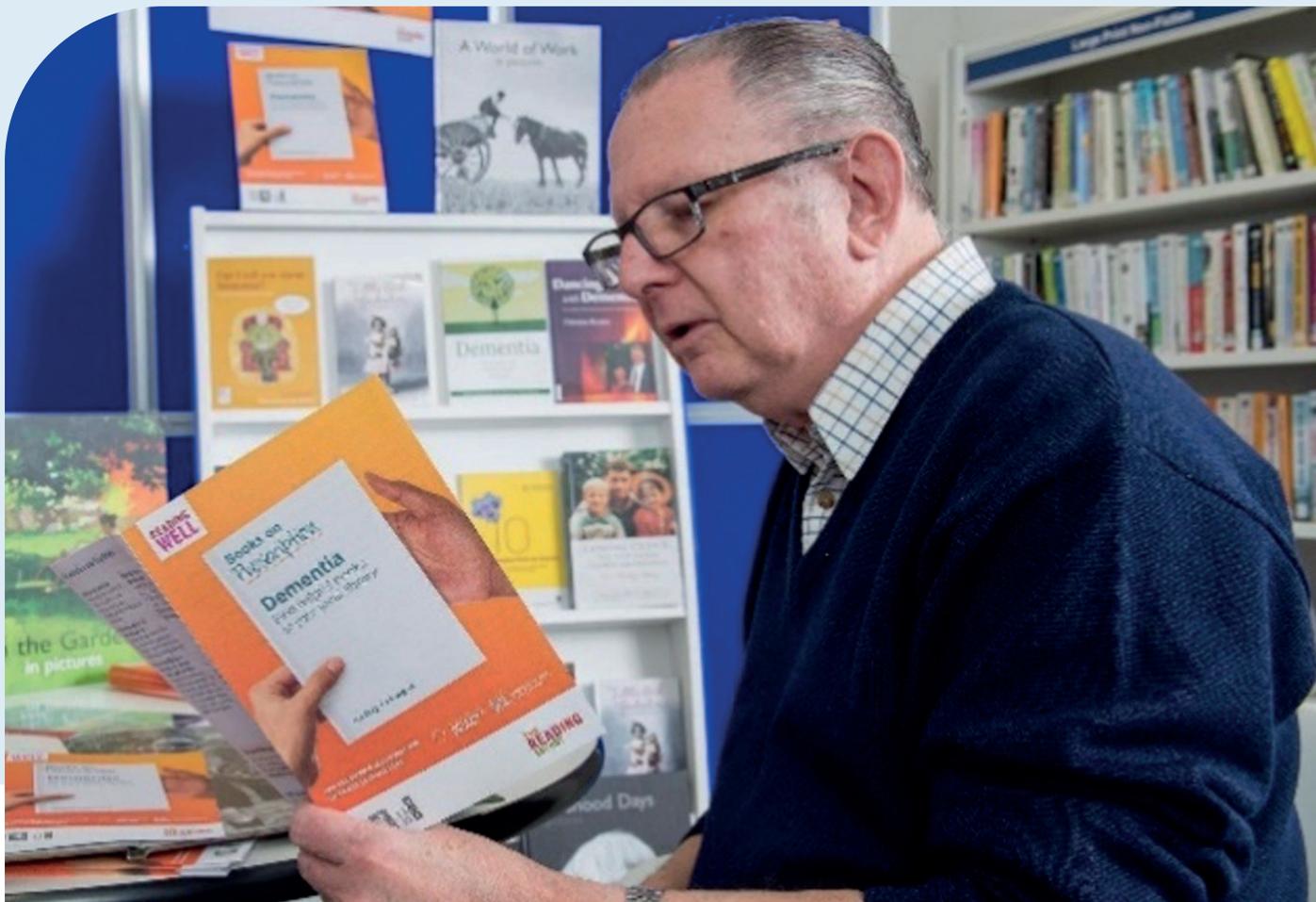
- Free Wi-Fi & Computers
- Local information
- Business & IP centres
- Books & E-resources
- Job clubs
- Health advice



Active Ageing

- Reading
- Digital literacy
- Family activities
- Health & Wellbeing
- Social activities

- Free Wi-Fi & computers
- Health information
- Books & E-resources
- Events & activities
- Social spaces
- Home library service



Strategy development - guiding principles

In developing the Strategy we have considered best practice guidance as published by Libraries Connect and have used the following design principles so that it:

- Meets statutory requirements
- Is shaped by local need, supported by consultation and engagement
- Has a clear focus on public benefit and delivers a high-quality experience for residents that will help the service maintain provision where it is most needed
- Makes decisions on service provision informed by evidence
- Support the delivery of the universal offers for public libraries in England
- Promotes partnership working and enterprise and innovation and;
- Delivers the service in the most cost effective way whilst being well positioned to secure future investment funding.

Strategy objectives

To align the library service's future potential with the Corporate Plan objectives, and other strategies already in place across the council into which libraries already play a role in delivering against, the service has worked collaboratively with colleagues from the council's customer services, public health, adults and children's and families teams and the council's leisure provider to devise a set of objectives.

The objectives of the strategy are as follows;

- To offer a library service delivered in partnership with local councils, communities and organisations with similar aims;
- To maintain the service offer for all and enhance it through the introduction of other complimentary council services focused on enabling customers and public health and wellbeing - in locations where it is needed the most;
- To actively promote the service, increasing visitors and becoming more accessible to residents through the use of new technologies and;
- To ensure that the service continues to be affordable for the residents of Cheshire East

Our new strategy will ensure Cheshire East can deliver a high-quality library service sustainable into the future while remaining relevant to the changing needs of residents.

We will work in close partnership with communities to ensure our libraries remain closely aligned to local needs. As proposals progress, appropriate consultation will be undertaken and any identified equalities issues addressed.



Tier System

The Cheshire East Libraries Service will be delivered through a tiered system, branded and promoted in four distinct tiers. This approach aligns to the Corporate Plan priority of **“enabling a sustainable financial future for the council, through service development, improvement and transformation”** while also considering the increasing service demands and local needs, in the context of different delivery approaches.

Tier 1 Library Hubs

Centrally located in the largest towns in Cheshire East. These libraries will offer the broadest range of both enhanced library and wider council customer and health and wellbeing services, retaining the current longest opening hours. They will be modelled on “Community Hubs” focused on supporting people to help themselves and each other, working with them to solve their problems and build knowledge, understanding and resilience. These libraries will be the initial focus of investment to maximise their potential to provide spaces for the benefit of complementary community usage as well as income generation.

They will provide the existing core library service offer plus offer free support around:

- **Employment, Skills and Education** - basic literacy and numeracy, digital inclusion
- **Personal finances** - debt advice, fuel poverty, food aid
- **Community services (third party)** - banking hubs, Post Office services
- **Health** - social prescriber, blood pressure checks, NHS support

They will provide opportunities for co-location delivering the likes of Family Hub Connect services. With investment, it is intended to expand the commercial offer at these libraries.

The Tier 1 sites would include – Congleton, Crewe, Macclesfield, Nantwich and Wilmslow.

Tier 1 Usage stats 2023/24

Site	Visitors	Issues	Customer Enquiries	Registered Members	Computer Use	Adult Event Attendees	Children's Event Attendees
Tier Total	653,545	854,698	18,753	64,899	21,609	11,397	53,764
% of borough's use delivered within Tier 1's site	57%	53%	57%	58%	67%	43%	47%

Tier 2 Local Libraries

Located in smaller towns, offering core library and customer services, with opening hours aligned to the periods of highest demand. The libraries will deliver the current core library and customer service offer plus some aspects of the Community Hub offer at specific sites defined by the need for that area.

The Tier 2 sites would include – Alsager, Holmes Chapel, Knutsford Middlewich, Poynton and Sandbach.

Tier 2 Usage stats 2023/24

Site	Visitors	Issues	Customer Enquiries	Registered Members	Computer Use	Adult Event Attendees	Children's Event Attendees
Tier Total	388,145	607,301	12,949	36,788	8,522	11,421	42,736
% of borough's use delivered within Tier 1's site	34%	38%	39%	33%	26%	43%	37%



*Prestbury Library is considered as a tier 2 site but as it is independently funded is not considered within the data sets.



Tier 3 Community Libraries (Community managed libraries)

Located in smaller communities and villages these sites will be staffed by Cheshire East Council employees for a maximum of 1.5 days per week to offer customer service access point and a small range of activities. Communities will be encouraged to compliment this offer through working with either individual or multiple town and parish councils and other community groups located in their area to facilitate self-service access to library services. This would include the issue and return of books, information and e-resources, access to IT, study spaces and community use space. They will provide a venue for events facilitated by the community and for Council pop-up helpdesks as and when the need arises.

The Tier 3 sites would include – Alderley Edge, Bollington, Disley and Handforth.

Tier 3 Usage stats 2023/24

Site	Visitors	Issues	Customer Enquiries	Registered Members	Computer Use	Adult Event Attendees	Children's Event Attendees
Tier Total	99,810	150,271	1,360	11,003	2,157	3,889	17,616
% of borough's use delivered within Tier 1's site	9%	9%	4%	10%	7%	15%	15%

Tier 4 Libraries Direct

Delivered by the existing mobile library, the most rural localities in the borough will have access to a timetabled library service stopping in their community on a 3 weekly basis. This service will provide access to books and information and some customer service point functions.

The Home Library Service – co-ordinated by library staff and delivered by volunteers – will continue to deliver books and information to those who can no longer leave their own homes.

Online services

Our online library service will continue to be always available providing easy access to information, online reference resources, the downloading of e-books, e-audio books and e-magazines and for ordering hard copy resources via the library catalogue.

Volunteers

Cheshire East Libraries currently use volunteers to support several parts of our service. The Home Library Service is delivered entirely by volunteers, the Summer Reading Challenge for children relies heavily on volunteer support, and we have recruited volunteer 'IT Buddies' in many of our libraries to support customers in using our PCs and their own devices. We will continue to recruit and train volunteers, either directly or by working in partnership with local community organisations to support the delivery of library activities.



Supporting the wider objectives of the Corporate Plan 2021-25

This strategy will direct the evolution and adaptation of the library service in Cheshire East to better support a much broader range of the council's priorities as identified in the Corporate Plan 2021-25.

Listen, learn, and respond to our residents, promoting opportunities for a two-way conversation

Many of our libraries are Cheshire East Council customer service points offering 'face to face' support and signposting for those who require it, while promoting council services.



Work together with our residents and our partners to support people and communities to be strong and resilient.

Libraries help keep residents informed by providing them with access to a wide range of information both in hard copy and digitally, ranging from online sources eg Which, access to research and ancestry through to consultation documents.

We provide spaces for people to meet, access to free Wi-Fi and computers and offer Basic ICT support, if required. We host a range of 'pop-up' helpdesks enabling partner organisations and those commissioned by Cheshire East to offer 'face to face' advice and guidance in an easily accessible place. Library staff are trained to signpost residents to further help when required.



Reduce health inequalities across the borough.

Libraries provide a wide range of resources that residents can use as “self -help” to manage medical conditions. These include the nationally recognised Books on Prescription collections selected by GPs as additional support for a variety of medical conditions.

Library staff facilitate an extensive programme of events that aid wellbeing and can be accessed by all residents without the need for a referral, examples of these include: Mindfulness, Bibliotherapy and Colouring for Relaxation. Free access to ICT enables those who are digitally excluded, to access digital channels of communication e.g. NHS app to book appointments or order prescriptions. Working in partnership with Springboard, we offer work clubs in several Cheshire East libraries supporting residents with job searching, new qualifications, CV writing and interview skills.

Support all children to have the best start in life.

Libraries help support children from birth onwards by providing high-quality book stock to encourage early language and literacy and foster a love of reading. We deliver an extensive programme of activities for all ages, examples include Baby Bounce; Rhyme times; Lego Clubs; school readiness activities, a range of STEAM skill activities.

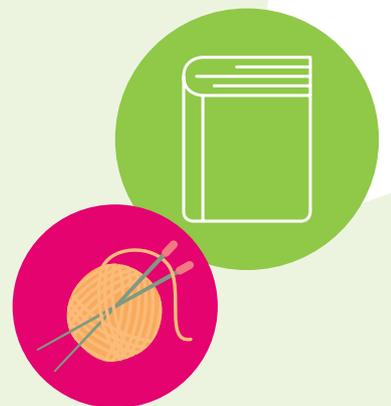
Our libraries provide a safe space for tutors to teach excluded pupils and we provide volunteering opportunities for young people aged 12 years+ to gain valuable experience. We are working in partnership with the Family Hub collaborative to ensure we complement both services’ offers by maximising the support and facilities to children and families where it is needed most and are exploring options around co-location as part of the Family Hub Connect model. This has been considered in respect to establishing the tiers.



Reduce the reliance on long-term care by improving services closer to home and providing more extra care facilities, including dementia services.

The service helps support older and vulnerable people to live safely and maintain their independence by providing a safe and accessible place for them to visit to socialise or to seek advice as frequently as they wish. Library staff are available to assist with enquiries, help access resources or to signpost to other sources of help if necessary.

Our programme of low-cost activities, including Knit & Natter, IT and Tea, community coffee mornings and Crafternoon, are open to all and help mitigate loneliness while providing an opportunity to learn new skills. The Home Library Service delivered by library volunteers to residents across the borough helps combat isolation, while ensuring those who are unable to leave their own homes don't miss out on access to a regular supply of reading material.



Implementation and continuous review

As part of the council's commitment to ***“providing a high-quality accessible library service, that remains relevant to the changing needs of Cheshire East residents and delivers value for money”*** we will continue to ensure we are aware of the changing needs of residents and provide opportunities for them to be actively engaged in future service design by:

- Encouraging feedback on our service
- Evaluating events and activities
- Monitoring our mobile library stops every 6 months to check viability.
- Conducting a library survey every two years to see what library users and non-users think about our libraries, the results of which inform future library strategies.

We will measure our performance using a range of key performance indicators as well as qualitative feedback through regular user surveys. We will continue to benchmark our service within the national sector using data provided by Chartered Institute of Public Finance and Accountancy (CIPFA) and Libraries Connected and will report on progress annually to the council's environment and neighbourhoods committee.

Delivery of the Library Strategy will be incorporated into the annual Neighbourhood Services Plan, which runs from April to March each year and the associated annual revenue budget for the library service. Improvements to the service will be introduced as opportunities and resources allow. We will develop a proactive communications plan to make residents aware of how they can benefit from the library offer. This will be developed in support of and alongside the implementation of the strategy and will include marketing via traditional methods, social media and through partner organisations.



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Appendix B - Libraries Strategy - Site Assessment Matrix

Site	Libraries Core Metrics						Customer Strategy		Family Hub Priority**	Digital Inclusion	Libraries Usage Criteria								Sub Total Usage Score	Public Health Factors					Sub-Total Public Health Score	Total Score	Site Rank	
	Visitors		Issues		Active Members*						Registered Members	Computer Use		Adult Event Attendees		Childrens Event		Tartan Rug		Joint Outcomes Framework	Poverty & Income	Children & Young People	Older People					
	Value	Score	Value	Score	Value	Score	Value	Score	Score	Value	Value	Score	Value	Score	Value	Score	Value	Score		Value	Score							
Alderley Edge	12,013	2	14,005	2	819	2	164	2	0	2	1,611	1	197	1	241	1	2,866	1	14	0	0	0	0	0	0	0	14	15
Alsager	95,642	8	110,967	6	3,274	6	2,765	8	3	4	6,160	3	1,142	2	2,760	4	7,300	3	47	0	2	2	2	0	0	6	53	7
Bollington	24,904	2	63,591	4	1,823	4	296	2	0	1	3,377	2	493	1	1,260	2	6,329	3	21	0	0	0	0	0	0	21	13	
Congleton	101,281	10	131,402	8	4,647	10	3,164	8	0	3	9,460	4	2,800	3	2,049	3	8,150	4	53	2	2	2	3	2	11	64	4	
Crewe	163,941	10	169,241	10	6,901	10	3,928	8	5	4	16,168	5	7,465	5	2,312	3	16,559	5	65	6	6	6	6	3	27	92	1	
Disley	31,841	4	26,133	2	901	2	266	2	0	2	1,788	1	468	1	1,321	2	4,163	2	18	0	0	0	0	0	0	18	14	
Handforth	31,052	4	46,542	4	1,880	4	634	4	0	2	4,227	2	999	1	1,067	2	4,258	2	25	2	0	3	0	3	8	33	12	
Holmes Chapel	63,825	6	91,890	6	2,671	6	1,177	4	0	3	4,654	3	1,117	2	1,548	3	4,726	2	35	0	0	0	0	0	0	35	11	
Knutsford	66,955	6	102,671	6	3,475	6	4,292	10	2	4	6,662	3	1,633	2	4,624	5	6,808	3	47	2	0	0	0	2	4	51	8	
Macclesfield	162,460	10	249,032	10	8,901	10	3,996	8	5	4	18,807	5	5,915	5	2,615	4	10,978	5	66	6	3	6	2	3	20	86	2	
Middlewich	36,946	4	53,043	4	1,904	4	1,830	6	3	2	4,162	2	1,659	2	905	2	7,769	4	33	2	2	0	2	2	8	41	10	
Nantwich	130,221	10	162,308	10	5,690	10	4,666	10	3	5	11,062	5	2,616	3	3,206	4	9,457	4	64	2	2	2	2	4	12	76	3	
Poynton	53,306	6	132,798	8	4,041	8	936	4	2	1	7,042	3	1,124	2	743	2	8,767	4	40	0	0	0	0	2	2	42	9	
Sandbach	71,471	6	115,932	8	4,147	8	1,949	6	2	2	8,108	4	1,847	2	841	2	7,366	3	43	3	2	2	2	2	11	54	6	
Wilmslow	95,642	8	142,715	8	4,702	10	2,999	8	3	1	9,402	4	2,813	3	1,215	2	8,620	4	51	2	2	3	0	3	10	61	5	

*Active Members - those using their membership to borrow books or access PCs in last 12 months

**Sites to be considered for Family Hub within the Library, Family Hub Connect Sites where there is a local identified need.

Tier 1 sites scoring 60 or above
Tier 2 sites scoring between 35 to 59
Tier 3 sites scoring 34 or less

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Appendix B - Libraries Strategy Site Assessment Matrix - Score Weightings

site specific values recorded over 12 month period April 23 - March 24

Library Core Metrics				Library Usage Criteria				
Score	Visitors	Issues	Active Members	Score	Registered Members	Computer Use (Hours)	Adults Events	Childrens Events
2	<25,000	<37,500	<1,000	1	<2,499	<999	<500	<3,000
4	25,000 - 49,999	37,500 - 74,999	1,000 - 1,999	2	2,500 - 4,499	1,000 - 1,999	500 - 1,499	3,000 - 4,999
6	50,000 - 74,999	75,000 - 112,499	2,000 - 3,499	3	4,500 - 7,499	2,000 - 3,499	1,500 - 2,499	5,000 - 7,499
8	75,000 - 99,999	112,500 - 149,999	3,500 - 4,499	4	7,500 - 9,999	3,500 - 4,999	2,500 - 3,999	7,500 - 9,999
10	100,000+	150,000+	4,500+	5	10,000+	5,000+	4,000+	10,000+
Customer Strategy		Digital Inclusion			Children & Family Hub Priority			
Score	Customer Requests	Score	Description		Score	Description		
2	<500	1	Average score by associated ward(s) of 9.0 +		0	No planned provision		
4	500 - 1,499	2	Average score by associated ward(s) of 8.0 - 8.9		2	Some potential local provision		
6	1,500 - 2,499	3	Average score by associated ward(s) of 7.0 - 7.9		3	Family Hub Connect site		
8	2,500 - 3,999	4	Average score by associated ward(s) of 6.0 - 6.9		5	Joint Family Hub site		
10	4,000+	5	Average score by associated ward(s) of 5.0 - 5.9					
Public Health Factors - by associated Wards								
Score	Tartan Rug	Joint Outcomes Framework		Poverty & Income	Children & Young People	Older People		
0	None	None		None	None	None		
2	Worst for one / 2nd worst multiple	Significantly worse - one		One	One	One		
3	Worst for multiple	Significantly worse - multiple		Multiple	Multiple	Multiple		
6	Worst for all	Significantly worse - all		All Indicators	All Indicators	All Indicators		

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Equality Impact Assessment (EIA) Engagement and our equality duty

Whilst [the Gunning Principles](#) set out the rules for consulting ‘everyone’, additional requirements are in place to avoid discrimination and inequality.

Cheshire East Council is required to comply with the Equality Act 2010 and the Public Sector Equality Duty. The Equality Act 2010 simplified previous anti-discrimination laws with a single piece of legislation. Within the Act, the Public Sector Equality Duty (Section 149) has three aims. It requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act, by consciously thinking about equality when making decisions (such as in developing policy, delivering services and commissioning from others)
- advance equality of opportunity between people who share a protected characteristic and people who do not share it, by removing disadvantages, meeting their specific needs, and encouraging their participation in public life
- foster good relations between people who share a protected characteristic and people who do not

The Equality Duty helps public bodies to deliver their overall objectives for public services, and as such should be approached as a positive opportunity to support good decision-making.

It encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people’s needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people’s opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

Complying with the Equality Duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve providing a service in a way which is appropriate for people who share a protected characteristic, such as providing computer training to all people to help them access information and services.

The Equality Act identifies nine ‘protected characteristics’ and makes it a legal requirement to make sure that people with these characteristics are protected from discrimination:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnerships
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Applying the equality duty to engagement

If you are developing a new policy, strategy or programme you may need to carry out an Equality Impact Assessment. You may be able to ascertain the impact of your proposal on different characteristics through desk-based research and learning from similar programmes, but you also need to carry out some primary research and engagement. People with protected characteristics are often described as ‘hard to reach’ but you will find everyone can be reached – you just need to tailor your approach, so it is accessible for them.

Contacting the [Equality and Diversity mailbox](#) will help you to understand how you can gain insight as to the impacts of your proposals and will ensure that you help the Council to comply with the Equality Act 2010 and the Public Sector Equality Duty.

Section 1 – Details of the service, service change, decommissioning of the service, strategy, function or procedure

Proposal Title	Draft Library Service Strategy
Date of Assessment	20.06.2024
Assessment Lead Officer Name	Joanne Shannon
Directorate/Service	Place
Details of the service, service change, decommissioning of the service, strategy, function or procedure.	<p>The Council has a statutory duty to provide a comprehensive and efficient library service for all those who wish to make use of it. but can determine where and how this service is delivered to ensure the needs of residents are effectively met whilst ensuring best value.</p> <p>Cheshire East Council provides public libraries in 16 towns across the borough and operates a mobile library service to 92 communities more than 2 miles from a static service point. The service is held in high esteem by residents with the most recent survey recording a 96% satisfaction rate.</p> <p>Our public libraries are welcoming, safe and trusted community spaces open to all and free at the point of access, providing:</p> <ul style="list-style-type: none"> • A wide range of good quality book stock and digital resources including e-books, e-magazines and online subscriptions • Trusted information • Cheshire East Council Customer Service Points • Free internet access • Free Wi-Fi • Signposting to accredited advice and guidance • Learning and wellbeing opportunities • A range of activities and events for adults and children • Warm spaces <p>The Council is not proposing any library closures, but to ensure ongoing affordability of services across the borough, this proposal would reduce current opening hours of libraries during the week only and reduce the funding for purchase of new books and newspapers. Aligned to this and as part of the review seek options to co-locate library sites into other facilities and at the same time move forward with</p>

	<p>opportunities for additional income generation based within these sites. Proposals would consider options to work with Town and Parish Councils to mitigate impacts where viable.</p>
<p>Who is Affected?</p>	<p>Local residents – whilst retaining access in their local community to the range of library services, access will be restricted as at least 4 libraries will reduce opening hours (staffed by Cheshire East Council staff) to a maximum of 1.5 days per week, opening hours will be reviewed at other sites to ensure these are aligned with times of greatest use. This could restrict access to books, information and other resources, free ICT access, study spaces, warm spaces, places to meet others and face to face council customer service support e.g Blue Badge applications.</p> <p>Home library service recipients – home delivery service for those who can no longer access the service due to age or disability will continue but the days/timings of deliveries may change.</p> <p>Library staff – reduction in opening hours may impact staffing numbers with posts deleted and/or reduced to deliver financial savings, as the majority of library staff are part time and paid on Grades 4-6 this potentially will result in financial hardship.</p> <p>Volunteers – reduction in opening hours will reduce opportunities for IT Buddies, Duke of Edinburgh volunteers, work experience placements.</p> <p>Elected members, town and parish councillors & MPs –reduction in opening hours will reduce opportunities for surgeries or meetings with constituents.</p> <p>Citizens Advice – library staff have been trained as preferred referrers to assist Citizens Advice with current demand, the time available for this will be reduced at sites where opening hours are reduced.</p> <p>Work Club partners – reduction in library opening hours could reduce opportunities to meet with/support those looking for work/training</p> <p>Health colleagues – reducing opportunities to run clinics; awareness sessions; classes in a safe accessible space in the local community</p> <p>Room hirers – reduction in opening hours may reduce availability of accessible inexpensive meeting rooms at some sites</p> <p>The consultation will provide details on the impact that the proposed changes would have upon all stakeholders’ individuals by proposing the revised opening hours and assessing the impact of these upon all groups.</p>

<p>Links and impact on other services, strategies, functions or procedures.</p>	<p>Libraries currently deliver most of the Council’s face to face customer service functions e.g concessionary travel applications, Blue Badge applications, council payments, DBS checks, etc. Whilst the new strategy retains access to these in the current 16 locations, there will be reduced opportunity for residents to access these important services in 4 sites where Cheshire East Council staffing will be reduced to 1.5 weekdays per week. This will particularly impact the digitally excluded who are unable to access services online.</p> <p>Libraries will operate an appointment-based service for customer service point and in particular functions the Council does provide. The Council does have an overarching Digital and Customer Service strategy that details the way people can interact with the council and how this will be developed over time to address changing technologies.</p>
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How does the service, service change, strategy, function or procedure help the Council meet the requirements of the [Public Sector Equality Duty](#)?

The Public Sector Equality Duty is a legal requirement contained within the Equality Act 2010 which requires public authorities and others carrying out public functions to have due regard to the need to:-

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not to assist those facing discrimination, harassment, and discrimination.

Cheshire East public libraries are, safe, and trusted community spaces, open to all and free to access providing:

- A wide range of good quality book stock and digital resources including e-books, e-zines and online subscriptions
- Trusted information
- Cheshire East Council Customer Service Points
- Free internet access
- Free Wi-Fi
- Signposting to accredited advice and guidance
- Learning and wellbeing opportunities
- A range of activities and events for adults and children

Through its comprehensive book stock, displays and activities/events e.g mental health reading groups, Dementia café, refugee coffee mornings, the service seeks to provide opportunities to demystify stigma and breakdown barriers.

	<p>This proposal will continue to see these services provided across all libraries in Cheshire East however there will be some reduction in the service delivered by Cheshire East Council employees at the Tier 3 library sites as the proposed reduction in opening may limit the number of events/activities held in future.</p>
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Section 2- Information – What do you know?

What do you know?	What information (qualitative and quantitative) and/or research have you used to commission/change/decommission the service, strategy, function, or procedure?
<p>Information you used</p>	<p>Library membership data and performance data from the previous 12 months including:</p> <ul style="list-style-type: none"> • visitor figures • circulation statistics including issues, returns, renewals, downloads • PC usage • Number of events and activities • attendance at events • enquiries <p>has been used to inform the service design.</p> <p>In addition, conclusions from the last library survey conducted by Cheshire East Council were used to gauge opinion of the library service and influence strategy. The last survey was undertaken in Dec 2019 and demonstrated that satisfaction with the service overall remained extremely high at 95%. This also provided useful information as to what residents use the library service for and how often:</p> <ul style="list-style-type: none"> • 75% of library members main reason for visiting was to borrow, return, renew or buy books • 38% visiting to browse, relax, read or use the toilet have • 27% to use a PC, Wi-Fi or study • 26% to get help or find information • 10% to access council services <p>However, the survey shows that people with some protected characteristics are more likely to use some of these services e.g families with children were more likely to borrow books and attend library events whilst those with long term health issues and disabilities</p>

	<p>were more likely to use the PCs, printing facilities and Wi-Fi. People who described themselves as not White British were more likely to use libraries for browsing, reading and relaxing. Getting help and information rose from 26% to 40% in those who were aged 75 plus and from 26% to 34% for those who had a disability. Similarly using the library to access council services increased from 10% to 25% for those over the age of 75 and from 10% to 24% for those with a disability.</p> <p>It informed us that females were more likely to attend events than males and non-White British respondents were generally more interested in participating in events than others.</p> <p>The survey also identified barriers to use, these included: limited range of books, car parking availability and cost and opening hours not being suitable. When asked about the possibility of extending opening hours using an unstaffed self-service model the majority of respondents were against this and this was more likely amongst older people and females.</p> <p>The Council's budget consultation in Jan 2023 received 2300+ responses much of this feedback related to the library service and as a result proposals were amended and the Council reversed its proposal to close all libraries on a Saturday and in an evening and to stop the mobile library service.</p> <p>A full public consultation on the amended proposals for the library service took place from 9th June- 9th July 2023. This resulted in 3,200 responses detailing what residents valued most about the service, suggestions included keeping the larger libraries open for longer, opening libraries for parts of the day, so that full day closures are avoided, and the service generating as much revenue as possible. Residents felt that any future service improvements should be set out within a long-term library strategy, coproduced with key stakeholders. A commitment was made to develop a long-term Libraries Strategy from April 2024, which would be aligned with the new Corporate Plan which was due to be refreshed by that date.</p> <p>During w.c 17th June 2024 we undertook a series of pre-consultation engagement sessions to enable key stakeholders to influence the proposals that are formally consulted on, we met with 11 town and parish councils.</p>
<p>Gaps in your Information</p>	<p>It is acknowledged that the last detailed library survey was undertaken over 4 years ago and that the impact of the pandemic and the cost-of-living crisis may well have affected usage, although the public consultation undertaken in June 2023 suggested the service remained vitally important to many residents with many now reporting they valued libraries as warm spaces and also the free/low costs activities and events for all ages.</p> <p>A full library user survey will be conducted in 2025 to assess the impact of the changes to the service including the changes to opening hours which came into effect on 1st December 2023 along with any changes as the result of the current proposals.</p>

	Any feedback from the consultation regarding specific economic impacts will be assessed to explore how stakeholders are and will be impacted by any proposed changes in the library service.
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3. What did people tell you?

What did people tell you	What consultation and engagement activities have you already undertaken and what did people tell you? Is there any feedback from other local and/or external regional/national consultations that could be included in your assessment?
Details and dates of the consultation/s and/or engagement activities	<p>During the week commencing 15th April 2024 Individual meetings were held with the Heads of Service from Public Health, Adult Social Care, Customer Services, Children's & Families to ensure proposals were aligned with their own services strategies and future plans. A workshop was held on 25th April 2024 consisting of Environment & Communities committee members and officers from other Cheshire East services including Public Health, Children's & Families, Adult Services, Customer Services and the Council's leisure provider to discuss the proposed strategy objectives and initial proposals for a sustainable service.</p> <p>A meeting was held on 7th May 2024 with officers from the Department of Culture, Media & Sport (DCMS) – regulatory body for public libraries acting as a “critical friend” the public consultation on the draft libraries strategy and the proposal that libraries be organised using a tiering system with the potential for some community managed sites was discussed, they raised no particular concerns and provided contacts to assist the development of proposals particularly relating to community libraries and alternative models of delivery.</p> <p>. During w.c 17th June 2024 we undertook a series of pre-consultation engagement sessions to enable key stakeholders to influence the proposals that are formally consulted on, we met with 11 town and parish councils.</p>
Gaps in consultation and	Public consultation is being developed on the draft libraries strategy and the proposed tiering system included within this.

engagement feedback	<p>The consultation will go-live in late July / early August 2024 and will include specific questions around the proposed tiering system for the management, branding and marketing of the service, on library opening hours and on income generation to ensure the service is sustainable.</p> <p>As part of this library service specific public consultation, we will contact partners including NHS and voluntary & faith sector colleagues and representatives from those groups with protected characteristics who use the library on a regular basis e.g Good Vibrations - a music group for those living with Dementia to ensure they are aware of the consultation and are able to feedback. Both paper and digital consultation documents will be made available.</p>
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4. Review of information, consultation feedback and equality analysis

Protected characteristics groups from the Equality Act 2010	What do you know? Summary of information used to inform the proposal	What did people tell you? Summary of customer and/or staff feedback	What does this mean? Impacts identified from the information and feedback (actual and potential). These can be either positive, negative or have no impact.
Age	Library membership data, local demographic data	<p>Many children and families use the library service to borrow books and attend events/participate in activities. A number of young people are tutored each day in libraries.</p> <p>A number of families that choose to home educate their children use the library to access resources and as a place to foster collaboration and encourage social interaction.</p> <p>A significant number of older people use the library to borrow books, access help, information and council services</p>	<p>Children who visit the library independently will still be able to do so as the proposal retains all the existing libraries however the reduction in opening hours may restrict their use particularly if they are unable to travel to other sites.</p> <p>Excluded pupils tutored in the library and the home educated may be disproportionately affected in the libraries proposed to be in tier 3 as they may have nowhere to study locally outside of the 1.5 days per week opening proposed.</p> <p>Older people may choose to visit libraries more frequently, they may have difficulty travelling to other libraries, they may lack access to library digital provision, potential loss of social interaction at times libraries are closed.</p> <p>There is a risk that children, families and older people may feel isolated because of losing some of their social interaction.</p>

Disability	The library service doesn't hold comprehensive data on the disability needs of its members or wider users. Census 2021 will provide % of people disabled under the Equality Act	People with long term health conditions and disabilities use the library to access council services e.g. apply for concessionary travel, Blue Badges, access information e.g. Books on Prescription, attend events e.g. Crafternoon, Adult Colouring, Dementia Café.	As the proposal retains all the existing libraries residents should still be able to access these services within their local community however the reduction in opening hours particularly in the proposed tier 3 libraries may impact when and if they can access them. People with this protected characteristic may find it difficult to travel to other libraries, particularly as accessible travel may be limited. People with learning difficulties and people who are neuro diverse or people with dementia may be impacted if they rely on their visit to the library being a familiar place they may prefer not to travel to other libraries. Where possible engagement with groups and organisation that support this protected characteristic will be undertaken. Carers may be impacted if the library is closed on a day they are available or if it takes longer to travel to another library which is open
Gender reassignment	The library service doesn't hold gender re-assignment membership data. Census 2021 data could be used for population gender identity data		There is no evidence that there will be a detrimental impact for people with this protected characteristic. However, the public consultation will be available for anyone from the protected characteristic to complete.

Pregnancy and maternity	The library service doesn't collect pregnancy membership data	Post-natal clinics held at some libraries, Baby Bounce, Rhymetimes and Stories and Songs attended by many mothers on maternity leave, offering support on parenting and benefitting their mental health by meeting with others with the shared characteristic	As the proposal retains all existing libraries residents with this characteristic should still be able to access these activities within their local community however the reduction in opening hours at the proposed tier 3 sites may impact when they can access them. If libraries in close proximity to each other close on different days, there will be an option for people to travel between libraries to access activities on the days they would have done previously. Co-location of some family hub services may improve the service offer locally for residents with this characteristic
Race/ethnicity	The library service doesn't hold full and comprehensive data on race of its members or wider users. The membership form requests it but there is no obligation to provide this. Census 2021 will provide ethnicity data	The library survey and data collected for the Good Things Foundation as part of UK Online Centres and for the Homes for Ukraine project shows that people of many different ethnicities use libraries to find information and advice, use PCs, access Wi-Fi and socialise	As the proposal retains all the existing libraries residents with this characteristic will still be able to access these services within their local community however the reduction in opening hours may impact when they can access them
Religion or belief	The library service doesn't collect religion membership data. Census 2021 will provide ward data		There is no evidence that there will be a detrimental impact for people with this protected characteristic. However, the public consultation will be available for anyone from the protected characteristic to complete.
Sex	Membership data and Census 2021	More women than men currently use the library service to borrow books and	Women will be impacted more than men as more women use library services

		groups are predominantly attended by children, and women	
Sexual orientation	The library service does not collect sexual orientation data. Census 2021 will provide population sexual orientation data		There is no evidence that there will be a detrimental impact for people with this protected characteristic. However, as the library is an inclusive and welcoming place some individuals with this protected characteristic may be using it as somewhere in the community they feel safe. The public consultation will be available for anyone from the protected characteristic to complete.
Marriage and civil partnership	The library service does not collect marriage and civil partnership data		There is no evidence that there will be a detrimental impact for people with this protected characteristic. However, the public consultation will be available for anyone from the protected characteristic to complete.

5. Justification, Mitigation and Actions

Mitigation	What can you do? Actions to mitigate any negative impacts or further enhance positive impacts
Please provide justification for the proposal if negative impacts have been identified? Are there any actions that could be undertaken to mitigate, reduce or remove negative impacts?	Identified mitigations include: <ul style="list-style-type: none"> • signposting to alternative library provision e.g other libraries open with in the borough on a particular day

<p>Have all available options been explored? Please include details of alternative options and why they couldn't be considered?</p> <p>Please include details of how positive impacts could be further enhanced, if possible?</p>	<ul style="list-style-type: none"> • reviewing mobile library routes and stops to see if these align with proposals for opening at proposed tier 3 sites. • providing travel information to assist in getting to other sites e.g bus timetables, car parking information. • promoting library and wider council digital services • offering customer service point appointments • access to Home Library Service if appropriate • investigate expanding outreach provision in partnership. • extend Home Library Service to include children and adults with long term health issues/disabilities. • working across teams and services the council will look to try and mitigate any negative impacts due to adoption of any of the proposals.
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6. Monitoring and Review -

Monitoring and review	How will the impact of the service, service change, decommissioning of the service, strategy, function or procedure be monitored? How will actions to mitigate negative impacts be monitored? Date for review of the EIA
Details of monitoring activities	A full library user survey will be conducted in 2025 post implementation of the proposed service changes to assess their impact.
Date and responsible officer for the review of the EIA	The EIA will be reviewed post public consultation to consider the feedback offered and in advance of any report to Committee to implement the proposals. This review will be undertaken by Joanne Shannon – Library Services Manager.

7. Sign Off

When you have completed your EIA, it should be sent to the [Equality, Diversity and Inclusion Mailbox](#) for review. If your EIA is approved, it must then be signed off by a senior manager within your Department (Head of Service or above).

Once the EIA has been signed off, please forward a copy to the Equality, Diversity and Inclusion Officer to be published on the website. For Transparency, we are committed to publishing all Equality Impact Assessments relating to public engagement.

Name	Tom Shuttleworth, Interim Director of Environment & Neighbourhoods
Signature	
Date	4 th July 2024

8. Help and Support

For support and advice please contact EqualityandInclusion@cheshireeast.gov.uk

Appendix D - Proposed CEC Funded Library Opening Hours – Tier 3 Sites

Cheshire East libraries- the impact on regular activities and events of proposed changes to opening hours and mitigations.

Other activities are undertaken across school holiday periods and the like which will be organised to suit the new opening hours as is practical.

Opening hours proposals have been aligned to peak periods of demand and existing community group usage wherever practicable

Tier	Library	Opening Hours	Mon	Tues	Weds	Thurs	Fri	Saturday
3	Alderley Edge	Current	CLOSED	09.30 - 13.00**	09.30 – 13:00 14:00 - 17.00	CLOSED	09.30 – 13:00 14:00 - 17.00	09.30 - 13.00
		Consultation	CLOSED	CLOSED	10.00-14.00	CLOSED	10:00 - 17.00	CLOSED
		<p>**Note: current volunteer operation Tuesday 14:00 – 17:00 each week.</p> <p>Consultation proposal retain Friday opening to complement pattern of hours at Wilmslow. Community group impacts are as follows;</p> <ol style="list-style-type: none"> 1. Lego Club, Friday each week, 3:30 – 4:45pm – no impact 2. Lego Club, Saturday each week, 09:30 – 12Noon – impacted but this was a duplication on the Friday session, no plans to replace 3. Rhymetime - Wednesdays weekly 10:00 – 10:30am – no impact 4. Stories and Songs, Fridays each week 2:30 – 3:00pn – no impact 						

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Other activities are undertaken across school holiday periods and the like which will be organised to suit the new opening hours as is practical.

Opening hours proposals have been aligned to peak periods of demand and existing community group usage wherever practicable

Tier	Library	Opening Hours	Mon	Tues	Weds	Thurs	Fri	Saturday
3	Handforth	Current	10:00 - 17.00	10:00 - 18.00	CLOSED	10.00 - 17.00	10.00 - 17.00	09:30 – 13:00
		Consultation	CLOSED	14:00 – 18:00	CLOSED	10:00-13.30	10:00-13:30	CLOSED
		<p>Consultation proposal Community group impacts are as follows;</p> <ol style="list-style-type: none"> 1. Lego Club - Tuesday each week, 4:00 – 5:00pm – no impact 2. Lego Club - Saturday each month, 10:00 – 11:00am – alternative session already operating on Tuesday 4:00-5:00pm 3. Coffee Morning – Fridays each week, 10:30 – 11:30am – no impact 4. Crochet Knit & Natter – Saturdays each week 10:00 -12:30pm –offer alternative on Tuesday 2:30-3:30pm 5. IT Buddy Sessions – Fridays each week 1:30 – 2:30pm – offer alternative slot on Friday 9:30-10:30am 6. Baby Bounce - Thursday morning each week 11:00 – 11:30am – no impact 7. Rhymetime - Tuesdays each week 11:00 – 11:30am – offer alternative slot on Thursday morning 10:00-10:30am 8. Stories and Songs - Mondays each week 11:00 – 11:30am – offer alternative slot on Tuesday afternoons 2:00 – 2.30pm 						

Appendix D - Proposed CEC Funded Library Opening Hours – Tier 3 Sites

Cheshire East libraries- the impact on regular activities and events of proposed changes to opening hours and mitigations.

Other activities are undertaken across school holiday periods and the like which will be organised to suit the new opening hours as is practical.

Opening hours proposals have been aligned to peak periods of demand and existing community group usage wherever practicable

Tier	Library	Opening Hours	Mon	Tues	Weds	Thurs	Fri	Saturday
	Disley	Current	CLOSED	09:00 – 13:00	09:00 – 13:00	14:00 – 18:00	14:00 – 18:00	09:00 – 13:00
		Consultation	CLOSED	9:30 – 13:00	9:30-- 13:00	14:00 – 18:00	CLOSED	CLOSED
		<p>Consultation proposal – community group impacts are as follows;</p> <ol style="list-style-type: none"> 1. Lego Club - Friday each week, 3:30 – 5:00pm – offer alternative slot on Thursday 4:00 – 5:30pm 2. Coffee Morning – Saturdays each week, 10:00 – 12 Noon – offer alternative slot on Tuesday 10.30-12 Noon 3. Baby Bounce - Wednesday morning each week 10:30 – 11:00am – no impact 4. Rhymetime - Thursdays each week 2:15 – 2:45pm – no impact 5. Keen Cooks book group – first Friday of the month, 2:00 – 3:00pm – offer alternative Thursday each month 2:00 – 3:00pm 6. Kids Craft Club – one Saturday each month, 10:00 – 12 Noon – reduce to an activity on a weekday during school holidays 						

Appendix D - Proposed CEC Funded Library Opening Hours – Tier 3 Sites

Cheshire East libraries- the impact on regular activities and events of proposed changes to opening hours and mitigations.

Other activities are undertaken across school holiday periods and the like which will be organised to suit the new opening hours as is practical.

Opening hours proposals have been aligned to peak periods of demand and existing community group usage wherever practicable

Tier	Library	Opening Hours	Mon	Tues	Weds	Thurs	Fri	Saturday
3	Bollington	Current	CLOSED	10.00 - 18.00	10.00 - 17.00	10.00 - 17.00	10.00 - 17.00	09:30 - 13.00
		Consultation	CLOSED	14:00 – 18:00	CLOSED	10:00 – 13:00	13:00 - 17.00	CLOSED
		<p>Consultation proposal – Friday afternoon opening to align to current opening hours at Macclesfield Library.</p> <ol style="list-style-type: none"> 1. Adult Reading Groups – First and Third Tuesday evenings of each month, 4:30-5:30pm – no impact 2. Adult Reading Group – First and Third Tuesday mornings of each month, potential to combine with evening classes 3. Baby Bounce – Thursdays each week, 10:15 – 10:45am – no impact 4. Childrens Book Group, Tuesdays each week, 4:15 – 4:45pm – no impact 5. Lego Club – Saturdays each week – offer as an activity on a weekday during school holidays 6. Rhymetime – Wednesdays and Fridays 10:15am – combine classes to a Thursday 7. Stories and Songs - Tuesdays each week, 10:15 – 10:45am – move offer to Friday afternoons 8. Story and Tea – one Thursday each month, 2:00 – 3:00pm – move to Thursdays 11:00 – 12 Noon 9. Young Adult Book Group – Tuesdays 5:00 – 5:45pm – no impact 						

OPEN

Environment and Communities Committee

18 July 2024

Waste Collection – Implementation of Weekly Food Waste Collections

**Report of: Tom Shuttleworth, Interim Director Environment and
Neighbourhoods**

Report Reference No: EC/07/24-25

Ward(s) Affected: All

Purpose of Report

- 1 The purpose of the report is to provide the Committee with an update on the legislation announced by Government in October 2023 as part of the Simpler Recycling Scheme, which mandates the introduction of weekly food waste collections for all local authorities by no later than 1 April 2026.
- 2 The report seeks approvals to implement the recommended approach to delivering these weekly collections, as well as how residents are to be engaged throughout the process.
- 3 The report also sets out the proposal to move to a three weekly collection frequency for residual waste. This would be delivered in parallel with the roll out of weekly food waste collections. This is proposed in order to mitigate risks around joining up large scale operational changes and also the potential financial impact of introducing weekly food waste collections on the Council's revenue position.

Executive Summary

- 4 The report sets out the results of feasibility works undertaken to date to establish the most cost effective and least risk delivery solution for the introduction of weekly food waste collections.

- 5 It highlights the key risks relating to the implementation of weekly food waste collections in what is a significant operational change affecting almost all residents across the borough. In particular the report highlights the current position with financing the scheme and the lack of clarity from government around the funding offered in support, offset against the need to progress a number of large workstreams in order to de-risk the achievement of the implementation date of 1 April 2026.
- 6 The report also sets out the rationale and business case behind a proposed consultation on a move to 3 weekly residual waste collections, with implementation of this operational change to be delivered in parallel with the introduction of weekly food waste. The decision to implement such an operational change will be brought back to Committee at a later date, supported by the outcome of the consultation.

RECOMMENDATIONS

The Environment and Communities Committee is recommended to:

1. Note the legislative requirement for the Council to implement weekly food waste collections by no later than 1st April 2026.
2. Approve the proposed approach as set out in the paper in order that the Council can comply with legislation mandating the introduction of weekly food waste collections, and delegate authority to the Head of Environmental Services to take all necessary steps to implement these proposals.
3. Approve in principle the move to a three weekly kerbside collection of residual waste to be delivered in parallel with the roll out of weekly food waste collections and delegate authority to the Interim Director of Environment and Neighbourhoods to take all necessary steps to undertake a public consultation exercise, with the results brought back to Committee in support of a future decision around implementation.

Background

Implementation of Weekly Food Waste Collections

- 7 As part of the Resources and Waste Strategy published in December 2018 the government consulted on Consistency in Household and Business Recycling in England with the stated aim to increase the

consistency in materials collected for recycling from households, businesses, and other organisations in England.

- 8 In October 2023 the proposals were re titled ‘Simpler Recycling’ and entered legislation requiring by 31 March 2026 all local authorities in England to collect from all households in England: paper and card, plastic, metal, glass, food waste and garden waste. This included a requirement for a free, separate weekly food waste collection for all households, which was accompanied by a commitment from government to provide new burdens funding for food waste collections.

[Simpler recycling collections and tougher regulation to reform waste system - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/simpler-recycling-collections-and-tougher-regulation-to-reform-waste-system)

- 9 This new burdens money will be split into the three elements as outlined at Table 1.

	‘New Burdens’ funding
Capital	£2.7M
Transitional	Not yet confirmed
Ongoing revenue (annual cost)	Not yet confirmed

Table 1: Central Government Allocated New Burdens Funding

On the 16 January 2024 central government confirmed to Cheshire East the allocation of £2,711,705 capital transitional costs which has subsequently been paid to the Council.

- 10 The transitional costs for delivery of the new weekly food waste collection service have been developed to include the recruitment of temporary officers to assist with the rollout, communications and resident engagement in relation to waste education and enforcement. The staff would be retained for a minimum of two years.
- 11 Further information on the likely costs of implementing weekly food waste collections is included within the financial implications section of this report.
- 12 Following the confirmation of the initial £2.7M capital funding the Council’s Environmental Services Team have been working to produce an options appraisal for the introduction of weekly food waste collections to Cheshire East. The full report can be found at Appendix A.
- 13 The principal focus of that report is to examine the most effect way to collect food waste weekly from all households which would be through a multi vehicle type approach utilising existing fleet vehicles and where appropriate supplemented by a new fleet of dedicated 7.5 tonne

electrically powered food waste collection vehicles. This system could run alongside the existing 2 weekly collections system or on a separate three weekly residual collection.

- 14 The following core options for weekly food waste collections were modelled both operationally and financially;
- Option 1: Weekly food waste collection, collected together with the garden waste round one week and separately as a food waste round on the alternate weeks, fortnightly residual waste collection.
 - Option 3: Weekly separate food waste collection on a dedicated 7.5 tonne vehicle every week. Fortnightly chargeable garden waste service (with no food waste) and fortnightly residual waste collection.

Integrating the weekly food waste collection would also involve changes to the existing recycling and waste collections to achieve balanced rounds and efficient collection.

Change to residual waste collection frequency

- 15 In addition, in late 2023 the Government launched a further consultation including draft statutory guidance requiring councils to collect residual waste on a minimum of a 2 week collection cycle.
- 16 Cheshire East Council responded to this consultation indicating that fixing residual collections at bi-weekly would detrimentally impact on a waste disposal authority's ability to increase recycling rates and optimise collection systems.
- 17 Previous studies commissioned by Cheshire East Council have indicated that a shift to a three weekly residual waste collection system could save £1M+ per annum, alongside making a shift change to the boroughs recycling rates.
- 18 As such as part of the feasibility study a further two options were considered as follows;
- Option 2: Weekly food waste collection, collected together with the garden waste round on one week and separately as a food waste round on the alternate weeks, three-weekly residual waste collection.
 - Option 4: Weekly separate food waste collection on a dedicated 7.5 tonne vehicle. Fortnightly chargeable garden waste service (with no food waste) and three-weekly residual waste collection.
- 19 Subsequently in May 2024 DEFRA have confirmed, following the consultation, they are proceeding with statutory guidance requiring

fortnightly residual as a minimum standard. For this to take effect in law the guidance and regulations would need to be passed in this parliamentary session. The proposal to undertake consultation on this opportunity is considered under the legal implications of this report.

Preferred Option for Implementation

- 20 Based on limiting the Council's revenue and capital financial exposure of this mandated change to our operations the following option was considered to offer the most value for money;
- Weekly food waste collection, collected together with the garden waste round one week and separately as a food waste round on the alternate weeks.
- 21 Subject to consultation and a subsequent committee decision this would be delivered in conjunction with a move to a 3 weekly residual waste collection regime.
- 22 As part of this feasibility the authority has modelled moving to a three weekly residual collection. The report in Appendix A models this 3 weekly collection against matched similar authorities which suggests it could achieve an increase in recycling rates of 4.9% and provide in the order of £1 – 1.5 million in cost reductions.
- 23 A summary of the costs associated with weekly food waste collection alongside a 2 weekly (option 1) and 3 weekly (option 2) residual waste collection, is shown at Table 2. Funding for additional staffing resource has been added to the ongoing revenue (annual cost) to deal with the likely potential negative impacts of implementing the change to collection systems.
- 24 For clarity these figures do not include the cost of capital borrowing above the £2.7M grant already awarded. The capital allocation to Cheshire East does not fully cover the cost of capital required to implement this scheme and hence we anticipate cost reductions from moving to three weekly residual collections may be required to make the new service affordable.

Increase in costs relative to garden waste base line	Option 1	Option 2 (3 weekly residual)	'New Burdens' funding
Capital Costs (Excluding Depot Costs)	£3,293,916	£3,553,916	£2,711,705
Transitional	£482,704	£753,037	Not yet confirmed
Ongoing revenue (annual cost)	£1,695,259	£414,600	Not yet confirmed
Estimated overall recycling rate	54.9%	59.8%	

Table 2: Summary table of Option 1 and 2 Financial Implications

Preferred Option - operational considerations

- 25 Residents would be provided with a new external food waste food waste recycling bin, typical visual as shown at Figure 1. Residents without an internal food waste caddie would be provided with one. Residents in flats and communal properties would be provided with a communal recycling bin. The purchase and distribution of these waste receptacles would need to be funded from capital.



Figure 1 Example External Food Waste Recycling Bin

- 26 The preferred option requires a further 10-12 7.5 tonne dedicated food waste electrically powered collection vehicles.
- 27 There will be a need to recruit an additional 36 staff to service the new collection rounds.
- 28 The Council would also need additional parking and staff welfare capacity, to be located at the current central operations depot at the Middlewich Environmental Hub site, for the increased vehicle fleet. This is currently not fully costed but based on initial high level cost estimates likely to be in the order of £2-3 million.

Consultation and Engagement

- 29 As part of implementation of the weekly food waste collections a full engagement plan will be developed and implemented.
- 30 It is likely that due to the scale of the borough and based on similar collection changes implemented in the recent past the new weekly food waste service will be rolled out in phased manner, over a period of a few months.

Proposal for Consultation – 3 weekly residual waste collections

- 31 It is envisaged that the consultation will run from late June 2024 over a period 6 weeks, but subject to resources final dates are to be publicised in due course. The consultation will have its own communications plan attached to ensure residents are actively engaged. Part of the engagement specific to the consultation will be;

- All Member briefings
- Engagement with Town and Parish Councils via Cheshire Association of Local Councils.

32 Following consultation final proposals will be developed and brought back to committee for a decision as to whether to implement, which is targeted at September 2024.

Reasons for Recommendations

33 For Cheshire East Council to be able to deliver the mandated new service whilst also adjusting its existing operations to limit future financial liabilities generated as a direct result.

Other Options Considered

34 A number of options as set out earlier in this report have been considered within the feasibility report to ensure that the option which minimises the operational and financial risks to the council is taken forward.

35 The dry recycling collection frequency remains fortnightly in each option to ensure that the Council's recycling rate is not otherwise affected.

36 Similarly, as the garden waste collections are now delivered via a paid for subscription service the bi-weekly collections have not been considered for change.

Implications and Comments

Monitoring Officer/Legal

37. The proposal to move to a 3 weekly residual waste collection is a service delivery change and will be subject to public consultation. In the context of drawing up these proposals Government has announced that statutory guidance will be brought in to mandate a minimum frequency for residual waste collection of 2 weeks, which is contrary to the Council's proposed plans. As a public authority the Council should adhere to Statutory Guidance, however, as the point which consultation is being launched the Guidance has not been through Parliamentary process. Whilst it is in contemplation it may not be passed and could be altered, amended, delayed or abandoned as a result of that process. The Council has agreed the Budget predicated on consulting on these changes and achieving savings as a result of the changes to service levels. Any consultation commenced will be at risk that the Statutory Guidance may be passed which would prevent implementation. A "wait

and see” approach could be taken but this may delay implementation for an unknown period and will increase significantly the risk associated with the ability to implement in a timely manner.

38. If a public consultation exercise is to be commenced, the Council should ensure that it follows the Gunning Principles and to ensure that the following are met;
 - a. The proposals are still at a formative stage and no formal decision has been made or predetermined by the decision makers;
 - b. That sufficient information is provided to the consultees this needs to be available accessible and easily interpretable by the consultees to provide an informed response;
 - c. Sufficient opportunity should be given to consultees to participate in the consultation, the length of time given for the consultee to respond should depend upon the subject and the extent of the impact on the consultation and;
 - d. Conscientious consideration must be given to the consultation responses before a decision is made.
39. If the Council fails to comply with the above, the consultation exercise may be deemed to be illegitimate and any subsequent decision ultra vires.
40. Ongoing regard must be had to the public sector equality duty and any mitigations around perceived breaches. Evidence will be required to substantiate changes and the process in reaching any final decisions should be accurately recorded so the Council can defend its position in the event of a legal challenge.

Section 151 Officer/Finance

Capital

41. Table 3 sets out the forecast capital costs of implementing weekly food waste collections for all options.

Item	Forecast Cost (£M)
New fleet, waste caddies and other implementation costs	£ 3.554
Extended depot facilities (including design, planning and construction)	£ 3.000
Risk & contingency (10% allocation assumed across above lines)	£ 0.655
Total	£ 7.210M

Table 3: Summary table of capital finance requirements (all options)

42. The Council is in receipt of a section 31 grant to the value of £2.71M and as such based on the total forecast expenditure shown at Table 3 will potentially be required to provide its own capital finance to the value of £4.5M. These monies are not currently provided for within the Council's capital programme. To proceed the budget would have to be found within the existing approved capital programme and /or sufficient revenue savings can be achieved to fund the additional cost of borrowing.
43. Based on current interest rates for prudential borrowing and assuming a 10-year repayment period for the vehicles and caddies this will place an additional average revenue burden of £116k per annum and for the capital works to the depot facilities, based on a 25-year repayment period that would mean an additional average revenue burden of £203k per annum.
44. Therefore, a total average capital borrowing repayment cost of £319k for the next ten years.

Revenue

45. The revenue cost implications of implementing weekly food waste collections are not contained in the Council's current Medium Term Financial Strategy.
46. Based on the feasibility study assuming the Council maintains 2 weekly residual waste collections the forecast additional cost is £1.70M per annum, which does not include the costs of additional capital borrowing as set out at paragraph 39.

47. As such the total new direct costs revenue burden, including the costs of capital borrowing, to Cheshire East Council is forecast to be £2.02M per annum.
48. At the time of writing DEFRA are yet to advise as to what value of new burdens funding will be made available annually together with any ongoing index linkage to cater for inflationary effects. Hence, there is a significant risk that any monies awarded do not cover the actual costs in full and the Council will need to adjust its base budget for the service to reflect any shortfall.
49. Moving from a 2 to 3 weekly residual waste collection frequency significantly mitigates this risk, with a revenue saving in the order of £1.4M per annum, reducing the annual operational cost burden to circa £735k (excluding any positive impacts of new burdens funding which may be offered)

Policy

50. The proposal supports the following Cheshire East Council Corporate Plan 2021-25 as follows;

<p>An open and enabling organisation</p> <p>Support a sustainable financial future for the council, through service development, improvement and transformation</p>	<p>A thriving and sustainable place</p> <p>Reduce impact on the environment and also;</p> <p>Be a carbon neutral council by 2027</p>
--	---

Equality, Diversity and Inclusion

51. An equality impact assessment has been produced in respect of the proposals for a move to 3 weekly residual waste collections, which is contained at Appendix B.
52. In summary the following can be seen no impacts are highlighted at this stage, but the assessment will be updated periodically through customer engagement, consultation and detailed design. Key to this will be ensuring all publicity and promotional information concerning the new service is accessible to all residents and ethnic groups.

Human Resources

53. As part of the proposed solution there is a need to recruit a new frontline and supervisory workforce in order to deliver weekly food waste collections.

54. The feasibility study undertaken as included at Appendix A considers that this could be anywhere up to an additional 36 staff. It is noted that the recruitment and retention of this resource base is already a challenge, which is likely to be made more difficult as all local waste disposal authorities without weekly food waste collection system look to implement.
55. A shift to three weekly residual waste collections will also reduce the demand on existing fleet and staffing resources which is a further opportunity to mitigate this risk.
56. The reprofiling of staffing resource will be undertaken through the next stages of implementation in consultation with the staff themselves and the trade unions.

Risk Management

57. Table 4 sets out an overview of key project risks and their mitigating actions where appropriate.

Risk	Mitigating Actions
Timescale – limited time allowed to implement major operational change, noting a large percentage of local authorities will also be implementing over same time period.	Initial Feasibility is complete and we seek delegated authority to begin the detailed project from this committee
Financial – transition costs provided via Govt grant, both revenue and capital, are not sufficient to cover actual costs of implementation	We have modelled a proposal to move to three weekly residual collections and proposed to consult on this to provide an option that would deliver sufficient savings to cover this projects additional capital and potential revenue costs over and above the central government grant.
Financial – ongoing “new burdens” revenue grant is insufficient to cover actual costs of operating a weekly food waste collection	We have modelled a proposal to move to three weekly residual collections and proposed to consult on this to provide an option that would deliver sufficient savings to cover this projects additional capital and potential revenue costs over and above the central government grant.

Resources - recruitment of new staff to deliver new service	This may be partially mitigated by reductions of staff in other areas that could be reallocated but it remains an ongoing risk across recycling on waste collection operation.
Resources - need to acquire new and/or modified fleet to service new collection rounds	this will initially be funded through the capital grant allocation but is likely to require further capital unfunded capital borrowing
Infrastructure - capital investment to depot infrastructure – current market conditions, inflation and increased costs of delivery	Undertake robust cost forecasting as part of review development process to ensure these factors are built into final business plan and hence any adjustment to the Council's capital programme.
Planning - consent required for changes to physical infrastructure to accommodate enlarged fleet and staff base	The project will seek early pre application advice and prioritise submitting a planning application as part of the project plan.
Contract and Commercial - potential for changes to be needed to existing green waste treatment contract to reflect amended collection system.	The project has undertaken initial engagement with the contractor and will progress our further contract modification under the change protocol of the contract.

Table 4: Summary of key risks and proposed mitigations

Rural Communities

58. There are no implications for rural communities arising from this report, the changes to waste collection services will be delivered consistently across all areas of the borough.

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

59. There are no implications for children and young people arising from this report.

Public Health

60. There are no implications for public health arising from this report.

Climate Change

61. The carbon impact has been measured as part of the feasibility study for each option considered which can be seen in Appendix A table 7 p25 showing the preferred option has the lowest carbon emissions. Existing vehicles carbon is accounted for under the council's carbon action plan 2027.
62. The expected increase in waste recycling through the collection of food waste will contribute to borough wide carbon neutral target 2045.

Access to Information	
Contact Officer:	Ralph Kemp, Head of Environmental Services ralph.kemp@cheshireeast.gov.uk
Appendices:	Appendix A – Waste Collections - Feasibility Study (May 2024) Appendix B – Equality Impact Assessment (pre consultation)
Background Papers:	None

[Government response - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

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Cheshire East Weekly Food Waste Collections Options Appraisal

Cheshire East Council
May 2024



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Commercial confidentiality

We regard the ideas we are submitting to be commercially confidential, and we ask you to respect this and not to share this document with any individuals or agencies who would have an interest in tendering for any of these work packages or to use the information and ideas in the drawing up of tender specifications.

Limitations

This report has been produced by Resource Futures on behalf of CEC Council. Whilst Resource Futures has taken all due care to interpret and collate the information presented within the report, any third party relying on the results of the analysis shall do so at their own risk and neither Resource Futures nor CEC Council shall be liable for any loss or damages arising there from.

Executive summary

This report presents the results of the weekly food waste and two and three weekly residual collections modelling undertaken for Cheshire East Council (CEC). The purpose of this study is to:

- Understand the most cost-effective method of delivering a food waste service, in order to be compliant with 'Simpler Recycling' regulations, and to determine to what extent the 'New Burden' funding from Defra in capital, transitional and ongoing revenue costs will fund the service; and
- Assess the savings possible from moving to three weekly residual collections.

The options modelled are shown in Table 1. Due to the recent introduction of a charge for the garden waste service, two baseline scenarios were modelled. The 22/23 baseline models the 22/23 service, with a free mixed organics service and 22/23 tonnages (22/23 Baseline); and an amendment to this baseline models the current service, with charged garden waste and assumptions on final subscriber numbers and tonnages (£GW Baseline). The dry recycling collection remains fortnightly in each option. It is assumed that any new vehicles would be electric, in line with CEC's decarbonisation plan.

- **Option 1:** Weekly food waste collection, collected together with the garden waste round one week and separately as a food waste round on the alternate weeks, **fortnightly** residual waste collection.
- **Option 2:** Weekly food waste collection, collected together with the garden waste round on one week and separately as a food waste round on the alternate weeks, **three-weekly** residual waste collection.
- **Option 3:** Weekly separate food waste collection on a dedicated 7.5 tonne vehicle every week. Fortnightly chargeable garden waste service (with no food waste) and **fortnightly** residual waste collection.
- **Option 4:** Weekly separate food waste collection on a dedicated 7.5 tonne vehicle. Fortnightly chargeable garden waste service (with no food waste) and **three-weekly** residual waste collection.

Table 1: Options modelled

Option number	Option description	Residual	Organics (Food)	Organics (Garden)	Dry recycling
0	22/23 Baseline	Fortnightly	Fortnightly mixed organics, 240 L WB, RCV		Fortnightly co-mingled
0+	£GW Baseline		Fortnightly charged garden waste with food accepted, 240 L WB, RCV		
1	Option 1: W FW, F Res, Mix organics	Three weekly	Weekly food waste, 23 L caddy, one week collected on garden waste round, other week collected on 7.5 T separate food vehicle	Fortnightly charged garden waste with food, 240 L WB, RCV	
2	Option 2: W FW, 3W Res, Mix organics				

Option number	Option description	Residual	Organics (Food)	Organics (Garden)	Dry recycling
3	Option 3: W FW, F Res, Sep organics	Fortnightly	Weekly food waste, 23 L caddy, 7.5 T separate food vehicle	Fortnightly charged garden waste without food, 240 L WB, RCV	
4	Option 4: W FW, 3W Res, Sep organics	Three weekly			

The results, in Table 2, show an increase in costs for every option relative to the £GW Baseline. The cost modelling shows:

- With the current IVC gate fee, it is more cost effective to collect food waste with garden waste one week, rather than using dedicated vehicles for every week. (Option 1 compared to Option 3)
- Moving to three weekly residual collections offers savings of over £1M compared to the same option with fortnightly residual collections (Option 1 compared to Option 2, and Option 3 compared with Option 4).

The performance modelling shows:

- Although data on how the introduction of charged garden waste will affect collected tonnages is not yet available, the modelled assumptions predict a fall in recycling rate of over 2 percentage points.
- Introducing a weekly food waste collection increases the recycling rate by over 5 percentage points. Although, it is just shy of the 55% target for 2025.
- Moving to three weekly residual collections is modelled to increase the recycling rate by a further 5 percentage points (10 percentage point increase relative to the £GW Baseline) and comfortably meets the 2025 recycling target.

Table 2: Recycling and financial performance results

Options	Difference in cost to £GW Baseline	Households recycling rate
Baseline	-	51.7%
£GW Baseline	-	49.4%
Option 1	£1,546,289	54.9%
Option 2	£116,660	59.8%
Option 3	£2,616,543	54.9%
Option 4	£1,526,609	59.78%

Table 3 shows the capital, transitional and ongoing revenue costs of the food waste service modelled for the options. Ongoing revenue costs does not include vehicle capital costs (which are included in

Table 2), so as to be equivalent to the 'New Burdens' funding categories. The results show that capital costs are higher than the funding for all options. The funding for transitional and ongoing revenue costs has not yet been confirmed. Since the costs in Table 3 relate only to the food waste service, they do not include the savings from the reduction in resources modelled for three weekly collections in Options 2 and 4. Food waste service costs are higher for the three weekly residual options (2 and 4) relative to the equivalent fortnightly options (1 and 3), because more vehicles are required to collect food waste due to increased participation under three weekly residual collections.

Table 3: Capital, transitional and ongoing revenue costs of the weekly food waste service and 'New Burdens' funding

	Option 1	Option 2	Option 3	Option 4	'New Burdens' funding
Capital	£3.3M	£3.6 M	£4.0 M	£4.5 M	£2.7M
Transitional	£0.5M	£0.8 M	£0.5 M	£0.8 M	Not yet confirmed
Ongoing revenue (annual cost)	£1.3M	£1.4 M	£2.4 M	£2.8 M	Not yet confirmed

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1 Introduction

Resource Futures has been commissioned by Cheshire East Council (CEC) to undertake modelling of a range of food waste and residual waste collection options. This work follows on from recent feasibility studies undertaken for CEC, which identified efficiencies and savings in CEC's kerbside collection service and in light of the upcoming Government's 'Simpler Recycling' regulations, which will require all local authorities to provide a weekly food waste collection by 31 March 2026. As part of this, CEC will receive 'New Burden' funding from Defra:

- Capital transition costs – £2.7M capital grant offer;
- Revenue resource transition costs – to be confirmed; and,
- Revenue ongoing resource costs – to be confirmed.

The purpose of this project is to review the comparative costs, anticipated performance and resource implications of the selected collection profiles to understand whether the funding available is sufficient for CEC to deliver the food waste service and to inform the future development of CEC's household waste collection service.

1.1 Baseline collections

CEC's household waste collection service includes a fortnightly collection of residual waste via 240 litre wheeled bins and a fortnightly collection of dry recycling via 240 litre wheeled bins. Until the end of 2023, CEC operated a free to all fortnightly mixed organics service. From 2024, CEC introduced a chargeable fortnightly collection of garden waste via 240 litre wheeled bins. Households subscribing to the scheme are able to place food waste in their garden waste bin.

Due to the recent introduction of the charged garden waste service, it was decided to model a 22/23 Baseline, assuming the 22/23 tonnages and a mixed organics service, and also a charged garden waste (£GW) Baseline, with assumptions on how the current service will be operated once it reaches peak subscriber numbers. For this, assumptions were made on subscriber numbers, how tonnages would be affected, and the number of vehicles required. These assumptions were agreed with CEC and are included in the Power Point presentation 'Baseline and Assumptions Presentation'.

The Government has clarified that if a local authority chooses to co-collect food and garden waste from households, they must ensure that food waste is collected for free on a weekly basis by 31 March 2026. Co-collection, with garden waste, can continue as long as it meets this requirement.

1.2 Options modelled

The options modelled are shown in Table 4. This includes the 22/23 baseline, modelling the 22/23 service with a mixed organics service and 22/23 tonnages (22/23 Baseline); and an amendment to this baseline, modelling the current service with charged garden waste and assumptions on final subscriber numbers and tonnages (£GW Baseline). The dry recycling collection remains fortnightly in each option. It is assumed that any new vehicles would be electric, in line with CEC's decarbonisation plan.

- **Option 1:** Weekly food waste collection, collected together with the garden waste round one week and separately as a food waste round on the alternate weeks, **fortnightly** residual waste collection.

- **Option 2:** Weekly food waste collection, collected together with the garden waste round on one week and separately as a food waste round on the alternate weeks, **three-weekly** residual waste collection.
- **Option 3:** Weekly separate food waste collection on a dedicated 7.5 tonne vehicle every week. Fortnightly chargeable garden waste service (with no food waste) and **fortnightly** residual waste collection.
- **Option 4:** Weekly separate food waste collection on a dedicated 7.5 tonne vehicle. Fortnightly chargeable garden waste service (with no food waste) and **three-weekly** residual waste collection.

Table 4: Options modelled

Option number	Option description	Residual	Organics (Food)	Organics (Garden)	Dry recycling
0	22/23 Baseline	Fortnightly	Fortnightly mixed organics, 240 L WB, RCV		Fortnightly co-mingled
0+	£GW Baseline		Fortnightly charged garden waste with food accepted, 240 L WB, RCV		
1	Option 1: W FW, F Res, Mix organics	Three weekly	Weekly food waste, 23 L caddy, one week collected on garden waste round, other week collected on 7.5 T separate food vehicle	Fortnightly charged garden waste with food, 240 L WB, RCV	
2	Option 2: W FW, 3W Res, Mix organics				
3	Option 3: W FW, F Res, Sep organics	Fortnightly	Weekly food waste, 23 L caddy, 7.5 T separate food vehicle	Fortnightly charged garden waste without food, 240 L WB, RCV	
4	Option 4: W FW, 3W Res, Sep organics	Three weekly			

2 Benchmarking

This section presents the waste collection schemes and collected yields of comparator authorities to CEC to show possible outcomes from the proposed options. Comparator authorities were selected based on their socio-economic similarity to CEC using the CIPFA (Chartered Institute of Public Finance and Accountancy) Nearest Neighbours (NN) tool or their geographical closeness.

2.1 CIPFA Nearest Neighbours

The relevance to CEC of results from another authority depends on their socio-demographic similarity, measured using a nearest-neighbour rank. This figure is achieved using the CIPFA Nearest Neighbours Model, which broadly compares authorities using socio-economic and demographic criteria. This method ensures a systematic and clear approach to measuring the similarity between authorities,

considering a range of variables that have an impact on demographic profile and the likely demand on different services.

The model allows for different variables to be switched on or off independently, thus allowing the inclusion of only variables that are likely to be relevant to the compositions and capture of recyclables. The variables selected include those related to deprivation, age profile, rurality, household size and ethnic profile.

The CIPFA Model provides a list of nearest neighbour authorities based on their socio-economic profiles. The nearest neighbours are ranked based on their statistical distance (represented by a numerical score) from CEC. The nearest neighbour authority with the lowest score, therefore closest in terms of statistical distance, is considered to have the most similar characteristics to CEC. The CIPFA model is based on 2018 data, and CEC's top 50 Nearest Neighbour (NN) local authorities are shown in Table 5.

Table 5: CEC's CIPFA top 50 Nearest Neighbours

CIPFA Rank	Nearest Neighbour	Score	Rank	Nearest Neighbour	Score
1.	Shropshire	0.015	26.	Central Bedfordshire	0.037
2.	Wiltshire	0.017	27.	Mid Devon	0.038
3.	North Somerset	0.018	28.	Bath & North East Somerset	0.038
4.	Lichfield	0.021	29.	Hambleton	0.039
5.	Cheshire West & Chester	0.021	30.	Babergh	0.040
6.	Harrogate	0.023	31.	Blaby	0.040
7.	Stafford	0.023	32.	Hinckley & Bosworth	0.041
8.	Chelmsford	0.024	33.	Rugby	0.041
9.	Herefordshire	0.024	34.	St Edmundsbury	0.041
10.	Mendip*	0.027	35.	Tewkesbury	0.042
11.	Maidstone	0.028	36.	High Peak	0.042
12.	South Gloucestershire	0.030	37.	Ryedale	0.042
13.	Solihull	0.030	38.	Warwick	0.042
14.	Bromsgrove	0.030	39.	Stratford-on-Avon	0.043
15.	Craven	0.032	40.	Warwickshire	0.043
16.	South Kesteven	0.033	41.	East Northamptonshire	0.043
17.	Test Valley	0.033	42.	Maldon	0.043
18.	Stockport	0.033	43.	North Hertfordshire	0.044
19.	Stroud	0.033	44.	Mid Sussex	0.044
20.	Taunton Deane*	0.034	45.	Chorley	0.045
21.	South Somerset*	0.035	46.	Colchester	0.045
22.	Braintree	0.035	47.	Melton	0.046

CIPFA Rank	Nearest Neighbour	Score	Rank	Nearest Neighbour	Score
23.	South Ribble	0.036	48.	Worcestershire	0.046
24.	Huntingdonshire	0.036	49.	West Devon	0.046
25.	Ashford	0.037	50.	Cornwall	0.046

* report as the Somerset Waste Partnership (SWP)

CEC’s first and fifth most socio-economically similar local authorities, Shropshire and Cheshire West and Chester are also selected as Geographic neighbours. The results from the CIPFA NN model were used to make meaningful comparisons to authorities with similar collections schemes and with the collection schemes we are modelling in the following sections.

Figure 1 below shows the 2022/23 recycling rate of CEC’s top 50 CIPFA NN listed above. CEC has the 22nd highest recycling rate of 52%. Also, shown is the projected recycling rate for CEC following implementation of the charged garden waste service. Based on the assumptions, CEC will fall by 3 places to 25th highest recycling rate of their top 50 NN.

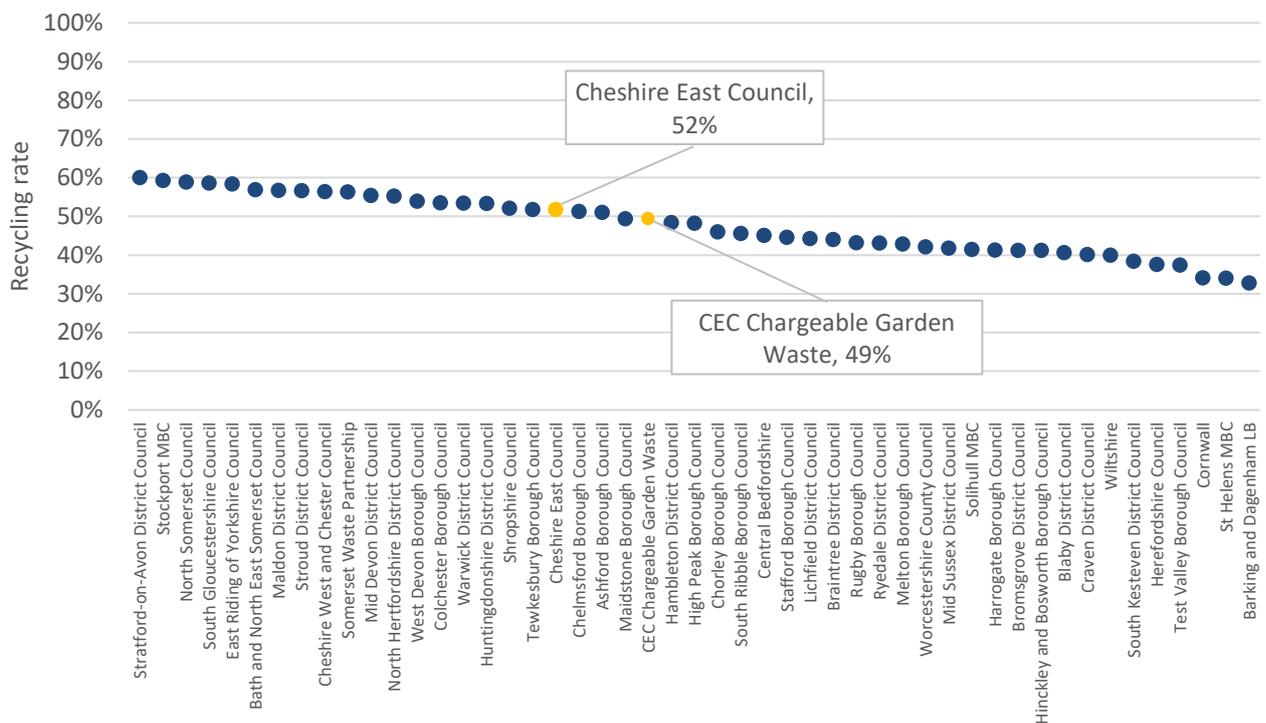


Figure 1: CEC’s CIPFA Nearest Neighbours’ recycling rate comparison

2.2 Geographic Nearest Neighbours current schemes

CEC’s direct geographical neighbours are Cheshire West, Staffordshire, Shropshire, Derbyshire, Warrington and Manchester. CEC currently have the third lowest recycling rate and the highest residual waste yield of all six neighbouring authorities. CEC rank 29 places lower than their direct neighbour

Cheshire West and Chester in the Let's Recycle 2022/2023 league table¹, who are the highest performing of their geographic nearest neighbours.

Table 6: Geographic nearest neighbours current scheme comparison to CEC

Local Authority	Residual frequency	Residual Wheeled Bin Size (litres)	League Table Rank 22/23	Recycling Rate 22/23	Residual waste KG/HH/YR
Cheshire West and Chester Council	Fortnightly	180	23	56%	435
Staffordshire Moorlands District Council	Fortnightly	180	42	53%	383
Derbyshire Dales District Council	Fortnightly	240	45	53%	347
Shropshire Council	Fortnightly	240	49	52%	483
CEC Council	Fortnightly	240	52	52%	449
Warrington Borough Council	Fortnightly	240	126	44%	412
Manchester City Council	Fortnightly	140	206	39%	294

2.3 Similar authorities with separate food waste

Local authorities were selected from the CIPFA NN that currently have a weekly separate food waste collection service and fortnightly residual waste collection, as frequency of residual collection is known to be a main driver of food waste participation. As there was a sufficient sample size, we were able to restrict the benchmarking to the top 30 NN, which are the most similar to CEC. There are twelve authorities within CEC's top 30 CIPFA NN that currently have a separate food waste collection service, as shown in Table 7.

Table 7: Waste data of CEC's Nearest Neighbours that have a weekly separate food waste collection and fortnightly residual collections

Rank	Authority	Recycling rate	Residual wheeled bin size (litres)	Food waste yield (kg/hh/yr)	Residual waste yield (kg/hh/yr)
3.	North Somerset	59%	180	75	418

¹ Let's Recycle 2022/2023 League table: [Link](#)

Rank	Authority	Recycling rate	Residual wheeled bin size (litres)	Food waste yield (kg/hh/yr)	Residual waste yield (kg/hh/yr)
5.	Cheshire West & Chester	56%	180	60	435
8.	Chelmsford	51%	180	77	362
10.	Mendip (SWP)	56%	180	90	434
11.	Maidstone	49%	240	63	329
12.	South Gloucestershire	59%	140	83	394
19.	Stroud	57%	140	101	307
20.	Taunton Deane (SWP)	56%	180	90	434
21.	South Somerset (SWP)	56%	180	90	434
22.	Braintree	44%	240	69	388
26.	Central Bedfordshire	45%	240	74	426
28.	Bath & North East Somerset	57%	140	80	366

Figure 2 shows the 2022/23 food waste yields of CEC's nearest neighbours. As multiple authorities report collectively under SWP, this yield has only been included once. The median value is 76 kg per household per year. This is the value we have used in the options modelling.

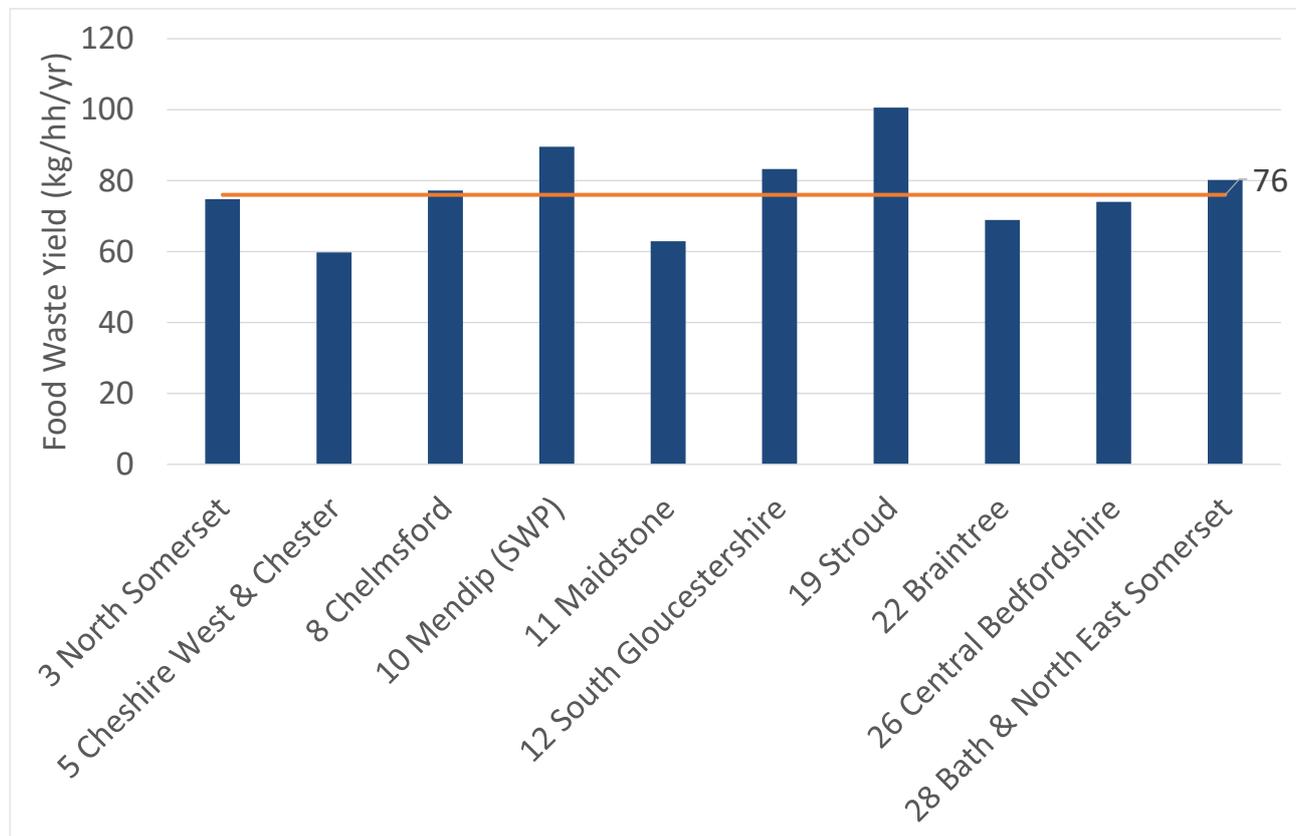


Figure 2: 2022/23 food waste yields of CEC's top 30 CIPFA NN

2.3.1 Food waste case study

Two authorities were selected based on their similarities to CEC to present their food waste collection scheme in further detail. Cheshire West and Chester was chosen due to the geographical proximity to CEC and because it is also CIPFA NN no. 5. Due to Cheshire West and Chester's similarity to CEC the LA's recycling performance is likely to be a good indicator of the food waste recycling and overall recycling performance potential of CEC. North Somerset Council was selected as it is the highest ranking CIPFA NN to CEC that has a food waste collection service.

Table 8 Cheshire West and North Somerset waste performance summary 2020-2023

Local Authority	Cheshire West	North Somerset
Food waste service introduced	2012	2010
Recycling rate 2022-2023	56.4%	58.9%
LR League rank 2022-2023	23	10

Local Authority	Cheshire West	North Somerset
Recycling rate 2021-2022	57.6%	59.5%
LR League table ranking 2021-2022	24	12
Recycling rate 2020-2021	54.5%	60.4%
LR League ranking 2020-2021	42	7
Food waste yield 2022-2023	59.8	74.8
Food waste yield 2021-2022	66.4	81.3
Food waste yield 2020-2021	70.6	82.0
Residual yield 2022-2023	406.7	370.3
Residual yield 2021-2022	428.3	389.5
Residual yield 2020-2021	446.1	404.0

North Somerset introduced food waste collections in 2010. Cheshire West introduced a separate food waste collection in 2012. Both schemes use 23 litre kerbside caddies and 7 litre kitchen caddies. North Somerset has performed consistently high in overall recycling percentage since the introduction of the weekly food waste collections. The year that the separate weekly food waste collection was introduced in North Somerset, it ranked 46th on the LR League table with an overall recycling rate of 51%, the following year after the food waste service was piloted North Somerset climbed up 35 rankings to 11th highest overall recycling rate, with an increase of 8 percentage points to 59.7% overall recycling rate. North Somerset's recycling rate has stayed consistently around 58-60%.

Prior to Cheshire West and Chester introducing separate food waste collections in 2012, the LA ranked 81st in 2010/2011 and 76th 2011/2012. At this time CEC was a better performing local authority in overall recycling percentage and was ranked 10 places above Cheshire West and Chester in 2010/2011 at 71st place and 35 places above Cheshire West and Chester in 2011/2012 at 41st place. Cheshire West and Chester overtook CEC and moved up the recycling league table to 24th place in 2012/2013 after the food waste service collection was introduced. Although there has been a few years of fluctuation, Cheshire West and Chester has performed at around 55% or higher since the food waste service introduction.

2.4 Similar authorities with 3-weekly residual collection

In 2021, a feasibility study of three weekly residual waste collections was undertaken on behalf of CEC. In order to determine the likely changes in tonnages of moving to three weekly residual collections, the feasibility study examined the yields of authorities before and after the change and calculated the percentage change. We build on this information here, by including Mid Devon District Council, who has since made the change to three weekly residual waste collections (October 2022) and is NN rank 27, so very comparable to CEC. As Mid Devon made the change part way through the most recent year of data, for this we compare the six months after the change with the same six months a year earlier. Table

9 shows the results of comparing the available data after the change with the same time period a year previously. As with almost all authorities moving to three weekly residual collections, there is an overall reduction in kerbside waste. Analysis as part of the three weekly residual feasibility study examined HWRC and fly-tipping tonnages before and after the service change and found no clear evidence of an increase in either. This suggests that there may be a genuine waste prevention effect of moving to three weekly residual collections, but caution must be used when considering the savings possible.

Table 9: Mid Devon pre and post 3-weekly residual service introduction yields (kg/hh/yr equivalent)

Mid Devon	Dry recycling	Food waste	Residual waste	Total
October 2021 - March 2022 (annualised)	180	93	355	626
October 2022- March 2023 (annualised)	181	95	307	582
% Change	0.4%	2.9%	-13.5%	-7.1%

Table 10 shows the percentage changes of authorities included in the three weekly feasibility study and the new data available from Mid Devon.

Table 10: Percentage change in kerbside tonnages for authorities implementing three weekly residual collections (Mid Devon comparing 6 months after the change with the same 6 months the year before; other authorities' data from the three weekly feasibility study)

Authority	Dry recycling	Food	Residual
Bury	1.9%	*	-16.3%
Daventry	15.5%	57.3%	-15.6%
East Devon	23.0%	7.7%	-22.5%
Gwynedd	4.1%	24.8%	-15.7%
Isle of Anglesey	28.2%	31.7%	-26.2%
Oldham	-8.1%	*	-17.2%
Powys	-3.0%	25.0%	-28.5%
Rochdale	8.2%	*	-29.2%
Mid Devon	0.4%	2.9%	-13.5%
New average change	7.8%**	21.1%	-20.5%

* unknown as mixed organics service

** excludes outliers of Powys and Isle of Anglesey (as in three weekly feasibility study)

We have modelled a 21.1% increase in food waste (compared to the value found from benchmarking authorities with fortnightly residual waste collections) and a 20.5% reduction in residual waste.

The previous analysis noted that CEC already diverts significant amounts of material for recycling and so a lower increase was modelled equivalent to 4.3%. This is also the percentage increase we have used for this study.

3 Methodology

The following section provides an overview of the methodology adopted by Resource Futures to complete the options modelling. This includes our approach to modelling resource requirements and financial modelling.

3.1 Operational modelling

All operational modelling was completed using WRAP's Kerbside Assessment Tool (KAT) which allows current collections to be modelled and potential kerbside collection profile options to be forecast and evaluated. Costs were calculated for each option by identifying the performance and resources necessary to deliver each of the modelled options. The financial assessment considered operational costs including staff costs, vehicle maintenance and fuel, fleet replacement costs, and fees for treating, sorting and/or disposal of materials. Any potential income estimated from the sale of recyclable materials was included as part of the treatment and disposal costs. Capital costs were calculated to provide the initial investment required for each option for vehicles and containers. It assumed that future service design will be mirrored across all household types.

KAT projections are based on a large number of assumptions with specific local data entered, where available, to estimate resource requirement. KAT therefore models only generic systems. This is appropriate to allow comparison of options but, at the implementation stage, a more detailed specification and operational development process will be needed to define the specific details of the system. This will also need to consider additional cost elements to be included, for example, operational base requirements, and legal and communications support.

3.2 Financial modelling

The process of calculating costs for each option was undertaken following the identification of performance levels and the quantification of resources necessary to deliver each of the modelled options. Costs are presented as follows:

- Operational costs comprising the annual cost to operate the services: including staff costs, vehicle hire and running costs, container replacements (accounting for damaged and lost bins) and fees for the treatment, sorting or disposal of materials.
- Capital costs provide the initial investment required for each option for vehicles, containers and communications. Vehicle costs are based on typical unit costs for each vehicle type. The financial modelling does not include the costs associated with the removal of existing containers or distribution of new containers.
- Transitional costs include service mobilisation costs as requested.

3.3 Developing baseline

Before modelling alternative options and their sensitivities, the Baseline model, representative of current operations and performance, was modelled within KAT. CEC completed data sheets for both operational and financial information, at the start of the project, to inform the development of this model. All data and assumptions used in the modelling of the baseline model were presented to CEC, with the opportunity to review and comment on assumptions before modelling commenced. These are in the PowerPoint file of the 'Baseline and Assumptions Presentation' submitted to CEC. This section provides a summary of the characteristics of the Baseline model, as well as any updates made to the model based on feedback received from CEC.

The Baseline model was built to reflect waste arisings, recycling performance, set out and participation rates and resources (vehicles and collection crew) required. This model reflects CEC's core rounds that serve kerbside and flatted properties, where both recycling and residual waste are collected by:

- 14 x 26 tonne RCVs
- 1 x 18 tonne RCV
- 1 x 7.5 tonne RCV

When mixed organics was free, it was collected using:

- 15 x 26 tonne RCVs (of which two were hired for 6 months over the summer months)
- 1 x 18 tonne RCV
- 1 x 7.5 tonne RCV

Vehicle numbers required for the charged service are not yet known, with rounds currently being largely unchanged, but it is assumed that there will be a reduction of two vehicles. It was agreed with CEC to exclude the 7.5 tonne vehicles from the modelling, as these have vastly different payloads and round sizes compared to the larger vehicles and these smaller vehicles would be required in all options.

4 Results

The following provides the results of the modelling completed, including a summary of the recycling performance, resourcing requirements and cost implications of each option.

4.1 Kerbside recycling performance

This section presents the recycling performance calculated for each option.

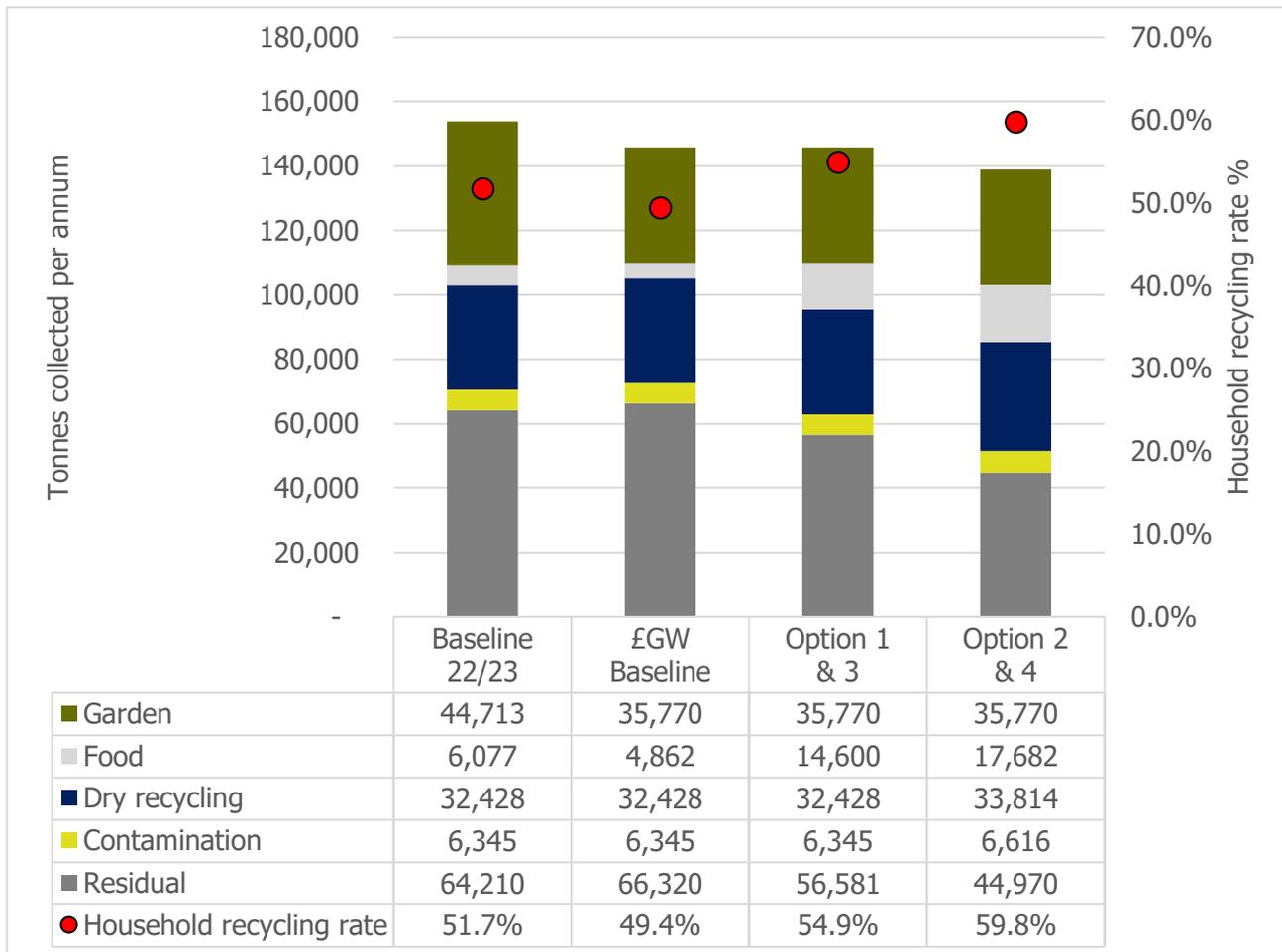


Figure 3: Tonnes collected at kerbside and the household recycling rate (including non-kerbside) for each option

Figure 3 above displays the total tonnage collected for each option. The chart presents residual (grey bars), dry recycling (blue bars), garden waste (light brown bars) and food (light green bars) tonnages for ease of comparison. Contamination within the recycling collections is shown as an orange bar, with the data table provided within the chart displaying the tonnage figures for reference. The chart also provides the recycling rate for each option, indicated by the red dots. The chart shows:

- A decrease in food and garden waste collected between the 22/23 baseline and the £GW baseline, and a slight increase in residual as some of this reduction in garden waste and all of the reduction in food waste are placed in the residual bin. This reduces the recycling rate by over 2 percentage points.
- When the food waste service is introduced in Options 1 and 3, there is a large increase in food waste collected compared to the £GW baseline and a corresponding decrease in residual waste. This increases the recycling rate by over 5 percentage points compared to the £GW baseline.
- Moving to three weekly residual waste collections, in Options 2 and 4 sees an increase in food and dry recycling and a large reduction in residual waste. Contamination is assumed to increase at the same rate as dry recycling. The recycling rate for this option is modelled to increase by

over 10 percentage points relative to the £GW baseline. This option models an overall decrease in kerbside waste, which is seen in almost all authorities when moving to three weekly residual collections.

4.2 Resource requirements

Output tables from the KAT modelling detailing the results for each option can be found in Appendix A. Figure 4 and Figure 5 below show the number of vehicles and staff required for each collection service for each option (excluding the D1 flats residual round and the 7.5 tonne vehicle for each service). The two extra vehicles required for garden waste in the summer are included here. Values are shown to 1 decimal place here but are rounded up for each service in the cost modelling.

- Between the 22/23 baseline and £GW baseline, there is a slight decrease in vehicles required for the mixed organics/garden waste service primarily due to the reduction in set out rate. There is no change in residual vehicles required despite the slight increase in tonnage.
- Option 1 assumes food waste is collected with garden waste one week and by dedicated separate vehicles the next week. This option requires 10 new food waste vehicles and a small increase in mixed organics vehicles, although not as high as the 22/23 baseline, as it is assumed that set out for the food waste and charged garden waste service combined would not be as high as when the garden waste service was free. There is no change in residual vehicles required despite the decrease in tonnage.
- Option 2 assumes a three weekly residual waste collection service (alongside food being collected with garden waste one week and dedicated separate vehicles the next). The theoretical maximum reduction in vehicles possible when moving between fortnightly and three weekly collections is one third. This is possible if the number of tips and set-out rate stay the same. The residual vehicle requirements output from KAT with three weekly residual collections are very close to this theoretical maximum, moving from 15 to 10.3, despite an increase in set out rate from 95% to 100%. (Set out rates in KAT can only be input in 5 percentage point increments. In reality, this increase would likely be slightly lower, say from 96% to 99%.) The number of vehicles is rounded up for the cost modelling, but caution should still be exercised with this value as the model showed that the vehicles were close to filling their second tip when collecting residual waste three weekly. If collected weights are regularly higher than the average weight, it is likely that a third tip would be required, which given the high driving times in CEC, would put drivers over time. Since crews work on a team completion principle, this risk is minimised.
- Option 3 and 4 model the same tonnages as Options 1 and 2 respectively but assume that food waste is collected exclusively by new vehicles and so require double the number of new food waste vehicles relative to Options 1 and 2 respectively, but the same number of garden waste vehicles as the £GW baseline. Overall, Option 3 requires around 8 more vehicles than Option 1 and Option 4 requires around 10 more vehicles than Option 2, showing that it is likely to be more efficient to collect food waste with garden waste on the fortnight where the vehicle is already passing households.

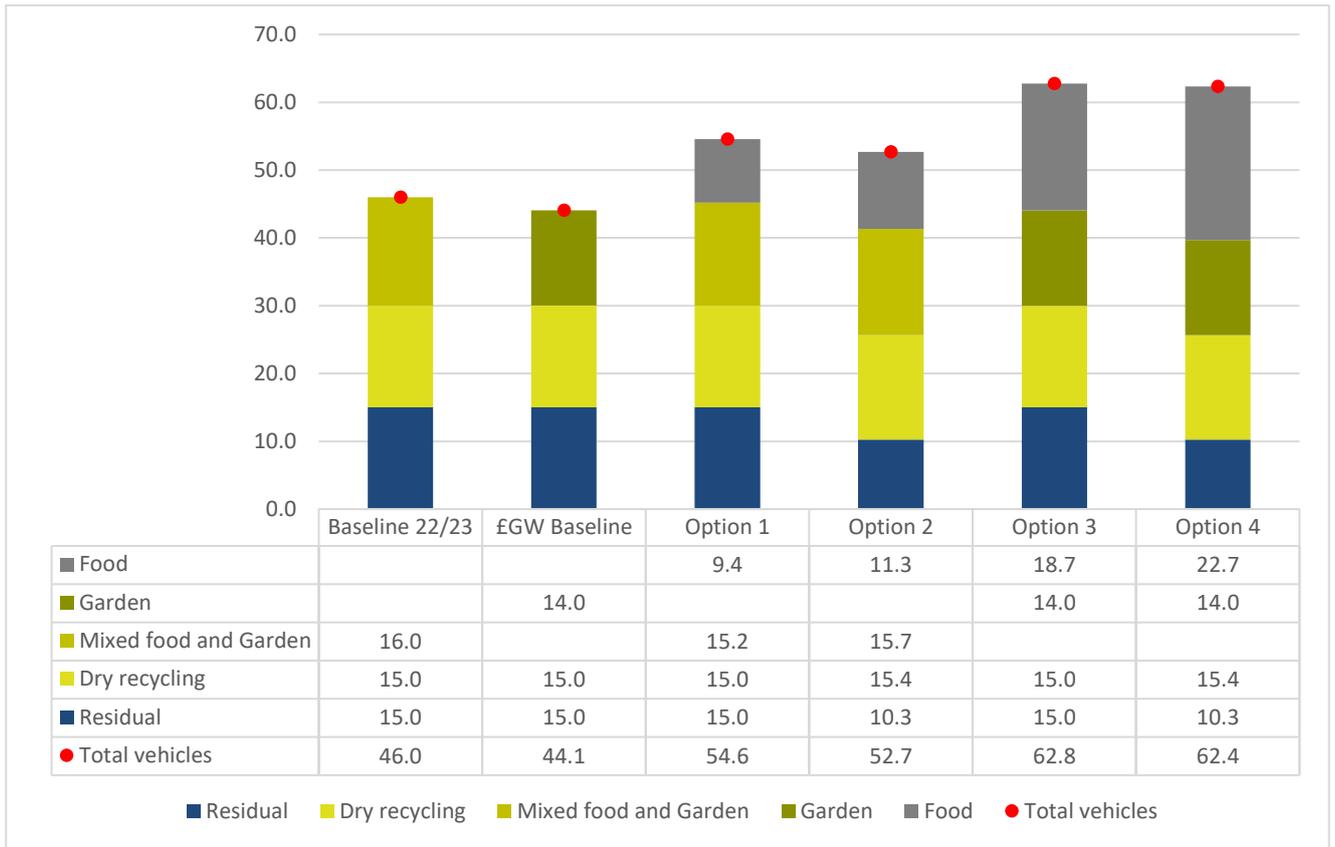


Figure 4: Vehicles required for each option

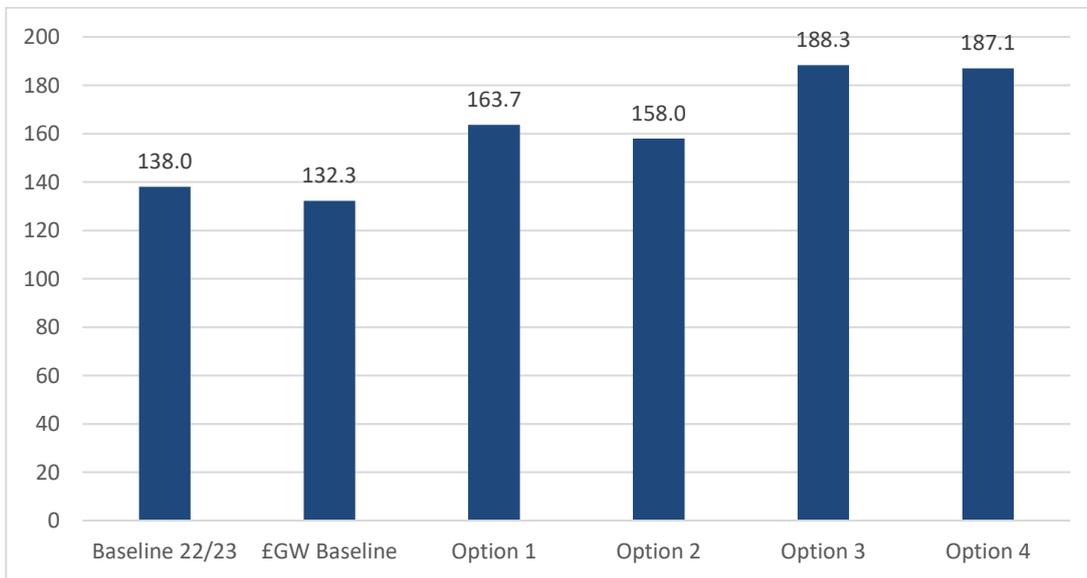


Figure 5: Number of staff required per option

4.3 Financial performance

The differences in cost of each option compared to the £GW Baseline are presented in this section, which include both the costs associated with the collection of waste, and the disposal or treatment costs of material collected.

4.3.1 Annual operational costs

Figure 6 shows the annual cost of the service relative to the £GW baseline. This excludes any costs that are only incurred in year one, such as new containers and transitional costs. The results show that:

- All options show a decrease in disposal/treatment costs due to the diversion of recyclables away from residual waste. Options 2 and 4 (with three weekly residual collections) show the greatest savings, due to greater diversion and also the modelled waste prevention effect. In the worst case scenario that there is no waste prevention effect and the entire difference (6,872 tonnes) ends up being taken to HWRCs as residual waste, the reduction in savings of these options would be around £800k. As mentioned in section 2.4, there was no clear evidence from previous analysis that tonnages at HWRCs or street cleansing would be significantly affected by moving to three weekly residual collections at the kerbside.
- Container replacement costs covers the additional food waste container replacement and are the same for all options.
- Staff costs are increased in all options as more vehicles and hence staff are required in each option. Options 1 and 2 co-collect food waste with garden waste every fortnight and so additional staff costs are lower for these options than Options 3 and 4.
- Vehicle costs also increase in each option due to the additional vehicles required to collect weekly food waste.
- Overall, Option 2 is the lowest cost option, where food is co-collected with garden waste every fortnight and residual waste collections are every three weeks.

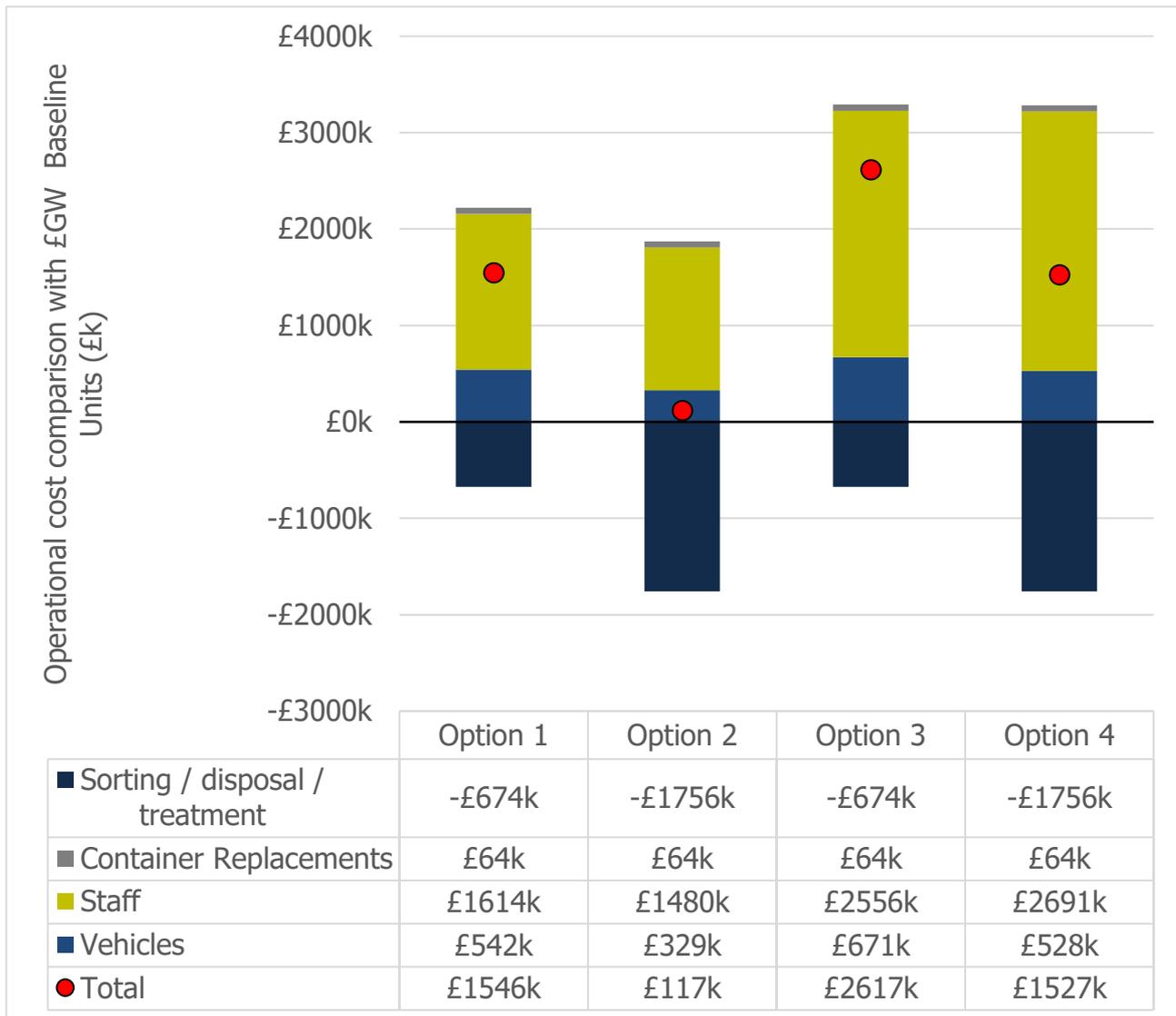


Figure 6: Costs in comparison with the charged garden waste baseline

4.3.2 Capital costs

Capital costs for each option have been calculated to provide CEC with an indication of the initial capital investment required. Costs are included for vehicle purchase and container purchase, as shown in Table 11. In Options 1 and 2 two additional vehicles are required relative to the £GW baseline, so we have included the capital cost to show the possible capital costs of introducing a food waste service. In reality (and in the cost modelling presented in section 4.3.1), we assume that CEC would hire these vehicles, as they have previously when all households were offered the mixed organics service. The container costs are based on all standard access households receiving an external caddy, flats requiring one 140 litre wheeled bin per 10 households and all households receiving an internal caddy. We understand that all households on the mixed organics service were provided with an internal caddy several years ago. It is not known how many households still have these and to encourage participation in the service we recommend delivering a new container to each household, since these can be delivered at the same time as the external caddies. For Options 2 and 4, there is a reduction in residual vehicles required and slight increase in dry recycling vehicles, it is assumed that the overall decrease would come from the

hired vehicles with CEC retaining the same number of leased vehicles, thus these savings are not included in the table. The total capital cost for all options is greater than the £2.7 M that is being provided as capital funding by Defra. It should be noted that the new food waste vehicles are assumed to be electric. Electric vehicles have higher capital costs but lower fuel costs, so whilst the capital costs are higher than the funding available, this may be compensated for with lower ongoing revenue costs. Typically, the annualised capital and running costs of electric vehicles are similar to diesel vehicles. Since CEC have higher mileage than a typical authority, using electric vehicles instead of diesel could have a higher benefit within CEC.

Table 11: Capital costs

	Option 1	Option 2	Option 3	Option 4
Food waste vehicles	£1,300,000	£1,560,000	£2,470,000	£2,990,000
Mixed organics vehicles	£490,000	£490,000	£0	£0
Containers	£1,503,916	£1,503,916	£1,503,916	£1,503,916
Total	£3,293,916	£3,553,916	£3,973,916	£4,493,916

4.3.3 Transitional costs

Additional costs are likely to be required to ensure a successful transition into a 3-weekly and separate food waste service. These transitional requirements have been identified as:

- Communication costs:
 - £1.50 per household for Options 1 and 3 and £2.50 per household for Options 2 and 4. It is higher for the options with three weekly residual waste collections, as it is assumed this option is more likely to require a change in collection day for households and will require more engagement and communication with residents/citizens. The higher spend on the options with three weekly residual collection would allow for more touch points with residents.
- Temporary engagement officers to assist with rollout and education (community wardens and waste educationalists, as requested by CEC) to see a successful transition:
 - Modelled at £25,000 (plus employer's pension and national insurance contributions) and £7,000 per employee for vehicle costs. We understand there is currently a range of pay grades that these roles could sit within, dependent on responsibilities, this salary is in the middle of these.
 - It is assumed that four staff would be required for Options 1 and 3 and six staff for Options 2 and 4.
 - These staff are assumed to be employed for one year (it is anticipated that they would be recruited prior to the service changes as well as during the mobilisation).
- Crews to deliver food waste caddies to all residents:
 - Assuming 2000 households could be delivered on a daily basis per vehicle with a driver and one loader and a vehicle cost of £76/day.

Table 12: Transitional costs

	Options 1 and 3	Options 2 and 4
Waste educationalists and community wardens	£148,970	£223,454
Communications campaign	£293,772	£489,620
Container delivery	£39,963	£39,963
Total	£482,704	£753,037

4.3.4 Ongoing revenue costs

Ongoing revenue costs are identified as vehicle running costs, staff costs, container replacements and treatment costs. Table 13 shows the ongoing revenue costs of the food waste service relative to the charged garden waste baseline. The focus here is purely on the additional costs of collecting food waste, so does not include any additional savings from changing residual frequency to three weekly for Options 2 and 4. Fuel costs are included in vehicle running costs. As the separate food waste vehicles are assumed to be electric, fuel costs are modelled at half the cost of diesel vehicles.

Table 13: Ongoing revenue costs of the food waste service

	Option 1	Option 2	Option 3	Option 4
Vehicle running costs	£304,433	£350,100	£433,833	£525,167
Staff	£1,614,494	£1,883,577	£2,556,283	£3,094,447
Container replacement	£63,732	£63,732	£63,732	£63,732
Disposal costs	-£674,285	-£887,689	-£674,285	-£887,689
Total	£1,263,375	£1,355,720	£2,294,063	£2,692,157

4.4 Carbon assessment

A carbon assessment has been completed for each option using the Carbon Waste and Resources Metric (Carbon WARM) produced by WRAP². The metric has been developed to allow monitoring and evaluation of the impacts of the Resources and Waste Strategy in England, in terms of its Greenhouse Gas (GHG) emissions impact, measured as carbon dioxide equivalent (CO₂e). The metric does not provide a “footprint” (i.e., it is not a statement of the absolute emission that can be attributed to a material, product or activity) but rather a relative measure that quantifies the carbon saving (or additional emission) for a given material / treatment combination. The assessment uses the following approach:

² WRAP (2021) Carbon Waste and Resources Metric <https://wrap.org.uk/resources/report/carbon-waste-and-resources-metric>

- The model accounts for the different treatment routes of the key dry recycling materials (paper, card, glass, plastics and metals) and organic materials (food and garden waste).
- For the residual waste stream, composition data has been used to identify the estimated quantity of each recyclable material and calculate the net impact of incinerating that mix of materials through Energy from Waste (EfW) in the Baseline.
- For future options, the model diverts recyclable materials in the residual stream to either the kerbside dry recycling or organics collection based on the yields modelled in KAT. For organics, the model accounts for food and garden waste sent to IVC.
- It is assumed that any contamination within the dry recycling stream will be treated through EfW. Contamination is modelled on the yields projected for each option. However, it does not account for any material lost through the MRF sorting process.
- In addition to the carbon assessment for materials, the annual CO₂e emissions from collection vehicles are also included. These are modelled based on the distance driven by the waste collection fleet, as calculated in the KAT model. For diesel vehicles, the assessment utilises the relevant vehicle emission factor (from UK Government GHG Conversion Factors for Company Reporting) for each vehicle type to calculate CO₂e emissions for the Baseline and each option. Electric vehicles were assumed to use 1.08kWh per km based on an electric vehicle trial³, which resulted in emissions per km around half of those of a diesel vehicle.

The results of the assessment are shown in Figure 7 with the coloured bars identifying emissions by category, including residual waste sent to EfW (grey), dry recycling (dark blue), food (orange), garden (light green), dry recycling contamination sent to EfW (red) and collection vehicles (yellow). The light blue dot identifies overall annual tonnes of CO₂e.

The key results show:

- The effect on total emissions is primarily influenced by the tonnes of residual waste modelled in each option.
- Introducing a food waste collection (options 1 and 3) offers significant carbon savings due to the reduction in residual waste, despite small increases in emissions from treating the food waste at the IVC and the emissions of the additional vehicles required for collection.
- Moving to three weekly residual collections (options 2 and 4) offers further significant carbon savings again due to the reduction in residual waste. These options also have lower collection vehicle emissions than the same option with fortnightly collections due to fewer vehicles required.
- Collection vehicle emissions are slightly lower when food waste is collected with garden waste one week and a separate vehicle on the next week, despite the separate food waste vehicles being electric and having lower emissions than the mixed organics vehicles. This is because only two extra mixed organics vehicles would be required (Option 1 or 2) compared to 10 or 11 (Option 3 or 4) food waste vehicles. This results in Option 2 having the lowest emissions.

³ <https://www.fleetnews.co.uk/features/four-key-takeaways-from-the-battery-electric-truck-trial>

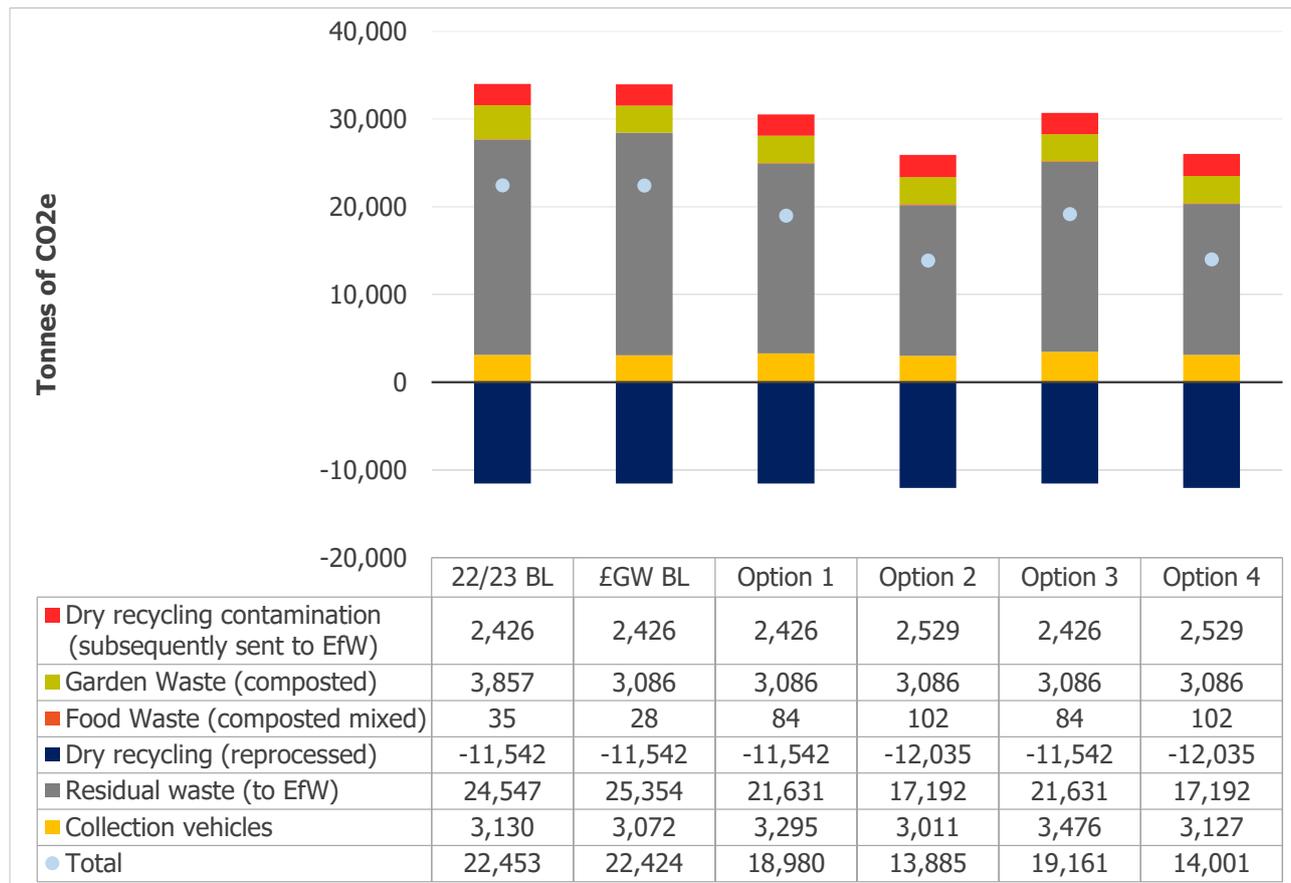


Figure 7: Carbon assessment results

5 Conclusions

We have modelled a range of options introducing a weekly free food waste service in CEC to ensure the service is compliant with 'Simpler Recycling' regulations. As CEC will be provided with various funding for this (capital, transition, and ongoing revenue), we have broken the costs down for this new service into these categories to assess whether this funding will meet the costs incurred of introducing weekly free food waste collections. The options consider collecting food waste on the garden waste round one week, with food waste on a separate dedicated vehicle the next week (Option 1); and collecting food waste completely on dedicated separate vehicles (Option 3). We have also modelled these options with three weekly residual collections (Options 2 and 4) to show the savings possible.

All options showed significant reductions in overall treatment and disposal costs, due to the reduction in residual waste tonnage by the diversion of food waste; and increases in staff and vehicle costs.

The modelling showed that collecting food waste on a dedicated vehicle (Option 3) was more expensive than utilising the existing garden waste vehicles for one week per fortnight and a dedicated vehicle on the other week (Option 1). The modelled cost of Option 1 was around £1M below Option 3. It should be noted that all options were modelled using the current IVC gate fee for food and garden waste, as CEC is in a long-term contract. If it were possible to arrange for the treatment of food and garden waste separately in the future, it would be possible to lower the gate fees for garden waste, then Option 3 could have a lower cost than Option 1.

The options modelling three weekly residual collections showed savings of over £1M compared to their corresponding options with fortnightly residual collections. There is an overall reduction in staff and vehicles required, but the main reduction in costs is due to large savings in residual disposal. These options model a waste prevention effect, as has been seen in nearly every authority moving to three weekly residual collections. However, there is uncertainty on the size of the waste prevention effect and whether waste streams at HWRCS or fly tipping could increase, so these disposal savings should be treated with caution.

Again, collecting food waste with garden waste one week so that dedicated separate vehicles are only required to collect food waste every other week (Option 2) is cheaper than using separate dedicated vehicles weekly (Option 4).

The capital funding required to introduce a food waste collection is higher than the capital funding being provided by Defra. This is in part due to CEC's commitment to purchase electric vehicles, as these are more expensive than diesel vehicles. Electric vehicles have lower fuel costs, so using these vehicles will reduce ongoing revenue costs relative to diesel vehicles.

It is not yet known what funding will be provided to cover transitional costs or ongoing revenue costs. These costs are estimated in the model to be around £500k to introduce the food waste service to the current service (maintaining fortnightly residual) and will increase if residual waste is changed to three weekly, it is therefore anticipated in the region of £750k.

Appendix A

Description of output	22/23 Baseline		
	Standard Access + Flats		
	Refuse	Dry recycling	Mixed Organics
Type of collection	Residual	Co-mingled	Single stream
Collection frequency	Fortnightly	Fortnightly	Fortnightly
Number of hh served	194,683	192,109	189,927
Collection vehicle	RCV	RCV	RCV
Crew size	D+2	D+2	D+2
Number of collection vehicles	15.0	15.0	16.0
Tonnes collected including contamination	64,210	38,773	50790
Number of full loads collected per day	1.6	2.0	1.8
Number of hh passed by per vehicle per day	1,298	1,280	1187
Pass rate per hour of productive time	194	199	215
Number of hh collected from per vehicle per day	1,233	1,152	831

Description of output	£GW Baseline		
	Standard Access + Flats		
	Refuse	Dry recycling	£ GW + Food
Type of collection	Residual	Co-mingled	Single stream
Collection frequency	Fortnightly	Fortnightly	Fortnightly
Number of hh served	194,683	192,109	189,927
Subscribed hh	-	-	90,000
Collection vehicle	RCV	RCV	RCV
Crew size	D+2	D+2	D+2
Number of collection vehicles	15.0	15.0	14.0
Tonnes collected including contamination	66,320	38,773	40632
Number of full loads collected per day	1.7	2.0	1.6
Number of hh passed by per vehicle per day	1,295	1,280	1353
Pass rate per hour of productive time	194	199	254
Number of hh collected from per vehicle per day	1,230	1,152	609

Description of output	Option 1			
	Standard Access + Flats			
	Refuse	Dry recycling	Food Waste	Mixed Organics
Type of collection	Residual	Co-mingled	Single stream	Single stream
Collection frequency	Fortnightly	Fortnightly	Fortnightly	Fortnightly
Number of hh served	194,683	192,109	192,109	189,927
Collection vehicle	RCV	RCV	Dedicated food 7.5T GVW	RCV
Crew size	D+2	D+2	D+2	D+2
Number of collection vehicles	15.0	15.0	9.4	15.2
Tonnes collected including contamination	56,581	38,773	7,300	43071
Number of full loads collected per day	1.4	2.0	1.0	1.6
Number of hh passed by per vehicle per day	1,298	1,280	2,053	1,264
Pass rate per hour of productive time	194	199	365	230
Number of hh collected from per vehicle per day	1,233	1,152	1,026	759

Description of output	Option 2			
	Standard Access + Flats			
	Refuse	Dry recycling	Food Waste	Mixed Organics
Type of collection	Residual	Co-mingled	Single stream	Single stream
Collection frequency	Fortnightly	Fortnightly	Weekly	Fortnightly
Number of hh served	194,683	192,109	192,109	192,109
Collection vehicle	RCV	RCV	Dedicated food 7.5T GVW	RCV
Crew size	D+2	D+2	D+2	D+2
Number of collection vehicles	10.0	15.4	11.3	15.7
Tonnes collected including contamination	44,970	40,430	8,841	44612
Number of full loads collected per day	1.7	2.0	1.0	1.6
Number of hh passed by per vehicle per day	1,298	1,249	1,695	1,224
Pass rate per hour of productive time	194	195	302	222
Number of hh collected from per vehicle per day	1,233	1,124	932	796

Description of output	Option 3			
	Standard Access + Flats			
	Refuse	Dry recycling	Food Waste	Mixed Organics
Type of collection	Residual	Co-mingled	Single stream	Single stream
Collection frequency	Fortnightly	Fortnightly	Fortnightly	Fortnightly
Number of hh served	194,683	192,109	192,109	189,927
Collection vehicle	RCV	RCV	Dedicated food 7.5T GVW	RCV
Crew size	D+2	D+2	D+2	D+2
Number of collection vehicles	15.0	15.0	18.7	14.0
Tonnes collected including contamination	56,581	38,773	14,600	35770
Number of full loads collected per day	1.4	2.0	1.0	1.4
Number of hh passed by per vehicle per day	1,298	1,280	2,053	1,353
Pass rate per hour of productive time	194	199	365	254
Number of hh collected from per vehicle per day	1,233	1,152	1,026	609

Description of output	Option 4			
	Standard Access + Flats			
	Refuse	Dry recycling	Food Waste	Mixed Organics
Type of collection	Residual	Co-mingled	Single stream	Single stream
Collection frequency	Fortnightly	Fortnightly	Weekly	Fortnightly
Number of hh served	194,683	192,109	192,109	189,927
Collection vehicle	RCV	RCV	Dedicated food 7.5T GVW	RCV
Crew size	D+2	D+2	D+2	D+2
Number of collection vehicles	10.0	15.4	22.7	14.0
Tonnes collected including contamination	44,970	40,430	17,682	35770
Number of full loads collected per day	1.7	2.0	1.0	1.4
Number of hh passed by per vehicle per day	1,298	1,249	1,695	1,353
Pass rate per hour of productive time	194	249	228	254
Number of hh collected from per vehicle per day	1,233	1,124	932	609

Equality Impact Assessment (EIA)

Engagement and our equality duty

Whilst [the Gunning Principles](#) set out the rules for consulting ‘everyone’, additional requirements are in place to avoid discrimination and inequality.

Cheshire East Council is required to comply with the Equality Act 2010 and the Public Sector Equality Duty. The Equality Act 2010 simplified previous anti-discrimination laws with a single piece of legislation. Within the Act, the Public Sector Equality Duty (Section 149) has three aims. It requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act, by consciously thinking about equality when making decisions (such as in developing policy, delivering services and commissioning from others)
- advance equality of opportunity between people who share a protected characteristic and people who do not share it, by removing disadvantages, meeting their specific needs, and encouraging their participation in public life
- foster good relations between people who share a protected characteristic and people who do not

The Equality Duty helps public bodies to deliver their overall objectives for public services, and as such should be approached as a positive opportunity to support good decision-making.

It encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people’s needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people’s opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

Complying with the Equality Duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve providing a service in a way which is appropriate for people who share a protected characteristic, such as providing computer training to all people to help them access information and services.

The Equality Act identifies nine 'protected characteristics' and makes it a legal requirement to make sure that people with these characteristics are protected from discrimination:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnerships
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Applying the equality duty to engagement

If you are developing a new policy, strategy or programme you may need to carry out an Equality Impact Assessment. You may be able to ascertain the impact of your proposal on different characteristics through desk-based research and learning from similar programmes, but you also need to carry out some primary research and engagement. People with protected characteristics are often described as 'hard to reach' but you will find everyone can be reached – you just need to tailor your approach, so it is accessible for them.

Contacting the [Equality and Diversity mailbox](#) will help you to understand how you can gain insight as to the impacts of your proposals and will ensure that you help the Council to comply with the Equality Act 2010 and the Public Sector Equality Duty.

Section 1 – Details of the service, service change, decommissioning of the service, strategy, function or procedure

Proposal Title	Waste Collection – Weekly Food Waste
Date of Assessment	16/05/2024
Assessment Lead Officer Name	Ralph Kemp
Directorate/Service	Environment and Neighbourhoods / Environmental Services
Details of the service, service change, decommissioning of the service, strategy, function or procedure.	<p>This assessment covers the committee decision to delegate authority to develop a new weekly food waste recycling scheme as part of Central Governments Simpler Recycling Scheme. The decision also request authority to undertake a consultation on residual waste collections to inform a future decision of the committee.</p> <p>The aim will be to provide a weekly food waste recycling collection to every household in Cheshire East by 1st April 2026. By providing this facility the authority seeks in accordance with the objectives of our municipal waste strategy to increase our recycling rate and reduce waste per household while providing the added benefit of reducing this organic element for our residual waste stream.</p> <p>This is a statutory requirement on the council from 1st April 2026. The requirement to collect food waste for recycling from all household is therefore mandatory on the Council. The Council has developed detailed feasibility study on a number of options on how to collect which will be further developed as the project commences following this decision.</p> <p>We have also considered Carbon impact of these proposals and will seek to reduce Carbon emissions as part of this project.</p> <p>The EIA will be updated as a live document as the project progresses to detailed design, implementation, and operational phases.</p>
Who is Affected?	All Cheshire East Household including flats will receive this recycling service

<p>Links and impact on other services, strategies, functions or procedures.</p>	<p>The proposals will contribute to Cheshire East Cooperate plan Objectives 2021-25:</p> <p>An open and enabling organisation: Support a sustainable financial future for the council, through service development, improvement and transformation.</p> <p>A thriving and sustainable place: Reduce impact on the environment and also; be a carbon neutral council by 2027.</p> <p>The project will also deliver the objectives of the Councils Municipal Waste Strategy 2030 of waste prevention and reduction and increase recycling. It will also connect with the Councils Carbon Action plan 2027 in minimising and reducing carbon.</p>

<p>How does the service, service change, strategy, function or procedure help the Council meet the requirements of the Public Sector Equality Duty?</p>	<p>As per our existing waste collections and the current garden waste service there are policies in place to assist the protected characteristics relevant to the service. These included assisted collections and increased waste capacity. The authority will take regard to protected characteristics in designing and choice of food waste container and the EIA will be further updated at project detailed design stage to reflect this.</p>
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Section 2- Information – What do you know?

<p>What do you know?</p>	<p>What information (qualitative and quantitative) and/or research have you used to commission/change/decommission the service, strategy, function, or procedure?</p>
<p>Information you used</p>	<p>The Council has undertaken an initial feasibility study which forms part of the committee report bench marking our proposals with matched similar authorities across the country.</p>
<p>Gaps in your Information</p>	<p>Once delegated authority for committee has been received the project will enter into detailed design stage which will consider protected characteristics in designing and choice of food waste container and the EIA will be further updated at project detailed design stage to reflect this.</p>

3. What did people tell you?

<p>What did people tell you</p>	<p>What consultation and engagement activities have you already undertaken and what did people tell you? Is there any feedback from other local and/or external regional/national consultations that could be included in your assessment?</p>
<p>Details and dates of the</p>	<p>As part of implementation of the weekly food waste collections a full engagement plan will be developed and implemented.</p>

<p>consultation/s and/or engagement activities</p>	<p>Proposal for Consultation – 3 weekly residual waste collections</p> <p>It is envisaged that the consultation will run from late June 2024 over a period 6 weeks, but subject to resources final dates are to be publicised in due course. The consultation will have its own communications plan attached to ensure residents are actively engaged. Part of the engagement specific to the consultation will be;</p> <ul style="list-style-type: none"> • All Member briefings • Engagement with Town and Parish Councils via Cheshire Association of Local Councils. <p>Following consultation this EIA will be updated and final proposals will be developed and brought back to committee for a decision as to whether to implement, which is targeted at September 2024.</p>
<p>Gaps in consultation and engagement feedback</p>	<p>Will be completed following Engagement and Consultation on 3 weekly collections</p>

4. Review of information, consultation feedback and equality analysis

<p>Protected characteristics groups from the Equality Act 2010</p>	<p>What do you know? Summary of information used to inform the proposal</p>	<p>What did people tell you? Summary of customer and/or staff feedback</p>	<p>What does this mean? Impacts identified from the information and feedback (actual and potential). These can be either positive, negative or have no impact.</p>
<p>Age</p>	<p>We already provide assisted collections for residents who are elderly, disabled or have other lifestyle needs that mean they struggle with bins.</p>	<p>TBC following engagement and consultation</p>	<p>No change to usual impacts for waste collection which are already mitigated for.</p>

Disability	We already provide assisted collections for residents who are elderly, disabled or have other lifestyle needs that mean they struggle with bins	TBC following engagement and consultation	No change to usual impacts for waste collection which are already mitigated for.
Gender reassignment	No impact	TBC following engagement and consultation	No impact
Pregnancy and maternity	We already provide assisted collections for residents who are elderly, disabled or have other lifestyle needs that mean they struggle with bins	TBC following engagement and consultation	No change to usual impacts for waste collection which are already mitigated for.
Race/ethnicity	It will be important, in the communication of this proposal to: <ul style="list-style-type: none"> • ensure that all publicity and promotional information concerning the new service is accessible to all residents and ethnic groups • monitor and ensure there is no ethnicity literacy bias connected with understanding the Council's promotional literature. 	TBC following engagement and consultation	No impact
Religion or belief	No impact	TBC following engagement and consultation	No impact
Sex	No impact	TBC following engagement and consultation	No impact

Sexual orientation	No impact	TBC following engagement and consultation	No impact
Marriage and civil partnership	No impact	TBC following engagement and consultation	No impact

5. Justification, Mitigation and Actions

Mitigation	What can you do? Actions to mitigate any negative impacts or further enhance positive impacts
<p>Please provide justification for the proposal if negative impacts have been identified? Are there any actions that could be undertaken to mitigate, reduce or remove negative impacts?</p> <p>Have all available options been explored? Please include details of alternative options and why they couldn't be considered?</p> <p>Please include details of how positive impacts could be further enhanced, if possible?</p>	<p>We already have mitigations in place as part of the normal waste collection service we provide.</p>

6. Monitoring and Review-

Monitoring and review	How will the impact of the service, service change, decommissioning of the service, strategy, function or procedure be monitored? How will actions to mitigate negative impacts be monitored? Date for review of the EIA
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Details of monitoring activities	Performance of the scheme will be monitored in terms of service delivery, queries and complaints.
Date and responsible officer for the review of the EIA	

7. Sign Off

When you have completed your EIA, it should be sent to the [Equality, Diversity and Inclusion Mailbox](#) for review. If your EIA is approved, it must then be signed off by a senior manager within your Department (Head of Service or above).

Once the EIA has been signed off, please forward a copy to the Equality, Diversity and Inclusion Officer to be published on the website. For Transparency, we are committed to publishing all Equality Impact Assessments relating to public engagement.

Name	Ralph Kemp, Head of Environmental Services
Signature	
Date	21/05/2024

8. Help and Support

For support and advice please contact EqualityandInclusion@cheshireeast.gov.uk

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OPEN

**Environment and Communities
Committee**

18 July 2024

Final Outturn 2023/24

Report of: Adele Taylor, Interim Director of Finance and Customer Services (s151 Officer)

Report Reference No: [To be provided by Democratic Services]

Ward(s) Affected: All Wards

Purpose of Report

- 1 This report provides Members with the final outturn, for Environment and Community Committee services, for the financial year 2023/24. Members are being asked to consider the serious financial challenges being experienced by the Council (and other councils) and to recognise the important activities aimed at minimising the impact on services.
- 2 Members of the Committee are being asked to consider the financial performance of the services relevant to their terms of reference.

Executive Summary

- 3 The Council operates a financial cycle of planning, monitoring and reporting. This report is part of the monitoring cycle and provides the final outturn position for the 2023/24 financial year. This report supports the Council priority of being an open and enabling organisation, ensuring that there is transparency in all aspects of Council decision making.
- 4 The full report was received by [Finance Sub-Committee on 25th June 2024](#). Service Committees will receive the sections relevant to their committee (see Appendices).
- 5 The Outturn is reported as part of the Statutory Accounts and is therefore subject to audit. The audited Accounts will be presented to the Audit and Governance Committee on 30 September 2024.

RECOMMENDATIONS

The Environment and Communities Committee:

1. Consider the factors leading to an adverse Net Revenue financial outturn of £2.3m against a revised budget of £48.2m (4.8%), for Environment and Communities Committee services.
2. Scrutinise the contents of Annex 1 and note that any financial mitigation decisions requiring approval will be made in line with relevant delegations.

Reasons for Recommendations

- 6 Committees are responsible for discharging the Council's functions within the Budget and Policy Framework provided by Council. The Budget will be aligned with Committee and Head of Service responsibilities as far as possible.
- 7 Budget holders are expected to manage within the budgets provided by full Council. Committee and Sub-Committees are responsible for monitoring financial control and making decisions as required by these rules.

Access to Information	
Contact Officer:	<p>Adele Taylor, Interim Director of Finance and Customer Services (s151 Officer) adele.taylor@cheshireeast.gov.uk</p> <p>Paul Goodwin, Head of Finance & Deputy Chief Finance Officer paul.goodwin@cheshireeast.gov.uk</p>
Appendices:	Annex 1 - Final Outturn 2023/24 Environment and Communities
Background Papers:	<p>Medium Term Financial Strategy 2023-27</p> <p>First Financial Review 2023/24</p> <p>Second Financial Review 2023/24</p> <p>Third Financial Review 2023/24</p>



Final Outturn 2023/24

June 2024

This report receives scrutiny and approval from Members of Cheshire East Council. As a public report, the Council welcomes feedback to the information contained here.

Anyone wanting to comment is invited to contact the Council at:

RandC@cheshireeast.gov.uk

Introduction

Cheshire East Council is the third largest Council in the Northwest of England, supporting over 406,000 local people with annual capital and revenue spending of almost £800m.

Local government is going through a period of severe financial challenges as a result of increasing demand for services and rising costs due to inflation and interest rates. There is also a limit on Council Tax increases (which represent the most significant funding element for the Council) and uncertainty over future levels of income from business rates and government grants.

Demand for Council services is increasing, with more individuals and families needing support and services than ever before. This reflects an increase in population but also reflects changes in demographics and the national cost of living increases. This demand is resulting in an outturn of £8.5m against a net revenue budget of £356.2m. The most significant impacts are within the rising costs of Adults' Social Care and Children's Social Care. In terms of comparisons to budgets these represent an overspend of £20m.

When the 2024/25 budget was set, in February 2024, it was highlighted that the use of reserves was not sustainable in the medium term. Net spending therefore needs to be contained within the estimates of expenditure that form the budget. The service budget reports for 2024/25 reported to each service committee in June 2024 for Adults and Children both highlight pressures due to demand. These will almost certainly affect the medium term finances of the Council. This situation must be addressed now and as part of the MTFs process for 2025 to 2029. The Council's transformation programme will help in identifying scope for savings but each service Director and the relevant committee will need to generate proposals to significantly reduce budgets overall.

To support openness and transparency, and provide evidence of strong governance, the report has a main section, to provide background and context, and then nine supporting appendices with detailed information about allocation and management of public money during 2023/24.

The **Financial Stability** section provides information on the overall financial stability and resilience of the Council. It demonstrates how spending in 2023/24 is being funded, including the positions on overall service budgets, centrally held budgets, Council Tax and Business Rates. Further details are contained in the appendices.

- **Appendix 1** Adults and Health Committee.
- **Appendix 2** Children and Families Committee.
- **Appendix 3** Corporate Policy Committee.
- **Appendix 4** Economy and Growth Committee.
- **Appendix 5** Environment and Communities Committee.
- **Appendix 6** Highways and Transport Committee.
- **Appendix 7** Finance Sub-Committee.
- **Appendix 7a** Update to the Treasury Management Strategy.
- **Appendix 7b** Update to the Investment Strategy.

Adele Taylor

Interim Director of Finance and Customer Services
(Section 151 Officer)

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2023/24 Final Outturn - Financial Position

2023/24	Revised Budget (NET) £m	Outturn £m	Variance £m	For further information please see the following sections
SERVICE DIRECTORATES				
Adults, Health and Integration	138.0	149.8	11.8	Appendix 1
Children's Services	81.9	90.1	8.2	Appendix 2
Place - Directorate/Growth & Enterprise	24.9	20.4	(4.5)	Appendix 4
Place - Environment & Neighbourhood Services	48.2	50.5	2.3	Appendix 5
Place - Highways & Infrastructure	21.1	19.6	(1.5)	Appendix 6
Corporate Services	41.9	37.3	(4.5)	Appendix 3
Total Services Net Expenditure	355.9	367.8	11.9	
CENTRAL BUDGETS				
Capital Financing	26.9	26.9	0.0	Appendix 7 Section 5
Transfer to/(from) Earmarked Reserves	(25.7)	(25.7)	0.0	Appendix 7 Section 6
Transfer from MTFS Earmarked Reserve	-	-	-	Appendix 7 Section 6
Corporate Contributions / Central Budgets	(1.0)	(3.7)	(2.8)	Appendix 7
TOTAL NET EXPENDITURE	356.2	365.3	9.1	
Business Rates Retention Scheme	(57.9)	(58.3)	(0.4)	Appendix 7 Section 2
Specific Grants	(27.3)	(27.5)	(0.2)	Appendix 7 Section 3
Council Tax	(271.0)	(271.0)	-	Appendix 7 Section 2
Net Funding	(356.2)	(356.7)	(0.6)	
NET (SURPLUS) / DEFICIT	(0.0)	8.5	8.5	

Financial Stability

Introduction

1. The Council has a track record of sound financial management. Nevertheless, in common with all UK local authorities the Council finds itself in a position where pressures on the revenue budget are intensifying as a result of inflation, the legacy impact of the Coronavirus pandemic on people and on the economy and increasing cost of living pressure on households. These issues have the effect of increasing the demand for services and increasing costs of services.
2. Complexity and market sustainability in Adults' and Children's Social Care remains the most significant financial pressure for the Council in the medium term. The affects of inflation on contracts, utilities and wage levels are affecting costs across all services.
3. **Table 1** provides a service summary of financial performance. The final outturn position shows that services were £11.9m over budget 2023/24.
4. It also shows that central budgets were £3.4m below budget resulting in an overall outturn of £8.5 overspend against a net revenue budget of £356.2m.
5. Further items impacting on the level of the Council's balances are detailed in **Appendix 7**.

Table 1 - Service Revenue Outturn

2023/24	Revised Budget	Outturn	Variance	Forecast Variance FR3	Movement from FR3 to Outturn
	(NET)				
	£m	£m	£m	£000	£000
SERVICE DIRECTORATES					
Adult Social Care - Operations	143.9	158.5	14.6	4.9	9.7
Commissioning	(6.5)	(9.3)	(2.8)	0.1	(2.9)
Public Health	0.6	0.6	-	-	-
Adults and Health Committee	138.0	149.8	11.8	5.0	6.8
Directorate	1.3	0.9	(0.4)	(0.2)	(0.2)
Children's Social Care	49.6	58.2	8.6	9.2	(0.6)
Strong Start, Family Help and Integration	7.2	6.2	(1.0)	(1.0)	0.0
Education & 14-19 Skills	23.9	24.9	1.0	2.0	(1.0)
Children and Families Committee	81.9	90.1	8.2	10.0	(1.8)
Directorate	0.6	0.4	(0.2)	(0.2)	(0.2)
Growth & Enterprise	24.2	20.0	(4.3)	(2.6)	(1.7)
Economy and Growth Committee	24.9	20.4	(4.5)	(2.8)	(1.7)
Environment & Neighbourhood Services	48.2	50.5	2.3	3.1	(0.8)
Environment and Communities Committee	48.2	50.5	2.3	3.1	(0.8)
Highways & Infrastructure	21.1	19.6	(1.5)	(0.2)	(1.3)
Highways and Transport Committee	21.1	19.6	(1.5)	(0.2)	(1.2)
Directorate	0.8	0.3	(0.54)	(0.3)	(0.3)
Finance & Customer Services	13.6	13.0	(0.66)	(0.2)	(0.5)
Governance & Compliance Services	10.4	9.5	(0.92)	(0.4)	(0.5)
Communications	0.7	0.7	(0.02)	0.0	(0.0)
HR	2.6	2.1	(0.46)	(0.4)	(0.1)
ICT	11.6	9.7	(1.90)	0.3	(2.2)
Policy & Change	2.1	2.0	(0.06)	(0.1)	0.0
Corporate Policy Committee	41.9	37.3	(4.5)	(1.0)	(3.6)
TOTAL SERVICES NET EXPENDITURE	355.9	367.8	11.9	14.1	(2.2)
CENTRAL BUDGETS					
Capital Financing	26.9	26.9	0.0	-	0.0
Transfer to/(from) Earmarked Reserves	(25.7)	(25.7)	0.0	-	0.0
Corporate Contributions / Central Budgets	(1.0)	(3.7)	(2.8)	(1.1)	(1.7)
Finance Sub-Committee - Central Budgets	0.2	(2.5)	(2.8)	(1.1)	(1.7)
TOTAL NET EXPENDITURE	356.2	365.3	9.1	13.0	(3.9)
Business Rates Retention Scheme	(57.9)	(58.3)	(0.4)	-	(0.4)
Specific Grants	(27.3)	(27.5)	(0.2)	-	(0.2)
Council Tax	(271.0)	(271.0)	-	-	-
Finance Sub-Committee - Net Funding	(356.2)	(356.7)	(0.6)	-	(0.6)
NET (SURPLUS) / DEFICIT	(0.0)	8.5	8.5	13.0	(4.5)

Appendices to Final Outturn 2023/24

June 2024

Appendix 5: Environment and Communities Committee

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1. 2023/24 Final Outturn and Commentary

2. Corporate Grants Register

Table 1: Environment and Communities Committee Grants

Table 2: Delegated Decision Additional Grant Funding (Specific Purpose) £500,000 or less

3. Debt Management

4. Capital Strategy

Table 1: Capital Programme

Table 2: Delegated Decision – Supplementary Capital Estimates (SCEs) and Capital Budget Virements

Table 3: For information - Capital Budget Reductions to be noted by Finance Sub Committee

5. Reserves Strategy

Appendix 5

Environment and Communities Committee

1.2023/24 Final Outturn and Commentary

2023/24	Revised Budget (NET)	Outturn	Variance	Forecast Variance FR3	Movement from FR3 to Outturn
	£000	£000	£000	£000	£000
Environment & Neighbourhood Services	48,198	50,506	2,308	3,095	(787)

Outturn Commentary

Place Outturn 2023/24

Overall, the Place Directorate is reporting an underspend of £3.6m at outturn against a £94.1m budget. Pressures from planning income, waste, car park income and energy have been managed through vacancy management and reducing expenditure. This is an improvement of £3.7m since the third financial review mainly as a result of use of reserves and additional income.

Environment & Communities Committee

Environment and Neighbourhood Services has an overspend of £2.3m against a net budget of £48.2m. This is an improvement of £0.8m from the third finance review.

The key reasons for the overspend are:

Planning Services : £0.4m overspend

- Underlying issues relating to income:

- Planning applications under budget +£1m.

- Building Control historic unachievable income target £0.4m

- Local Land Charges due to fall in demand £41k

- Temporary mitigations include: vacancy management -£0.9m, underspending on supplies and services and travel -£45k; and application of grant -£107k.

This is an improvement of £0.6m from the third finance review with key differences relating to:

- Planning applications – additional pressure of £95k.

- Vacancy management -£467k.
- Underspending on supplies and services -£136k (mainly planning appeals reduced spend and Local Plan costs pushed back a year due to delays).

Environmental - Commissioning ANSA: £2.4m overspend

- Underlying issues relating to: pay award increased provision £506k; materials recycling processing net costs £1,036k; waste disposal contract inflation and kerbside tonnages £667k; in year shortfall against the Place Pay savings target £199k; green waste costs £104k (offset against income).
- Temporary mitigations: fuel reduction £130k.

This is an improvement of £0.1m from the third finance review with key differences relating to:

- Waste disposal contract inflation and kerbside tonnages £0.3m improvement offset by shortfalls in meeting savings targets.

Environmental - Management Services: £0.3m underspend

- Underlying issues relate: to pressure in Markets from reduced income and business rates as a result of empty stalls £67K; and Green Waste and HWRC project costs £186k.
- Temporary mitigations include: capitalisation of staff costs -£198k; underspend on HWRC business rates -£17k; Environment Hub - £57k; staff costs -£27k; and other expenses -£139k.
- There is additional saving -£56k on closed cemeteries as only one has been transferred to ANSA this year. Carbon Neutral -£70k underspent (includes £39k offered from reserves as a one-off cost saving to revenue for this year).

This is a worsening of £0.1m from the third finance review.

Note: There will be a review focussing on the specific areas where there were major variances to see whether they are a one-off variance, or if there is an underlying budget variance that needs to be addressed in 2024/25. Findings will be reported at the next Environment and Communities Committee meeting.

Environment and Communities Committee

2. Corporate Grants Register

- 3.1 Cheshire East Council receives two main types of Government grants; specific use grants and general purpose grants. Specific use grants are held within the relevant service with a corresponding expenditure budget. Whereas general purpose grants are held in central budgets with a corresponding expenditure budget within the allocated service area.
- 3.2 Spending in relation to specific use grants must be in line with the purpose for which it is provided.
- 3.3 **Table 1** provides a detailed listing of all Environment & Communities related grants, their movements between the reporting period and the treatment of the grant.
- 3.4 **Table 2** shows additional specific purpose grant allocations that have been received which are £500,000 or less and are for noting only.

Table 1 – CORPORATE GRANTS REGISTER

Grants 2023/24	Original Budget	Revised Forecast FR3	Final Outturn	Change from Revised Forecast FR3	Treatment of Grant
	2023/24 £000	2023/24 £000	2023/24 £000	2023/24 £000	Notes 2 - 5
ENVIRONMENT & COMMUNITIES					
Specific Purpose (Held within Services)					
Bikeability Grant	240	240	156	-84	
Swimming Pool Support Fund	0	500	500	0	
Enforcement Grant (Planning) - brought-forward	0	30	30	0	
Enforcement Grant (Planning) - carried-forward	0	0	-30	-30	
High Speed 2 (HS2) Ltd - brought-forward	0	850	850	0	
High Speed 2 (HS2) Ltd - carried-forward	0	0	-850	-850	
Planning Skills Delivery Fund	0	0	100	100 SRE	
Planning Skills Delivery Fund - carried-forward	0	0	-100	-100	
Air Quality Grant (Awareness) - brought-forward	0	25	25	0	
Air Quality Grant (Cycling) - brought-forward	0	10	10	-0	
Air Quality Grant (Cycling) - carried-forward	0	0	-6	-6	
Smoke control areas new burdens funding	0	0	12	12 SRE	
Smoke control areas new burdens funding - carried-forward	0	0	-12	-12	
Offensive weapons - brought-forward	0	4	4	0	
Cosmetic fillers - brought-forward	0	7	7	0	
Cosmetic fillers - carried-forward	0	0	-7	-7	
Food Information Grant - Natasha's Law - brought-forward	0	11	11	0	
Offensive Weapons funding	0	0	10	10 SRE	
Food Standards Agency 22-23	0	1	1	0	
Section 31 grant - Biodiversity net gain - brought-forward	0	20	20	0	
Section 31 grant - Biodiversity net gain	0	0	43	43 SRE	
Taxi and PHV Database Payment Notification	0	0	1	1 SRE	
Natural England - Stewardship scheme	0	2	2	0	
Natural England - Stewardship scheme	0	7	6	-1	
Apprentice Incentive Scheme	0	2	2	0	
Total Environment & Communities - Specific Purpose	240	1,709	784	-925	
General Use (Held Corporately)					
TOTAL ENVIRONMENT & COMMUNITIES	240	1,709	784	-925	

Notes

- 1 The Dedicated Schools Grant, Pupil Premium Grant, Sixth Form Grant and Other School Specific Grant from the Education Funding Agency (EFA) figures are based on actual anticipated allocations. Changes are for in-year increases/decreases to allocations by the DiE and conversions to academy status.
- 2 SRE - Supplementary Revenue Estimate requested by relevant service.
- 3 ODR - Officer Decision Record to approve immediate budget change to relevant service.
- 4 Reserves - transfer to reserves at year end.
- 5 Balances - amount will be included as a variance to budget.

Table 2 – DECISION DELEGATED TO OFFICERS

Supplementary Revenue Estimate Requests for Allocation of Additional Grant Funding (Specific Purpose) £500,000 or less

Committee	Year	Type of Grant	£000	Details
Environment and Communities	2023/24	Planning Skills Delivery Fund (Specific Purpose)	100	This is a new grant from the Department for Levelling Up, Housing and Communities (DLUHC). Funding from DLUHC to provide support to Local Planning Authorities which will assist in clearing the backlogs of planning applications in preparation for future planning reforms.
Environment and Communities	2023/24	Smoke control areas new burdens funding (Specific Purpose)	12	This is a new grant from the Department for Environment, Food and Rural Affairs (DEFRA). Funding has been provided for focused work on domestic fuel burning through the smoke control area regime. This is linked to national air quality priorities around the reduction of particulate matter.
Environment and Communities	2023/24	Offensive Weapons (Specific Purpose)	10	This is a new grant from the Home Office. Funding is provided to support education and awareness raising, investigation and enforcement activities around the legal and illegal sale of offensive weapons.
Environment and Communities	2023/24	Section 31 grant - Biodiversity net gain (Specific Purpose)	43	Increase on Financial Review 3 forecast. This grant is from the Department for Environment, Food and Rural Affairs (DEFRA). This funding will allow the Planning service to adopt the mandatory

Committee	Year	Type of Grant	£000	Details
				Biodiversity Net Gain approach to Development coming into force in 2023, to ensure that natural habitats are extended or improved as part of a project or development.
Environment and Communities	2023/24	Taxi and PHV Database Payment Notification (Specific Purpose)	1	This grant is a new grant from the Department for Environment, Food and Rural Affairs (DEFRA). It provides a small amount of funding for local licensing authorities for the submission of data on licensed vehicles. This is to support the Secretary of State in creating a national database for the purposes of enforcing air quality measures notably those within Clean Air Zones.
Total Specific Purpose Allocations less than £500,000			166	

3. Debt Management

	Outstanding Debt £000	Over 6 months old £000
Environment and Communities Committee		
Environment and Neighbourhood Services	384	189

Total outstanding debt has increased from £325k at Third Financial Review to £384k at 31st March 2024. Debt over 6 months old has reduced from £214k to £189k.

4. Capital Strategy

Table 1 Capital Programme

Environment & Communities													CAPITAL
CAPITAL PROGRAMME 2023/24 - 2026/27													
Scheme Description	Forecast Expenditure							Forecast Funding					Total Funding £000
	Total Approved Budget £000	Prior Years £000	Outturn 2023/24 £000	Forecast Budget 2024/25 £000	Forecast Budget 2025/26 £000	Forecast Budget 2026/27 £000	Total Forecast Budget 2023-27 £000	Grants £000	External Contributions £000	Revenue Contributions £000	Capital Receipts £000	Prudential Borrowing £000	
Committed Schemes in progress													
Environment Services													
Arnold Rhodes Public Open Space Improvements Phase 2	90	89	1	0	0	0	1	0	1	0	0	0	
Bereavement Service Data System	35	6	1	28	0	0	29	0	0	29	0	0	
Carbon Offset Investment	568	78	59	131	300	0	490	0	0	0	0	490	
Chefford Village Hall Open Space and Sport Improvements	164	115	5	45	0	0	50	0	50	0	0	0	
Church Lane Community Park Development	95	93	2	0	0	0	2	0	2	0	0	0	
Congleton Household Waste Recycling Centre Development	20	20	0	0	0	0	0	0	0	0	0	0	
Energy Improvements at Cledford Lane	985	890	18	77	0	0	95	0	0	0	0	95	
Future High Street Funding - Sustainable Energy Network	1,780	289	859	633	0	0	1,491	1,491	0	0	0	0	1,491
Green Investment Scheme (Solar Farm)	3,950	339	1,940	1,665	6	0	3,611	0	0	0	0	3,611	3,611
Hassall Road Play Area Improvements	77	77	0	0	0	0	0	0	0	0	0	0	0
Household Bins Schemes	328	0	328	0	0	0	328	0	0	328	0	0	328
Household Waste Recycling Centres	860	39	9	797	15	0	821	0	0	0	0	821	821
Litter and Recycling Bins	208	111	8	42	25	22	97	0	0	0	0	97	97
Little Lindow Open Space Improvements	69	63	6	0	0	0	6	0	6	0	0	0	6
Nantwich Cemetery Roadway Extension	75	72	0	3	0	0	3	0	0	3	0	0	3
Newtown Sports Facilities Improvements	99	81	0	18	0	0	18	0	18	0	0	0	18
Park Development Fund	871	577	93	78	36	87	295	0	0	0	0	295	295
Pastures Wood De-carbonisation	51	31	4	16	0	0	20	0	0	20	0	0	20
Pitch Improvements - Alderley Edge Park and Chorley Hall Lane	29	13	16	0	0	0	16	0	12	0	0	4	16
Queens Park Lake Planting	18	17	1	0	0	0	1	0	1	0	0	0	1
Queens Park Play Area Improvements	100	100	0	0	0	0	0	0	0	0	0	0	0
Rotherhead Drive Open Space and Play Area	141	113	4	3	7	14	28	0	28	0	0	0	28
Solar Energy Generation	14,180	48	43	1,987	10,800	1,302	14,132	0	0	0	0	14,132	14,132
Victoria Park Pitch Improvements	29	5	23	1	0	0	24	0	24	0	0	0	24
Woodland South of Coppice Way, Handforth	22	0	1	21	0	0	22	0	22	0	0	0	22
Wynbunbury Parish Open Space	4	0	0	4	0	0	4	0	4	0	0	0	4

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CAPITAL PROGRAMME 2023/24 - 2026/27

Scheme Description	Forecast Expenditure							Forecast Funding					Total Funding £000
	Total Approved Budget £000	Prior Years £000	Outturn 2023/24 £000	Forecast Budget 2024/25 £000	Forecast Budget 2025/26 £000	Forecast Budget 2026/27 £000	Total Forecast Budget 2023-27 £000	Grants £000	External Contributions £000	Revenue Contributions £000	Capital Receipts £000	Prudential Borrowing £000	
Committed Schemes in progress													
Neighbourhood Services													
Congleton Leisure Centre	13,000	12,676	287	38	0	0	324	0	20	0	0	304	324
Crewe Towns Fund - Valley Brook Green Corridor	3,339	167	160	2,372	640	0	3,172	3,172	0	0	0	0	3,172
Crewe Towns Fund - Cumberland Arena	2,392	120	9	1,439	825	0	2,272	2,272	0	0	0	0	2,272
Crewe Towns Fund - Pocket Parks	1,272	74	578	227	393	0	1,198	1,198	0	0	0	0	1,198
Macclesfield Leisure Centre Improvements	3,865	3,398	467	0	0	0	467	0	0	0	0	467	467
Middlewich Leisure Centre	60	51	0	9	0	0	9	0	0	0	0	9	9
Libraries - Next Generation - Self Service	374	329	6	38	0	0	44	0	0	0	0	44	44
Poynton Leisure Centre		0	0	0	0	0	0	0	0	0	0	0	0
Planning Services													
Regulatory Systems & Environmental Health ICT System	313	267	12	34	0	0	46	0	0	30	0	17	46
Replacement CCTV Cameras	301	135	167	0	0	0	167	0	0	68	0	99	167
Total Committed Schemes	49,764	20,481	5,105	9,706	13,047	1,425	29,284	8,133	188	477	0	20,485	29,284
New Schemes													
Environment Services													
Barony Skate Park Refurbishment	100	0	100	0	0	0	100	98	0	0	0	2	100
Booth Bed Lane, Goostrey	140	0	0	140	0	0	140	100	40	0	0	0	140
Bosley Village Play Area	20	0	0	20	0	0	20	0	20	0	0	0	20
Browns Lane Play Area (2024/25)	12	0	0	12	0	0	12	0	12	0	0	0	12
Carnival Fields	42	0	0	42	0	0	42	0	42	0	0	0	42
Chelford Village Hall Phase 2	61	0	0	61	0	0	61	0	61	0	0	0	61
Cremator Flue Gas Modifications	30	0	0	30	0	0	30	0	0	0	0	30	30
Crewe Crematorium and Macclesfield Crematorium Major	30	0	14	16	0	0	30	0	0	30	0	0	30
Elworth Park	52	0	0	52	0	0	52	0	52	0	0	0	52
Fleet EV Transition	6,897	0	39	2,557	4,301	0	6,897	0	0	0	0	6,897	6,897
Fleet Vehicle Electric Charging	585	0	155	334	96	0	585	0	0	0	0	585	585
Fountain Fields Inclusive Improvements	29	0	29	0	0	0	29	0	29	0	0	0	29
Grounds Maintenance Management ICT System	121	0	101	20	0	0	121	0	0	0	0	121	121
Jim Evison Playing Fields	161	0	0	161	0	0	161	0	161	0	0	0	161

Environment & Communities

CAPITAL

CAPITAL PROGRAMME 2023/24 - 2026/27													
Scheme Description	Forecast Expenditure							Forecast Funding					Total Funding £000
	Total Approved Budget £000	Prior Years £000	Outturn 2023/24 £000	Forecast Budget 2024/25 £000	Forecast Budget 2025/26 £000	Forecast Budget 2026/27 £000	Total Forecast Budget 2023-27 £000	Grants £000	External Contributions £000	Revenue Contributions £000	Capital Receipts £000	Prudential Borrowing £000	
New Schemes													
Longridge Open Space Improvement Project	66	0	0	66	0	0	66	0	66	0	0	0	66
Macclesfield Chapel Refurbishment	429	0	22	407	0	0	429	0	0	22	0	407	429
Main Road, Langley	259	0	0	259	0	0	259	0	259	0	0	0	259
Park Lane, Poynton	39	0	0	39	0	0	39	0	39	0	0	0	39
Park Play, Meriton Road & Stanley Hall	10	0	0	10	0	0	10	0	10	0	0	0	10
Pear Tree Play Area, Stapeley Improvements	7	0	1	6	0	0	7	0	7	0	0	0	7
Queens Park Bowling Green	17	0	0	17	0	0	17	0	17	0	0	0	17
Shaw Heath Recreation Ground	22	0	3	19	0	0	22	0	22	0	0	0	22
Stanley Hall Improvements	55	0	0	55	0	0	55	20	35	0	0	0	55
The Carrs Improvement Project	61	0	0	61	0	0	61	0	61	0	0	0	61
The Moor, Knutsford	36	0	0	36	0	0	36	0	17	0	0	19	36
Tytherington Public Art	10	0	0	10	0	0	10	0	10	0	0	0	10
Unsafe Cemetery Memorials	35	0	9	26	0	0	35	0	0	0	0	35	35
Victoria Park Amenity Improvements	20	0	9	11	0	0	20	0	20	0	0	0	20
West Park Open Space & Sports Improvements	120	0	23	98	0	0	120	0	120	0	0	0	120
Wilmslow Town Council - Villas	81	0	0	81	0	0	81	34	14	0	0	34	81
Wybunbury St Chad's Closed Cemetery	219	0	0	219	0	0	219	0	0	0	0	219	219
Total New Schemes	1,798	0	506	4,865	4,397	0	9,768	251	1,115	52	0	8,349	9,768
Total Environment and Communities Schemes	51,563	20,481	5,611	14,571	17,444	1,425	39,051	8,384	1,303	529	0	28,835	39,051

Table 2 Delegated Decision - Supplementary Capital Estimates (SCEs) and Capital Budget Virements

Committee / Capital Scheme	Amount Requested £	Reason and Funding Source
Supplementary Capital Estimates that have been made up to £500,000		
Environment Services		
Arnold Rhodes Public Open Space Improvements Phase 2	1,320	To increase the approved budgets to fund in-year expenditure - fully funded by S106 contributions.
Little Lindow Open Space Improvements	181	
West Park Open Space & Sports Improvements	82,406	To increase the approved budget to a total amount of £120.452, the increase is fully funded by a S106 contribution
Leisure Services		
Congleton Leisure Centre	20,000	Additional S106 contribution to part fund the Skate Park Facility at Congleton Leisure Centre
Environmental Health		
Replacement CCTV Cameras	293	Increase in budget required to cover in -year overspend. Project is now complete
Total Supplementary Capital Estimates Requested		104,200

Service / Capital Scheme	Amount Requested £	Reason and Funding Source
Capital Budget Virements that have been made up to £500,000		
Environment Services		
Pitch Improvements - Alderley Edge Park and Chorley Hall Lane Playing Fields	4,201	To increase the approved budget to fund in-year expenditure - contribution vired from the park Development Fund
Future High Street Funding - Sustainable Energy Network	63,333	To re-align the Public Sector Decarbonisation Fund budgets, to match where the expenditure was incurred.
Leisure Services		
Congleton Leisure Centre	120,211	Virement from the Premises Capital budget as agreed to cover remedial works.
Total Capital Budget Virements Approved		187,745
Total Supplementary Capital Estimates and Virements		291,944

Table 3 For information - Capital Budget Reductions to be noted by Finance Sub Committee

Committee / Capital Scheme	Approved Budget £	Revised Approval £	Reduction £	Reason and Funding Source
Finance Sub Committee are asked to note the reductions in Approved Budgets				
Environment & Communities				
Environment Services				
Future high Street Funding - Centralised Budget	32,302,627	32,292,627	10,000	Allocation from UK Shared Prosperity Fund not as high as added to the budget.
Park Development Fund	873,664	871,264	2,400	Budget reduction - need to fund the shortfall in funding on Barony Skate Part from FCC
Longridge Contaminated Land	22,000	0	22,000	Duplicate scheme approved in the MTFs, budget is already approved in the Shaw Heath Recreation Ground project
West Park, Macclesfield	102,102	0	102,102	Duplicate scheme approved in the MTFs, budget is already approved in the West Park Open Space & Sports Improvements project
	33,300,393	33,163,891	136,502	

5. Reserves Strategy

Environment and Communities Committee

Name of Reserve	Opening Balance 1 April 2023 £000	Forecast Movement in Reserves 2023/24 £000	Forecast Closing Balance 31 March 2024 £000	Notes
<u>Environment and Neighbourhood Services</u>				
Strategic Planning	568	0	568	To meet costs associated with the Local Plan - site allocations, minerals and waste DPD.
Trees / Structures Risk Management	166	(27)	139	New reserve to respond to increases in risks relating to the environment, in particular the management of trees, structures and dealing with adverse weather events.
Spatial Planning - revenue grant	89	(76)	13	Funding IT costs over 4 years.
Neighbourhood Planning	82	0	82	To match income and expenditure.
Air Quality	36	0	36	Air Quality Management - DEFRA Action Plan. Relocating electric vehicle charge point in Congleton.
Street Cleansing	26	(4)	22	Committed expenditure on voluntary litter picking equipment and electric blowers.
Community Protection	17	(17)	0	£4k illicit tobacco grant; £13k Natasha's Law grant.
Licensing Enforcement	8	0	8	Three year reserve to fund a third party review and update of the Cheshire East Council Taxi Licensing Enforcement Policies.
Flood Water Management (Emergency Planning)	2	0	2	Relating to Public Information Works.
ENVIRONMENT AND COMMUNITIES TOTAL	994	(124)	870	

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OPEN

**Environment and Communities
Committee**

Thursday, 18 July 2024

**Service Budgets 2024/25 (Environment
& Communities Committee)**

**Report of: Adele Taylor, interim Director of Finance and Customer
Services (s151 Officer)**

Report Reference No: EC/21/24-25

Ward(s) Affected: All Wards

Purpose of Report

- 1 This report sets out the allocation of the approved budgets for 2024/25 to the Environment & Communities Committee.
- 2 The report contributes to the Council's objective of being an open and enabling organisation.

Executive Summary

- 3 The Medium-Term Financial Strategy (MTFS) for Cheshire East Council for the four years 2024/25 to 2027/28 was approved by full Council on 27 February 2024.
- 4 Due to the unprecedented financial circumstances that the council finds itself in it was not possible to present a fully balanced budget for the medium term this time. The focus has been wholly on 2024/25 to ensure that effective scrutiny could be achieved in every area to work towards presenting a balanced position in February.
- 5 Service committees are being allocated budgets for 2024/25 in line with the approved MTFS. The financial reporting cycle will provide regular updates on progress on delivery of the budget change items, the forecast outturn position, progress on capital schemes, movement on reserves and details of any supplementary estimates and virements.

The financial reporting timetable for 2024/25 was approved by Finance Sub-Committee on 22 March 2024 and is included at Appendix B.

- 6 In addition to the usual comprehensive reporting at First, Second and Third Financial Reviews (September, November and January cycles), in recognition of the Council's challenging financial position and the importance of achieving a balanced outturn, it has been agreed by the Finance Sub Committee that all service committee meetings during 2024/25 will receive an update report on the delivery of the approved MTFS budget policy change items. This will be based on the tables of budget policy items shown in Appendix A, for each respective committee, and will include RAG-rating and accompanying commentary as reviewed and approved by Corporate Leadership Team in respect of each item.
- 7 Appendix A contains the first update on progress against each revenue budget change item for 2024/25.

RECOMMENDATIONS

The Environment & Communities Committee is recommended:

1. To note the decision of the Finance Sub-Committee to allocate the approved revenue and capital budgets, related budget policy changes and earmarked reserves to the Environment & Communities Committee, as set out in Appendix A.
2. To note the financial reporting timetable for 2024/25 set out in Appendix B as approved at Finance Sub-Committee on 22 March 2024.
3. To review progress on the delivery of the MTFS budget policy change items, the RAG ratings and latest forecasts, and to understand the actions to be taken to address any adverse variances from the approved budget.

Background

- 8 All councils are legally required to set a balanced budget each year. The MTFS was approved by full Council on 27 February 2024.
- 9 The MTFS includes a Report from the Chief Finance Officer in line with the Section 25(1) of the Local Government Finance Act 2003. This report confirms that the MTFS is balanced for 2024/25. The report also highlights the factors taken into account in arriving at this judgement

including relevant financial issues and risks facing the Council during the medium term.

- 10 Finance Procedure Rules set limits and responsibilities for movement of funds, treating reserves as part of this overall balanced position. Any movement within this balanced position is treated as a virement. To increase the overall size of the MTFS requires a supplementary estimate, which must be backed with appropriate new funding and approved in line with the Procedure Rules.
- 11 To support accountability and financial control under the committee system the 2024/25 budget is being reported across the service committees based on their associated functions. This report sets out the allocation of the revenue and capital budgets and earmarked reserves to the relevant service committee in accordance with their functions.
- 12 Each committee function has been associated with a Director budget. Budget holders are responsible for budget management.
- 13 The financial alignment of budgets to each Committee is set out in Table 1 with further details in Appendix A.

Table 1: Revenue and capital budgets allocated to service committees as per the approved MTFS:

ALL COMMITTEES - Summary					
Service Area	Revenue Budget			Capital Budget	Total Revenue and Capital Budget
	2024/25	2024/25	2024/25	2024/25	2024/25
	Expenditure	Income	Net		Net
	£000	£000	£000	£000	£000
Adults and Health	223,849	-86,407	137,442	799	138,241
Children and Families	99,583	-10,620	88,963	38,908	127,871
Corporate Policy	111,416	-69,760	41,656	10,379	52,035
Economy and Growth	36,169	-8,227	27,942	80,263	108,205
Environment and Communities	65,291	-16,642	48,649	18,978	67,627
Highways and Transport	28,669	-12,839	15,830	66,452	82,282
Finance Sub-Committee	18,727	-3,500	15,227	0	15,227
Total Cost of Service	583,704	-207,995	375,709	215,779	591,488

- 14 The 2024-28 MTFS includes a net revenue budget of £375.7m and an approved capital programme of £215.8m for the financial year 2024/25. Further details on the schemes within the capital programme are provided in Appendix A.
- 15 Appendix A sets out the list of budget change items that were approved as part of the MTFS. All budget changes must be successfully delivered during 2024/25 to avoid a further overspend in the coming financial

year. Detailed monitoring of these items will continue at every reporting opportunity and the Council's reporting 'masterplan' and committee work programmes will reflect reporting on the monitoring and delivery of all MTFs change items, including matters requiring consultation and/ or decisions. This will ensure regular reporting to Corporate Leadership Team and all service committees on implementation of the MTFs and achievement of savings, throughout the coming year. In addition to reporting at the formal 'financial review' points in the year, other progress reports will be scheduled for reporting to particular service committees, on their items as appropriate.

- 16 Appendix A sets out the capital programme tables by committee. The four-year capital programme includes investment plans of around £0.6bn. It is proposed that it will be funded through a mixture of Government grants, contributions from other external partners and Council resources. At present this programme is not affordable, with interest rates for borrowing at an average for the Council of 5.6% and a continuing need to borrow, the capital programme needs to be reduced significantly in order for the Council to be able to fund the schemes solely or partly funded by Council resources. The capital programme is currently being reviewed.
- 17 The 2024/25 budget was approved at full Council in February 2024 including the use of a further £11.7m of earmarked reserves in 2024/25 to balance the overall budget, as expenditure outweighed the income forecast. The low level of reserves and forecast further use of reserves to support the 2024/25 budget must be addressed as soon as possible. The headline reserves table, as included in the MTFs, is shown below:

	Opening Balance 2023/24 £m	Forecast Closing Balance 2023/24 as at MTFs Feb 2024 £m	Forecast Closing Balance 2024/25 as at MTFS Feb 2024 £m
General Reserves	14.1	1.1*	2.1*
Earmarked Reserves**	61.6	24.3	1.7
Total Revenue Reserves	75.7	25.4	3.8

* Closing balances are dependent on outturn at 31 March 2024 (see *Outturn Report 2023/24 for further updated final position for 2023/24*).

** As at the MTFs, all remaining Earmarked reserves excluding those held for ring-fenced purposes are being transferred into the General Fund reserve during 2024/25 to support the forecast deficit position (*this will be reviewed during 2024/25 following Outturn for 2023/24*).

The detail behind the earmarked reserve balances included in the table above, for the Environment & Communities Committee, is set out in Appendix A and is shown in the table below:

Name of Reserve	Opening Balance	Forecast Closing Balance	Forecast Closing Balance
	2023/24	2023/24 as at MTFS Feb 24	2024/25 as at MTFS Feb 24
	£000	£000	£000
Environment and Neighbourhood Services			
Strategic Planning	568	568	0
Trees / Structures Risk Management	166	110	0
Spatial Planning - revenue grant	89	42	0
Neighbourhood Planning	82	82	0
Air Quality	36	17	0
Street Cleansing	26	0	0
Community Protection	17	0	0
Licensing Enforcement	8	0	0
Flood Water Management (Emergency Planning)	2	2	0
ENVIRONMENT & COMMUNITIES TOTAL	994	821	0

- 18 The Council must transform to create sustainable services and support infrastructure projects that reflect 'whole life' costs. This must cover the medium to long term and be backed by reserves that can manage any emerging risks. This is crucial if the Council is to maintain the value that local decision making can bring to local services.
- 19 The Chief Executive has taken the initiative to engage senior officers in a self-assessment of the Council against the Local Government Association (LGA) – Transformation Capability Framework. As requested by Members, the Council has also commissioned an LGA Corporate Peer Review which took place during March 2024. The outcome of these reviews will inform a programme of transformation activity across the Council during the 2024/25 year.
- 20 The transformation programme, needed to help address the financial deficit, as set out in the MTFS report, will focus on:
- Reprioritisation, to create an opportunity to invest in critical areas but also disinvest from areas.
 - Customer engagement and experience, through using technology to streamline service delivery enabling self-service available 24/7,

whilst ensuing specialised support and guidance is given to those that need it.

- (c) Achieving value for money in and across all services, by reducing manual, repetitive tasks through automation of systems and processes.
 - (d) Reviewing organisational structures and operating models to maximise performance and outcomes.
 - (e) Developing the right skills and behaviours across the entire workforce to achieve high productivity levels.
 - (f) Achieving financial targets through the effective implementation of well informed and clear decisions informed by data and insight.
 - (g) Developing the Asset Management Plan to align it to service requirements and dispose of surplus assets.
- 21 Further background information on the reserves balances is available in the Reserves Strategy and the S.25 statement which was approved as part of the MTFS for 2024/25 at the Council meeting on 27 February (Appendix C: MTFS – Annex 13 (Reserves Strategy) and Page 16 (S.25 statement)).
- 22 The council has been in discussion with government for a number of months about particular specific financial issues, including increased demand and unfunded costs for special educational needs, and the continued financial uncertainty following the government’s announcement, in October 2023, of the cancellation of HS2 north of Birmingham and spending already incurred by the council in preparation for HS2 phase 2.
- 23 On 29 February 2024, the government announced some Exceptional Financial Support for Cheshire East Council. The support will be in the form of a capitalisation direction. It provides the council with the facility to spread the cost of any additional emerging pressures, up to £17.6m, to future years, effectively providing an alternative to use of reserves should the need arise. This reduces the risk of a Section 114 notice. The support is not in the form of cash. The council would need to pay back expenditure capitalised under this arrangement, in the longer term.
- 24 Reducing these financial risks will enable investment in providing the required organisational capacity and resources in 2024/25 for a council-wide transformational change programme, to create sustainability in the medium-term.

- 25 The table below summarises the estimated four-year position, as included in the MTFs. Early work on business planning for 2025/26 and future years is underway, as part of the Transformation Programme.

	Estimated Net Budget 2024/25 £m	Estimated Net Budget 2025/26 £m	Estimated Net Budget 2026/27 £m	Estimated Net Budget 2027/28 £m
Total Service Expenditure	360.5	380.2	399.1	417.1
Central Budgets:				
Capital Financing	28.5	43.0	57.1	69.8
Income from Capital Receipts	-1.0	-1.0	-1.0	-1.0
Use of Reserves	-12.2	-	-	-
Total Central Budgets	15.2	42.0	56.0	68.7
TOTAL: SERVICE + CENTRAL BUDGETS	375.7	422.2	455.2	485.9
Funded by:				
Council Tax	-287.1	-298.8	-310.6	-322.9
Business Rates Retention	-56.6	-56.6	-56.6	-56.6
Revenue Support Grant	-0.4	-0.4	-0.4	-0.4
Specific Unringfenced Grants	-31.6	-24.5	-24.5	-24.5
TOTAL: FUNDED BY	375.7	380.3	392.2	404.4
FUNDING POSITION	0.0	41.9	63.0	81.5

Consultation and Engagement

- 26 The annual business planning process involves engagement with local people and organisations. Local authorities have a statutory duty to consult on their budget with certain stakeholder groups including the Schools Forum and businesses. In addition, the Council chooses to consult with other stakeholder groups. The Council continues to carry out stakeholder analysis to identify the different groups involved in the budget setting process, what information they need from us, the information we currently provide these groups with, and where we can improve our engagement process.
- 27 Cheshire East Council conducted an engagement process on its Medium-Term Financial Plans through a number of stages running from January 2024 to Council in February 2024.
- 28 The budget consultation launched on-line on 9 January 2024, included details of the proposals against each Corporate Plan aim. This consultation was made available to various stakeholder groups and through a number of forums.

Reasons for Recommendations

- 29 In accordance with the Corporate Plan and the Policy Framework the Finance Sub-Committee has the responsibility to co-ordinate the management and oversight of the Council's finances, performance and risk management arrangements.
- 30 The Sub-Committee is responsible for allocating budgets across the service committees. This responsibility includes the allocation of revenue and capital budgets as well as relevant earmarked reserves.
- 31 The Sub-Committee has responsibilities within the Constitution to approve, or recommend for approval, virement and supplementary estimates that will amend the MTFs. Such requests are brought to the Committee as they arise.

Other Options Considered

- 32 Not applicable.

Implications and Comments

Monitoring Officer/Legal

- 33 The legal implications surrounding the process of setting the 2024 to 2028 Medium-Term Financial Strategy were dealt with in the reports relating to that process.

Section 151 Officer/Finance

- 34 Contained within the main body of the report.

Policy

- 35 The Corporate Plan sets the policy context for the MTFs and the two documents are aligned. Any policy implications that arise from activities funded by the budgets that this report deals with will be dealt within the individual reports to Members or Officer Decision Records to which they relate.

An open and enabling organisation

Equality, Diversity and Inclusion

- 36 Under the Equality Act 2010, decision makers must show 'due regard' to the need to:
- 37 - Eliminate unlawful discrimination, harassment and victimisation;

- 38 - Advance equality of opportunity between those who share a protected characteristic and those who do not share it; and
- 39 - Foster good relations between those groups.
- 40 The protected characteristics are age, disability, sex, race, religion and belief, sexual orientation, gender re-assignment, pregnancy and maternity, and marriage and civil partnership.
- 41 Having “due regard” is a legal term which requires the Council to consider what is proportionate and relevant in terms of the decisions they take.
- 42 The Council needs to ensure that in taking decisions on the Medium-Term Financial Strategy and the Budget that the impacts on those with protected characteristics are considered. The Council undertakes equality impact assessments where necessary and continues to do so as proposals and projects develop across the lifetime of the Corporate Plan. The process assists us to consider what actions could mitigate any adverse impacts identified. Completed equality impact assessments form part of any detailed Business Cases.
- 43 Positive impacts include significant investment in services for children and adults (protected characteristics primarily age and disability).
- 44 The Corporate Plan’s vision reinforces the Council’s commitment to meeting its equalities duties, promoting fairness and working openly for everyone. Cheshire East is a diverse place and we want to make sure that people are able to live, work and enjoy Cheshire East regardless of their background, needs or characteristics.
- 45 The proposals within the MTFs approved in February 2024 include positive and negative impacts. A separate Equality Impact Assessment has been produced and is included in the MTFs 2024-28 Appendix C, Annex 3. Any service changes will be subject to a specific EqIA process as part of their development.

Human Resources

- 46 Any HR implications that arise from activities funded by the budgets that this report deals with will be dealt within the individual reports to Members or Officer Decision Records to which they relate.

Risk Management

- 47 Financial risks are assessed and reported on a regular basis, and remedial action taken if and when required. Risks associated with the achievement of the 2024/25 budget and the level of general reserves

were factored into the 2024/25 financial scenario, budget and reserves strategy.

Rural Communities

48 The report provides details of service provision across the borough.

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

49 The report provides details of service provision across the borough.

Public Health

50 Public Health implications of any service budget or policy changes which may be brought forward under the remit of this committee will be considered on a case by case basis.

Climate Change

51 Any climate change implications that arise from activities funded by the budgets that this report deals with will be dealt within the individual reports to Members or Officer Decision Records to which they relate.

Access to Information	
Contact Officer:	Adele Taylor Interim Director of Finance and Customer Services (Section 151 Officer) adele.taylor@cheshireeast.gov.uk
Appendices:	A - Allocation of revenue and capital budgets, budget change items and earmarked reserves for the Environment & Communities Committee B – Financial Reporting Timetable 2024/25
Background Papers:	The following are links to key background documents: Medium-Term Financial Strategy 2024-2028

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Service Budgets Appendix A

Environment and Communities Committee

Contents

Environment and Communities Committee Extracts

1. Allocation of Revenue and Capital Budgets
2. Approved Budget Policy Change items
3. Capital Programme
4. Earmarked Reserves

Environment and Communities Committee

1. Allocation of Revenue and Capital Budgets

ENVIRONMENT and COMMUNITIES COMMITTEE - Summary					
Service Area	Revenue Budget			Capital Budget	Total Revenue and Capital Budget
	2024/25	2024/25	2024/25	2024/25	2024/25
	Expenditure	Income	Net		Net
	£000	£000	£000	£000	£000
Director of Environmental & Neighbourhood Services	142		142		142
Development Management	4,358	-2,767	1,591		1,591
Building Control	1,185	-919	266		266
Local Land Charges and Planning Support	713	-546	167		167
Strategic Planning	1,107		1,107	21	1,128
Neighbourhood Planning	273	-215	58		58
Environmental - Commissioning ANSA	41,691	-954	40,737	9,038	49,775
Environmental - Commissioning Orbitas	2,019	-2,857	-838	525	-313
Environmental - Management Services	2,055	-5,097	-3,042	6,494	3,452
Regulatory Services	4,018	-1,274	2,744		2,744
Libraries	3,631	-560	3,071		3,071
Leisure Commissioning	1,430	-1,305	125	2,900	3,025
Emergency Planning	230	-59	171		171
Head of Neighbourhood Services & ASB/CEO	729	-89	640		640
Pay Inflation	1,710		1,710		1,710
Total Cost of Service	65,291	-16,642	48,649	18,978	67,627

2. Approved Budget Policy Change items

MTFS Section 1 Ref No	Detailed List of Approved Budget Changes – Service Budgets	Budget Consultation Reference	2024/25 MTFS £m	2024/25 Forecast Outturn £m	Progress 2024/25 (RAG rating and commentary)	2025/26 £m	2026/27 £m	2027/28 £m
	Environment and Communities Committee		-0.052	+0.912		+2.122	+1.386	+1.699
69	Refresh wholly owned company overheads and contributions	EC1	-1.000	-1.500	Green - ASDV Review recommendations have now been approved in full by Finance Sub-Committee in their role as shareholder of the wholly owned companies.	+0.800	-	-
70	Strategic Leisure Review (Stage 2)	EC2	-1.305	-1.250	Amber - Initial savings secured via committee decision on 11 March 24. Proposals are being developed with EHL and town and parish councils to secure the residual £250k amount - dialogue is ongoing.	+0.403	-0.203	-0.166
71	Mitigate the impact of contract inflation and tonnage growth	EC3a (split)	-0.490	-0.490	Completed - Budget adjustment only.	-	-	-
72	Emergency reduction of Household Waste Recycling Centres (HWRC) to four core sites	EC3b (split)	-0.263	-0.200	Red - Full saving on basis of original HLBC will not be achieved due to introduction of mobile provision offer as a result of Full Council decision. Final negotiations with supply chain are nearing conclusion in relation to savings in year, which include adjustment for waste diversion.	+0.263		

MTFS Section 1 Ref No	Detailed List of Approved Budget Changes – Service Budgets	Budget Consultation Reference	2024/25 MTFS £m	2024/25 Forecast Outturn £m	Progress 2024/25 (RAG rating and commentary)	2025/26 £m	2026/27 £m	2027/28 £m
73	Libraries Strategy	EC4	-0.365	-0.200	Red - Development of Libraries Strategy ongoing. Need to secure committee decisions to consult (target July 24) and to implement (target Nov 24) – engagement with Town and Parish Councils undertaken to shape the Strategy proposals and seek funding contributions.	-0.250	-	-
74	Reduce costs of street cleansing operations	EC5	-0.200	-0.200	Amber - Value of saving now reduced from ANSA Management Fee for 2024/25, proposals to achieve it include immediate reductions in service performance. Update to committee planned later in 2024 to seek formal decision to make permanent operational changes. Opportunity to offset some of the saving via new income from Town Councils to maintain current levels of service provision in their area.	-	-	-
75	Reduce revenue impact of carbon reduction capital schemes	EC6	-0.336	0	Red – Carbon Neutral Council target deferred from 2025 to 27, as agreed at Full Council on 27.02.24, large scale prudential borrowing funded schemes spend now	-0.419	-	-

MTFS Section 1 Ref No	Detailed List of Approved Budget Changes – Service Budgets	Budget Consultation Reference	2024/25 MTFS £m	2024/25 Forecast Outturn £m	Progress 2024/25 (RAG rating and commentary)	2025/26 £m	2026/27 £m	2027/28 £m
					reprofiled to suit, however budget not sat within E&C Committee. Discussion with Corporate Financing team to re-allocate.			
76	Increase Garden Waste charges to recover costs	EC7	-0.045	-0.045	Green – Pricing adjustment to go live from October 2024 for collections commencing on January 2025.	-0.134	-	-
77	MTFS 80 (Feb 23) – Waste Disposal – Contract Inflation and Tonnage Growth (updated forecast)		+3.577	+3.795	Amber – Amber rating due to fluctuations in waste markets relating to recyclates and continued levels of inflation, outside CEC control and not aligned to projections. Mitigation is to continue with monthly financial monitoring and detailed update of forecasting to year end, based on market intelligence from suppliers and historical seasonal trends data.	+0.864	+0.577	+0.903
78	Pay Inflation – CEC & ASDV	Revised post consultation	+1.861	+1.861	Red - NJC Pay Claim process has started (claim is £3,000 or 10% vs MTFS 3%).	+0.938	+0.962	+0.962
79	Pension Costs Adjustment		-0.151	-0.151	Completed	-0.159	-	-
80	MTFS 90 (Feb 23) Strategic Leisure Review		+1.250	+1.250	Completed - Growth item budget adjustment only - replacing 2023/24 £1.3m savings target.	-	-	-

MTFS Section 1 Ref No	Detailed List of Approved Budget Changes – Service Budgets	Budget Consultation Reference	2024/25 MTFS £m	2024/25 Forecast Outturn £m	Progress 2024/25 (RAG rating and commentary)	2025/26 £m	2026/27 £m	2027/28 £m
81	MTFS 91 (Feb 23) – Green Spaces Maintenance Review		-0.200	-0.200	Green - Year 2 saving - Policy now implemented and full saving secured from ANSA contract.	-	-	-
82	MTFS 92 (Feb 23) - Review Waste Collection Service - Green Waste		-3.150	-3.150	Green - Subscription levels in line with original business model.	-	-	-
83	Review MTFS 92 (Feb 23) Garden waste subscription financial model in line with latest subscription levels and with actual observed position on any waste migration		-0.429	-0.429	Green - Continued monitoring of subscription levels and any adverse impacts is already in place, update to original business plan assumptions.	-	-	-
84	MTFS 93 (Feb 23) Libraries - Service Review		-0.200	-0.200	Amber - Year 2 of Service Review - reduction in staffing levels have been implemented and now include vacancy management in year to ensure achievement of saving.	-	-	-
85	Explore a Trust delivery model for Libraries and other services		+0.150	+0.020	Green - Growth item to cover one off costs relating to implementation of alternative delivery model(s) for libraries service. Aligned to development of Libraries Strategy.	-0.350	-	-
86	CCTV – Service Efficiencies		-0.030	-0.030	Green – achieved through a mix of new income and efficiency savings related to	-	-	-

MTFS Section 1 Ref No	Detailed List of Approved Budget Changes – Service Budgets	Budget Consultation Reference	2024/25 MTFS £m	2024/25 Forecast Outturn £m	Progress 2024/25 (RAG rating and commentary)	2025/26 £m	2026/27 £m	2027/28 £m
					ongoing infrastructure projects			
87	Congleton Town Council Collaboration Agreement – Grounds Maintenance		-0.062	-0.062	Completed - Signed agreement to reduce contribution to Town Council now in place.	-	-	-
88	Closed Cemeteries		+0.005	+0.005	Completed - Inflationary adjustment to previous budget allocation only.	+0.005	+0.005	-
89	Environmental Hub maintenance		+0.023	+0.023	Completed - Inflationary adjustment to previous budget allocation only.	+0.018	+0.012	-
90	Review Closed Landfill Sites		+0.300*	+0.300*	Completed - Replacement of contingency drawn down by same value in 23/24.	-	-	-
91	Land Charge Income Adjustment		+0.050	+0.060	Amber - uncertainty around implementation timescales of HMLR changes to centralise some aspects of land charges functions hence understanding of actual impact, to be regularly monitored.	+0.147	-	-
92	Building Control Income Alignment		+0.203	+0.438	Red - due to current trend of downturn in planning and related building control income. To be monitored through more regular financial forecasting in service.	-	-	-

MTFS Section 1 Ref No	Detailed List of Approved Budget Changes – Service Budgets	Budget Consultation Reference	2024/25 MTFS £m	2024/25 Forecast Outturn £m	Progress 2024/25 (RAG rating and commentary)	2025/26 £m	2026/27 £m	2027/28 £m
93	Local Plan Review		+0.255	+0.255	Completed - Budget adjustment to provide additional one off funding towards development of new Local Plan, now commenced.	-0.160	+0.033	-
94	Planning income		+0.400	+0.912	Red – forecast reduced income due to current national trend of downturn in planning applications and hence income. To be monitored through more regular financial forecasting in service.	-	-	-
95	Planning Service Restructure		-	-	Green - No actions required in 2024/25, business case need for additional growth in 25/26 to be kept under review subject to caseloads.	+0.300	-	-
96	Review of Household Waste Recycling Centres	Revised post consultation	+0.100	+0.100	Green - Additional one off funding to support review of permanent service provision of HWRCs.	-0.144	-	-

* Item represented a one-off saving in 2023/24. As it is not a permanent part of the budget, the value of the proposal is reversed in 2024/25.

3. Capital Programme

Environment and Communities											CAPITAL		
CAPITAL PROGRAMME 2024/25 - 2027/28													
Scheme Description	Total Approved Budget £000	Forecast Expenditure					Total Forecast Budget 2024-28 £000	Forecast Funding					Total Funding £000
		Prior Years £000	Forecast Budget 2024/25 £000	Forecast Budget 2025/26 £000	Forecast Budget 2026/27 £000	Forecast Budget 2027/28 £000		Grants £000	External Contributions £000	Revenue Contributions £000	Capital Receipts £000	Prudential Borrowing £000	
Committed Schemes													
Environment Services													
Booth Bed Lane, Goostrey	140	0	140	0	0	0	140	100	40	0	0	0	140
Bosley Village Play Area	20	0	20	0	0	0	20	0	20	0	0	0	20
Browns Lane Play Area	12	0	12	0	0	0	12	0	12	0	0	0	12
Carnival Fields	42	0	42	0	0	0	42	0	42	0	0	0	42
**Carbon Offset Investment	450	0	150	300	0	0	450	0	0	0	0	450	450
Chelford Village Hall Open Space and Sport Improvements	51	36	15	0	0	0	15	0	15	0	0	0	15
Chelford Village Hall Phase 2	61	0	61	0	0	0	61	0	61	0	0	0	61
Crewe Towns Fund - Cumberland Arena	2,392	125	1,442	825	0	0	2,267	2,267	0	0	0	0	2,267
Crewe Towns Fund - Valley Brook Green Corridor	3,339	299	2,400	640	0	0	3,040	3,040	0	0	0	0	3,040
Crewe Towns Fund - Pocket Parks	1,272	453	425	393	0	0	819	819	0	0	0	0	819
Elworth Park	52	0	52	0	0	0	52	0	52	0	0	0	52
Fleet EV Transition	6,897	1,200	2,396	3,301	0	0	5,697	0	0	0	0	5,697	5,697
Fleet Vehicle Electric Charging	585	175	314	96	0	0	410	0	0	0	0	410	410
Future High Street Funding - Sustainable Energy Network	200	0	200	0	0	0	200	200	0	0	0	0	200
Green Investment Scheme (Solar Farm)	3,950	2,515	1,429	6	0	0	1,435	0	0	0	0	1,435	1,435
Household Waste Recycling Centres	771	0	756	15	0	0	771	0	0	0	0	771	771
Jim Evison Playing Fields	161	0	161	0	0	0	161	0	161	0	0	0	161
Litter and Recycling Bins	72	0	25	25	22	0	72	0	0	0	0	72	72
Longridge Contaminated Land	20	0	20	0	0	0	20	0	20	0	0	0	20
Longridge Open Space Improvement Project	68	0	68	0	0	0	68	0	68	0	0	0	68
Macclesfield Chapel Refurbishment	429	22	407	0	0	0	407	0	0	0	0	407	407
Main Road, Langley	259	0	259	0	0	0	259	0	259	0	0	0	259
Newtown Sports Facilities Improvements	99	86	13	0	0	0	13	0	13	0	0	0	13
**Park Development Fund	212	0	36	89	87	0	212	0	0	0	0	212	212
Park Lane, Poynton	39	0	39	0	0	0	39	0	39	0	0	0	39
Park Play, Meriton Road & Stanley Hall	10	0	10	0	0	0	10	0	10	0	0	0	10
Queens Park Bowling Green	17	0	17	0	0	0	17	0	17	0	0	0	17
Rotherhead Drive Open Space and Play Area	148	120	7	7	7	7	28	0	28	0	0	0	28
**Solar Energy Generation	14,062	0	1,960	10,800	1,302	0	14,062	0	0	0	0	14,062	14,062
Stanley Hall	55	0	55	0	0	0	55	20	35	0	0	0	55
The Carrs Improvement Project	61	0	61	0	0	0	61	0	61	0	0	0	61
The Moor, Knutsford	36	0	36	0	0	0	36	0	17	0	0	19	36
Tytherington Public Art	10	0	10	0	0	0	10	0	10	0	0	0	10
West Park, Macclesfield	102	0	102	0	0	0	102	0	102	0	0	0	102
Wilmslow Town Council - Villas	81	0	81	0	0	0	81	0	47	0	0	34	81
Woodland South of Coppice Way, Handforth	16	0	16	0	0	0	16	0	16	0	0	0	16
Total Environment Services Schemes	36,193	5,031	13,240	16,497	1,418	7	31,162	6,445	1,147	0	0	23,570	31,162

CAPITAL PROGRAMME 2024/25 - 2027/28

Scheme Description	Total Approved Budget £000	Forecast Expenditure					Total Forecast Budget 2024-28 £000	Forecast Funding					Total Funding £000
		Prior Years £000	Forecast Budget 2024/25 £000	Forecast Budget 2025/26 £000	Forecast Budget 2026/27 £000	Forecast Budget 2027/28 £000		Grants £000	External Contributions £000	Revenue Contributions £000	Capital Receipts £000	Prudential Borrowing £000	
Committed Schemes													
Planning Services													
Regulatory Services & Environmental Health ICT System	309	288	21	0	0	0	21	0	0	0	0	21	21
Total Planning Services	309	288	21	0	0	0	21	0	0	0	0	21	21
Total Committed Schemes	36,502	5,319	13,261	16,497	1,418	7	31,183	6,445	1,147	0	0	23,591	31,183
New Schemes													
Environment Services													
Closed Cemeteries	152	0	117	17	18	0	152	0	0	0	0	152	152
Review of Household Waste Recycling Centres	2,000	0	0	2,000	0	0	2,000	0	0	0	0	2,000	2,000
Strategic Leisure Review	3,400	0	2,900	500	0	0	3,400	0	0	0	0	3,400	3,400
Weekly Food Waste collections	2,700	0	2,700	0	0	0	2,700	2,700	0	0	0	0	2,700
Total New Schemes	8,252	0	5,717	2,517	18	0	8,252	2,700	0	0	0	5,552	8,252
Total Environment and Communities Schemes	44,754	5,319	18,978	19,014	1,436	7	39,435	9,145	1,147	0	0	29,143	39,435

Note: the schemes marked ** can not proceed until the Capital Programme Review has been completed. Any urgent requests to continue prior to the review's completion will require approval from the Chair of the Finance Sub Committee and the S.151 Officer.

4. Earmarked Reserves

Environment and Communities Committee

Name of Reserve	Opening Balance 1 April 2023 £000	Forecast Movement in Reserves 2023/24 £000	Opening Balance 1 April 2024 £000	Forecast Movement in Reserves 2024/25 £000	Transfer to General Fund Reserve £000	Final Balance 31 March 2025 £000	Notes
Environment and Neighbourhood Services							
Strategic Planning	568	0	568	(287)	(281)	0	To meet costs associated with the Local Plan - site allocations, minerals and waste DPD.
Trees / Structures Risk Management	166	(56)	110	(55)	(55)	0	New reserve to respond to increases in risks relating to the environment, in particular the management of trees, structures and dealing with adverse weather events.
Spatial Planning - revenue grant	89	(47)	42	(14)	(28)	0	Funding IT costs over 4 years.
Neighbourhood Planning	82	0	82	(41)	(41)	0	To match income and expenditure.
Air Quality	36	(19)	17	(17)	0	0	Air Quality Management - DEFRA Action Plan. Relocating electric vehicle chargepoint in Congleton.
Street Cleansing	26	(26)	0	0	0	0	Committed expenditure on voluntary litter picking equipment and electric blowers.
Community Protection	17	(17)	0	0	0	0	£4k illicit tobacco grant; £13k Natasha's Law grant.
Licensing Enforcement	8	(8)	0	0	0	0	Three year reserve to fund a third party review and update of the Cheshire East Council Taxi Licensing Enforcement Policies.
Flood Water Management (Emergency Planning)	2	0	2	(2)	0	0	Plans to draw down the reserve in 2023/24 relating to Public Information Works.
ENVIRONMENT AND COMMUNITIES TOTAL	994	(173)	821	(416)	(405)	0	

Appendix B - Financial Reporting Timetable

Report	Financial Cycle	Committee	When
Companies Financial Statements 2022/23	Reporting	Audit and Governance (completed)	May 2024
Service Budgets 2024/25	Planning	All Service Committees	June 2024
Local Government Pension Scheme and Cheshire Pension Fund update June 2024	Reporting	Finance Sub Committee / Pension Committee	June 2024 / TBC
Medium Term Financial Strategy Assumptions and Reporting Cycle for 2025-29	Planning	Finance Sub Committee	June 2024
Financial Management Code - compliance with the Code	Reporting	Finance Sub Committee	June 2024
Financial Outturn 2023/24	Reporting	All Committees / Council	June 2024 July 2024 (Council)
Draft Statement of Accounts 2023/24	Reporting	Audit and Governance	July 2024
Companies Draft Statements of Accounts 2023/24	Reporting	Audit and Governance	July 2024
First Financial Review 2024/25	Monitoring	All Committees / Council	September / October 2024 October 2024 (Council)
Companies First Financial Review 2024/25	Monitoring	Finance Sub Shareholder Working Group	TBC
Medium Term Financial Planning Assumptions	Planning	Finance Sub Committee	September 2024

Appendix B - Financial Reporting Timetable

Report	Financial Cycle	Committee	When
Final Statement of Accounts 2023/24	Reporting	Audit and Governance / Council	September 2024 October 2024 (Council)
Audit of Accounts 2023/24 - report from A&G Committee to Council on main items from the external auditors report	Reporting	Audit and Governance / Council	September 2024 October 2024 (Council)
Companies Audited Financial Statements 2023/24	Reporting	Audit and Governance / Council	September 2024 October 2024 (Council)
Local Government Pension Scheme and Cheshire Pension Fund update September 2024	Monitoring	Finance Sub Committee / Pension Committee	September 2024 / TBC
Medium Term Financial Strategy Consultation for 2025/26-2028/29 - launch	Planning	Corporate Policy Committee	October 2024
Financial Management Code - interim update	Monitoring	Finance Sub Committee	November 2024
Second Financial Review 2024/25	Monitoring	All Committees / Council	November 2024 December 2024 (Council)
Companies Second Financial Review 2024/25	Monitoring	Finance Sub Shareholder Working Group	TBC
Medium Term Financial Strategy Consultation 2025/26-2028/29 - committees to review their respective Service proposals	Planning	All Committees	November 2024

Appendix B - Financial Reporting Timetable

Report	Financial Cycle	Committee	When
Council Tax Base 2025/26	Reporting	Corporate Policy Committee / Council	November 2024 December 2024 (Council)
Third Financial Review 2023/24	Monitoring	All Committees / Council	January / February 2025 February 2025 (Council)
Medium Term Financial Strategy Consultation 2024/25 to 2027/28 plus Provisional Settlement	Planning	All Committees	January / February 2025
MTFS Strategies - Treasury Mgt, Investment, Capital and Reserves	Planning	Finance Sub Committee / Council	January 2025 February 2025 (Council)
Local Government Pension Scheme and Cheshire Pension Fund update December 2024	Monitoring	Finance Sub Committee / Pension Committee	January 2025 / TBC
Companies Third Financial Review 2024/25	Monitoring	Finance Sub Shareholder Working Group	TBC
Medium Term Financial Strategy 2024/25-2027/28 - including any supplementary updates	Reporting	Corporate Policy Committee / Council	February 2025
Local Government Pension Scheme and Cheshire Pension Fund update March 2025	Monitoring	Finance Sub Committee / Pension Committee	March 2025 / TBC
Service Budgets 2025/26	Planning	Finance Sub Committee	March 2025

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OPEN

Environment and Communities Committee**18 July 2024****Revised Street Trading Policy****Report of: Tom Shuttleworth – Interim Director Environment and Neighbourhoods****Report Reference No: EC/28/23-24****Ward(s) Affected: All****Purpose of Report**

1 This report seeks adoption of a revised to Street Trading Policy.

Executive Summary

- 2 The Council adopted a Borough wide Street Trading Policy in 2013 and it is now appropriate to revisit the content of the policy to ensure it meets current requirements.
- 3 Officers have undertaken a review of the policy (appendix 1) and various changes from the previous iteration have been made. These changes are collated in appendix 2.
- 4 A consultation was conducted and ran between 11th January 2024 and the 7th March 2024. The consultation has been limited to those persons who hold consents and those organisations or bodies that are consulted on applications. The Licensing Committee was also consulted as a decision-maker that would use the policy.

RECOMMENDATIONS

The Environment and Communities Committee is recommended to:

1. Approve the adoption and implementation of the updated Street Trading Policy.

Background

- 5 On the 13th October 2011, Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 was adopted in respect of the whole Borough. The first Borough wide Street Trading Policy was adopted by the Licensing Committee in 2013. That remains the policy in place today.
- 6 Given that the policy has not been amended since 2013 it is now time to undertake a review and refresh to ensure it remains fit for purpose. Following the change to a committee system, the power to adopt the policy now lies with the Environment and Communities Committee. The Licensing Committee was consulted as part of the review because they will be the Committee that uses the policy as a decision-maker.
- 7 A street for these purposes includes any road, footway, beach or other area to which the public has access without payment, including highway service areas and private land. In brief terms, street trading is defined as anyone selling or exposing or offering for sale any article (including a living thing).
- 8 The purpose of controlling street trading is to ensure appropriate controls are in place to regulate and ensure that:
- An area is not saturated with street traders to the detriment of permanent businesses
 - The highway is not obstructed
 - The presence of the trading unit does not present a danger to pedestrians and other road users or an annoyance is caused to residents
- 9 There are approximately 20 street trading consents issued annually by the Licensing Team. The fee currently stands at £385.00 per yearly consent (there are lesser amounts payable for shorter period consents, but in practice most applicants apply for an annual consent). The fee is due to rise to £405.00 from 1 April 2024.

Consultation and Engagement

- 10 There is no statutory consultation process for adopting a new street trading policy.
- 11 It was agreed with the Interim Director of Environment and Neighbourhoods that, given the limited application of this policy, that a limited consultation process would be conducted.
- 12 As part of the consultation, all those consulted on applications were included (i.e. Town and Parish Councils, Highways Department,

Environmental Health, and Cheshire Constabulary). All those with current consents were also contacted to inform them of the consultation.

- 13 The consultation ran for 6 weeks between 11 January 2024 and the 7 March 2024. A total of five responses were received and these are set out at appendix 3.

Reasons for Recommendations

- 14 To seek adoption of the revised policy.

Other Options Considered

- 15 Consideration has been given to not revising the policy and remaining with the extant version. However, as can be seen from the proposed changes, there is a need to ensure that the policy remains fit for purpose.

Option	Impact	Risk
Do nothing	The Council's current policy (adopted in 2013) would remain extant.	The policy may be considered overdue for review and if changes in practices are not reflected in a revised policy then decisions may be open to challenge

Implications and Comments

Monitoring Officer/Legal

- 16 Section 3 of the Local Government (Miscellaneous Provisions) Act 1982 grants a Local Authority the power to adopt legislation to control Street Trading within its area.
- 17 Schedule 4 of the 1982 Act sets out the powers available, including:
- The designation of streets as prohibited, consent, or licence
 - Exemptions
 - Setting of fees
 - Applying conditions
 - Any offences
- 18 The Council should have an up-to-date policy that informs the decision-making process and gives clarity to applicants, consultees, and decision-makers.

Section 151 Officer/Finance

19 There are no financial implications arising from the report. The Council does charge a fee for each consent issued. These fees are set by the Licensing Committee prior to each new financial year. The fees for 2024/2025 were set by the Committee in January 2024 and are included in the income budgets for the Licensing Team. Staff time for reviewing and drawing up the revised policy were funded from existing Licensing staffing budgets.

Policy

20 Ensuring that the Council has a robust decision-making process, supported by a revised policy, will contribute to a number of corporate aims set out below. The Policy seeks to balance ensuring that the Borough has diverse trading opportunities with the needs and expectations of the people of the Borough by ensuring traders are well regulated, that their positive impacts are promoted, and any negative impacts are mitigated.

<p>An open and enabling organisation</p> <p>Support a sustainable financial future for the council, through service development, improvement and transformation</p> <p>Look at opportunities to bring more income into the borough</p>	<p>A thriving and sustainable place</p> <p>A great place for people to live, work and visit</p> <p>Welcoming, safe and clean neighbourhoods</p> <p>Reduce impact on the environment</p>
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Equality, Diversity and Inclusion

21 The Policy relates to the regulation of street traders and there are therefore no implications for groups protected under equalities legislation.

Human Resources

22 There are no human resources implications.

Risk Management

23 There are no additional risk implications to those already identified within the report.

Rural Communities

24 There are no implications for rural communities.

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

25 There are no implications for children and young people.

Public Health

26 There are no public health implications.

Climate Change

27 There are no climate change implications.

Access to Information	
Contact Officer:	Kim Evans - Licensing Team Leader licensing@cheshireeast.gov.uk
Appendices:	Appendix 1 – Revised Draft Policy (for approval) Appendix 2 – Changes made to the Policy Appendix 3 – Consultation responses
Background Papers:	Local Government (Miscellaneous Provisions) Act 1982 (legislation.gov.uk) Street Trading (cheshireeast.gov.uk)

Approvals trail: to be removed before Committee

Name	Title	Comments	Date
Contributors:			
Kim Evans	Licensing Team Leader	Prepared the draft	N/A
Approvers:			
Tracey Bettaney	Head of Regulatory Services	Typo graphical corrections	21.02.2024
Wendy Broadhurst	Lead Finance Partner (Place)	Financial Implications	20.02.2024
Garry Coghlan	Solicitor	Legal Implications	20.02.2024

Street Trading Policy

Contents

1	Purpose
2	Street Trading Definition
3	Exemptions
4	Application Process
5	Consultation
6	Site Assessment
7	General Conditions
8	Enforcement
9	Renewals
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1 Purpose

- 1.1 The Council's Street Trading Policy is to regulate street trading and to create a street trading environment which complements premises-based trading, is sensitive to the needs of residents, provides diversity and consumer choice, and seeks to enhance the character, ambience and safety of the local environment.

2 Street Trading Definition

- 2.1 Street Trading means selling, exposing or offering for sale any article in a street. The term 'street' includes any road, footway or other area to which the public have access without payment. This may also include private land.
- 2.2 Cheshire East Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 for the whole of the Borough Area. The Schedule of designated streets is available on the Council's website.
- 2.3 The effect of this designation is that Street Trading in a Consent Street is prohibited (subject to exemptions) without first obtaining a Street Trading Consent from the Council.
- 2.4 Street Trading in a Prohibited Street is not permitted at any time. Anyone found to be trading in a prohibited street may be liable to prosecution.
- 2.5 It is recognised that street trading and trading as part of a market are distinct activities and the regulation of markets and market traders exists elsewhere in legislation.

3 Exemptions

- 3.1 Some types of trade are exempt from the need to obtain a street trading consent. These include:
- A person trading under the authority of a pedlars' certificate granted under the Pedlars Act 1871
 - Trade carried out by a roundsman e.g. milkmen
 - Trade carried on at a petrol filling station
 - News vendors in certain circumstances
 - Trade carried out in a street adjoining a premises used as a shop; provided it is part of the business of that shop (such business must not obstruct the highway).
 - Certain activities under the Highways Act 1980
 - Selling items for charity under a Street Collection Permit
 - Anything done in a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an enactment or order.

4 Application Process

4.1 Street Trading application can be made for:

- a 'Fixed Pitch' nominated by the applicant (if that pitch is deemed suitable). Fixed pitch consents are suitable for traders who want to trade in the same location on a regular basis without the ability to move around the Borough.
- a 'Roaming Zone' (Borough wide consent when a schedule of stops/streets is included with the application, ie ice cream vans etc).

4.2 Applicants for 'Roaming Consent' (e.g. ice cream vendors etc) must include a list of all streets where they will be stopping to trade. Roaming consent holders will be expected to remain in one place only for a limited time i.e., not more than 30 minutes.

4.3 A Street Trading Consent can be held by more than one person, providing that person(s) has a business interest and authority to manage the Street Trading site. Once granted, all Consent Holders will be held equally responsible for any breach of terms of conditions of a Street Traders Consent.

4.4 The fees payable for street trading consents are set annually by the Licensing Committee.

4.5 If you intend to trade on private land, you will still require street trading consent and you will need to provide evidence that the landowner has given you permission to trade as part of your application.

5 Consultation

5.1 On each application received the Licensing Team may consult the following:

- i. Police
- ii. Highway Authority
- iii. Environmental Health (Environmental Protection and Commercial Services)
- iv. Town and Parish Council covering the relevant area(s)

5.2 The Licensing Team will also consult any other person or body that is deemed necessary.

5.3 If any objections/representations are received in respect of an application, that application will be determined by authorised officers.

5.4 Consultation will normally be conducted for 10 working days. However, some consents that are only applied for 1 day will likely not be consulted on, especially in cases where there is insufficient time before the date requested to carry out consultation.

6 Site Assessment

6.1 In determining whether Street Trading in a particular area is appropriate the Council will have regard to:

- any effect on road safety, either arising from the siting of the pitch or from customers visiting or leaving
- any loss of amenity caused by noise, traffic or smell
- existing Traffic Orders e.g. waiting restrictions
- any potential obstruction of pedestrian or vehicular access
- any obstruction to the safe passage of pedestrians
- the safe access and egress of customers and staff from the pitch and immediate vicinity
- whether there are any Consents (Fixed or Roaming) already granted to a site in the vicinity
- Whether the trading applied for would adversely affect any existing shops or traders.

6.2 When considering the effect on existing consent holders or existing shops in an area, this will be determined on a case-by-case basis. However, applicants should expect a consent to be refused where the location applied for is within 500 meters of existing traders or shops with similar offerings.

7 General Conditions

7.1 In addition to the above, the following criteria will need to be met before a Street Trading Consent will be issued:

Prevention of obstruction or danger to road users

- To be sited in accordance with highways legislation as appropriate, such that no obstruction is caused to highway users or to adjacent properties
- The position of any vehicle must be such that it does not encourage children to cross any Class I, Class II or Class III Primary Distributor Road
- No advertising boards to be used other than adjacent to the vehicle, which shall not cause any obstruction to users of the street
- Operator to cease trading, if asked to by the Highways Authority or the emergency services.

Prevention of nuisance or annoyance

- No music or other broadcasts to be made from the Consent site other than with the permission of this Authority
- Litter bins and recycling bins to be provided and litter collected as appropriate where litter is likely to be generated
- A refuse contract must be entered into where refuse is likely to be generated
- The Council encourages Operators to recycle litter or waste where facilities are available

Suitability of the applicant

- An application may be refused if the applicant is unsuitable to hold the consent.
- Consent cannot be issued to a person under the age of 18 years

- 7.2 The Council can issue a consent with any conditions that are deemed reasonably necessary.

8 Enforcement

- 8.1 Standard conditions may be attached to every Street Trading Consent detailing the holder's responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality. Specific conditions deemed appropriate can also applied to specific consents. This might be done to alleviate the concerns of anyone providing a consultation response.
- 8.2 Failure to comply with conditions may lead to revocation or non renewal of Consent.
- 8.3 Street Trading Consent can be revoked at any time. Additionally, the Conditions attached to a consent may be varied at any time.
- 8.3 It is an offence to carry out street trading without the consent of the Council and any person convicted of such an offence shall be liable to a fine not exceeding £1,000. This will include any person who holds a certificate granted under the Pedlars Act 1871, but who fails to operate in accordance with the certificate.

9 Renewals

- 9.1 Street Trading Consents are issued for a period of up to one year.
- 9.2 Applicants should then re-submit their application if they wish to continue to trade at least one month before the expiry of their current Consent.
- 9.3 Renewal applications will be subject to a streamlined process, which will not include further consultation. However, if complaints are received concerning existing traders, investigation of whom has not warranted revocation, a consultation process will be undertaken in line with grant applications.

10 Decisions

- 10.1 Following the determination of an application the Council will notify the applicant of the decision in writing as soon as possible.
- 10.2 There is no statutory right of appeal against refusal to issue a Street Trading Consent.

11 General

- 11.1 This policy will complement and inform other Council initiatives including those on street markets and life in the public realm.

11.2 This policy will inform the detailed conditions attached to every Street Trading Consent.

11.3 This policy will be applied in a manner that is consistent with the Council's equalities policies.

11.4 At all times, each application will be determined on its own merit.

Table of delegations of licensing functions

Functions relating to street trading will be dealt with as follows:

Matter under consideration	Full Committee	Sub-Committee	Officers
Policy Adoption	Environment and Communities Committee (*)		
Fee Setting	Licensing Committee (*)		
Designation of Streets	Licensing Committee (*)		
Applications for the grant or renewal of licences			All cases
Including additional conditions, amending conditions or disapplying standard conditions			All cases
Revocation of consents		When referred by officers (*)	All cases (when not referred to Sub-Committee)
Requests for officer decisions on applications or conditions to be reviewed		All cases (*)	
Application to review an officer revocation of consent		All cases (*)	

* Subject to any changes to the Council's Constitution

Logged changes to the Street Trading Policy

Paragraph	Type	Change
All	Format	Format changed to meet CEC brand identity guidelines
Contents	Change	Change in numbering following removal of sections (see below for details)
2.5	Additional paragraph	It is recognised that street trading and trading as part of a market are distinct activities and the regulations of markets and market traders exists elsewhere in legislation
3.1	Additional wording	Additional exemptions added: <ul style="list-style-type: none"> ▪ Certain activities under the Highway Act 1980 ▪ Selling items for charity under a Street Collection Permit
4.1	Additional wording	Fixed pitch consents are suitable for traders who want to trade in the same location on a regular basis without the ability to move around the Borough.
4.2	Additional wording	Roaming consent holders will only be expected to remain in one place for a limited time ie not more than 30 minutes.
4.4	Additional paragraph	The fees payable for street trading consents are set annually by the Licensing Committee.
4.5	Additional paragraph	If you intend to trade on private land, you will still require street trading consent and you will need to provide evidence that the landowner has given you permission to trade as part of your application.
5.1	Change	Those consulted on applications changed to: <ul style="list-style-type: none"> ▪ Police ▪ EH ▪ Commercial ▪ Highways ▪ Town and Parish Council
5.3	Additional wording	If any objections/representations are received in respect of an application, that application will be determined by authorised officers

5.4	Additional paragraph	Consultation will normally be conducted for 10 working days. However, some consents that are only applied for 1 day will likely not be consulted on, especially in cases where there is insufficient time before the date requested to carry out consultation
6.2	Additional paragraph	When considering the effect on existing consent holders or existing shops in an area, this will be determined in a case-by-case basis. However, applicants should expect a consent to be refused where the location applied for is within 500 meters of existing traders or shops with similar offerings.
8.1	Additional wording	Specific conditions deemed appropriate can also applied to specific consents. This might be done to alleviate the concerns of anyone providing a consultation response.
9	Removed	Section 9 (Fees) to be removed. Fees to be published on our website
9.3 (new numbering)	Additional wording	Wording to clarify the process for renewal applications
10	Removed	Section 10 (Delegation) to be removed and replaced with a table in the appendices
14	Removed	Section 14 (Review) to be removed as no longer necessary
15	Removed	Section 15 (Contacts) to be removed as details are available in better formats such as online
Appendix A	Removed	It is no longer necessary or desirable to have the street trading designations within the policy as these can be updated or changed independently to any policy changes. The form is available on our website.
Appendix B	Removed	It is no longer necessary or desirable to have the application form within the policy. The form is available on our website and copies can be provided on request. We are also exploring online application options.
New Appendix A	New	Sets out where decisions will be taken (ie Committee, Sub-committee, or Officers)

Street Trading Consultation Responses

Response 1	Received 10/01/2024
Cheshire East Council Environmental Health	
No comments happy with content	

Response 2	Received 11/01/2024
Current consent holder	
Thank you for your email with Street trading policies. Been honest I can't really see any changes.. certainly no changes what would affect me	
If there is any changes, that's will affect me can you please point them out thank you.	

Response 3	Received 22/01/2024
Current consent holder	
I did have a look and I don't think the changes would affect my street trading at all	

Response 4	Received 24/01/2024
Alsager Town Council	
Alsager Town Council is in between Town Clerks at present (new clerk joins us on 1 st March) so to help council staff with workload, councillors have been asked to reply to you individually.	
Thank you for the opportunity to comment. The only changes I suggest are from proofreading: Policy document- <ul style="list-style-type: none"> - Section 5.1 – ii – no apostrophe - Section 6.2 and 9.3 – 'existing' not 'exiting' Logged changes <ul style="list-style-type: none"> - Section 6.2 – 'existing' not 'exiting' 	
In general, I would like to see the opportunity for street trading to be widely publicized as a low-cost start option for new businesses and budding entrepreneurs including those at schools and colleges (with teachers applying where appropriate).	

Response 5	Received 24/01/2024
Wilmslow Town Council	
Thanks for sending the Draft Street Trading Policy.	
Wilmslow Town Council has no suggested changes or objections to the draft document.	

The Town Council does, however, want to ensure that the Wilmslow BID also be consulted on this document. This might already be the case, but the Council wanted to highlight this in regard to this consultation.

Environment and Communities Committee

18 July 2024

Updated Air Quality Strategy

Report of: Tom Shuttleworth, Interim Director Environment and Neighbourhoods

Report Reference No: EC/03/24-25

Wards Affected: ALL

Purpose of Report

- 1 This report seeks approval to adopt the updated Air Quality Strategy (“AQS”).
- 2 Updating the AQS supports the Green Corporate Plan objective by ensuring air quality is considered across the Council, working to reduce pollution and improve air quality, making Cheshire East a great place to live and work.

Executive Summary

- 3 The Environment Act 2021 amended Part IV of the Environment Act 1995, and in conjunction with the Local Air Quality Management Policy Guidance (PG22), strengthened the requirement and structure of local authority Air Quality Strategies.
- 4 The aim of the AQS is to provide a strategic framework to deliver local air quality improvements and contribute to long-term air quality goals within Cheshire East. The AQS supports the achievement of the air quality objectives, including the ambitious new Government targets for Particulate Matter, and elevates air quality as an issue for consideration within a wide range of local government and regional frameworks.
- 5 In 2018, Cheshire East Council adopted the current AQS, and following a full review and consultation exercise, we have now produced an

updated Strategy for approval, which meets our legislative responsibilities under the Local Air Quality Management (LAQM) process.

RECOMMENDATIONS

The Environment and Communities committee is recommended to:

1. Approve the adoption of the updated Air Quality Strategy.

Background

- 6 The LAQM process places an obligation on all local authorities to regularly review and assess air quality in their areas and to determine whether or not the air quality objectives are likely to be achieved. Where an exceedance is considered likely the local authority must declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP) setting out the measures it intends to put in place in pursuit of the objectives.
- 7 Since the publication of the initial National Air Quality Strategy in 1997, Cheshire East Council has fulfilled its obligations to identify any areas where there is a potential to exceed the relevant objectives. To date all of the AQMAs which have been declared are in discrete locations across the Cheshire East borough, all of which are predominantly associated with road traffic emissions.
- 8 The aims of the AQS are to support the achievement of the air quality objectives and to ensure air quality is considered within a wide range of local government and regional planning frameworks. This is important to note that whilst working towards achievement of the air quality objectives will help reduce the risk of the most serious health effects related to pollution, there are advantages to be gained from the continual improvement of local air quality conditions. By establishing a strategic framework for the inclusion of air quality considerations within Council policies and procedures, a local authority is then well placed to maintain good air quality and secure future improvements.
- 9 Delivering improvements to local air quality requires input from a wide range of professions and partnerships. Therefore, this Strategy identifies commitments intended to promote communication and co-operation within Cheshire East Council, as well as between external organisations and the community.

- 10 These commitments are grouped under several relevant policy sectors including air quality, development control and spatial planning, transport and non-road mobile machinery, climate change and energy management, public health, education and awareness, indoor air quality, industrial, commercial and domestic sources and agriculture.
- 11 The AQS sets out how the Council intends to address air quality across all services and in all relevant decisions. Therefore, it is important that the AQS is aligned with the Council's plans and strategies, such as the Local Transport Plan, Local Plan Strategy, Electric Vehicle Infrastructure Strategy, Environment Strategy, Carbon Neutral Action Plan, and the Cheshire East Local Plan.
- 12 The objectives of developing and implementing an AQS are to:
 - Ensure Cheshire East maintains good air quality conditions across the borough.
 - Improve air quality within existing AQMAs and prevent further deterioration, even in those areas where air quality is currently below the objective.
 - Promote greater consistency across a range of policy areas for the achievement of improved local air quality, including Spatial Planning, Development Management, Highways and Strategic Infrastructure, Economic Development, Housing, Environmental Protection and Public Health. This will ensure air quality is addressed in a multi-disciplinary way across the different departments of the Council.
 - Provide a link to wider initiatives across the Council, which could have an impact on air quality, including supporting our borough-wide target to be net-zero by 2045.
 - Raise and maintain the profile of air quality and ensure it remains high on the political agenda.
 - Highlight and educate stakeholders about the link between air quality and the risks to human health, the wider local environment, carbon reduction and biodiversity.
 - Raise the profile of air quality amongst the local communities across Cheshire East.
 - Encourage greater co-operation and collaboration with neighbouring local authorities, local business, industry and residents.
 - Provide the first point of contact and source of information relating to local air quality.

- 13 By achieving the aim and objectives, the AQS will also contribute to:
- Minimising disadvantages suffered by people due to their protected characteristics.
 - Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- 14 The implementation of the AQS will be the responsibility of the Regulatory Services and Health (RS&H) team. The Strategy will be reviewed, for example following new guidance, case law or statute law, and/or every five years.

Consultation and Engagement

- 15 During the development of the Strategy, formal consultation took place for six weeks from the 10 April 2024. The consultation was hosted on the website and supported by a press release and social media posts.
- 16 The Strategy was shared by email communication to the Environment Agency, Highways England, UK Health Security Agency and all nine adjoining local authorities. Local ward members and Town and Parish Councils were also consulted for their views. Internal departments such as Development Management, Highways and Public Health were involved in compiling the updated AQS through being represented on the Air Quality Steering Group.
- 17 Respondents were supportive of the Strategy and responses have been fed into the final version. The full consultation responses can be seen in Appendix 2.

Reasons for Recommendations

- 18 It is now a statutory requirement that local authorities have an AQS in place. The strategy needs to reflect changes in legislation and government guidance as well as local requirements.
- 19 It is important that the strategy is reviewed to ensure that it remains fit for purpose as highlighted by statutory guidance, plus, in line with the National Air Quality Strategy, it is also good practice to review the strategy at least every five years.

Other Options Considered

- 20 The Council has the option to proceed without adopting an updated AQS. However, the current Strategy was adopted in 2018 and it is good practice to ensure that the objectives and information within the document are updated so they remain reliable and relevant.

Option	Impact	Risk
Do nothing	The updated AQS could not be adopted and failure to meet the statutory requirement.	Failure to ensure air quality is considered across various Council Plans and Policies. The Council would receive Ministerial Direction from Defra to update the AQS.

Implications and Comments

Monitoring Officer/Legal

- 21 The Environment Act 2021 amended Part IV of the Environment Act 1995, and in conjunction with the Local Air Quality Management Policy Guidance (PG22), it is now a statutory requirement for local authorities to have an AQS. Previously it was just good practice to publish an AQS.
- 22 The current AQS has been in place for 5 years and due to the changes in legislation, introduction of Particulate Matter limits and amended LAQM guidance, it is the right time to update the current AQS.

Section 151 Officer/Finance

- 23 There are no significant direct financial costs arising from adoption of the AQS. The production of the Strategy has been delivered within existing Regulatory Services and Health service budgets.

The Regulatory Services and Health service budget funds day-to-day implementation of the Strategy. Any project or mitigation work undertaken, would potentially result in further costs. These would be budgeted for using external Grant funding and/or Local Transport Plan money from Highways. Therefore, there is no anticipated impact on the Council's approved budget/Medium Term Financial Strategy (MTFS).

Policy

- 24 Updating the AQS contributes to delivery of the priorities in the [Corporate Plan](#) as follows:

An open and enabling organisation	A council which empowers and cares about people	A thriving and sustainable place
<p>Ensure there is transparency in all aspects of council decision making</p> <p>Listen, learn and respond to our residents,</p>	<p>Reduce health inequalities across the borough</p>	<p>A great place for people to live, work and visit</p> <p>Reduce impact on the environment</p>

promoting opportunity for a two-way conversation		
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Equality, Diversity and Inclusion

- 25 The Council has a duty under Section 149 of the Equalities Act to have due regard to the need to: eliminate discrimination; advance equality of opportunity between persons who share a “relevant protected characteristic” and persons who do not share it; foster good relations between persons who share a “relevant protected characteristic” and persons who do not share it.
- 26 Although air pollution can be harmful to everyone, some people are more affected than others because they are exposed to higher levels of air pollution in their day to day lives, live in a polluted area, or are more susceptible to health problems caused by air pollution. The most vulnerable people face all of these disadvantages. There is also often a strong correlation with equality issues because areas with poor air quality are also often less affluent areas.
- 27 Having an AQS aims to improve air quality through a strategic framework and will have positive health benefits for all, particularly for those people in certain protected characteristic groups.
- 28 An Equality Impact Assessment on the AQS has been prepared and is published online (Appendix 4).

Human Resources

- 29 There are no direct implications for human resources.

Risk Management

- 30 There are no direct risk management implications arising from this report. The report ensures the Council meets with statutory requirements under the Environment Act 1995, as amended by the Environment Act 2021.

Rural Communities

- 31 There are no direct implications for rural communities specifically; however, the Strategy will apply to the whole borough of Cheshire East, including all rural communities.

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

- 32 The AQS does not have a direct implication for children and young people or cared for children but will assist in improving air quality and protecting public health across the borough, affecting all communities.

Public Health

- 33 Air pollution is associated with several adverse health impacts. It is recognised as a contributing factor in the onset of heart disease and cancer. Additionally, air pollution particularly affects the most vulnerable in society, children and older people and those with heart and lung conditions.
- 34 It is important to reduce, where possible, public exposure to certain pollutants, even where levels are below the national air quality objectives, to support a healthier population and reduce premature death. This is particularly important for fine particulate matter, where there are currently no known safe levels of exposure. By establishing a Strategy framework which positions air quality considerations at the heart of Council policies, procedures and decisions, this will ensure Cheshire East is well placed to maintain good air quality and secure future improvements across the borough.

Climate Change

- 35 Measures to improve air quality are typically complimentary to the climate change agenda. The Strategy seeks to prevent 'creep' in air pollution levels from large scale development coming forward and continue to improve air quality by working with partners on wider infrastructure projects to reduce reliance on private vehicles and facilitate the use of public transport and active travel.

Access to Information	
Contact Officer:	Sarah Allwood, Senior Environmental Health Officer Sarah.allwood@cheshireeast.gov.uk
Appendices:	Appendix 1: Updated Air Quality Strategy Appendix 2: Consultation Report Appendix 3: Logged changes to the Air Quality Strategy Appendix 4: Equality Impact Assessment
Background Papers:	N/A



Air Quality Strategy

2024

Document Control

	Name	Signed	Date
Report updated	Sarah Allwood		22 May 2024
Report Checked	Nick Kelly		28 May 2024
Final report	Tracey Bettaney		28 May 2024

SHOW THE
AiR
YOU CARE

Everyone has a role to play in having a positive impact on local air quality – and Cheshire East Council wants to inspire everyone to take simple actions to help reduce air pollution and limit its impact on people's health.

Show The Air You Care
cheshireeast.gov.uk/airqualityawareness

www.cheshireeast.gov.uk



Executive Summary

The Local Air Quality Management (LAQM) Framework supported by the Environment Act 1995 sets local objectives put into place through the Air Quality (England) Regulations 2000 (as amended in 2002). The framework requires local authorities under the Environment Act 1995 to review and assess local air quality within their areas. If any areas are found where pollutants exceed the objectives, local authorities are required to declare an Air Quality Management Area (AQMA) and to prepare an Air Quality Action Plan (AQAP) setting out measures they intend to introduce to reduce concentrations of air pollutants, in pursuit of achieving the objectives and improving air quality.

In addition to these formal obligations for LAQM, local authorities are required by the Department for Environment, Food and Rural Affairs (Defra) to produce and implement local Air Quality Strategies. The aim of the Air Quality Strategy (AQS) is to support the achievement of the air quality objectives and to ensure air quality is considered within a wide range of local government and regional planning frameworks. It aims to drive greater improvements in air quality at the local level and it will be reviewed on a 5-yearly basis. The AQS is important, as whilst working towards achievement of the air quality objectives, it will help reduce the risk of health effects related to exposure to air pollution. There are advantages to be gained from the continual improvement of local air quality. By establishing a strategic framework for the inclusion of air quality considerations within Council policies and procedures, a local authority is then well placed to maintain good air quality and secure future improvements.

Delivering improvements to local air quality requires input from a wide range of professions and partnerships. Therefore, this Strategy identifies commitments intended to promote communication and co-operation within Cheshire East Council, between external organisations and the community. These commitments are grouped under several relevant policy sectors including air quality, development control and spatial planning, transport and non-road mobile machinery, climate change and energy management, public health, education and awareness, indoor air quality, industrial, commercial, and domestic sources, and agriculture.

Six indicators have been proposed to help track the success of the Strategy, which are reported to the Air Quality Steering Group annually. In addition, assessing new developments for their impact on air quality, as well as improving the public awareness of air quality are included in the indicator set. Using these metrics, the effectiveness of the Strategy can be evaluated throughout the lifetime of the document.

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1 Introduction

Over a number of years, air quality in Cheshire East has improved; monitoring demonstrates that levels of Nitrogen Dioxide (NO₂) are reducing year on year. The air quality in Cheshire East is generally good, although there are several Air Quality Management Areas (AQMA) across the borough. These AQMA were declared due to exceedances of NO₂ from vehicle emissions. Details of these AQMA can be found on the Council's website (www.cheshireeast.gov.uk). Whilst vehicular emissions are a significant contributor to air pollution within the borough, it is not the only contributing factor. Therefore, this Air Quality Strategy (AQS) highlights other sources of emissions, such as domestic, industrial, and agricultural activities, and sets out the Council's approach to these emission sources.

The pollutants of concern in Cheshire East are NO₂, and Particulate Matter (PM). These particles are referred to as PM₁₀ and PM_{2.5} and are below 10 and 2.5 micrometres in diameter respectively.

We monitor NO₂ across the borough using diffusion tubes. There is also a Real-Time Analyser (RTA) located at Disley. The RTA monitors NO₂ and PM. Monitoring of these pollutants, helps the Council to understand pollutant concentration and trends across the borough.

Local authorities have a duty under Section 83(1) of the Environment Act 1995 to review and assess local air quality within their areas against a set of health-based objectives for several specific air pollutants. These objectives are included in Appendix 1. Defra have advised that in recognition of the fact that all the objectives for Benzene, 1,3-Butadiene, Carbon Monoxide and Lead have been met for several years and are well below objective values, local authorities do not have to report on these pollutants unless local circumstances indicate otherwise.

Under the Environment Act 2021, national legally binding long-term targets have been set to reduce concentrations of PM_{2.5}. An overview of the health effects of the pollutants for which air quality objectives have been included in regulations is set out in Appendix 2.

When areas are found where pollutants are either exceeding or close to the objectives, in locations where there is relevant exposure, local authorities are required to declare an AQMA and to prepare an Air Quality Action Plan (AQAP). The purpose of the AQAP is to set out measures the local authority intends to take to reduce concentrations of pollutants in pursuit of the objectives. In addition, local authorities should also promote opportunities to reduce pollutants in areas which are not exceeding the objective, to ensure good air quality is maintained as much as possible across the entire borough.

In addition to the statutory obligations of Local Air Quality Management (LAQM), local authorities are also required by Defra to implement a local AQS setting out how the

Council intends to address air quality across all services and in all relevant decisions. Therefore, it is important this document is aligned with the Council's plans and strategies, such as the Local Transport Plan (LTP), Local Plan Strategy (LPS), Electric Vehicle Infrastructure Strategy, Environment Strategy, Carbon Neutral Action Plan, and the Cheshire East Local Plan (LP).

The Annual Status Report (ASR) is submitted annually to Defra, which contains the results of all the monitoring undertaken. It also provides updates on the actions employed by local authorities to improve air quality, and any progress that the local authority has made over the reporting year.

2 About the Air Quality Strategy

The AQS is a document which is aimed at informing policy and direction across a wide range of council services to assist in ensuring air quality is considered in all relevant decisions and help improve air quality where possible. It establishes the framework and identifies actions to improve air quality in Cheshire East. Cheshire East Council takes preventative action through the AQS, rather than waiting for a legal limit to be breached.

It fulfils the statutory requirement of the Environment Act 1995, as amended by the Environment Act 2021, to publish an AQS setting out air quality standards, objectives, and measures for improving ambient air quality. Strategies should be reviewed every 5 years.

The current Cheshire East Council AQS is dated 2018 and therefore any new strategy will build upon previous actions and include new appropriate measures to take forward.

2.1. Aims and objectives

The aim of the AQS is to provide a strategic framework to deliver local air quality improvements and contribute to long-term air quality goals within Cheshire East. The AQS supports the achievement of the air quality objectives, including the ambitious new national targets for PM_{2.5}, and elevates air quality as an issue for consideration within a wide range of local government and regional frameworks.

It is important to reduce, where possible, public exposure to certain pollutants, even where levels are below the air quality objectives, to support a healthier population and reduce premature death. This is particularly important for fine particulate matter, where there are currently no known safe levels of exposure. By establishing a strategy framework which positions air quality considerations at the heart of Council policies, procedures, and decisions, this will ensure Cheshire East is well placed to maintain good air quality and secure future improvements across the borough.

Through these objectives, Cheshire East will achieve the aims of the AQS.

The objectives of developing and implementing an AQS are to:

- Ensure Cheshire East maintains good air quality conditions across the borough.
- Improve air quality within existing AQMAs and prevent further deterioration, even in those areas where air quality is currently below the objective.
- Promote greater consistency across a range of policy areas for the achievement of improved local air quality, including Spatial Planning, Development Management, Highways and Strategic Infrastructure,

Economic Development, Housing, Environmental Protection and Public Health. This will ensure air quality is addressed in a multi-disciplinary way across the different departments of the Council.

- Provide a link to wider initiatives across the Council, which could have an impact on air quality, including supporting our borough-wide target to be net-zero by 2045.
- Raise and maintain the profile of air quality and ensure it remains high on the political agenda.
- Highlight and educate stakeholders about the link between air quality and the risks to human health, the wider local environment, carbon reduction and biodiversity.
- Raise the profile of air quality amongst the local communities across Cheshire East.
- Encourage greater co-operation and collaboration with neighbouring local authorities, local business, industry, and residents.
- Provide the first point of contact and source of information relating to local air quality.

3 Policies

Policies and programmes for action at all levels of government, can impact on local efforts to improve air quality at specific localised hot spots or reduce concentrations more generally across an area. Some of the relevant policies are discussed below.

Figure 1 shows some of the inputs to the Strategy, policy areas which should be influenced by the Strategy and the main outcomes following implementation of the Strategy.



Figure 1: Inputs and outcomes of the Air Quality Strategy

- 3.1 Central Government Framework** – this consists of objectives, legislation, guidance, the National Planning Framework, and policy measures that will improve air quality. These central policies help local authorities to manage and be responsible for the air quality in their respective areas. They also set out the powers under which local authorities can deliver actions on air quality.
- 3.2 Cheshire East Local Plan (LP)** – comprises a wide range of documents for delivering the spatial planning strategy for the local authority. The Local Plan sets planning policies, allocates sites for development, and is used to make decisions on planning applications. It addresses issues such as the amount and location of new housing and employment development, protection and improvement of important open areas, provision of new infrastructure, and improvement of town centres and community facilities.
- 3.3 Cheshire East Local Plan Strategy (LPS)** – sets out the overall vision and planning strategy for development in the borough and contains planning policies to ensure that new development addresses the economic, environmental, and social needs of the area¹. Some of the strategic priorities of the LP include: “Protecting and enhancing environmental quality” and “Reducing the need to travel, managing car use and promoting more sustainable modes of transport and improving the road network”. These strategic priorities, aim at reducing the boroughs impact on climate change, promoting renewable energy, and addressing local causes of pollution such as air pollution. The LPS also addresses sustainable development, planning, transport and travel, travel plans and transport assessment.
- 3.4 Site Allocations and Development Policies Document (SADPD)** – the SADPD is the second part of the Cheshire East Local Plan and provides detailed planning policies and site allocations in line with the overall approach set out in the Local Plan Strategy². It includes policies that seek to assist with air quality improvements, including the protection and enhancement of trees, hedgerows, and woodlands. The document is also clear that planning permission will be refused where the construction or operational characteristics of development would cause harm to air quality (including cumulatively with other development) unless suitable mitigation measures are adopted to mitigate the impact.
- 3.5 Cheshire East Local Transport Plan (LTP)** – the biggest contributor to air pollution within Cheshire East is road transport. This impact on air quality is

¹ https://www.cheshireeast.gov.uk/planning/spatial-planning/cheshire_east_local_plan/local-plan-strategy/local_plan_strategy.aspx

² https://www.cheshireeast.gov.uk/planning/spatial-planning/cheshire_east_local_plan/site-allocations-and-policies/sadpd-examination/documents/examination-library/adopted-sadpd.pdf

indicative of high car ownership in Cheshire East with 40% of households having two or more cars against a UK average of 29%³. Therefore, the LTP provides one of the principal mechanisms for delivering an improvement to air quality across Cheshire East. It is a strategic plan for the development of transport within Cheshire East, outlining how transport will contribute to and support wider policies to improve our economy, protect our environment and make attractive places to live, work and play.

- 3.6 Cheshire East Environment Strategy** – sets out the Council's priority actions to reduce environmental impact and become a carbon neutral Council by 2027⁴. The strategic goals of the Strategy are to become carbon neutral by 2027, reduce waste, improve air quality, ensure new development is sustainable, increase sustainable transport and active travel and protect and enhance our natural environment.
- 3.7 Carbon Neutrality Action Plans** – the Council have set out how they will achieve carbon neutrality for its operation and is in the process of establishing the borough-wide Carbon Neutrality Action Plan to achieve net-zero across the borough by 2045. These plans include the promotion of sustainable and active travel, and the electrification of transport and heat, including the Council's own vehicle fleet and buildings.
- 3.8 Cheshire East Electric Vehicle Charging Strategy** – directly supports the Council's aim of reducing carbon emissions and improving air quality by accelerating the transition to electric vehicles, supporting the ambitions outlined within the LTP.

³ <https://moderngov.cheshireeast.gov.uk/ecminutes/documents/s72327/Local%20Transport%20Plan%20-%20app%201.pdf>

⁴ <https://www.cheshireeast.gov.uk/pdf/environment/environment-strategy-2020-24-final.pdf>

4 Strategy Commitments

To fulfil the objectives of this Strategy and ensure that air quality improvements are achieved, both in locations which currently exceed the objectives, and more generally across the local authority area, Cheshire East Council has identified the following commitments. These commitments reflect the need to achieve the national air quality objectives, whilst working to improve general air quality conditions throughout the local authority area.

4.1 General

- Engage in all practicable opportunities to improve air quality through transport and spatial planning processes and through wider policy initiatives, such as climate change and health improvement programmes.
- Work with the Government and its agencies to contribute, at a local level, to the delivery of both this Strategy and the national Air Quality Strategy. This will primarily be through the LAQM regime as set out in this Strategy. Through this commitment, the Council will work towards achieving the national air quality objectives and will:
 - Strive to ensure that areas currently below the air quality objectives remain so and where possible seek to further improve air quality in these areas:
 - Continue to monitor local air quality across the borough.
 - Produce Annual Status Reports which are published on the air quality website⁵.
 - Make air quality monitoring data available on the air quality website⁶.
 - Regularly review monitoring sites to make sure they are relevant to exposure.
- Air quality is a public health issue therefore, collaboration with the Public Health team and the Director of Public Health at every stage of air quality related matters is encouraged.

⁵

https://www.cheshireeast.gov.uk/business/environmental_health/local_air_quality/review_and_assessment/review_and_assessment.aspx

⁶

https://www.cheshireeast.gov.uk/business/environmental_health/local_air_quality/what_is_pollution_like_near_me/air-pollution-monitoring.aspx

- Continue to support effective cross-departmental collaboration through the Council's Air Quality Steering Group (AQSG). The terms of reference for this group are to discuss the wider issues of LAQM, review the AQAP and ensure that air quality is effectively considered within all relevant policy areas. Through more effective cross-departmental collaboration, Cheshire East will strive to ensure that Council actions do not have a detrimental effect on air quality.
- Actively engage and work with relevant partners such as highways, schools, hospitals, transport operators, local businesses, industry, communications, and media to achieve the necessary improvements in air quality.
- Participate in local and regional networks to pursue improved air quality and the consistent implementation of Local Air Quality Management both locally and nationally.
- Regularly review the AQAP to ensure the measures will achieve relevant improvements in air quality. Reporting any barriers to the AQSG.
- Reduce pollutant emissions (including greenhouse gases) from Cheshire East Council's own estate and vehicle fleets.

4.2. Development Management and Spatial Planning

- Ensure that air quality is considered as a material planning consideration within the Development Management process. To assist with this process the Council implement relevant Best Practice Guides and Supplementary Planning Documentation to assist developers in understanding what is expected to ensure air quality is appropriately considered.
- Require a suitable Environmental Impact Assessment to accurately assess the impact proposed developments will have on local air quality. Guidance on when this will be appropriate will be set out in the Environmental Protection Supplementary Planning Document and Best Practice Guidance.
- Where a deterioration in air quality is predicted due to any development, suitable mitigation measures will be applied. Examples include installation of electric vehicle infrastructure, low NOx boilers and travel plans.
- Ensure air quality is properly considered within all relevant planning policy processes.
- Where appropriate, developers should contribute to meeting the aims of the various actions set out in the AQAP in a manner proportionate with residual emissions. Examples of this could be through a formula based on proxy criteria such as the size of the development or car parking spaces.

4.3. Transport and Non-Road Mobile Machinery (NRMM)

- Road transportation is the primary source of air pollutants. As such, appropriate measures must be applied to significantly reduce emissions due to road traffic, including brake and tyre wear.
- Ensure that systems are put in place to make sure licensed taxi vehicles comply with emission standards.
- Ensure education and awareness of vehicle idling is delivered through the anti-idling campaign.
- Ensure this strategy is incorporated into the LTP, in line with guidance published by the government.
- Ensure that there is a consistent policy approach, which reduces the need to travel and rely on use of private vehicles and more specifically reduces the use of vehicles for short journeys and supports public transport and active travel.
- Work with the relevant Highways Authorities to improve air quality within AQMAs, whilst ensuring air quality does not deteriorate in other areas across the road network.
- Engage with freight operators and organisations to establish appropriate freight routes, delivery routines and driver practices to minimise congestion and pollution.
- Ensure there is a regular exchange of information between transport planners and air quality professionals to include air quality and traffic information and details of any new road proposals.
- Support work to reduce emissions from the Council's vehicle fleet including contractors and looking to the future, suppliers.
- Promote and support opportunities for active travel (i.e., walking and cycling).
- Continue to liaise with Manchester Airport to ensure air quality within Cheshire East is considered and does not deteriorate because of operations at the airport.
- Promote the use of cleaner NRMM as part of construction and environment management plans for development.

4.4. Climate Change and Energy Management

- Work to support climate change initiatives ongoing in Cheshire East and embed air quality objectives into the delivery of Carbon Neutrality Plans.

- Prioritise climate change initiatives and actions, which are mutually beneficial to air quality, especially on reducing pollution from transport and heating sources.
- Support the promotion of energy efficiency measures across the borough including the Council's estate.

4.5. Public Health, Education and Awareness

- Increase public understanding of both indoor and outdoor air quality and the associated health effects.
- Work with Public Health to investigate links between poor air quality (i.e., in AQMAs) and health, and by doing so help to develop the Cheshire East Joint Strategic Needs Assessment.
- Keep the public informed of work relating to LAQM, primarily through the Council's website and any other suitable media.
- Encourage the local community to become involved in improving air quality and take actions to reduce their emission contributions to local air quality.
- Use interactive packages to engage and support schools to raise awareness of air quality and associated local and national campaigns.
- Use of communications and other relevant material for education, communications, and campaigns.
- Liaise and work with external partners such as Defra to ensure air quality improvements are driven forward and use of the UK-Air website⁷ publicised.

4.6. Domestic Burning and Smoke Control Areas

- Continue the communication and education campaign to enable the public to make informed decisions with regards to domestic solid fuel burning.
- Enforce solid fuel regulations by ensuring that fuel being sold for domestic purposes has the "Ready to Burn" logo. Ensure that retailers are not selling traditional house coal and are only selling smokeless coal, for indoor domestic burning.
- Improve awareness and education relating to smoke control areas.
- Keep the boundaries of existing Smoke Control Areas under review, especially if development has taken place outside of the boundaries.
- Enforce restrictions which apply within smoke control areas.

⁷ <https://uk-air.defra.gov.uk/>

- Work with the Environmental Protection and Trading Standard teams to support domestic burning and smoke control area work.
- Provide advice on the installation of alternative heating solutions.

4.7. Industrial, Commercial and Domestic Sources

- Work closely with the Environment Agency where any 'Part A' installation is likely to detrimentally affect air quality.
- Provide advice on the control of air polluting emissions to ensure that all relevant legislation is enforced for the control of emissions from industrial sources.
- Regulate currently granted environmental permits and ensure that any new processes requiring an environmental permit are identified and brought into the regime.

4.8. Agriculture

- Encourage farmers to reduce ammonia emissions by following the Code of Good Agricultural Practice for Reducing Ammonia Emissions, particularly when reviewing planning applications and dealing with service requests.

4.9. Indoor Air Quality

- Support internal and external partners with indoor air quality education and awareness to help raise the profile.

4.10. Fund Air Quality

- To commit, on a long-term basis, officers to drive forward air quality improvements within the borough.
- Maximise funding opportunities for air quality improvements from external partners, developers and through pursuing government grants.

4.11. Monitoring the Effectiveness of this Strategy

- Robustly monitor the progress of the Council's actions in implementing this Strategy through reporting to the Air Quality Steering Group.
- Review the AQS as and when required, but as a minimum every 5 years.

5. Monitoring the Success of the Strategy

The effectiveness of this Strategy will be monitored to ensure the aims and objectives are being progressed. Indicators can be used to monitor the effectiveness of the Strategy, and these should be clear and transparent. The indicators within the AQS are reported on annually and presented to the Air Quality Steering Group.

Actions to improve air quality need to be implemented by a range of internal and external stakeholders. Communication and collaboration are the key to ensuring measures arising from this Strategy are implemented. To assist with this, input from the stakeholders identified in this report will be required to ensure implementation of this Strategy remains an active and on-going process. Specific actions will be implemented through the AQAP. Any actions implemented will undergo further scrutiny in terms of cost effectiveness and evaluation of their impact on other policy areas, which is required as part of the action planning process.

There are several possible indicators listed below to use in monitoring the effectiveness of this Strategy, which will provide direct evidence for improving air quality, both within and outside of AQMAs. In addition, other policy actions, such as assessing the impacts of new developments (roads, residential, commercial, industrial etc.) and increasing public awareness have been included. This Strategy will be reviewed on a 5-yearly basis.

5.1. Air Quality Monitoring

Cheshire East has a network of NO₂ monitoring sites and a RTA located at Disley. The RTA measures NO₂ and PM. The measurements obtained will be used to directly report on trends in air pollution concentrations. The measurements will provide a long-term indication of overall air quality across Cheshire East and will help to identify areas which maybe exceeding the objectives. New monitoring locations will be considered by using local knowledge, requests from members of the public and the Development Management process to map new development.

5.2. Number of AQMAs

The number of AQMAs will help keep track of not only improvements in areas where issues have been identified but will also track any area(s) which experience a deterioration in air quality.

5.3. Assessing New developments

To ensure that new developments do not cause significant deterioration of air quality, there is an indicator to ensure all relevant new developments (roads, residential, commercial, industrial etc.) have an air quality impact assessment submitted as part of the planning application stage.

5.4. Raising public awareness

Public awareness is important to ensure individuals and businesses have the relevant information to be able to make informed decisions regarding the impact of their actions on air quality. This will also provide them with information on the role they can play to improve air quality. As such, air quality education will be promoted to schools, resident groups, Town/Parish Councils, businesses, and the entire borough. This will be done through awareness days, using communication assets, workshops, consultations, social media and at meetings to ensure the right information is made available.

5.5. Improve public transport

Improving local public transport will help reduce single/individual car usage and thereby improve air quality.

Table 5.1. Indicators for inclusion in the Strategy

	Description	Monitoring Frequency	Target
1	Monitoring air quality	Annually	Achievement of the UK air quality objectives
2	Number of AQMAs	Annually	Reduction of AQMAs
3	Assessment of Road Schemes	Annually	Undertake air quality assessments for 100% of relevant road schemes
4	Assessment of planning applications	Annually	100% of relevant planning applications accompanied by Environmental Impact Assessments covering air quality 96% or above of relevant planning applications responded to within the consultation period
5	Assessment of industrial processes	Annually	100% of applications for Environmental Permits are assessed for Air Quality implications 96% or above of programmed inspections carried out to ensure compliance with Permit conditions
6	Promotion, education, and awareness of Air Quality	Annually	Deliver a minimum of five school education workshops / residents' group presentations / Town or Parish Council presentations Minimum of five national awareness campaigns supported

6 Conclusions

The ongoing development of this Strategy for Cheshire East signifies recognition that improving local air quality is the responsibility of a wide range of stakeholders and professions. Although Environmental Protection professionals are tasked with the monitoring and assessment of air quality, the actions and measures necessary to improve air quality remains with a wider range of professionals and stakeholders. These actions will be coordinated and prioritised by Environmental Protection professionals who are also tasked with reporting on the effects of the implemented measures to the Government.

Although future improvements in local air quality are predicted due to technological advances in vehicle engines and improved fuels, there is currently some doubt as to their efficacy. Therefore, there is still a need to reduce the increasing reliance on private motor vehicle use and to provide access to improved public transport services or other sustainable means of travel. Traffic accounts for the main source of pollutant emissions across Cheshire East and is responsible for all the declared AQMAs. As such, the links with the Council's LTP is fundamental to improving air quality across the borough.

Through the implementation of this Strategy, emissions of pollutants across the borough should reduce, resulting in improvements in air quality. This will give rise to several benefits including improvements in the health of the population, improvements to the environment and reduced healthcare costs.

7 Glossary

AQAP	Air Quality Action Plan
AQMA	Air Quality Management Area
AQS	Air Quality Strategy
CEC	Cheshire East Council
CO ₂	Carbon dioxide
LDF	Local Development Framework
LTP	Local Transport Plan
NO ₂	Nitrogen dioxide
NO _x	Nitrogen oxides
PM	Particulate Matter
PM _{2.5}	Particulate Matter of less than 2.5µm in diameter
PM ₁₀	Particulate Matter of less than 10µm in diameter

Appendix 1 Air Quality Objectives

A1.1 The table below presents the air quality objectives relevant for Cheshire East under the Local Air Quality Management Framework. The Air Quality (England) Regulations 2000⁸ (2002 as amended)⁹.

Table A1.1 Air Quality Objectives included in Regulations for the purpose of Local Air Quality Management in England

Pollutant	Objective	Averaging Period
Benzene	16.25 $\mu\text{g}/\text{m}^3$	Running annual mean
Benzene	5.00 $\mu\text{g}/\text{m}^3$	Annual mean
1,3-Butadiene	2.25 $\mu\text{g}/\text{m}^3$	Running annual mean
Carbon monoxide	10.0 mg/m^3	Maximum daily running 8-hour mean
Lead	0.5 $\mu\text{g}/\text{m}^3$ 0.25 $\mu\text{g}/\text{m}^3$	Annual mean Annual mean
Nitrogen dioxide (NO ₂)	200 $\mu\text{g}/\text{m}^3$ not to be exceeded more than 18 times a year 40 $\mu\text{g}/\text{m}^3$	1-hour mean Annual mean
Particles (PM ₁₀) (gravimetric)	50 $\mu\text{g}/\text{m}^3$, not to be exceeded more than 35 times a year 40 $\mu\text{g}/\text{m}^3$	24-hour mean Annual mean
Sulphur dioxide (SO ₂)	350 $\mu\text{g}/\text{m}^3$, not to be exceeded more than 24 times a year 125 $\mu\text{g}/\text{m}^3$, not to be exceeded more than 3 times a year 266 $\mu\text{g}/\text{m}^3$, not to be exceeded more than 35 times a year	1-hour mean 24-hour mean 15-minute mean

⁸ <https://www.legislation.gov.uk/uksi/2000/928/contents/made>

⁹ <https://www.legislation.gov.uk/uksi/2002/3043/contents/made>

A1.2 The table below presents The Environmental Targets (Fine Particulate Matter) (England) Regulations 2023¹⁰, which are the responsibility of the Secretary of State.

Table A1.2 Environmental Act PM_{2.5}

Pollutant	Objective	Target year
PM _{2.5} annual mean concentration	Interim target: 12 µg/m ³	2028
PM _{2.5} annual mean concentration	Legally binding target: 10µg/m ³	2040
PM _{2.5} population exposure	Interim target: 22% reduction in exposure compared to 2018	2028
PM _{2.5} population exposure	Legally binding target: 35% reduction in exposure compared to 2018	2040

¹⁰ <https://www.legislation.gov.uk/uksi/2023/96/contents/made>

Appendix 2 Health Effects of Air Pollutants

A2.1 The table below summarises the main health and some environmental impacts of high concentrations of the national Air Quality Strategy pollutants.

Specific pollutant	Potential effect on health and the environment
<p>Particulate Matter (PM₁₀ and PM_{2.5})</p>	<p>Both short-term and long-term exposure to ambient levels of PM are consistently associated with respiratory and cardiovascular illness and mortality as well as other ill-health effects. The associations are believed to be causal. It is not currently possible to discern a threshold concentration below which there are no effects on the whole population's health. PM₁₀ refers to the mass in micrograms per cubic metre of particles with a diameter equal to or less than 10 micrometres, that are likely to be inhaled into the thoracic region of the respiratory tract.</p> <p>Recent reviews by the World Health Organisation (WHO) and Committee on the Medical Effects of Air Pollutants (COMEAP) have suggested exposure to a fine particles (PM_{2.5}), which typically make up around two thirds of PM₁₀ emissions and concentrations) give a stronger association with the observed ill-health effects, but also warn that there is evidence that the coarse fraction between (PM₁₀-PM_{2.5}) also has some effects on health.</p>
<p>Nitrogen oxides (NO_x including NO₂)</p>	<p>Nitrogen dioxide (NO₂) is associated with adverse effects on human health. At high levels, NO₂ causes inflammation of the airways. Long-term exposure may affect lung function and respiratory symptoms. NO₂ also enhances the response to allergens in sensitive individuals.</p> <p>High levels of NO_x can have an adverse effect on vegetation, including leaf or needle damage and reduced growth. Deposition of pollutants derived from NO_x emissions contribute to acidification and/or eutrophication of sensitive habitats leading to loss of biodiversity, often at locations far removed from the original emissions. NO_x also contributes to the formation of secondary particles and ground level ozone, both of which are associated with ill-health effects.</p>
<p>Sulphur dioxide (SO₂)</p>	<p>Causes constriction of the airways of the lung. This effect is particularly likely to occur in people suffering from asthma and chronic lung disease. Precursor to secondary PM and therefore contributes to the ill-health effects caused by PM₁₀ and PM_{2.5}. Potential damage to ecosystems at high levels, including degradation of chlorophyll,</p>

	<p>reduced photosynthesis, raised respiration rates and changes in protein metabolism.</p> <p>Deposition of pollution derived from SO₂ emissions contribute to acidification of soils and waters and subsequent loss of biodiversity, often at locations far removed from the original emission.</p>
Benzene	<p>Benzene is a recognised human carcinogen which attacks the genetic material and, as such, no absolutely safe level can be specified in ambient air. Studies in workers exposed to high levels have shown an excessive risk of leukaemia.</p>
1,3-butadiene	<p>1,3-butadiene is also a recognised genotoxic human carcinogen, as such, no absolutely safe level can be specified in ambient air. The health effect of most concern is the induction of cancer of the lymphoid system and blood-forming tissues, lymphoma, and leukaemia.</p>
Lead (Pb)	<p>Exposure to high levels in air may result in toxic biochemical effects which have adverse effects on the kidneys, gastrointestinal tract, the joints, and reproductive systems, and acute or chronic damage to the nervous system. Affects intellectual development in young children.</p>

END OF DOCUMENT

Appendix 2: List of Consultees and Responses

Consultee	Response
Environment Agency	No response
UK Health Security Agency	<p data-bbox="506 316 2110 387">Thank you for the opportunity for the UK Health Security Agency (UKHSA) to comment on the draft Air Quality Strategy prepared by Cheshire East Council, covering the period between 2024 and 2029.</p> <p data-bbox="506 424 1162 456">UKHSA's approach to improving air quality</p> <p data-bbox="506 464 2096 679">UKHSA's position is that some pollutants, such as nitrogen dioxide (NO₂) and particulate matter (PM), are non-threshold – i.e. there is no known level of exposure below which health impacts don't occur. This means that any improvement in air quality, even below Air Quality Objective Levels / Standards, is associated with benefits to people's health. We support approaches which minimise or mitigate public exposure to non-threshold air pollutants, address inequalities (in exposure) and maximise co-benefits (such as by increasing active travel and physical exercise or improving access to and quality of greenspaces).</p> <p data-bbox="506 719 2107 1046">As outlined in our 2019 review of interventions to improve outdoor air quality and health, we recommend that evaluation is embedded in the design of any air-pollution focussed interventions from their outset and to systematically gather evidence of their impact and effectiveness. We suggest that it is beneficial to seek the implementation of the evaluation methods at the planning stage, and furthermore, the potential air quality impacts and subsequent population health impacts of developments which may lead to changes in air quality should be considered even at levels below Air Quality Standards / in Air Quality Action Plan areas. We note the intention to align the Air Quality Strategy with other relevant council strategies and would welcome the opportunity to support the integration of air quality improvements and associated co-benefits into the strategic spatial and transport planning process.</p> <p data-bbox="506 1086 1025 1118">Recommendations / Observations</p> <ol data-bbox="555 1158 2085 1444" style="list-style-type: none"> <li data-bbox="555 1158 2085 1270">1. The objectives outlined in pages 8-9 of the Strategy are notable in that they seek to improve air quality in areas where air quality standards are met; as noted this is in alignment with UKHSA aims around air pollution reductions. <li data-bbox="555 1270 2085 1342">2. UKHSA may be able to support Cheshire East in the assessment of the impacts of and the opportunities presented by the drive towards net-zero and would welcome the opportunity to discuss this in future. <li data-bbox="555 1342 2085 1444">3. We note the proposed indicators of progress in the Strategy document; given the role of regional spatial and transport planning in the long-term embedding of car journey dependency, we would suggest an additional focus on engaging with these stakeholders to highlight the impacts of these decisions.

	<p>4. Given that not all spatial planning developments require Environmental Impact Assessments, consideration should be given to the assessment of smaller developments and the need for additional indicators or focus relating to the cumulative impact of these proposals.</p> <p>5. Consider the impact and opportunity of Environmental Net Gain on Air Quality with regard to proposed developments.</p> <p>Cheshire East response:</p> <ul style="list-style-type: none"> Noted and we will look to work with UKHSA further in the future
Cheshire West and Chester Council	No response
High Peak Borough Council	No response
Manchester City Council	No response
Newcastle-under-Lyme Borough Council	No response
Shropshire Council	No response
Staffordshire Moorlands District Council	No response
Stockport Metropolitan Borough Council	No response
Trafford Metropolitan Borough Council	No response
Warrington Borough Council	No response
CPRE Cheshire	CPRE (formerly the Campaign to Protect Rural England), Cheshire Branch, has a number of comments to make in relation to the Cheshire East Council (CEC) consultation on its draft air quality strategy for 2024 – 2029. Air quality is an issue that concerns CPRE, not only because of its impacts on health and the quality of life and the fact that poor air quality can put people off from active travel but because of its inter-connection with climate change.

It is crucially important that CEC sees the climate emergency as the key, over-arching glue that binds together so many of its plans, policies and strategies such as the Local Plan, the Local Transport Plan, the Air Quality Strategy and the Carbon Neutrality Action Plans – with a view to attaining carbon neutrality across the Borough by 2040.

It is therefore disappointing to note that the Council recently set back its target for itself as an entity to become carbon neutral by 2035 to 2045. It is also worrying that the draft Air Quality Strategy being consulted upon does not even mention climate change or the climate emergency in either the executive summary or the conclusion. Nor is it featured in Fig. 1 which illustrates ‘Inputs and outcomes’. Nor is it mentioned under ‘Central Government Framework’ in paragraph 3.1. In fact, it is only mentioned specifically twice – in the first bullet point of para. 4.1 (as a “such as”, along with health improvement programmes) and in para. 4.4, (along with ‘energy management’). At the same time as responding to this consultation, CPRE has been making a substantial submission on the first stage consultation in relation to the new local plan Issues Paper. Question 3(c) in this ongoing consultation is: “How can the local plan help to improve air quality across Cheshire East?” Our answer to this is: “CEC needs to adopt a different mindset. It cannot, on the one hand, be declaring a climate emergency and publishing fine words about tackling climate change and poor air quality and, on the other, be endorsing developing on a peat bog and building new roads. Its actions need to comply with its words if it is to square the circle. It should be taking all actions possible to reduce the need to travel – by ensuring everyone has access to good digital connectivity and communities are sustainable entities – and, when residents do need to travel, providing them with sustainable and seamless public transport options and good conditions for active travel”.

This followed on from us having drawn attention in the local plan consultation to the fact that Cheshire East is amongst the most polluting authorities for greenhouse gas emissions according to the map published in October by the Department for Energy, Security and Net Zero that was posted on the Department for Transport website: <https://maps.dft.gov.uk/ghg-emissions-by-local-authority/index.html>. Note particularly the map for 2021.

CPRE would also like to make the point that it is odd for CEC to be holding a consultation on air quality without featuring as part of it key information that is held, ie: https://opendata-cheshireeast.opendata.arcgis.com/datasets/6d51fb621fc948b2bd6a381f523b2960_0/explore and also: <https://cheshireeast.maps.arcgis.com/apps/MapJournal/index.html?appid=c91838f3f37e428a89bc743948a3e929>.

It is not appropriate that respondents should be expected to hunt around the CEC website to source such fundamental information. However, from these sources it is possible to discern that insufficient monitoring is taking place (from any permanent sites) around Manchester airport and close to the M6 and M56 in particular. There is also no information supplied on where, if anywhere, random monitoring takes place around the borough. CPRE regrets to have to conclude that the draft Air Quality Strategy is an inadequate and unimpressive document.

	<p>Cheshire East response:</p> <ul style="list-style-type: none"> Cheshire East becoming carbon neutral is referenced in the introduction, aims and objectives, Figure 1 highlights the Environment Strategy and the Carbon Neutral Action Plan and these are discussed in sections 3.6 and 3.7 respectively Monitoring takes place where sensitive receptors would be expected to spend a significant amount of time. We do have a current monitoring location close to both the M6 and M56 and historically we have had several monitoring locations along the M6, although due to measuring low concentrations of NO₂ these have been removed.
<p>Member of the public</p>	<p>May I applaud your Air Quality Strategy, I am very aware of the harm that is being done. I have some observations: I noted the Anti Idling Campaign, can I strongly suggest this is not enough, a more proactive nudge approach should be applied (in conjunction with raising awareness). This needs to be enforced, whether through the current civil enforcement team or a specific ‘green team’ so to speak and yes that does mean fines. I seem to recall a more proactive approach was taken in the past to littering particularly cigarette stubs in the town centre I live in (by the way please consider cigarette smoke drift also, you could do a lot worse than enforcing smoke free legislation more proactively, I suspect many a coffee shop/Café’ is allowing smoke to enter their premises, with an abundance of smokers near their entrances and I actually had to ask a vaping member of the public to not smoke inside recently, I can’t remember seeing a no smoking sign on a coffee shop front doors recently. We know that despite initial objections making wearing a seat belt law has saved countless lives, we know that a sugar tax has greatly reduced obesity and of course indoor smoking bans have saved many lives (e.g., those that used to work in such environments). These measures have and are continuing to make a difference. We are always faced with the cry of civil liberty or self-interest (think tobacco industry or climate change deniers etc) but the silent majority and our children deserve their freedoms and civil liberties to be protected also, not least the air they breathe.</p> <p>Cheshire East response:</p> <ul style="list-style-type: none"> Noted and the enforcement of vehicle idling has been considered by the Highways and Transport Committee on 23 November 2023
<p>Member of the public</p>	<p>I am sending this email to give my feedback on the draft air quality strategy as outlined at https://www.cheshireeast.gov.uk/business/environmental_health/local_air_quality/local_air_quality.aspx. Firstly though, I would like to make it very clear that I am writing this email [REDACTED]. [REDACTED]. Second, I should say that I’ve not read any previous versions of the strategy, so I’m commenting on the document as a whole and not any changes that have been made.</p>

Comments as follows:

- Section 4.1: You state that you wish to make monitoring data available on the Cheshire East Website. Currently, the data presented is the absolute bare minimum annual averages for compliance purposes and an ambition to improve on this would have been welcome. In order to meet the stated objective “Raise the profile of air quality amongst the local communities across Cheshire East.” (among others) it would be much better to present more of the data, as many other councils do (e.g. Greater Manchester), specifically hourly data from the automated sites (ideally in near real time) and individual tube data from the diffusion tubes.
- Section 4.2: I would have perhaps hoped for some specific ambition here regarding the promotion of electric vehicle charging infrastructure and heat pumps, through either promoting design choices at the planning stage and/or more proactively holding developers to account.
- Section 4.3: I notice there is no mention here of improving air quality through encouraging the use of public transport or electric vehicles. This is disappointing, although I note you touch on public transport very briefly in 5.5 (without giving detail)
- Section 4.3: What exactly does “Work with the relevant Highways Authorities to improve air quality within AQMAs” mean? What sort of effective actions could result from this?
- Section 4.3: Education regarding anti-idling is mentioned, but by its omission, can I take it that you do not plan to enforce this?
- Section 4.3: You state “make sure vehicles comply with emission standards” but most of this is covered by the DFT through type approvals, MOTs, etc. What do you intend to do over and above this as a local authority?
- Section 4.5: It’s disappointing that you are choosing to act alone as a council rather than working with and leveraging national resources, e.g. Air Quality England
- Section 4.6: What exactly does “support the public with domestic solid fuel burning” mean?
- Section 4.6: Cheshire East’s smoke control areas are limited to parts of Crewe and some very oddly specific areas of Wilmslow, and most date from the 1960s and 1970s and would arguably not reflect current domestic emissions and exposure, so focusing on these and their boundaries is likely not going to be effective on a practical level. Producing a more up to date assessment of the influence of domestic burning emissions in Cheshire East would be more ideal.
- Section 4.6: In addition to fuels sold at retail, work could be done to improve public awareness regarding privately-acquired fuels, such as discouraging the burning of waste wood (in particular treated and painted wood) and encouraging the proper preparation of wood from tree thinning/felling.

	<ul style="list-style-type: none"> • Section 4.6: On top of the above, it might be anticipated that there will be an increase in garden waste burning in response to Cheshire East’s recent introduction of kerbside garden waste charges and closures of tips. I would be reassured if Cheshire East planned to at least monitor for this. • Section 4.8: This is a national strategy and it’s not clear what Cheshire East actually plans to contribute, if anything. • Section 4.9: This section is very light. Do you plan to engage with any national-level resources here? Do you plan to act on private properties, public buildings, workplaces or all of the above? Or given that this does not feed into any of the measures of success in section 5, do you even plan to do anything at all? • Section 4.11: “Robustly monitor the progress of the Council’s actions in implementing this Strategy” would be a more effective statement if you could say what this would involve. Who is doing the monitoring and who do they report to? • Section 5.1: Cheshire East’s monitoring is (by and large) dictated by areas that already have problems and mostly limited to diffusion tubes, so it’s not clear how its monitoring activities will identify new problem areas, unless you plan to proactively use measurements to survey areas? • Table 5.1: If targets 1 and 2 are met, this will likely be because of natural vehicle fleet turnover that this strategy has no influence on (that I can tell). While these would certainly be good outcomes, they are a questionable measurement of success of this strategy. If you could qualify any successes as being “attributable to actions performed within the strategy”, it would be far more impressive. <p>Cheshire East response:</p> <ul style="list-style-type: none"> • Monthly raw diffusion tube monitoring data is published on the website, alongside the annual averages. • Electric vehicle infrastructure is recommended through the Development Management process and we now also have Building Regulations Approved Document S: infrastructure for charging electric vehicles • Through the Taxi Licensing Policy emission standards of vehicles now need to meet required minimum standards, failure to do so results in the vehicle being removed from the licensing regime. • Smoke Control Areas are located within areas of Crewe, Wilmslow, Handforth and a small area of Disley. A borough wide review of these areas will be undertaken in the future. • New monitoring locations will be considered by using local knowledge, requests from members of the public and the Development Management process to map new development. • Several bullet points have been expanded to aid clarification.
Member of the public	<p>Ref item 4.6. Domestic Burning and Smoke Control Areas</p> <p>There are instances of Scrap collectors etc burning the plastic coating off COPPER wiring to reclaim the copper & sell to scrap dealers.</p>

	<p>This tends to happen late at night to avoid detection, often in back gardens or on public land very close to the offending inhabitants houses. Instances have happened around areas [REDACTED]. Though I'm sure it happens in other areas too.</p> <p>Concern surely should be raised as to the harm from carcinogens released into the air from such practices the smell from the acrid smoke is unmistakable!</p> <p>Any steps to PUBLICISE & deter this illegal practice should be taken imho.</p> <p>Cheshire East response:</p> <ul style="list-style-type: none"> Noted and for information complaints of this nature can be made to the Environmental Protection team to investigate.
Member of the public	<p>I refer to the request for comment on the air quality in the area.</p> <p>I am extremely concerned about the air quality caused by the amount of traffic on the Wilmslow by-pass ie. the A34.</p> <p>This road has a speed limit of 70mph, exactly the same as the M1 and the M6 among others and without the benefit of a hard shoulder!</p> <p>As a general rule many motorists drive at a faster speed than this. [REDACTED]</p> <p>Clearly, it's much more than 70mph and in fact it's well know that it's frequently used as a speed track particularly at weekends.</p> <p>Groups of motorcyclists travel up and down racing each other, as do sports cars.</p> <p>As a result of these illegal speeds the amount of pollution is increased exponentially!</p> <p>If you walk along the pedestrian and cycling path at the rear of [REDACTED] on any day of the week, the clouds of petrol and diesel fumes are frequently quite overwhelming.</p> <p>It's only a matter of time before there is a tragedy and as someone who lives overlooking the Motorway, I can't describe it in any other way, I dread this happening!</p> <p>There are many days in the summer when it is impossible to spend time in my garden.</p> <p>I'm sure that a reduction in the speed on this road would decrease the amount of pollution created by these vehicles and make life healthier for residents!</p> <p>Cheshire East response:</p> <ul style="list-style-type: none"> Noted and Cheshire East does have a Speed Management Strategy in place, which considers air quality.
Member of the public	<p>We [REDACTED] and have really noticed the air quality has deteriorated. If you walk into and out of Congleton town along [REDACTED] you cannot only smell the vehicle fumes but taste them, the amount of dust from the construction sites also irritates your eyes. Not only is this bad for residents but also the pupils at [REDACTED].</p> <p>The amount of dust is also getting into our houses in summer when we need to open windows to keep cool.</p>

	<p>With all the extra housing in the area there are more cars travelling at speed along the road into and out of town. This is causing not only a pollution problem, as cars are queuing at the pinch point nr to [REDACTED], but a pedestrian safety problem.</p> <p>There is also a noise problem from all the extra vehicles using [REDACTED], one of our neighbours, who lives alongside the road, recently said it's got so bad they cannot sit out in their garden.</p> <p>We that is the local residents have all said the speeding along the road is getting worse with cars overtaking those keeping to 30mph right before the junction to [REDACTED].</p> <p>The quality of life in our area has really gone down since we moved here, if it was not for [REDACTED] we would move again out of the area all together.</p> <p>Cheshire East response:</p> <ul style="list-style-type: none"> • Noted
Member of the public	<p>I have looked online at the AQMAs in Crewe and cannot find any up to date information. The volume of traffic on [REDACTED] has more than doubled over the past few years. There are 3 massive separate housing developments [REDACTED] and nearby [REDACTED] which are contributing to the volume of traffic, many heavy goods vehicles, as [REDACTED] is signposted for access to the town centre. There are frequently queues from vehicles trying to turn onto [REDACTED] and the nearby roundabout at [REDACTED] exacerbates this. The area is choked with vehicle fumes at times. This is a residential street and drivers keep their engines running while queueing.</p> <p>We think this area should be monitored as the traffic situation has clearly changed for the worst since the last AQMAs were published.</p> <p>Cheshire East response:</p> <ul style="list-style-type: none"> • AQMAs are not routinely published they are declared until monitoring provides evidence they are consistently below the air quality objective and then they are revoked. We have previously monitored on North Street which is around this area.
Member of the public	<p>I am appalled by the provision of EV infrastructure in the county. Every French village of a few hundred people has more public charge points than Cheshire East. Last year, the council voted not to pursue idling engines (which is actually already an offence under the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002. This demonstrates that the Council shows utter disregard for what is needed: Of course much of the constituency is scoring fine; we're largely rural, for Christ's sake... It very much feels like the Council is just busy on window-dressing whilst avoiding to address any real issues. Our children will call you out on it! It is an utter shambles as it is!</p> <p>For what it's worth: [REDACTED] because this Council does not seem to be inclined to tackle what is, unquestionably, the by far largest issue of our lifetime!</p>

	<p>Cheshire East response:</p> <ul style="list-style-type: none"> Noted. Cheshire East now has an Electric Vehicle Charging Strategy in place and continues to bid for funding to deliver increased EV infrastructure.
<p>Member of the public</p>	<p>Thank you for the opportunity to comment on the draft revised Air Quality Strategy. While the revised policy seems generally sensible, I am concerned that Cheshire East are currently following various policies that will seriously damage air quality.</p> <p>Paragraph 3.5 of the draft Policy states: “... <i>the biggest contributor to air pollution within Cheshire East is road transport.</i>” However, Cheshire East is currently promoting policies that will have the direct effect of increasing road traffic:</p> <ul style="list-style-type: none"> The imminent closure of the Household Waste and Recycling Centres at Poynton, Bollington and Middlewich. Residents of Poynton, Adlington, Disley, Bollington, Prestbury, Pott Shrigley, Mottram St Andrew, Handforth and Wilmslow will have to take their waste to the remaining site on the Moss, south of Macclesfield. A journey to the Macclesfield HWRC site from anywhere in the Poynton area means a return journey that is 13 miles longer. On current usage figures that would mean an extra 226,000 miles driven on tip journeys from Poynton (closing Bollington would add about another 100,000 miles). Using an average of 40 m.p.g. this equates to over 5,700 gallons of petrol or diesel used in a year. The policy of running down and threatened future closure of Poynton Leisure Centre (and other Leisure Centres across Cheshire East). There are no alternative facilities in Poynton, residents will be expected to travel to leisure facilities in Macclesfield, Bollington or Stockport. The reduction of bus services in Poynton from one bus an hour in 2019 to one every two hours, with no service at all after early evening or on Sundays. There are continuing fears that the 391/ 392 service will be withdrawn altogether, leaving Poynton (and also Adlington and Pott Shrigley) with no buses at all. The only alternative is the car. The policy of building new housing estates in the Green Belt on the edge of towns, long distances from shops and other facilities. Again, there is no real alternative to the private car for residents. <p>A further concern is how exactly Cheshire East plan to measure air quality. Dangerous pollutants include nitrogen oxides (NO₂) and particulate matter (PM). The draft Policy states in Section 5.1: <i>“Cheshire East has a network of NO2 monitoring sites and a RTA [Real-Time Analyser] located at Disley. The RTA measures NO2 and PM. The measurements obtained will be used to directly report on trends in air pollution concentrations. The measurements will provide a long-term indication of overall air quality across Cheshire East and will help to identify areas which maybe exceeding the objectives.”</i></p>

	<p>However, Cheshire East maintain only one diffusion tube in the whole of Poynton. The policy implies that a single machine in Disley provides the Particulate Matter data for the whole of Cheshire East. This seems wholly inadequate – one diffusion tube in a small town like Poynton provides little coverage across a small town, and Disley is one site in the far north-east of Cheshire East. PM readings there can hardly be applied, for example, to Crewe, which is over thirty miles away.</p> <p>There are also other dangerous pollutants, such as sulphur dioxide, ozone, benzene, lead and butadiene. If Cheshire East do not monitor them, how do they know these are not at dangerous levels?</p> <p>Please could you take these points into account when considering Air Quality strategy.</p> <p>Cheshire East response:</p> <ul style="list-style-type: none"> • The location of monitoring is reviewed every year and try ensure we have reasonable coverage of the borough. There have been more diffusion tubes in Poynton in the past, but these were removed due to showing good compliance with the air quality objective. We follow Defra Technical Guidance and our own monitoring procedure. • Defra have advised that in recognition of the fact that all of the objectives for Benzene, 1,3-Butadiene, Carbon Monoxide and Lead have been met for several years and are well below objective values, local authorities do not have to report on these pollutants unless local circumstances indicate otherwise.
<p>Transition Wilmslow</p>	<p>Well done for doing a strategy and stressing the importance of the work on reducing carbon emissions from transport. Not much one can say on it, but can you do more to allow the closure of roads for events - to make it more easy to getting people walking and cycling, like we did in Wilmslow for the Festival of Nature in 2022? It was very hard to get it accepted - but it a) reduced pollution b) got a lot of people out to walk and cycle there c) was, of course, fun for all!</p> <p>Cheshire East response:</p> <ul style="list-style-type: none"> • Noted
<p>Member of the public</p>	<p>Firstly, I welcome the update to the strategy, particularly given the changes to environmental legislation post-Brexit, and welcome this opportunity for consultation with the wider public.</p> <p>[REDACTED]</p> <p>[REDACTED], drawing on the knowledge and facilities of [REDACTED].</p>

I have researched the latest legislation at some length and have to comment that it is incredibly confusing. Hence, I would strongly recommend that you include in the paper some clear statements as to which organisations have legal responsibility for each of the following:

- Monitoring the pollutant
- Taking action to reduce concentration of this pollutant
- Checking and enforcing the action

Of course this may be different for each pollutant of interest.

██████████ has been the monitoring of PM_{2.5}, primarily because of the increasing scientific evidence of the dangers of small-particulate pollution, and the consequential tightening of WHO guidance levels for human exposure.

As far as I can tell, for PM_{2.5} it is Defra who does the monitoring through the AURN network, but the Local Authority has the responsibility to take any required action. Do please clarify this in the strategy paper.

It is also not very clear over what geographical areas PM measurements should be taken or averaged. There seem to be several definitions of geographical zones – one is North-West and Manchester, and another is Cheshire east. The legislation appears to say that if a zone has >250,000 population (CE is approx. 400,000) then there should be at least 3 monitoring stations – but the AURN network only has one station (at Crewe) and CEC has just commissioned their own local station in Disley. It would be very helpful if the strategy paper could clarify the legal requirement for monitoring.

The strategy paper references some of the background documents and web sites, but I found several more which appear to be relevant:

- Environment Act 2021
- Air Quality (England) Regulations 2000
- Air Quality Standards Regulation 2010
- Air Quality Standards Regulations 2020
- Environmental Targets (fine particulate matter) (England) Regulations 2022
- Environmental Targets (fine particulate matter) (England) Regulations 2023
- Air Quality Strategy: framework for Local Authority delivery (2023)
- Environmental Improvement Plan 2023

Finally, there is [the uk-air Defra site](#) for AURN - Automatic Urban and Rural Network.

It would be very helpful if the strategy paper could list all the appropriate links to legislation and other involved organisations (Defra etc).

I note that the paper has a table listing all the air pollutants covered by legislation, but the monitoring and action plans in the paper only mention NO_x and PM. It isn't clear from this who monitors and takes action on all the other pollutants. Of major concern would be ammonia for example. Could you please clarify the responsibilities of CEC for all the other pollutants.

	<p>I would also have expected a review (or reference to a review) of the previous 5 year period, to be used in informing the next period's strategy – ie what were the targets, action plans, results, and outstanding issues. I couldn't find such a review on the CEC website, and it would be very helpful to have a summary of such a review included (or referred to) in the paper.</p> <p>Cheshire East response:</p> <ul style="list-style-type: none"> • The Annual Status Report is the document we produce each year which advises on the current monitoring and provides updates on the measures in the Air Quality Action Plan and the work undertaken by the team. This has to be submitted to and approved by Defra. • The indicators within the AQS are reported on annually and presented to the Air Quality Steering Group. • Defra have advised that in recognition of the fact that all of the objectives for Benzene, 1,3-Butadiene, Carbon Monoxide and Lead have been met for several years and are well below objective values, local authorities do not have to report on these pollutants unless local circumstances indicate otherwise. • Clarification included in the Strategy as to local authority and Secretary of State responsibilities, plus clearer links to legislation.
<p>Member of the public</p>	<p>Thank you for the opportunity to comment on the above draft strategy.</p> <p>██████████ relates to transport, which your draft strategy states in para 3.5 is the biggest contributor to air pollution in Cheshire East. I am particularly concerned about significantly reducing the contribution of motorised vehicles to poor air quality, and making our streets more pleasant to use and safer.</p> <p>The commitments in section 4.3 of the draft strategy are a good start but I think you should go much much further given the urgency of climate breakdown and the acknowledgement that 40% of households in CE have two or more cars; leading to a high dependency on driving. For example, I urge you to include further commitments such as:</p> <ul style="list-style-type: none"> • reviewing all speed limits especially on our country roads and lanes with the aim of reducing the limit • changing the default from 30mph to 20mph in residential areas so that only roads which are safe enough to stay at 30mph do so • adjusting transport and highways funding to reduce spending on road schemes for motor vehicles and significantly increase spending on schemes to support and promote walking, cycling and using public transport. Schemes to support walking and cycling in particular are very cost effective, have high cost benefit ratios and are often quick and easy to deliver. <p>Regarding 20mph speed limits in built up areas, there has until recently been a question mark over whether reducing speed limits to 20mph increases air pollution. Recent research shows that when the stop/start nature of</p>

	<p>traffic is taken into account, pollution is lower in areas where 20mph is the limit than in areas where 30mph is the limit. In 30mph areas drivers will try to accelerate up to 30mph between pedestrian crossings, traffic lights etc and create more emissions. https://futuretransport.info/wp-content/uploads/2022/05/Urban-Transport-Modelling-2022-05-16.pdf</p> <p>I think that additions like the above would reduce pollution in themselves, and increase the likelihood of getting more people to switch to active travel and public transport, thus improving air quality even more.</p> <p>Finally, regarding para 4.1 which includes the commitment to work with relevant partners such as highways, etc, to achieve the necessary improvements in air quality, my view is that this wording is far too weak. This topic is far too serious to be managed by "working with" other partners, especially partners which are also part of CE. In particular, CE Highways have a notorious reputation for being far too interested in car-dominated schemes and routinely allocate huge funds for road building at the expense of schemes to promote walking and cycling. Recently, I was unable to even convince CE to allocate a modest amount for on-street cycle parking in [REDACTED]. [REDACTED] The wording of para 4.1 should instead say that other council departments should revise their policies, strategies and plans to be consistent with the AQ strategy and be required to submit plans to the AQ department for approval. The AQ department should have more influence. Regarding organisations outside of CE, I am happy with the wording "work with".</p> <p>I hope you will take my comments into account from a resident who feels passionately about this very serious issue.</p> <p>Cheshire East response:</p> <ul style="list-style-type: none"> • Wording in the AQS tweaked and to note that Cheshire East does have a Speed Management Strategy in place, which considers air quality.
<p>Cheshire East Climate Alliance</p>	<p>Please accept these comments on your Air Quality Management Strategy which is currently open for consultation. These comments are on behalf of the Cheshire East Climate Alliance (CECA) which brings together representatives of climate and environmental groups from across the borough. <i>We are also encouraging members of the various groups to comment individually if they wish to.</i></p> <p><u>Comments</u></p> <ol style="list-style-type: none"> 1. Firstly we welcome this current review of the strategy and in particular the continuation of objectives such as <ul style="list-style-type: none"> • raising the profile of air quality • ensuring that air quality is a major consideration in all policies and plans throughout the council

- the continuation of the Council Air Quality Steering Group as a means of involving all council departments
2. We note the inclusion of 4 new commitments and agree that it was right to add them
- 4.6 Domestic Burning and Smoke Control Areas
 - 4.8 Agriculture
 - 4.9 Indoor Air Quality
 - 4.10 Fund Air Quality
3. As a general comment we would have found it helpful if you had included a review (*or reference to one*) of the previous 5 year period, to be used in informing the next period's strategy. (For example we couldn't tell which were the new additional targets in Table 5.1.) We couldn't find such a review on the CEC website and would have liked to see something which included
- a list of previous targets and how well we did against them
 - an updated action plan with responsibilities and time frames
 - a list of issues including funding shortfalls
4. We understand the relevant legislation is very confusing and would like to have seen this document set out more clearly what the legislation is and how Cheshire East are applying it. In particular we would like to have seen
- clarification of responsibilities between local authorities and DEFRA
 - clarification of the geographical areas over which PM measurements should be taken or averaged
 - whether the 2 monitoring stations we have in Cheshire East (an AURN station in Crewe and a local station in Disley) are sufficient for a zone with a population of around 400,000
 - responsibilities for monitoring and taking action on ALL pollutants including others such as ammonia
5. We welcome indicator 5.4 on raising public awareness and wonder how many awareness days and other methods of communication there have been since 2018. We also note the 4th bullet under commitment 4.5 about getting local communities to become involved in improving air quality and would like to offer help in communicating that through our various mailing lists.
6. We also wonder if there is any appetite to involve residents more formally in monitoring progress against the overall strategy. We believe you would find it easy to recruit people willing to become involved and we would be happy to help you find people with suitable skills and experience from among our extensive mailing lists.
7. As a group concerned with climate and environmental action we recognise the synergy between pursuing action on air quality and reducing emissions. We meet over zoom every couple of months or so and are usually joined by [REDACTED]. We wonder if someone from your team would be interested in joining a meeting one

	<p>evening, perhaps in [REDACTED], and explore any ways in which we might help you in improving air quality throughout Cheshire East.</p> <p>Cheshire East response:</p> <ul style="list-style-type: none"> • The Annual Status Report is the document we produce each year which advises on the current monitoring and provides updates on the measures in the Air Quality Action Plan and the work undertaken by the team. This has to be submitted to and approved by Defra. • The indicators within the AQS are reported on annually and presented to the Air Quality Steering Group. • Defra have advised that in recognition of the fact that all of the objectives for Benzene, 1,3-Butadiene, Carbon Monoxide and Lead have been met for several years and are well below objective values, local authorities do not have to report on these pollutants unless local circumstances indicate otherwise. • Clarification included in the Strategy as to local authority and Secretary of State responsibilities, plus clearer links to legislation. • There are several pages on air quality awareness on our website, with lots of information. • More than happy to attend a meeting to discuss the work of the Air Quality team.
Member of the public	<p>Thank you for the opportunity to comment on the updated strategy, which I am very supportive of. [REDACTED] which meets on an ad hoc basis to discuss issues of climate change and addressing the challenge to get to net 0. [REDACTED], I have seen the comments submitted by the CE Climate Alliance group and concur with their comments on which I have based my own comments below.</p> <ol style="list-style-type: none"> 1. I am pleased to see that the following objectives, in particular, are to be continued: <ul style="list-style-type: none"> • raising the profile of air quality • ensuring that air quality is a major consideration in all policies and plans throughout the council • the continuation of the Council Air Quality Steering Group as a means of involving all council departments 2. I agree that it is right to add the 4 new commitments: <ul style="list-style-type: none"> • 4.6 Domestic Burning and Smoke Control Areas • 4.8 Agriculture • 4.9 Indoor Air Quality • 4.10 Fund Air Quality 3. It would have been helpful if you had included a review of the previous 5 year period, including a list of previous targets and how well we did against them; an updated action plan with responsibilities and time frames; and a list of issues.

	<p>4. It would have been helpful if you had set out more clearly what the relevant legislation is and how CE are applying it. This could include clarification of responsibilities between local authorities and DEFRA; whether the 2 monitoring stations in CE are sufficient for a zone with a population of around 400,000; responsibilities for monitoring and taking action on all pollutants.</p> <p>5. It is good that you have identified the need to raise public awareness. It is very important to get local communities involved in improving air quality, and this can only be done if the problem is recognised by them.</p> <p>6. I feel that lowering speed limits, particularly in rural areas with narrow lanes, is an important step in reducing emissions as well as improving road safety for all users. There are many rural lanes in CE which have a 60 mile per hour speed limit and many drivers who use them do not have the common sense or courtesy to drive more slowly.</p> <p>Cheshire East response:</p> <ul style="list-style-type: none"> • The Annual Status Report is the document we produce each year which advises on the current monitoring and provides updates on the measures in the Air Quality Action Plan and the work undertaken by the team. This has to be submitted to and approved by Defra. • The indicators within the AQS are reported on annually and presented to the Air Quality Steering Group. • Defra have advised that in recognition of the fact that all of the objectives for Benzene, 1,3-Butadiene, Carbon Monoxide and Lead have been met for several years and are well below objective values, local authorities do not have to report on these pollutants unless local circumstances indicate otherwise. • Clarification included in the Strategy as to local authority and Secretary of State responsibilities, plus clearer links to legislation. • Cheshire East does have a Speed Management Strategy in place, which considers air quality.
<p>20s Plenty for Cheshire East</p>	<p>We welcome the fact that you are updating the Air Quality Management Strategy and that you have added new sets of commitments, albeit with little detail. Our response is in three parts:</p> <ol style="list-style-type: none"> 1. General Comments and an invitation 2. Transport related comments on the Commitments at 4.2 and 4.3 3. A note about how the implementation of 20s Plenty across Cheshire East could be a relatively easy win in the fight for better air quality <p>1. General Comments</p> <p>1a. We understand this is a top-level strategy document but we would have expected to see reference to a detailed action plan with responsibilities and detailed actions with measurable targets and time frames. We would have expected to see a summary of what has been achieved in the last 5 years and more detail on what was new.</p>

1b. It would have been useful to see a clearer picture of how all the legislation fits together and relates to the actions you are proposing.

1c. We wonder if any consideration has been given to form some sort of forum in which councillors (borough and local), officers and residents / community groups could come together regularly to assess progress. In the meantime we would love to have you join one of our 20s Plenty for Cheshire East regular zoom calls where we could discuss how such a forum might work and you could tell us what the team does on a day to day basis. The next one is [REDACTED]. We have them every few weeks.

2. Transport related commitments

2a. In 4.2 we would like to have seen explicit examples of how a new development of houses could **build in** good air quality with measures such as:

- supporting active travel with walkways, cycle paths and access to public transport
- making 20mph limits standard in new developments (this is allowed for within the current Speed Management Strategy)

2b. It was good to see a large number of commitments in 4.3 and we would like to have seen more ambitious wording and indeed in thinking. Examples follow:

2c Why do you need the first 4 words in this sentence? 'When the opportunity arises, work with freight operators and organisations to establish appropriate freight routes, delivery routines and driver practices to minimise congestion and pollution.' There are many roads throughout Cheshire East which are awful places to be because of the number of lorries that pass through them. **We need to make our own opportunities** - not wait for something to happen. **And the objective should be to get much more road freight onto rail.** If we do this, not only will air quality be improved but road surfaces will suffer less damage and need less maintenance.

2d The next commitment after that is particularly weak: 'Ensure there is a regular exchange of information between transport planners and air quality professionals to include air quality and traffic information and details of any new road proposals.' In many cases new roads will only make things worse and we need to set the bar a lot higher in allowing them to go forward.

2e The commitment after that is about promoting and supporting opportunities for active travel. The only way you will increase active travel is by making roads safer and pleasanter for walkers and cyclists. For many people that means separate cycle paths, but they cost a lot of money. For me it is about creating a **culture of much more responsible driving, lower speed limits and much less tolerance of driving offences.** It will take a concerted effort with the council working with the police, large employers, health professionals, neighbouring authorities and so on. It will feel like a never-ending task but for all the people who moan there will always be a lot more who support such leadership.

2f We could not see any mention of pollution caused by aircraft and the proximity to Manchester Airport. Even if that really is outside the council's control there must be some mitigating action that could be taken. Leading on

from that we are curious as to whether any thought has been given to linking actions to improve air quality with those to decrease noise,

3. Potential for 20s Plenty for Cheshire East to improve Air Quality

3a The people who support the campaign believe that if Cheshire East adopted a 20s Plenty approach this would go a long way towards making our roads safer and our streets nicer places to be, with less pollution.

3b There is some misunderstanding about what 20s Plenty for Cheshire East would actually mean and I would welcome an opportunity to allay some of the misconceptions about what we would be asking for in more detail.

3c. Very briefly the ask is this:

- In areas where the current default is 30mph we are asking for the default to be set to 20mph. Where there is consensus that the road is safe enough to remain at 30mph, taking into account the needs of non-motorised road users (walkers, cyclists, horse riders, motability scooters) then that road can stay at 30mph
- We are not asking for expensive new infrastructure. Speed bumps and chicanes only reinforce the idea that 30mph is normal. They also encourage a style of driving that is not good for air quality.
- We are asking for the default to be across the whole of Cheshire East so that it becomes normal for people to drive at 20mph in areas where a lot of non-motorised road users are about.

3d. One particularly relevant misunderstanding, even among some supporters, is about the relationship between lower speed limits and pollution / emissions. The argument used to go that lowering speed limits would lead to safer roads and that would lead to more active travel and that would lead to less pollution, regardless of whether engines pollute more at lower speeds. That remains a valid and strong argument but it has recently been shown that **lower speed limits in themselves can lead to significantly less pollution and emissions if implemented in the right way.** <https://futuretransport.info/wp-content/uploads/2022/05/Urban-Transport-Modelling-2022-05-16.pdf>

Cheshire East response:

- The detailed Air Quality Action Plan, which links to the AQS can be found on our [website](#).
- The [Annual Status Report](#) is the document we produce each year which advises on the current monitoring and provides updates on the measures in the Air Quality Action Plan and the work undertaken by the team. This has to be submitted to and approved by Defra.
- The indicators within the AQS are reported on annually and presented to the Air Quality Steering Group.
- Defra have advised that in recognition of the fact that all of the objectives for Benzene, 1,3-Butadiene, Carbon Monoxide and Lead have been met for several years and are well below objective values, local authorities do not have to report on these pollutants unless local circumstances indicate otherwise.
- Clarification included in the Strategy as to local authority and Secretary of State responsibilities, plus clearer links to legislation.
- Cheshire East does have a [Speed Management Strategy](#) in place, which considers air quality.

	<ul style="list-style-type: none"> • More than happy to attend a meeting to discuss the work of the Air Quality team. • Wording in the AQS tweaked.
Member of the public	<p>I have read the draft strategy and wish to support the aims of the strategy in improving air quality for everyone who lives and works in our county.</p> <p>I have one specific comment: session 4.3 picks out a number of practical ways to reduce the detrimental impact of road traffic. For instance, education about the impact of idling.</p> <p>Can you please add another practical strategy here. Reducing the pollution caused by stop-start motoring in populated areas. The default 30 mile an hour limit encourages this far more than a default 20 mile an hour limit in built-up areas. There is clear evidence for this here: https://futuretransport.info/wp-content/uploads/2022/05/Urban-Transport-Modelling-2022-05-16.pdf</p> <p>Areas with a 20 mile an hour speed limit have less pollution compared with those with a 30 mph speed limit. Cheshire already has a speed management strategy which allows for the implementation of 20 mile an hour zones once an assessment has been carried out. There is a clear positive linkage here between the two strategies.</p> <p>Cheshire East response:</p> <ul style="list-style-type: none"> • Noted and Cheshire East does have a Speed Management Strategy in place, which considers air quality and various linkages.
Member of the public	<p>Thank you for the opportunity for the public to respond to your consultation about the Air Quality Strategy for Cheshire East. We do think this is a very important aspect of our care for the environment and our fellow citizens, so we are pleased that you are updating the strategy. We are however not by any means experts or specialists in this field, so what we have to say is general in nature, and arises from input from those we know who do have this knowledge.</p> <p>There is a reference in section 2 to the current strategy dated 2018, but the paper does not set out any results or analysis from this as a basis for future action (e.g. targets, action plans, results, and outstanding issues). It would be helpful to have some reference to this in the paper.</p> <p>It is not clear to us from the paper who is legally responsible for monitoring the different pollutants covered by the legislation, and for taking and enforcing action. There is a table listing all the air pollutants covered by legislation, but the monitoring and action plans in the paper only mention NOx and PM. One other major concern would be ammonia for example. Could the paper clarify the responsibilities of CEC for all the other pollutants?</p>

	<p>Can you also clarify the legal requirements for monitoring – we are not sure what the geographical areas are for measuring. For example, how many monitoring stations should Cheshire East have, and what are the plans to make sure this is achieved?</p> <p>Finally, in Section 4.3 we specifically welcome the commitments to reducing emissions, reducing car use and promoting active travel. We would suggest you also review speed limits, with a view to reducing them, especially in residential areas, to reduce pollution and increase safety, thus encouraging active travel.</p> <p>And in 4.4 we note with approval the intention to embed air quality objectives into Carbon Neutrality plans, as in our view the achievement of NetZero should be a major priority.</p> <p>Cheshire East response:</p> <ul style="list-style-type: none"> • The Annual Status Report is the document we produce each year which advises on the current monitoring and provides updates on the measures in the Air Quality Action Plan and the work undertaken by the team. This has to be submitted to and approved by Defra. • The indicators within the AQS are reported on annually and presented to the Air Quality Steering Group. • Defra have advised that in recognition of the fact that all of the objectives for Benzene, 1,3-Butadiene, Carbon Monoxide and Lead have been met for several years and are well below objective values, local authorities do not have to report on these pollutants unless local circumstances indicate otherwise. • Clarification included in the Strategy as to local authority and Secretary of State responsibilities, plus clearer links to legislation. • Cheshire East does have a Speed Management Strategy in place, which considers air quality.
Member of the public	<p><u>Summary:</u></p> <p>From a [REDACTED], [REDACTED] those actions relating to transport. I support all the commitments in section 4.3 of the strategy paper although I would like to see more ambition in them.</p> <p>My main concern is that some people might propose that Air Quality can be improved by encouraging everyone to switch to electric vehicles. This would do nothing to resolve all the road safety problems in Cheshire East or to prevent the deterioration of road surfaces and would mean we miss out on other potential benefits such as less congestion and health benefits of more active travel.</p> <p>I would urge you therefore to protect and indeed strengthen those commitments which can also improve road safety for pedestrians, motability scooter users, horse riders and cyclists.</p> <p><u>Detail</u></p>

██████████ and we were shocked when we settled in to realise how bad the traffic is, both on the ██████████ and the roads that go both ways from the traffic lights (██████████.)

Around ██████████ I attended a meeting on Air Quality. It was not a formal parish council meeting but it was chaired by a parish councillor and several others were there. One member of the public told us how ██████████ ██████████ that he stay away from the centre of the village due to the effect the poor air quality would have on his medical condition. *The surgery, the pharmacy and all the other shops are very close to the centre of the village.* We all agreed this was a terrible indictment of the situation.

I got the impression that the parish council were very keen to improve Air Quality and road safety. There was talk of working with Network Rail and the Quarrying companies in the Peak District to move the transportation of aggregates from road to rail, which would have taken a lot of lorries off the road and councillors seemed keen to take this forward.

You will know that a monitoring station has been set up in Disley. I just looked at the Parish Town Council website's air quality page

<https://disleyparishcouncil.org.uk/your-council/air-quality-in-disley-2/>

At the top of the page is the annual monitoring report 2023, the headline of which is that there were no significant problems. The rest of the page contains a lot of information, some from several years ago. It is quite confusing.

I have just checked the parish council minutes for the last 3 months and could not see any mention of air quality apart from this:

"Cllr. Brownbill reported that he and Cllr. Pattison had recently visited ██████████ and met with the Student Council. He reported that this had been a very successful visit and hoped that stronger links would continue to be made between the Council and the school. The students had highlighted concerns around speeding traffic, road safety and pollution."

I rather fear the parish council has given up.

Personally, even though the measurements do not indicate a particular problem in Disley, I remain extremely concerned about air quality and road safety. The A6 is really not fit for its purpose. The stretch through the village is too narrow for the number and size of lorries coming through. It feels unsafe to walk along the pavements and it

	<p>is very noisy. The A6 may be part of an important route but it is not safe enough to bear a speed limit of 30mph through the village.</p> <p>I welcome those commitments in the strategy that will help road safety and hope that Cheshire East Council will still regard them as essential even where AQ measures do not indicate a particular problem</p> <ul style="list-style-type: none"> • Ensure that there is a consistent policy approach, which reduces the need to travel and rely on use of private vehicles and more specifically reduces the use of vehicles for short journeys and supports active travel. • When the opportunity arises, work with freight operators and organisations to establish appropriate freight routes, delivery routines and driver practices to minimise congestion and pollution. • Promote and support opportunities for active travel (i.e., walking and cycling) <p>My fear is that Cheshire East Council will focus too much on electrifying vehicles which may improve air quality but will give no benefits in terms of road safety. People will not travel more actively if they feel afraid for their lives.</p> <p>So, I welcome all those parts of the strategy about working with other departments and aligning objectives with other strategy/policy documents. However, it is very difficult to read into these commitments what tangible actions we will see and how soon.</p> <p>The subjects of education and awareness and communications crop up in various places. It would be good education could include material on how drivers can improve air quality simply by driving more smoothly, responsibly, considerately and at lower speeds.</p> <p>Cheshire East response:</p> <ul style="list-style-type: none"> • Noted. • The detailed Air Quality Action Plan, which links to the AQS and lists our various measures can be found on the website.
<p>Member of the public</p>	<p>The Air Quality Strategy is an excellent document and will have a positive impact on air quality and our general wellbeing.</p> <p>There are several sections intended to improve awareness and enforce existing regulations. Governments are too focussed on debating and creating new legislation when existing rules are adequate if properly-applied.</p>

For example, Section 4.6 and 4.7 include commitments to encourage compliance with existing legislation to control emissions due to domestic and industrial fuel usage.

Section 4.3 calls for systems to ensure that vehicles comply with emissions standards. Poor maintenance and neglect will cause a vehicle emissions to deteriorate, and it is not uncommon for motorists to modify their vehicles to improve performance or make them louder and this often results in worse emissions. Could the Strategy explicitly include measures to discourage cars from using our roads if they have modifications, such as removing catalytic converters, that cause them to emit more pollutants? No new rules are required. It is illegal to modify a car so that it pollutes more, but many people do it.

Enforcing restrictions intended to keep through traffic away from local roads would have a major impact – traffic waiting to turn and merge from rat runs slows down the overall flow and increases traffic on minor roads. There are many examples in Macclesfield and the Council has been struggling to work out what to do for some years:

<https://www.ilovemacc.com/2015/08/23/7432-2/>

Using of these rat-runs may shave valuable time from individual journeys, but overall the traffic is slower and emits more pollutants.

The example of [REDACTED] which causes a tailback along [REDACTED] that clearly contributes to pollution at the [REDACTED] junction which is reportedly among the worst in the region:

As well as taking air quality into account when planning new roads, the Strategy should contain measures to enforce restrictions with an environmental impact, and to consider the environment when revising restrictions on the existing network.

The environmental impact of vehicles is not just what comes out of the exhaust. The Strategy should recognise that road and tyre wear have an environmental impact, and include measures to discourage driving behaviour likely to damage our minor roads.

At certain times I have noticed that [REDACTED]

[REDACTED]. Modern devices take traffic levels into account and calculate the best route for each user in real time. Although the route along the local roads is faster, and may even be shorter than the dualled road, the stop/start nature of the drive undoubtedly means more emissions from each car taking the minor route.

	<p>The Strategy could include measures to identify and address this issue which may be as simple as enforcing existing speed restrictions along these routes.</p> <p>Reference: https://www.theguardian.com/politics/2024/jan/14/satnavs-and-google-maps-to-be-updated-in-readiness-for-driverless-cars</p> <p>SatNav operators should be discouraged from directing through traffic along local routes. This may not currently be possible, but change would come if a council’s strategy was to press for beneficial change.</p> <p>I’m well aware of the ‘war on motorist’ headlines and well-resourced pressure groups that make traffic calming measures controversial. We rely on our leaders to give motorists’ concerns the respect they deserve, but not to be deterred from making decisions that benefit us all. We are all pedestrians when we get out of our cars, and we all breathe the same air as one another.</p> <p>Cheshire East response:</p> <ul style="list-style-type: none"> • Noted.
<p>Member of the public</p>	<p>I hope CEC adheres to this strategy. Policy areas should not just be influenced by the strategy. Ignoring air quality assessments/data and proceeding should not be allowed. Air Quality decisions, within all policy areas, should be available to the public, including the review / decision on air quality assessments submitted with planning applications, by highways, transport etc.</p> <p>To date air quality has not been seen to be important by CEC. Public transport and school buses cut. Over developments. Insufficient review by highways to assess the impact on traffic flow on proposed planning applications. Development on the [REDACTED] a perfect example. Loss of green spaces throughout the Borough.</p> <p>The link between the air quality strategy and all policy areas needs to be strong to make any difference.</p> <p>Cheshire East response:</p> <ul style="list-style-type: none"> • Noted and all our reviews and comments on air quality assessments submitted with planning applications can be viewed online under the relevant application.
<p>Member of the public</p>	<p>In relation to the above Consultation, I would just like to say that I agree wholeheartedly with the response given by [REDACTED].</p>

	<p>[REDACTED] which is the main road through the town, in a building [REDACTED]. The experienced traffic air and noise pollution resulting from the high traffic levels is exacerbated by the proximity of the traffic from this residential road's housing. Such that windows can rarely be opened if at all. This should be considered when measuring and evaluating air quality in old towns such as Bollington.</p> <p>Cheshire East response:</p> <ul style="list-style-type: none"> • Noted
Sandbach Town Council	<p>Sandbach Town Council welcomes Cheshire East restating its statutory obligations and objectives; with the following comments.</p> <p>The policy notes vehicles are a significant impact on air quality in Cheshire East but does not specify focus on considerations on air quality in Cheshire East's obvious heavy traffic locations and its M6 corridor; and uniquely to Sandbach areas where substantial residential areas sit right next to the M6 and our town which is intersected by busy roads passing through residential areas.</p> <p>The council policy omits to commit specifically how air quality policy will offer any support to a targeted strategy to reduce or limit traffic pollution by means of speed limits or weight limits to reduce or limit the source of NO₂ and CO₂ and particulate from cars in areas suffering deterioration in air quality that does not breach national guidance.</p> <p>As current CE strategy seems not to consider this at all we welcome the proposal to 'Promote greater consistency across a range of policy areas for the achievement of improved local air quality, including Spatial Planning, Development Management, Highways and Strategic Infrastructure', and note that to date Highways and Strategic Infrastructure has regrettably failed to be very visible in revisiting past decisions in respect of air quality where it has been obviously deteriorating but does not breach a national limit. Reductions in air quality does potentially impact wellbeing policies of the council.</p> <p>We believe Cheshire East Departments have apparently taken a view that national limits are available headroom that allow emissions increase and therefore improvement is not required if these are not breached. We refer specifically to Middlewich Road (station 283) and Old Mill Road (unmonitored) where developments and future developments are and will increase traffic with continuing reductions in air quality and vehicle pollution.</p> <p>We hope you will consider these points and move the policy beyond statutory Air Quality requirements but proactively managing predictable consequential air quality deteriorations as a means to achieve not only a healthier living environment but a contribution to local and national Net zero goals.</p> <p>As a council we are happy to offer any help and support to Cheshire East we can in improving Air Quality.</p> <p>Cheshire East response:</p> <ul style="list-style-type: none"> • Noted.

	<ul style="list-style-type: none"> • The detailed Air Quality Action Plan, which links to the AQS and lists our various measures can be found on the website. • More than happy to work together to improve air quality and would welcome the opportunity.
Member of the public	<p>I think the current Air Quality Strategy is very woolly at best. It's a strategy to move pollution around to different places and not reducing pollution.</p> <p>I would like to see the following in the strategy:</p> <ol style="list-style-type: none"> 1. Lower the speed limit to 20mph in urban areas. <i>(This will remove huge amounts of pollution from accelerating and braking vehicles. There is a huge difference in pollution levels when accelerating from stationary to 20mph and stationary to 30mph. https://futuretransport.info/wp-content/uploads/2022/05/Urban-Transport-Modelling-2022-05-16.pdf)</i> 2. Create Ultra Low Emission Zones. <i>(it is really unacceptable that people should be poisoned by motor-vehicle pollution while they sit in their own homes.)</i> 3. Take into account the PMs produced by motor vehicle brakes and tyres. 4. Take a more scientific approach to measuring pollution. Publish the method and results - including time of day and weather conditions. <i>(Much of previous plan states effects hard to quantify. No point having a strategy or a plan if not prepared to measure outcomes.)</i> <p>Cheshire East response:</p> <ul style="list-style-type: none"> • The Annual Status Report is the document we produce each year which advises on the current monitoring and provides updates on the measures in the Air Quality Action Plan and the work undertaken by the team. This has to be submitted to and approved by Defra. • Cheshire East does have a Speed Management Strategy in place, which considers air quality. • Wording tweaked in the AQS.
Member of the public	<p>Thank you for this consultation opportunity.</p> <p>First I'm glad to see that the strategy clearly states the health implications of poor air quality and that Cheshire East is working to improve the situation.</p> <p>Presumably this strategy review is informed by the outcomes of the previous action plan, so think that the link should be included: https://www.cheshireeast.gov.uk/pdf/environment/air-quality/aqap-final-aug-2021.pdf</p> <p>The above document includes actions where the impact is deemed difficult to quantify. This highlights the lack of measurable outcomes, which needs addressing for the next period. More frequent monitoring of air quality at specific times to provide comparative data is needed. Annual monitoring cannot give a comprehensive picture</p>

since air quality varies with time of day, a work day or weekend, and weather conditions. Monitoring should surely take place at times of expected poor quality for worst case scenario, and data collected should be analysed for statistically significant differences. Note that just stating that emissions of something 'are lower' is not a scientific or useful comparison or outcome.

The strategy should be more specific about when and where monitoring of air quality takes place in the case of 'random' locations. These should be randomly chosen from urban streets with high traffic volumes. Truly random locations could be in the middle of nowhere and not meaningful so giving atypical results.

Since so many outcomes of the action plan were difficult to quantify, a more successful measurement could be to assess road use. Automatic vehicle counters at pollution hotspots could assess vehicle numbers and possibly other users (pedestrians, those on cycles, motorbikes). As you state, road transport is responsible for many emissions, and not just from exhaust but tyre wear and braking, so vehicle numbers will give a broad indication of pollution levels and hence measure reductions in traffic (which is the main way to reduce pollutants).

I am concerned that there is little in the strategy regarding fine particulates, which are dangerous for all. I would like the strategy to address this specifically. The strategy is somewhat reliant on electric vehicle uptake to reduce NOx emissions, but this will have no effect on particulates from tyres and braking. However lower speeds of all vehicles can reduce pollutants from tyre/brake use and also from combustion engines. Lower speed limits result in calmer driving styles, with less hard braking and harsh acceleration. There has been a recent study of real world emissions, rather than laboratory calculations, that shows how 20mph reduces pollution (<https://futuretransport.info/wp-content/uploads/2022/05/Urban-Transport-Modelling-2022-05-16.pdf>).

Therefore I would like the strategy to include default 20mph for urban streets to reduce pollution and make streets more pleasant and safer to live or work on, and use by all. This will naturally lead to more people walking and cycling, which will take cars off the road and enable buses to run on time. Thus fulfilling the 'encouraging active travel' aim in a concrete way. Active travellers, including children, are the most exposed to poor air and need protecting.

There is no mention of specifically reducing traffic levels overall or reducing private car dependency. CE cannot continue to cater for increased journeys and road use by adjusting and adding to the road network to move the problem around. More restrictions are needed eg with 'access only' streets to prevent rat runs. And more viable alternatives in the form of bus services, and appealing routes for walking and cycling.

	<p>I would also like the strategy to include the problem of wood burning stoves emitting particulates. These stoves are increasingly popular, driven by fashion and recent high gas/electric prices.</p> <p>The strategy does not mention the high levels of non-compliance re car exhausts in between MOT tests. The strategy could include working with the police to crack down on these illegal modifications and the garages that are involved.</p> <p>Finally, the awareness raising strategy is not ambitious enough. For example, a target of 5 sessions pa will take many years to reach even a small proportion of the population. 5 sessions per month would be more realistic.</p> <p>Cheshire East response:</p> <ul style="list-style-type: none"> • The AQS is separate to the Air Quality Action Plan and the Annual Status Report is the document we produce each year which advises on the current monitoring and provides updates on the measures in the Air Quality Action Plan and the work undertaken by the team. This has to be submitted to and approved by Defra. • Cheshire East does have a Speed Management Strategy in place, which considers air quality. • Wood burning stoves are covered in section 4.6. • Wording tweaked in the AQS.
Bollington Town Council	<p>The Air Quality strategy is along the right lines, however with the exception of CEC direct actions, the Strategy is too general and non-specific with respect to actions proposed.</p> <p>It is clear from both this Strategy document and the Carbon Neutral plans that road transport has a massive impact on air quality.</p> <p>Given that the uptake of e-vehicles is not as fast as would be hoped, then further specific actions are required to improve air quality in built up areas.</p> <p>CEC should rapidly adopt '20 is Plenty' across all built-up areas up in Cheshire East, and remove the bureaucratic and cost hurdles that stand in its way. We need for our roads to become more friendly for active travel. A combination of '20 is plenty', improved cycleways, and reliable public transport is necessary to improve air quality during the transition to e-vehicles.</p> <p>The recent Neighbourhood Plan survey in Bollington showed that 70% of responders were supportive of '20 is plenty'.</p> <p>We urge you to seriously consider our feedback and modify the Strategy Document accordingly.</p> <p>Cheshire East response:</p> <ul style="list-style-type: none"> • The detail and actions around air quality can be found in Air Quality Action Plan, which links to the AQS and can be found on the website.

	<ul style="list-style-type: none"> Cheshire East does have a Speed Management Strategy in place, which considers air quality.
Poynton Town Council	<p>Poynton Town Council broadly welcomes the revised Strategy but is concerned that Cheshire East are currently pursuing numerous policies that will have the direct effect of increasing road traffic and so damaging air quality. If they wish to protect air quality, these policies should be withdrawn.</p> <ul style="list-style-type: none"> The imminent closure of the Household Waste and Recycling Centres at Poynton, Bollington and Middlewich. Residents of Poynton, Adlington, Disley, Bollington, Prestbury, Pott Shrigley, Mottram St Andrew, Handforth and Wilmslow will have to take their waste to the remaining site on the Moss, south of Macclesfield. A journey to the Macclesfield HWRC site from anywhere in the Poynton area means a return journey that is 13 miles longer. On current usage figures that would mean an extra 226,000 miles driven on tip journeys from Poynton (closing Bollington would add about another 100,000 miles). Using an average of 40 m.p.g. this equates to over 5,700 gallons of petrol or diesel used in a year. The policy of running down and threatened future closure of Poynton Leisure Centre. There are no alternative facilities in Poynton, residents will be expected to travel to leisure facilities in Macclesfield, Bollington or Stockport. The policy of building new housing estates in the Green Belt on the edge of towns, long distances from shops and other facilities. Again, there is no real alternative to the private car for residents. <p>Measuring Air Quality</p> <p>A further concern is how exactly Cheshire East plan to measure air quality. Dangerous pollutants include nitrogen oxides (NO₂) and particulate matter (PM). The draft Policy states in Section 5.1:</p> <p><i>“Cheshire East has a network of NO2 monitoring sites and a RTA [Real-Time Analyser] located at Disley. The RTA measures NO2 and PM. The measurements obtained will be used to directly report on trends in air pollution concentrations. The measurements will provide a long-term indication of overall air quality across Cheshire East and will help to identify areas which maybe exceeding the objectives.”</i></p> <p>However, Cheshire East maintain only one diffusion tube in the whole of Poynton. The policy implies that a single machine in Disley provides the Particulate Matter data for the whole of Cheshire East. This seems wholly inadequate – one diffusion tube in a small town like Poynton provides little coverage across a small town, and Disley is one site in the far north-east of Cheshire East. PM readings there can hardly be applied, for example, to Crewe, which is over thirty miles away.</p> <p>There are also other dangerous pollutants, such as sulphur dioxide, ozone, benzene, lead and butadiene. If Cheshire East do not monitor them, how do they know these are not at dangerous levels?</p>

The provision of diffusion tubes, with only one in Poynton, plus a single particulate matter measuring device across the whole of Cheshire East, and no monitoring of other dangerous pollutants, raises concerns that air monitoring data may be inadequate and lead to complacency and under reporting of pollution.

Cheshire East response:

- The location of monitoring is reviewed every year and try ensure we have reasonable coverage of the borough. There have been more diffusion tubes in Poynton in the past, but these were removed due to showing good compliance with the air quality objective. We follow Defra Technical Guidance and our own monitoring procedure.
- The [Annual Status Report](#) is the document we produce each year which advises on the current monitoring and this has to be submitted to and approved by Defra.
- Defra have advised that in recognition of the fact that all of the objectives for Benzene, 1,3-Butadiene, Carbon Monoxide and Lead have been met for several years and are well below objective values, local authorities do not have to report on these pollutants unless local circumstances indicate otherwise.

Appendix 3: Logged changes to the Air Quality Strategy

Summary of logged changes

Section	Type of change	Change
1	Change in wording	Updated the legislation and included new requirement of AQS (previously guidance).
2	Layout change and change in wording	Moved the aims and objectives before the policies section. Updated the legislation.
3	Layout change	Moved the policies section after the aims and objectives. Inclusion of Environment Strategy and Electric Vehicle Charging Strategy.
3.3	New paragraph	Included Cheshire East Local Plan Strategy (LPS).
3.4	New paragraph	Included Site Allocations and Development Policies Document (SADPD).
3.6	New paragraph	Included Cheshire East Environment Strategy.
3.7	New paragraph	Included Carbon Neutrality Action Plans.
3.8	New paragraph	Included Cheshire East Electric Vehicle Charging Strategy.
4.1	New bullet points	Two new commitments referencing collaboration with the Public Health team and engaging and working with relevant partners.
4.3	New bullet points	Two new commitments referencing Manchester Airport and the use of cleaner Non-Road Mobile Machinery (NRMM).
4.5	New bullet points	Two new commitments referencing use of communications and working with Defra.
4.6	New paragraph	New commitment covering domestic burning and Smoke Control Areas.
4.8	New paragraph	New commitment covering agriculture.
4.9	New paragraph	New commitment covering indoor air quality.
4.10	New paragraph	New commitment covering funding air quality.
Table 5.1	Change in wording	Updated the targets to strengthen the effectiveness of the indicators.
Appendix 1	Change in wording and new table	Updated Table A1.1 and introduced Table A1.2

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Equality Impact Assessment (EIA) Engagement and our equality duty

Whilst [the Gunning Principles](#) set out the rules for consulting ‘everyone’, additional requirements are in place to avoid discrimination and inequality.

Cheshire East Council is required to comply with the Equality Act 2010 and the Public Sector Equality Duty. The Equality Act 2010 simplified previous anti-discrimination laws with a single piece of legislation. Within the Act, the Public Sector Equality Duty (Section 149) has three aims. It requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act, by consciously thinking about equality when making decisions (such as in developing policy, delivering services and commissioning from others)
- advance equality of opportunity between people who share a protected characteristic and people who do not share it, by removing disadvantages, meeting their specific needs, and encouraging their participation in public life
- foster good relations between people who share a protected characteristic and people who do not

The Equality Duty helps public bodies to deliver their overall objectives for public services, and as such should be approached as a positive opportunity to support good decision-making.

It encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people’s needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people’s opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

Complying with the Equality Duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve providing a service in a way which is appropriate for people who share a protected characteristic, such as providing computer training to all people to help them access information and services.

The Equality Act identifies nine 'protected characteristics' and makes it a legal requirement to make sure that people with these characteristics are protected from discrimination:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnerships
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Applying the equality duty to engagement

If you are developing a new policy, strategy or programme you may need to carry out an Equality Impact Assessment. You may be able to ascertain the impact of your proposal on different characteristics through desk-based research and learning from similar programmes, but you also need to carry out some primary research and engagement. People with protected characteristics are often described as ‘hard to reach’ but you will find everyone can be reached – you just need to tailor your approach, so it is accessible for them.

Contacting the [Equality and Diversity mailbox](#) will help you to understand how you can gain insight as to the impacts of your proposals and will ensure that you help the Council to comply with the Equality Act 2010 and the Public Sector Equality Duty.

Section 1 – Details of the service, service change, decommissioning of the service, strategy, function or procedure

Proposal Title	Air Quality Strategy
Date of Assessment	19 th March 2024
Assessment Lead Officer Name	Sarah Allwood
Directorate/Service	Regulatory Services and Health – Environmental Protection
Details of the service, service change, decommissioning of the service, strategy, function or procedure.	<p>This assessment relates to the Air Quality Strategy 2024.</p> <p>Following on from the Environment Act 2021 it is now a statutory requirement for all local authorities to have an Air Quality Strategy (AQS). Cheshire East first published an AQS in 2011, which was reviewed and updated in 2018. Due to the changes in legislation and that the current AQS is over 5 years old, now is a good time to undertake this review.</p> <p>The aim of the AQS is to support the achievement of the National air quality objectives and to ensure air quality is considered within a wide range of local government and regional planning frameworks. It aims to drive greater improvements in air quality at the local level and it will be reviewed on a 5-yearly basis.</p> <p>The AQS is important, as whilst working towards achievement of the air quality objectives, it will help reduce the risk of health effects related to exposure to air pollution.</p> <p>A copy of the current Air Quality Strategy is available to read here: https://www.cheshireeast.gov.uk/pdf/environment/air-quality/cheshire-east-aqs-2018-review-final-signed-version-2.1amended.pdf</p>
Who is Affected?	All residents of Cheshire East will be affected by the Air Quality Strategy. It is a borough wide strategy that aims to achieve the air quality objectives throughout the borough and ensure air quality is considered within a wide range of Council services.

	<p>Air pollution is associated with a number of adverse health impacts. It is recognised as a contributing factor in the onset of heart disease and cancer.</p> <p>Additionally, air pollution particularly affects the most vulnerable in society, children and older people and those with heart and lung conditions.</p> <p>Through evidence and analysis, we recognise that there are some members of the population are more at risk of poor air quality, some of whom fall into the protected characteristics criteria, e.g. age.</p> <p>There may be more risks and vulnerability within this cohort that may need to be considered as part of the Air Quality Action Plan.</p>
<p>Links and impact on other services, strategies, functions or procedures.</p>	<p>Delivering improvements to local air quality requires input from a wide range of professions and partnerships. Therefore, this Strategy identifies commitments intended to promote communication and co-operation within Cheshire East Council, between external organisations and the community.</p> <p>These commitments are grouped under several relevant policy sectors including air quality, development control and spatial planning, transport and non-road mobile machinery, climate change and energy management, public health, education and awareness, indoor air quality, industrial, commercial and domestic sources and agriculture.</p> <p>The AQS sets out how the Council intends to address air quality across all services and in all relevant decisions. Therefore, it is important the AQS is aligned with the Council’s plans and strategies, such as the Local Transport Plan, Local Plan Strategy, Electric Vehicle Infrastructure Strategy, Environment Strategy, Carbon Neutral Action Plan, and the Cheshire East Local Plan.</p> <p>This strategy links to the following areas of work in the council:</p> <ul style="list-style-type: none"> • Corporate Plan • Spatial Planning • Development Management • Highways and Strategic Transport

	<ul style="list-style-type: none"> • Active Travel • Economic Development • Housing • ANSA • Public Health • Communities • Communications <p>Link to Corporate plan:</p> <p>Open – reviewing and updating the strategy in transparent way that enables everyone to contribute.</p> <p>Fair – reducing inequalities and protecting our most vulnerable residents.</p> <p>Green – welcoming, safe and clean neighbourhoods through aiming to achieve compliance with the national air quality objectives as a minimum.</p>
<p>How does the service, service change, strategy, function or procedure help the Council meet the requirements of the Public Sector Equality Duty?</p>	<p>The aim of the AQS is to provide a strategic framework to deliver local air quality improvements and contribute to long-term air quality goals within Cheshire East. The AQS supports the achievement of the air quality objectives, including the ambitious new targets for PM_{2.5}, and elevates air quality as an issue for consideration within a wide range of local government and regional frameworks.</p> <p>It is important to reduce, where possible, public exposure to certain pollutants, even where levels are below the air quality objectives, to support a healthier population and reduce premature death. This is particularly important for fine particulate matter, where there are currently no known safe levels of exposure. By establishing a strategy framework which positions air quality considerations at the heart of Council policies, procedures and decisions, this will ensure Cheshire East is well placed to maintain good air quality and secure future improvements across the borough.</p> <p>The AQS identifies the health and environmental impacts of high concentrations of the Air Quality Objective pollutants.</p> <p>The objectives of developing and implementing an AQS are to:</p> <ul style="list-style-type: none"> • Ensure Cheshire East maintains good air quality conditions across the borough.

	<ul style="list-style-type: none"> • Improve air quality within existing AQMAs and prevent further deterioration, even in those areas where air quality is currently below the objective. • Promote greater consistency across a range of policy areas for the achievement of improved local air quality, including Spatial Planning, Development Management, Highways and Strategic Infrastructure, Economic Development, Housing, Environmental Protection and Public Health. This will ensure air quality is addressed in a multi-disciplinary way across the different departments of the Council. • Provide a link to wider initiatives across the Council, which could have an impact on air quality, including supporting our borough-wide target to be net-zero by 2045. • Raise and maintain the profile of air quality and ensure it remains high on the political agenda. • Highlight and educate stakeholders about the link between air quality and the risks to human health, the wider local environment, carbon reduction and biodiversity. • Raise the profile of air quality amongst the local communities across Cheshire East. • Encourage greater co-operation and collaboration with neighbouring local authorities, local business, industry and residents. • Provide the first point of contact and source of information relating to local air quality. <p>By achieving the aim and objectives, the AQS will also contribute to:</p> <ul style="list-style-type: none"> • Minimising disadvantages suffered by people due to their protected characteristics. • Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
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Section 2- Information – What do you know?

What do you know?	What information (qualitative and quantitative) and/or research have you used to commission/change/decommission the service, strategy, function, or procedure?
Information you used	We are governed by legislation and the Local Air Quality Management regime as this is a statutory function. The key pieces of legislation and documents are listed below: Environment Act 1995 Environment Act 1995 (legislation.gov.uk)

	<p>Environment Act 2021 Environment Act 2021 (legislation.gov.uk)</p> <p>Clean Air Strategy 2019 assets.publishing.service.gov.uk/media/5c3b9debe5274a70c19d905c/clean-air-strategy-2019.pdf</p> <p>25 Year Environment Plan assets.publishing.service.gov.uk/media/5ab3a67840f0b65bb584297e/25-year-environment-plan.pdf</p> <p>Local Air Quality Management Technical Guidance (TG22) LAQM Technical Guidance LAQM.TG22</p> <p>Local Air Quality Management Policy Guidance (PG22) England (not London) LAQM.PG22</p> <p>Cheshire East Air Quality Action Plan 2020-2025</p> <p>As part of the process of updating the Cheshire East Air Quality Action Plan (AQAP) we consulted with a number of different stakeholders such as: local authorities, external agencies, Cheshire East Highways, Cheshire East Public Health, Parish Councils, businesses and the local community.</p> <p>Engaging with the local community and residents was extremely helpful. Their local knowledge is fundamental to the development of local measures as they helped to identify air quality related problems within their towns. The result of the AQAP consultation (found in Appendix A of the AQAP) has been considered when revising the AQS.</p> <p>Cheshire East Air Quality Strategy 2018</p> <p>The Public Health Outcomes Framework (PHOF) has been set up by Government to help create a better understanding of public health indicator trends with the aim of improving the nation's health and to improve the health of the poorest fastest. Air pollution and specifically fine particulate matter is one of the health indicators listed in the public health profile. The Public Health Outcomes Framework¹ estimates the fraction of mortality attributable to particulate air pollution as a result of long-term exposure to anthropogenic (manmade emissions/sources) particulate air pollution in different regions and cities within the United Kingdom.</p>
Gaps in your Information	There are no gaps in the information gathered to date, the consultation will provide stakeholders with an opportunity to feedback on the proposed strategy.

¹ [Public Health Outcomes Framework - Data - OHID \(phe.org.uk\)](https://publichealthoutcomesframework.org.uk/)

3. What did people tell you?

<p>What did people tell you</p>	<p>What consultation and engagement activities have you already undertaken and what did people tell you? Is there any feedback from other local and/or external regional/national consultations that could be included in your assessment?</p>
<p>Details and dates of the consultation/s and/or engagement activities</p>	<p>The public consultation will take place to help inform the final strategy that is presented for approval. We have engaged with colleagues within the Environmental Protection team, as well as delivered an informal briefing to members of the Environment and Communities Committee, which provided useful feedback and highlighted several clarifications needed in the document.</p> <p>As part of the process of updating the Cheshire East Air Quality Action Plan (AQAP) we consulted with a number of different stakeholders such as: local authorities, external agencies, Cheshire East Highways, Cheshire East Public Health, Parish Councils, businesses and the local community.</p> <p>Engaging with the local community and residents was extremely helpful. Their local knowledge is fundamental to the development of local measures as they helped to identify air quality related problems within their towns. The result of the AQAP consultation (found in Appendix A of the AQAP) has been considered when revising the AQS.</p>
<p>Gaps in consultation and engagement feedback</p>	<p>The strategy is in a draft format, and it is envisaged that through a consultation that any gaps will be highlighted. This will allow the modification of parts of the strategy, specifically around the strategy commitments in section 4, should this be needed and appropriate mitigation to be considered for any specific impacts upon those residents and stakeholders who share one or more protected characteristics.</p> <p>The aim of the AQS is to support the achievement of the air quality objectives and to ensure air quality is considered within a wide range of local government and regional planning frameworks, it is an overarching strategy. As such it is most likely the Air Quality Action Plan that people will be particularly interested in, as this details how we propose to achieve the objectives at a local level. This is where impacts on protected characteristics may arise.</p>

4. Review of information, consultation feedback and equality analysis

Protected characteristics groups from the Equality Act 2010	What do you know? Summary of information used to inform the proposal	What did people tell you? Summary of customer and/or staff feedback	What does this mean? Impacts identified from the information and feedback (actual and potential). These can be either positive, negative or have no impact.
Age	On the Cheshire East Open Data Source, we know that 22.5% of the population are over 65 and 17.8% are under 16 Borough Profile (2019/20) Insight Cheshire East (arcgis.com)	No specific feedback identified as yet, although there has been extensive national research into this area.	Poor air quality affects the most vulnerable people in Cheshire East therefore implementing the AQS is likely to have a positive health impact on children and the elderly. The mortality burden of air pollution within the UK is equivalent to 29,000 to 343,000 deaths at typical ages ² , with a total estimated healthcare cost to the NHS and social care of £157 million in 2017 ³ .
Disability	No impact of disability – not a determinant for the consultation	N/A	N/A
Gender reassignment	No impact of gender reassignment – not a determinant for the consultation	N/A	N/A
Pregnancy and maternity	From ONS 2021 data, just under one in five households (19.4%) included a couple with dependent children How life has changed in Cheshire East: Census 2021 (ons.gov.uk) . In the UK, research has identified links between prenatal, early-life and	No specific feedback identified as yet, but we have considered current research.	Committing to improve air quality through the AQS will positively impact all groups positively overall and in particular the ones that may traditionally suffer from inequalities such as pregnant women.

² Defra. Air quality appraisal: damage cost guidance, January 2023

³ Public Health England. Estimation of costs to the NHS and social care due to the health impacts of air pollution: summary report, May 2018

	childhood exposure to road traffic particulate matter and later “small but significant” reductions in lung function during childhood ⁴ . Evidence also suggests that the risk of term low birth weight increases as maternal exposure to particulate matter increases ⁵ .		
Race/ethnicity	From ONS 2021 data, we know that the % of people in the borough who self-report as White is 94.4% How life has changed in Cheshire East: Census 2021 (ons.gov.uk) . In England, people of colour are three times more likely to live in areas with high air pollution , putting them at disproportionate risk of heart attacks cancer and strokes, according to research by Friends of the Earth. These areas have pollution levels that are double World Health Organization (WHO) standards for at least one of the two most deadly air pollutants.	No specific feedback identified as yet, but we have considered current research.	Improving air quality is likely to improve the health of the general population but mostly those from Black, Asian and Minority ethnic groups.
Religion or belief	No impact of religion or belief – not a determinant for the consultation	N/A	N/A
Sex	No impact of sex – not a determinant for the consultation	N/A	N/A

⁴ Hansell, A. et al., [Prenatal, early-life and childhood exposure to air pollution and lung function in the UK Avon Longitudinal Study of Parents and Children \(ALSPAC\) cohort](#) European Respiratory Journal (2019)

⁵ Chen, Y et al., [Trimester effects of source-specific PM10 on birth weight outcomes in the Avon Longitudinal Study of Parents and Children \(ALSPAC\)](#) Environ Health (2021)

Sexual orientation	No impact of sexual orientation – not a determinant for the consultation	N/A	N/A
Marriage and civil partnership	No impact of marriage and civil partnership – not a determinant for the consultation	N/A	N/A

5. Justification, Mitigation and Actions

Mitigation	What can you do? Actions to mitigate any negative impacts or further enhance positive impacts
<p>Please provide justification for the proposal if negative impacts have been identified? Are there any actions that could be undertaken to mitigate, reduce or remove negative impacts?</p> <p>Have all available options been explored? Please include details of alternative options and why they couldn't be considered?</p> <p>Please include details of how positive impacts could be further enhanced, if possible?</p>	<p>Actions to mitigate negative responses from the variety of stakeholders will be considered and reviewed, and suitably practicable actions adopted, as necessary.</p> <p>Although air pollution can be harmful to everyone, some people are more affected than others because they are exposed to higher levels of air pollution in their day to day lives, live in a polluted area, or are more susceptible to health problems caused by air pollution. The most vulnerable people face all of these disadvantages. There is also often a strong correlation with equality issues because areas with poor air quality are also often less affluent areas⁶⁷.</p> <p>Our monitoring data is evidence that by continuing to undertake the strategy commitments in section 4 of the AQS, air quality continues to improve and is below the national air quality objectives. Having an AQS aims to improve air quality through a strategic framework and will have positive health benefits for all and in particular for those people in the following protected characteristic groups:</p> <ul style="list-style-type: none"> • Age – children and the elderly • Pregnancy and Maternity – pregnant women

⁶ Public Health England. Air Quality: A Briefing for Directors of Public Health, 2017

⁷ Defra. Air quality and social deprivation in the UK: an environmental inequalities analysis, 2006

	<ul style="list-style-type: none"> • Race/ethnicity
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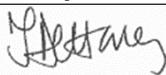
6. Monitoring and Review -

Monitoring and review	How will the impact of the service, service change, decommissioning of the service, strategy, function or procedure be monitored? How will actions to mitigate negative impacts be monitored? Date for review of the EIA
Details of monitoring activities	<p>As required under the Local Air Quality Regime, the Annual Status Report (ASR) is submitted annually to Defra, which contains the results of all the monitoring undertaken. It also provides updates on the actions detailed within the Air Quality Action Plan to improve air quality, and any progress made over the reporting year.</p> <p>The indicators in the AQS are reported to the Air Quality Steering Group on an annual basis. Progress is discussed at the quarterly meetings and any issues are flagged, should they arise.</p>
Date and responsible officer for the review of the EIA	<p>Sarah Allwood</p> <p>The date will be the next time the AQS is reviewed</p>

7. Sign Off

When you have completed your EIA, it should be sent to the [Equality, Diversity and Inclusion Mailbox](#) for review. If your EIA is approved, it must then be signed off by a senior manager within your Department (Head of Service or above).

Once the EIA has been signed off, please forward a copy to the Equality, Diversity and Inclusion Officer to be published on the website. For Transparency, we are committed to publishing all Equality Impact Assessments relating to public engagement.

Name	Tracey Bettaney
Signature	
Date	8 April 2024

8. Help and Support

For support and advice please contact EqualityandInclusion@cheshireeast.gov.uk

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OPEN FOR PUBLICATION

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

Environment and Communities Committee**18 July 2024****Ecology and Biodiversity Net Gain Supplementary Planning Document****Report of: Peter Skates, Interim Executive Director – Place****Report Reference No: EC/39/23-24****Ward(s) Affected: All****Purpose of Report**

- 1 This report seeks approval to adopt the Ecology and Biodiversity Net Gain Supplementary Planning Document (E&BNG SDP).
- 2 The document provides guidance on policies held in the Development Plan, and on the implementation of policies related to Ecology matters and the management of Biodiversity Net Gain. It contributes to reducing impact on our environment by supporting improvements to biodiversity and natural habitats in the borough.

Executive Summary

- 3 Cheshire East Council's Corporate Plan sets out three aims. These are to be open, fair, and green. In striving to be a green Council, a key objective is to enhance and protect the environment in Cheshire East and support sustainable development whilst addressing the climate emergency. As such, this SPD sets out guidance on policies contained in the Local Plan Strategy that will support delivery of this ambition by providing guidance on how development is expected to make a positive benefit to habitats in the borough.
- 4 As such, this SPD sets out guidance on policies contained in the Local Plan Strategy (LPS) and the Site Allocations and Development Policies Document (SADPD) that support these aims and, provides further guidance and clarity on how Biodiversity Net Gain will be applied in Cheshire East.

- 5 Since the publication final draft of the BNG SPD, government has also published further regulations and guidance on how Biodiversity Net Gain should be implemented. The SPD has therefore been updated to take account of the additional guidance, as well as to accommodate changes implemented in response to feedback from the previous consultation.

RECOMMENDATIONS

The Environment and Communities Committee is recommended to:

1. Consider the Report of Consultation (Appendix 2); the Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report (Appendix 3); and the Equalities Impact Assessment Screening Report (Appendix 4)
2. Adopt the Biodiversity Net Gain Supplementary Planning Document (Appendix 1)
3. Delegate to the Head of Planning the authority to make minor non-material changes and corrections to the SPD prior to publication.

Background

- 6 The Environment Act 2021 introduces a requirement for all development to deliver a biodiversity net gain. This requirement came into effect from November 2023. Cheshire East Council have been developing an approach to BNG for some time and have been requiring BNG contributions from development by virtue of policy SE3 of the LPS.
- 7 One of the key objectives of the LPS is for the Plan to support the conservation and enhancement of biodiversity, ecological and geological assets in the borough. The LPS includes policy SE3 (Biodiversity and Geodiversity) which sets out how development should seek to enhance biodiversity, identifies the type of sites that are likely to have high biodiversity and geodiversity value, and establishes a requirement that all development must 'aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity'. The policy includes additional requirements for submission of construction management plans, landscaping, green infrastructure, and open space proposals in certain circumstances.
- 8 The Biodiversity Net Gain SPD provides additional local guidance to applicants on how they should respond to the policy requirements in the LPS and SADPD. It also 'signposts' sources of information, including relevant documentation and Council services.

- 9 The SPD has been jointly prepared by Strategic Planning and Environmental Planning Teams and has also been informed by input from the Development Management team.
- 10 The SPD contains several updates relating to how biodiversity should be addressed in a planning application. Specifically, the SPD includes guidance on how applicants should assess habitats on their sites, the process through which the Council expects design solutions to be assessed and how biodiversity metric calculations should be used to demonstrate that applicants preferred approach will deliver a net-gain in biodiversity.
- 11 In November 2023, Government introduced multiple secondary legislation related to BNG. The following regulations came into effect from 12th February 2024:
 - (a) The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations
 - (b) The Biodiversity Gain Site Register (Financial Penalties and Fees) Regulations
 - (c) The Biodiversity Gain Site Register Regulations
 - (d) The Biodiversity Gain Requirements (Exemptions) Regulations
 - (e) The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations
 - (f) The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations
- 12 The above regulations and guidance provide advice on multiple areas of BNG and this adoption version of the Ecology and BNG SPD has been altered to take account of the guidance provided. The Ecology and BNG SPD does not seek to duplicate the regulations but does now signpost to them in various parts of the document and adds some further local guidance on a number of matters including:
 - (a) Providing guidance on local thresholds to determine whether on-site BNG contributions are 'significant'
 - (b) Clarifying that BNG 30-year management plans should be presented on templates prepared by Natural England
 - (c) Clarifying that net gain plans should be submitted using the Natural England standard template

- (d) Explaining the necessary legal arrangements between habitat providers, the Local Planning Authority, and applicants
- 13 Once adopted, the effectiveness of this SPD will be monitored as part of the Authority Monitoring Report, using information from planning applications and decisions. The outcome of this ongoing monitoring work will help inform future decisions about the SPD.

Consultation and Engagement

- 14 The first draft of the BNG SPD was published for consultation during May 2021 and the final draft SPD was consulted on during October and November 2023, receiving 150 comments from 23 consultees.
- 15 The Environment Act was brought into effect in November 2021 and established the basis to secure Biodiversity Net Gain from development. Secondary legislation was then required to establish the detailed elements of how BNG should be secured, providing practical measures that enable the law to be enforced and to operate in the planning system.
- 16 Therefore, the SPD has been developed concurrently alongside the national roll-out of BNG and the document has been amended in response to the publication of national guidance and comments received during our own consultations.
- 17 The consultation was promoted via direct email notification to consultees held on the councils local Plan Consultation database. This source includes statutory consultees, local town and parish councillors, all members, special interest groups, developers and members of the public. The document was also promoted via press release and social media updates.
- 18 Multiple changes have been made to the document in response to the consultation feedback. The report of consultation summarises the feedback received (Appendix A), and the changes made to the document.
- 19 A screening exercise has been carried out to determine whether the Ecology and BNG SPD gives rise to the need for further Sustainability Appraisal or Appropriate Assessment (under the Habitats Regulations). This screening assessment was consulted upon at both stages and concludes that further assessment is not necessary (Appendix C).

Reasons for Recommendations

- 20 An SPD is not part of the statutory development plan. It is a recognised way of putting in place additional planning guidance and a material consideration in determining planning applications in the borough.

- 21 Providing clear, detailed guidance up front about policy expectations should enable applicants to better understand policy requirements. The SPD should assist applicants when making relevant planning applications, and the Council in determining them.
- 22 Providing improved guidance on BNG, particularly through the advice related to how on-site delivery should be designed and how off-site contributions should be calculated allows site promoters to select a range of policy compliant approaches to improve habitats and biodiversity.
- 23 Providing such guidance should assist the Council to reduce our impact on our environment by improving biodiversity and natural habitats in the borough.

Other Options Considered

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

25

Option	Impact	Risk
Do not nothing	<p>The Ecology and BNG SPD could not progress through the stages required by legislation and therefore could not be adopted.</p> <p>The Councils preferred approaches for assessment of BNG and how to calculate and implement investment would not be set out.</p>	<p>The improved outcomes that could be achieved through additional guidance on how developers are expected to address policies of the local plan, would not be achieved.</p> <p>Whilst 10% BNG would still be a legal requirement, a lack of guidance on the approach to how this should be achieved could result in a compromised solution, applied inconsistently.</p>

Implications and Comments

Monitoring Officer/Legal

- 26 The Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Development) (England) Regulations 2012 provide the statutory Framework governing the preparation and adoption of SPDs. These include the requirements in Section 19 of the 2004 Act and various requirements in the 2012 Regulations including in Regulations 11 to 16 that apply exclusively to producing SPDs.
- 27 Amongst other things, the 2012 regulations require that an SPD contain a reasoned justification of the policies within it and for it not to conflict with adopted development plan policies.
- 28 The National Planning Policy Framework and the associated Planning Practice Guidance also set out national policy about the circumstances in which SPDs should be prepared.
- 29 SPDs provide more detailed guidance on how adopted local plan policies should be applied. They can be used to provide further guidance for development on specific sites, or on issues, such as design. SPDs are capable of being a material consideration in planning decisions but are not part of the development plan.
- 30 As with the previous round of consultation, any public consultation should comply with the 'Gunning Principles':
 - (a) proposals are still at a formative stage - A final decision has not yet been made, or predetermined, by the decision makers
 - (b) there is sufficient information to give 'intelligent consideration' - The information provided must relate to the consultation and must be available, accessible, and easily interpretable for consultees to provide an informed response
 - (c) there is adequate time for consideration and response - There must be sufficient opportunity for consultees to participate in the consultation.
 - (d) 'conscientious consideration' must be given to the consultation responses before a decision is made. Decision-makers should be able to provide evidence that they took consultation responses into account.

Section 151 Officer/Finance

- 31 There are no significant direct financial costs arising from consultation on the SPD. The costs of printing and the staff time in developing the SPD are covered from existing budgets of the planning service.
- 32 In the longer-term the collection of financial contributions toward BNG, in lieu of on-site delivery, will generate income that will be specifically ring fenced toward investment in BNG at locations across the borough. Income will be received via S106 legal agreements and may only be spent within the terms specified in the agreement, i.e., on securing biodiversity net gain. Investment in BNG will be monitored and reported on periodically.

Policy

- 33 The SPD will provide guidance on existing development plan policies related to the delivery of biodiversity net gain from development sites. The SPD will give additional advice to applicants on how they can demonstrate they have complied with relevant policies of the development plan related to this matter.

<p>An open and enabling organisation</p> <p>n/a</p>	<p>A Council which empowers and cares about people</p> <p>n/a</p>	<p>To reduce our impact on our environment.</p> <p>To improve biodiversity and natural habitats in the borough.</p> <p>Better guidance on BNG helps the Local Planning Authority secure delivery of improved design and habitats in new development schemes.</p> <p>It helps the authority collect the full number and value of financial contributions required, to invest in habitat and biodiversity at locations across the borough.</p>
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Equality, Diversity, and Inclusion

- 34 The Council has a duty under Section 149 of the Equalities Act to have due regard to the need to: eliminate discrimination; advance equality of opportunity between persons who share a “relevant protected characteristic” and persons who do not share it; foster good relations between persons who share a “relevant protected characteristic” and persons who do not share it.
- 35 The Ecology and BNG SPD provides guidance on securing biodiversity net gain from new development. The SPD is consistent with the LPS and

SADPD which were themselves the subject of an Equalities Impact Assessment (EQiA) as part of an integrated Sustainability Appraisal. The initial draft SPD was supported by an EQiA. An updated version of the Ecology and BNG SPD EQiA has also been prepared (appendix 4).

Human Resources

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

Risk Management

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

Rural Communities

- 38 The Biodiversity Net Gain SPD seeks to provide further guidance on the provision and management of habitats and ecologically valuable sites in the borough, some of which may be located in rural communities. Overall, a positive impact is anticipated as funds from BNG contributions are invested in rural areas for habitat creation.

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

- 39 The SPD seeks to provide additional guidance on the provision of habitats in the borough. The appropriate provision of habitats can help support sustainable communities, especially where small scale landscaping and habitat creation is carefully provided and integrated with recreation and green space. In a limited way this creates a positive impact on these groups.

Public Health

- 40 The SPD will contribute to the delivery of habitats and ensure a managed approach to investment in the built and rural environments that can have a positive impact on public health by supporting the ecosystem services that underpin our society. It is expected the BNG is primarily delivered on site, therefore a greater positive impact is expected in urban areas, across all age groups.

Climate Change

- 41 The SPD highlights the importance of biodiversity, habitats, and green space in addressing and mitigating the impact of climate change. Creating and restoring habitats that have been degraded can have a significant role to play in creating carbon sinks ensuring the survival of species and mitigating the impacts of climate change.

Access to Information	
Contact Officer:	Tom Evans Neighbourhood Planning Manager and Acting Environmental Planning Manager. Tom.Evans@cheshireeast.gov.uk
Appendices:	Appendix 1: Ecology and BNG Supplementary Planning Document Appendix 2: Ecology and BNG Report of Consultation Appendix 3: SEA / HRA Screening Report Appendix 4: Equalities Impact Assessment Screening Report
Background Papers:	N/A

Appendix 1

OPEN/NOT FOR PUBLICATION

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

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Cheshire East Local Plan

Ecology and Biodiversity Net Gain Supplementary Planning Document

July 2024





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1 Introduction

1.1 Biodiversity is the term we use to describe web of species and habitats that form ecosystems across the world. It is the expression of millions of years of evolution of plants and animals adapting to their environment, establishing complex interdependent systems and it is under threat from multiple challenges. Biodiversity benefits humanity in numerous ways providing environmental services that are often overlooked such as keeping our air and water clean, controlling pests, pollinating crops, maintaining healthy soils, providing medicines and improving mental health. Biodiversity within ecosystems also makes our environment more resilient to climate change as natural habitats help moderate temperatures, absorb CO₂ from the atmosphere and regulate water supplies.

1.2 Biodiversity has been significantly impacted, and harmed, by human activity. Supporting human population growth requires the conversion of substantial areas of land for food production and development, which causes a diminishment of natural environments, including habitat stability and function. In Cheshire, only around 5% of our land is managed positively for nature which has led to a local loss of biodiversity. Across the UK, 41% of species are recorded to be in a population decline, with 13% of species in England being threatened with extinction. Our current declining state of nature, if left unaddressed, threatens all the benefits we enjoy from biodiversity, with potential catastrophic impacts on natural pollination, organic nutrient cycling and biological control.

1.3 We have a collective responsibility to support the improvement of biodiversity from the position it is at now and the planning system has a role to play. Through policies in the Cheshire East Development Plan, the Council has an ambition to secure improvements to biodiversity when development takes place. With the introduction of Biodiversity Net Gain via the Environment Act, the guidance in this document helps to explain how the Council will apply its policies and how developers can support improvements to biodiversity and ecology by ensuring a net gain is achieved.

Purpose of the Supplementary Planning Document

1.4 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.

1.5 The Ecology and Biodiversity Net Gain SPD deals with compulsory, statutory Biodiversity Net Gain (BNG) requirements addressing how this will work in Cheshire East. The SPD provides guidance related to existing development plan policies found in the Cheshire East Local Plan Strategy (adopted July 2017) and the Site Allocations and Development Policies Document (adopted December 2022), particularly those policies that address the Council’s approach to protecting the natural environment, securing ecological enhancements and achieving BNG.

1.6 The SPD:

1.7 Explains terminology and practice associated with biodiversity conservation.



1.8 Explains the level of biodiversity net gain the Council expects development to achieve in Cheshire East, and where it should be secured.

1.9 Sets out what written information is required to submit with a planning application regarding protection of the natural environment and the securing Biodiversity Net Gain;

1.10 and

1.11 Provides guidance on what measures will be required if the minimum levels of Biodiversity Net Gain level cannot be achieved on site.

Status of the SPD

1.12 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).

1.13 This document replaces the Macclesfield Borough Council Nature Conservation SPD and is a material consideration in the determination of planning applications within Cheshire East.



2 Planning Policy Framework

2.1 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise⁽¹⁾. Material planning considerations include national planning policy and adopted supplementary planning guidance, where relevant.

Legislative Context

2.2 The Environment Act 2021 underpins Schedule 7a of the Town and Country Planning Act 1990. Under the Environment Act 2021 all planning permissions granted in England, with a few exceptions are required to deliver at least 10% net gain for biodiversity. Net Gain will be measured using the Defra Biodiversity Metric and habitats will need to be secured, managed and monitored for 30 years via a legal agreement.

National Policy Context

2.3 The National Planning Policy Framework ('the Framework') includes references to biodiversity net gain which are relevant to decision taking and the guidance provided in this SPD. Relevant extracts from the Framework include paragraph 180:

2.4 *Planning policies and decisions should contribute to and enhance the natural and local environment by:*

2.5 *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*

2.6 *and*

2.7 *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*

2.8 Paragraph 185:

2.9 To protect and enhance biodiversity and geodiversity, plans should:

2.10 *a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping-stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation;*

2.11 *and*

2.12 *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.*

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.



2.13 Paragraph 186:

2.14 (a) *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*

2.15 *And*

2.16 (d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*

2.17 Additional guidance on Biodiversity Net Gain is also available via the National Planning Practice Guidance: ⁽²⁾

Local planning policy

2.18 Relevant local planning policies are set out in the development plan for the area. The development plan for Cheshire East currently comprises of the Cheshire East Local Plan Strategy, adopted July 2017 and the Site Allocations and Development Policies Document (“SADPD”), adopted December 2022, saved policies from the Cheshire Waste Local Plan and saved policies from the Cheshire Minerals Local Plan. Neighbourhood Development Plans that have been successful at referendum and have subsequently been ‘made’ also form part of the statutory development plan.

2.19 Development plan policies of relevance to Biodiversity Net Gain are summarised below. Consideration will also be given to other relevant planning policies within each plan, where appropriate to the planning application proposals.

Cheshire East Local Plan Strategy

2.20 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:

1. Policy IN 2: Developer Contributions
2. Policy SE 6: Green Infrastructure
3. Policy SC 3: Health and Well-Being
4. Policy SE 3: Biodiversity and Geodiversity
5. Policy SE 5: Trees, Hedgerows and Woodland

² <https://www.gov.uk/guidance/understanding-biodiversity-net-gain>



Cheshire East Site Allocations and Development Policies Document

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

2.22 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.

2.23 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 measurable biodiversity net gain.

2.24 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.

Made Neighbourhood Development Plans

2.25 Neighbourhood plans may include local evidence or requirements relevant to improving habitats and the delivery of BNG, and should be consulted when preparing a planning application. As at the 31 March 2024, 38 Neighbourhood Development Plans (“NDP’s”) have been ‘made’ and now form part of the adopted development plan. Further details of these plans can be found on the council’s website ⁽³⁾

Supplementary Planning Documents

2.26 The Council has adopted a number of Supplementary Planning Documents (SPD) and full details of these can be found on the council’s website. ⁽⁴⁾

2.27 SPD relevant to habitats and ecology include:

2.28 Sustainable Urban Drainage SPD

2.29 Developer Contributions SPD

2.30 Congleton Borough Council Trees and Development SPD (October 2006)

³ <https://www.cheshireeast.gov.uk/planning/neighbourhood-plans/neighbourhood-planning.aspx>

⁴ https://www.cheshireeast.gov.uk/planning/spatial_planning/cheshire_east_local_plan/supplementary_plan_documents/supplementary_plan_documents.aspx



Emerging plans

2.31 The Minerals and Waste Development Plan Document is currently in preparation. A first draft was consulted on during November and December 2022. The plan will set out the council's planning policies on minerals and waste and can be accessed via the council's website ⁽⁵⁾.

5 https://www.cheshireeast.gov.uk/planning/spatial-planning/cheshire_east_local_plan/minerals-and-waste-plan.aspx



3 Other Council Projects and Strategies

Corporate Plan

3.1 The Council's Corporate Plan 2021-2025 sets out three main aims to be open, fair and green. The Council has an ambition to 'lead our communities to protect and enhance our environment, tackle the climate emergency and drive sustainable development' and within this ambition is a key objective to improve biodiversity and natural habitats in the borough through a number of measures including embedding biodiversity off-setting across the Cheshire East Council Estate, delivering a programme of tree planting and increasing rewilding.

3.2 The Corporate Plan also includes objectives to ensure that new development is appropriately controlled to protect and support the borough through a number of actions, including through the preparation and implementation of supplementary planning documents ⁽⁶⁾.

Environmental Strategy

3.3 In May 2019 the Council committed to become a carbon neutral organisation by 2025 and in January 2022 a further commitment was made to make Cheshire East a carbon neutral borough by 2045.

3.4 The Council's Environment Strategy 2020-2024 sets out the key strategies and plans that will be employed to achieve this ambition including the strategic approach to enhancing and protecting the environment as set out in the Council's Development Plan. The Strategy also includes reference to the Council's Green Infrastructure Plan 2019 and the Council's Carbon Neutral Action Plan (which is currently at draft stage) ⁽⁷⁾.

Green Infrastructure Plan 2019

3.5 The Green Infrastructure Plan ⁽⁸⁾ is a road map for a comprehensive and connected Green Infrastructure (GI) to meet the needs of people and nature in the 21st century and to pass on a better environment to the next generation.

3.6 The plan is intended to help develop projects that deliver a net gain in Green Infrastructure and provides an evidence base and framework to support project delivery.

3.7 The plan highlights some strategic areas for consideration and suggests some approaches to partnership working and the involvement of communities or landowners.

Carbon Neutral Action Plan

3.8 To support the ambition of the Council to become carbon neutral, the Environmental Strategy committed the Council to produce a Carbon Neutral Action Plan ⁽⁹⁾. The plan sets out the actions and pathways the Council should take to achieve carbon neutrality and

6 <https://www.cheshireeast.gov.uk/pdf/council-and-democracy/corporate-plans/cec-corporate-plan-2021-to-2025.pdf>

7 <https://www.cheshireeast.gov.uk/pdf/environment/environment-strategy-2020-24-final.pdf>

8 https://www.cheshireeast.gov.uk/planning/spatial-planning/research_and_evidence/green_infrastructure_framework.aspx

9 <http://moderngov.cheshireeast.gov.uk/ecminutes/documents/s76206/Carbon%20Neutral%20Action%20Plan%20-%20appendix.pdf>



includes the employment of nature-based solutions and an 'insetting' approach whereby carbon savings are made within the local authority area through supply chain improvement or activity such as tree planting.

3.9 By working with the Mersey Forest and Cheshire Wildlife Trust, the Council aims to plant 100 hectares of trees by 2025, including a 7-hectare site at Leighton Grange in Crewe.



4 Key Components of the Local Plan

The Ecological Network

4.1 The Ecological Network is the extent of known ecological assets and incorporates existing protected sites and priority habitats. The network identifies areas to restore and areas that could provide buffers to the network. The ecological network will assist in the provision of nature conservation and ecosystem services that are essential for sustainable development.

4.2 SADPD Policy ENV 1 requires any development proposals in Core Areas or Corridors and Stepping Stone sites as identified by the Cheshire East Ecological Network map to:

4.3 Increase the size of core areas

4.4 Increase the quality and quantity of priority habitat

4.5 Create new priority habitat that can act as stepping stones or corridors.

4.6 Increase the structural connectivity between stepping stones in restoration zones

4.7 All development proposals are required to deliver a net gain for biodiversity in accordance with SE 3 (5) of the LPS, and ENV 2 of the SADPD. Within Core Areas, Corridors, Stepping Stone and Restoration sites, compliance with SE 3 (5) and ENV 2 (as specified in this SPD), would also make a significant contribution towards compliance with SADPD policy ENV 1 and vice versa.

4.8 The purpose of SADPD Policy ENV 1 is to ensure that where development occurs in any area that is strategically important for biodiversity then the habitat creation delivered by these developments is similarly delivered in a strategic manner to maximise the benefits to enhancing a resilient ecological network within the Borough.

4.9 A detailed and interactive GIS based map, which sets out the extent of the Ecological Network, can be accessed via the Council's Local Plan Adopted Policies Map 2022 ⁽¹⁰⁾.

4.10 The map includes all policy layers, and the Ecological Network is held under the heading 'Ecology and Nature'. Selecting this option will demonstrate the extent of the ecological network in Cheshire East and the component sites that compromise the network.

4.11 Until the adoption of the Local Nature Recovery Strategy, the Ecological Network Map associated with ENV 1 should be used to inform input to the 'strategic significance' entry on the Biodiversity Metric Calculation spreadsheet.

4.12 The Council will expect most developments to deliver the required net gain for biodiversity through habitat creation undertaken within the red line of a planning application. However, where this is not possible the Council will expect any development proposals to identify appropriate off-site opportunities for habitat creation. Developers must use the

¹⁰ <https://maps.cheshireeast.gov.uk/ce/localplan/adoptedpoliciesmap2022>



Council's ecological network map in accordance with the requirements of policy ENV1 when formulating their proposals for biodiversity net gain. An illustration of how this could be achieved is provided in Table 2 below.

4.13 Table 2: Illustration of how developments within the zones identified in ENV 1 can meet the relevant policy obligations.

Table 4.1

Ecological Network Map Zone	Policy requirements under ENV1	Example of how the policy requirements of ENV 1 may be fulfilled
Core areas, Corridors and Stepping Sites.	Increase the size of core areas, increase the quality and quantity of priority habitat create new priority habitat that can act as stepping stones or corridors.	<p>Habitat creation such as new ponds, woodland or hedgerow planting or species rich grassland creation to extend the area of any existing priority habitat or designated site present.</p> <p>Habitat Management to increase the value of existing habitats, including measures such as removal of non-native species or the introduction of suitable cutting regime.</p> <p>Creation of new habitats that complement existing habitats in the broader area to allow wildlife to use these as stepping stones to move between existing habitats in the vicinity.</p>
Restoration Areas	Increase the size of core areas, increase the quality and quantity of priority habitat create new priority habitat that can act as stepping stones or corridors. Increase structural connectivity between stepping stones.	<p>Habitat creation such as new ponds, woodland or hedgerow planting or species rich grassland creation to extend the area of any existing priority habitat or designated site present.</p> <p>Habitat Management to increase the value of existing habitats, including</p>



Ecological Network Map Zone	Policy requirements under ENV1	Example of how the policy requirements of ENV 1 may be fulfilled
Sustainable Land Use Areas	Actively contribute to the integration and creation of appropriate green infrastructure.	<p>Increase the biodiversity value of green infrastructure delivered as part of a development.</p> <p>This can be done by incorporating native species planting in formal open spaces, designing SUDS schemes to maximise their biodiversity value and providing open space with a designing large open space areas with a more naturalistic Country Park type approach.</p>
Mere and Mosses Catchments	Avoid any contamination and hydrological impacts on associated catchments.	Identify the extent of the catchments of any Meres and Mosses sites relevant to a development sites and avoiding any direct impacts on the catchments and ensuring development



Ecological Network Map Zone

Policy requirements under ENV1

Example of how the policy requirements of ENV 1 may be fulfilled

proposals avoid any discharge of contaminated surface water into the relevant catchment.

4.14 SADPD Policy ENV1 Requires any developments within the catchment of the Cheshire Meres and Mosses to avoid any contamination and hydrological impacts on the catchment. The catchments for several meres and mosses are shown on the Council's ecological network map. Developers and applicants should however be aware that there are numerous meres and mosses in Cheshire, the catchments for which have not been mapped. Identification of meres and mosses and their associated catchments should therefore be carried out as part of ecological assessment undertaken in support of any future planning applications.

Important Nature Conservation Sites and Ancient Woodlands

4.15 Ancient woodlands receive protection through Local Plan policy SE3 and paragraph 186(c) of the NPPF.

4.16 Ancient woodlands, including plantations on ancient woodland sites, are highly valuable and sensitive to a number of indirect impacts associated with development. To minimise these effects development proposals located adjacent to all ancient woodland must provide undeveloped buffers in accordance with current best practice and Natural England's Standing Advice. The location and size of the buffer required must be informed by an assessment of the potential direct/indirect impacts of the proposed development that includes consideration of the proposed layout, the hydrology and topography of the proposed development site and woodland, and any other relevant factors, and be of a minimum of 15m wide.

4.17 Priority Habitats and Species and Local Wildlife Sites also receive protection through Local Plan Policy SE 3. Where development is proposed adjacent to these the provision of undeveloped buffer zones is a suitable means of limiting indirect impacts upon them. Development proposals must therefore include suitable buffers as a means of avoiding these indirect impacts, and, as part of the submission, must also be supported by evidence to justify the extent of the proposed undeveloped buffer.

4.18 Proposals for the provision of buffers must take account of any policy requirements for the extent and location of buffers detailed in the any relevant Neighbourhood Plans that are in place.



5 Validation and Other Requirements

5.1 Cheshire East Council are seeking a minimum 10% net gain in biodiversity from new development. The gain should be demonstrated using the latest statutory DEFRA biodiversity metric. In accordance with the Biodiversity Net Gain hierarchy (as set out in part 7A of The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024). This gain should be delivered on-site, and where this is not possible, the gain may involve off-site compensation, or if off-site units are not available, the purchase of statutory credits may be acceptable as a last resort.

5.2 To achieve consistency of information on which to carry out decision-making, the LPA will expect all applications to conform to the guidance in this SPD.

5.3 To calculate how the minimum 10% increase in biodiversity is to be achieved, biodiversity losses and gains associated with development and land management practices need to be measured in a consistent, robust, and transparent way. To achieve this, DEFRA has created a Biodiversity Metric to measure biodiversity losses and gains, which is mandated in Schedule 14 of the Environment Act 2021. DEFRA has also produced a simplified version of the Biodiversity Metric called the Small Sites Metric which can be used for minor developments, subject to certain criteria being met ⁽¹¹⁾.

5.4 Where compensation is targeted at a specific priority or protected species as a means of compensating for unavoidable impacts on the species, off-site compensation must be delivered in an area where this species is known to occur. Desk and field-based assessments may be required to establish this.

5.5 Habitat creation proposals, both on and off-site, must avoid 'down trading' of habitat value (i.e., seeking to create habitat of lower distinctiveness than those lost). Habitat creation proposals must be additional to any existing obligations and not deliver something that would occur anyway (for example through an existing planning permission, Forestry Commission grant or Environmental Stewardship scheme).

5.6 All proposals to deliver biodiversity net gain through on-site and off-site habitat creation should be:

1. In compliance with forthcoming British Standard BS 8683 (Process for designing and implementing Biodiversity Net Gain)
2. Evaluated through the use of the Biodiversity Metric
3. Secured by an appropriate mechanism such as a legal agreement, conservation covenant or planning condition as appropriate to ensure long term management
4. Supported by a monitoring and management plan (using the Natural England template: Habitat Management and Monitoring Plan Template - JP058 (naturalengland.co.uk))
5. Monitored and reviewed at regular intervals in accordance with the terms of the relevant legal agreement in place

11 <https://www.gov.uk/guidance/biodiversity-metric-calculate-the-biodiversity-net-gain-of-a-project-or-development>



6 Ecology Validation and Other Requirements

6.1 When determining planning applications, the Council seeks to protect and enhance the natural environment wherever possible, and the Council's Development Plan includes policies that support this aim.

6.2 Policy SE3 Biodiversity and Geodiversity of the LPS requires that all development (including conversions, on both brownfield and greenfield sites) must aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests. Policy ENV2 of the SADPD requires that development proposals should provide for a net gain in biodiversity in line with the expectations of national policy and that major applications or applications affecting semi-natural habitat be supported by a biodiversity metric. These requirements apply to all forms and scale of development that require planning permission in Cheshire East.

6.3 To this end, when submitting a planning application, applicants are required to include various reports and assessments related to the site and type of development. A full list of local validation requirements can be accessed on the Council's website ⁽¹²⁾.

6.4 Guidance on local requirements for Ecological and Geodiversity assessments is also available via the Council's website and sets out the criteria which may trigger the need to submit an assessment. Local Requirements are set out on the Council's website ⁽¹³⁾.

6.5 To support determination of planning applications, the Council expects adequate ecological information to be provided. Where no ecological report has been submitted and there is a likelihood of biodiversity being present and affected by a proposal, applicants will be requested to provide reasonable information in order to assess the impacts of the proposal on biodiversity.

6.6 Where it is required, and no ecological report is submitted, or it is not submitted with sufficient information, delays may be caused through, for example, waiting for surveys to be carried out in the appropriate season. If, despite a request from the Council, this information is not provided at a proportionate level of detail that can give certainty of likely impacts and details of effective and deliverable mitigation measures, the Council may refuse an application. Precautionary mitigation will not be acceptable (for example proposals to install bat boxes to compensate for potential loss of roosts, without undertaking a survey).

6.7 Where ecology reports include recommendations for further surveys, these will be needed prior to determination. The Council encourages applicants to ensure that recommendations for mitigation and compensation measures have been embedded into the design of schemes and that they confirm delivery at the appropriate stage to support determination of a planning application. This approach is relevant to outline planning applications too, when broad mitigation and compensation strategies will be required in sufficient detail to demonstrate that they can be realistically incorporated into a detailed design at the reserved matters stage.

¹² <https://www.cheshireeast.gov.uk/planning/planning-validation-checklists.aspx>

¹³ <https://www.cheshireeast.gov.uk/pdf/planning/planning-constraints/2018-biodiversity-and-geodiversity-ce-local-requirements.pdf>



6.8 Where impacts on biodiversity will be minimised such that the proposal is acceptable, all ecological mitigation, compensation, and enhancements to deliver measurable net gain for biodiversity will either be a condition of the consent (if all habitat works are on site) or included in a legal agreement. For protected species, habitats and designated sites, submission of relevant surveys will be required prior to determination. For further information on BNG legal agreements and S106, please see the relevant section of the Council's website ⁽¹⁴⁾.

6.9 To support determination of outline or phased applications, updated protected species surveys and mitigation strategies will need to be submitted at reserved matters stage for any measures not fully detailed in the information provided with the original application.

Habitats Regulations Assessment

6.10 Where development has the potential to have a significant effect on a Habitats Site, proposals need to be accompanied by information to support the preparation of the Habitats Regulations Assessment (HRA) by the Local Planning Authority. Habitats sites in Cheshire East are available to view via the Council's interactive Local Plan Adopted Policies Map 2022. Site design should ensure that adverse effects on the integrity of the site(s) are avoided and submitted information should include the results of any necessary surveys and details of any proposed mitigation measures ⁽¹⁵⁾.

Impact Risk Zones

6.11 The Impact Risk Zones (IRZs) define zones around each Natura 2000 or RAMSAR site which reflect the sensitivities of the features for which it is notified and indicate the types of development proposal which could potentially have adverse impacts. The zones are a tool, developed by Natural England, mapped onto GIS and used to make a rapid initial assessment of the potential risks posed by development proposals to Sites of Special Scientific Interest (SSSIs), Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites. Where development falls within an impact risk zone, Natural England will be consulted, and further assessments and surveys may be required. Applicants should be aware that the Council will consult with Natural England in these circumstances which may result in a requirement for applicants to submit further information.

Ecological Appraisal Reports

6.12 To assess the potential impact of proposed development, it is necessary to submit protected species surveys, ecological assessments, and geodiversity assessments with many types of planning applications. The guidance in this section details when surveys and assessments are required in support of planning applications.

6.13 Whilst this guidance has been designed to cover the most likely scenarios, protected species and other important natural features are often encountered in the most unexpected circumstances. Where necessary, the Council may therefore request further information relating to biodiversity or geodiversity conservation after the registration of an application but prior to determination. Therefore, the Council advises that pre-application advice is sought at an early stage, which may rule out the need to provide some surveys.

¹⁴ [Section 106 Agreements Planning \(cheshireeast.gov.uk\)](https://www.cheshireeast.gov.uk/section-106-agreements-planning)

¹⁵ <https://maps.cheshireeast.gov.uk/ce/localplan/adoptedpoliciesmap2022>



6.14 If a planning application involves any of the development proposals shown in the table at Appendix 1, the relevant protected species survey and impact assessment must be submitted in support of a planning application.

6.15 Exceptions for when a full Species Survey and Assessment may not be required:

6.16 Following consultation by the applicant at the pre-application stage, the LPA has stated in writing that no protected species surveys and assessments are required.

6.17 If it is clear that no protected species are present, despite the guidance in the table at Appendix 1 indicating that they are likely, the applicant should provide evidence with the planning application to demonstrate that such species are absent (e.g. this might be in the form of a letter or brief report from a suitably qualified and experienced person, or a relevant local nature conservation organisation).

6.18 If it is clear that the development proposal will not affect any protected species present, then only limited information needs to be submitted. This information should, however:

6.19 demonstrate that there will be no significant effect on any protected species present and

6.20 include a statement acknowledging that the applicant is aware that it is a criminal offence to disturb or harm protected species should they subsequently be found or disturbed.

6.21 In some situations, it may be appropriate for an applicant to provide a protected species survey and report for only one or a few of the species shown in the Table in Appendix 1 e.g., those that are likely to be affected by a particular activity. Applicants should make clear which species are included in the report and which are not (because exceptions apply).

6.22 If the application is likely to affect any site designated for its nature conservation value (Special Protection Area, Special Area of Conservation, SSSI, Ramsar, Local Wildlife Site etc.) or any semi-natural habitats, such as woodlands, wetlands, ponds, rough or species rich grassland etc. an ecological survey and assessment for the relevant feature must be submitted as part of the planning application.

6.23 The evaluation of habitats recorded on site should be undertaken with reference to the Cheshire Region Local Wildlife Site Selection Criteria. Habitats that meet the selection criteria thresholds should be considered to be of 'County' importance.



7 BNG Validation and Other Requirements

BNG Validation Requirements

7.1 Biodiversity Gain Condition

7.2 Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met (“the biodiversity gain condition”). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered off-site biodiversity gains or statutory biodiversity credits.

7.3 Under the Environment Act the delivery of Biodiversity Net Gain is secured through a deemed planning condition introduced by paragraph 13 of Schedule 7A of the Town and Country Planning Act. The deemed planning condition requires the submission of a Biodiversity Gain Plan to be submitted and approved by the LPA prior to the commencement of development. The Biodiversity Gain plan sets out how the mandatory target of achieving at least 10% net gain will be achieved and secured. Applicants seeking to discharge the deemed planning condition must use the BNG Plan template available online ⁽¹⁶⁾.

7.4 The biodiversity gain condition is a pre-commencement condition: once planning permission has been granted, a Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of the development.

7.5 BNG Validation Requirements

7.6 The Council has produced a Local Validation requirement for the submission on a ‘A Statement of Intent in respect of Biodiversity Net Gain (BNG)’ alongside relevant planning applications. The statement will be required to outline how a proposed development will achieve BNG including an indication of whether BNG will be achieved on or off site or whether the purchase of Statutory Credits is thought necessary. If off-site provision is proposed, an indication of where or how the provision will be delivered, and how it will be secured, should be provided together with a commentary on how the proposals comply with the Biodiversity Net Gain Hierarchy.

7.7 Applications which are not exempt, must be supported by the following information which are now national validation requirements:

7.8 1. confirmation that the applicant believes that planning permission, if granted, the development would be subject to the biodiversity net gain

7.9 2. the pre-development biodiversity value(s), [either on the date of application or earlier proposed date \(as appropriate\)](#);

7.10 3. where the applicant proposes to use an earlier date, this proposed earlier date and the reasons for proposing that date;

¹⁶ [Submit a biodiversity gain plan - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan)



7.11 4. [the completed metric calculation tool](#) showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application (or proposed earlier date) including the publication date of the biodiversity metric used to calculate that value;

7.12 5. a statement whether activities have been carried out prior to the date of application (or earlier proposed date), that result in loss of onsite biodiversity value ('[degradation](#)'), and where they have:

- a. a statement to the effect that these activities have been carried out;
- b. the date immediately before these activities were carried out;
- c. the pre-development biodiversity value of the onsite habitat on this date;
- d. the completed metric calculation tool showing the calculations, and
- e. any available supporting evidence of this;

7.13 6. a description of any [irreplaceable habitat](#) (as set out in [column 1 of the Schedule to the Biodiversity Gain Requirements \(Irreplaceable Habitat\) Regulations 2024](#)) on the land to which the application relates, that exists on the date of application, (or an earlier date); and

7.14 7. plan(s), drawn to an identified scale and showing the direction of North, showing onsite habitat existing on the date of application (or earlier proposed date), including any irreplaceable habitat (if applicable).

7.15 **An application that does not include all of the above information will not be validated by the Council.**

7.16 It is already a requirement that an Ecological Impact Assessment (EclA) is submitted with most types of planning applications (the exceptions are when dealing with householder applications or sites with very low value ecological features – in which case a written statement or Preliminary Ecological Appraisal may still be acceptable).

Biodiversity Net Gain Report

7.17 Except for exempt sites, alongside an Ecological Impact Assessment, a Biodiversity Net Gain report will now be required to clearly show how the site has been assessed using the Defra Statutory Biodiversity Metric. The report should be prepared in accordance with the CIEEM good practice guidance ⁽¹⁷⁾. This will demonstrate the baseline value of the site (before development).

7.18 Clear scaled habitat maps will be required showing precisely where the Biodiversity Unit scores occur on site. There should also be a section in the report demonstrating why the condition score has been chosen – with reference to all scoring criteria from the associated Defra Technical Guidance habitat tables.

7.19 In any relevant development the objective should always be to deliver at least 10% net gain for biodiversity on-site and therefore it will be essential to appoint an Ecological Consultant at the earliest stage to be involved in the iterative design stage of the layout. The Ecological Consultant should work closely with the Landscape Architect and Urban Designers

17 [Biodiversity Net Gain: Good Practice Principles for Development, A Practical Guide. | CIEEM](#)



to consider which options of the layout lead to the best possible outcome for achieving net gain for biodiversity on-site. This type of information should be included in the Design & Access Statement (if appropriate) whereby different options of layout are shown with their corresponding different Biodiversity Unit impacts – together with an explanation of why one option has been chosen over another where the layout resulting in the lowest impact on biodiversity has not been taken forward to the proposed layout stage.

7.20 Evidence is required in the Biodiversity Net Gain Report to demonstrate the Ecological Consultant has been involved in the initial design of the layout in a meaningful way to help achieve a net gain for biodiversity. This should include reference to the Mitigation Hierarchy ⁽¹⁸⁾ of avoiding damage to sensitive ecological features, minimising impacts on ecological features, and where these first two steps cannot be achieved (with an explanation to justify why not). Finally, an explanation should be provided that demonstrates consideration of what level of compensation will be required either on-site or off-site (or both).

7.21 It is already a requirement that an Ecological Impact Assessment (EclA) is submitted with most types of planning applications (the exceptions are when dealing with householder applications or sites with very low value ecological features – in which case a written statement or Preliminary Ecological Appraisal may still be acceptable).

7.22 A Biodiversity Net Gain report will now be required to clearly show how the site has been assessed using the DEFRA Statutory Biodiversity Metric. The report should be prepared in accordance with CIEEM guidance¹. This will demonstrate the baseline value of the site (before development).

7.23 Clear scaled habitat maps will be required showing precisely where the Biodiversity Unit scores occur on-site. There should also be a section in the report demonstrating why the condition score has been chosen – with reference to all scoring criteria from the associated Defra Technical Guidance habitat tables.

7.24 The objective should always be to deliver at least a 10% net gain for biodiversity on-site and therefore it will be essential to appoint an Ecological Consultant at the earliest stage to be involved in the iterative design stage of the site layout. The Ecological Consultant should work closely with the Landscape Architect and Urban Designers to consider which options of the layout lead to the best possible outcome for achieving net gain for biodiversity on-site. This type of information should be included in the Design & Access Statement (if appropriate) whereby different options of layout are shown with their corresponding different biodiversity unit impacts – together with an explanation why one option has been chosen over another where the layout resulting in the lowest impact on biodiversity has not been taken forward to the proposed layout stage.

7.25 Evidence is required in the Biodiversity Net Gain Report to demonstrate the Ecological Consultant has been involved in the initial design of the layout in a meaningful way to help achieve a net gain for biodiversity. This should include reference to the Mitigation Hierarchy of avoiding damage to sensitive ecological features, minimising impacts on ecological features, and where these first two steps cannot be achieved (with an explanation to justify why not), finally an explanation that demonstrates consideration of what level of compensation will be required either on-site or off-site (or both).

¹⁸ see para.186(a) of the NPPF



7.26 Under the Environment Act the delivery of Biodiversity net gain is to be secured through a deemed planning condition introduced by paragraph 13 of Schedule 7A of the Town and Country Planning Act. The deemed planning condition requires the submission of a Biodiversity Gain Plan to be submitted and approved by the LPA prior to the commencement of development. The Biodiversity Gain plan sets out how the mandatory target of achieving at least 10% net gain will be achieved and secured. Applicants seeking to discharge the deemed planning condition must use the BNG Plan template available via gov.uk ⁽¹⁹⁾.

Applications not subject to mandatory Biodiversity Net Gain

7.27 If an applicant believes their development is not subject to Biodiversity Net Gain, the applicant must provide a statement as part of their application [KR1] setting out the reasons for this. It is anticipated that the planning application forms will be revised to include a section for the inclusion of this statement.

19 [Submit a biodiversity gain plan - GOV.UK \(www.gov.uk\)](https://www.gov.uk/submit-a-biodiversity-gain-plan)



8 Where Should Biodiversity Net Gain be Delivered?

8.1 Delivery of Biodiversity Net Gain (BNG) will always be sought on site wherever possible and the mitigation hierarchy should be used to inform an acceptable approach⁽²⁰⁾. To achieve this, applicants should engage an ecological consultant at the earliest stages of their project to ensure the design process is used to integrate biodiversity net gain on site and to demonstrate how policy and statutory requirements related to Biodiversity Net Gain, particularly how policies SE3 of the LPS, ENV1 and ENV2 of the SADPD, have been addressed.

8.2 Policy SE3 of the Local Plan Strategy identifies areas of high biodiversity or geodiversity value; Policy ENV1 of the SADPD sets out the extent of the Ecological Network in Cheshire East; and Policy ENV2 establishes how net gain should be achieved.

8.3 The Biodiversity Gain Hierarchy is different to the mitigation hierarchy, and its effect for the purpose of the statutory framework for biodiversity net gain is to set out a list of priority actions (which does not apply to irreplaceable habitats):

1. first, in relation to onsite habitats which have a medium, high and very high distinctiveness (a score of four or more according to the statutory biodiversity metric), the avoidance of adverse effects from the development and, if they cannot be avoided, the mitigation of those effects; and
2. then, in relation to all on-site habitats which are adversely affected by the development, the adverse effect should be compensated by prioritising in order, where possible, the enhancement of existing onsite habitats, creation of new onsite habitats, allocation of registered off-site gains and finally, the purchase of biodiversity credits.

8.4 Where Biodiversity Net Gain on site is not possible, applicants should set out the options they have considered, and the reasons why on site BNG is not achievable. Applicants should also set out how they will compensate for any loss or impact on biodiversity through on and off-site improvements. There is no requirement for compensatory habitats to be subject to public access. However public access is encouraged where this can occur without being detrimental to the value of the habitats created.

8.5 Off-site habitat provision should be prioritised firstly towards those areas identified by the Ecological Network Map as delivering the most benefit for biodiversity (Core Areas, Corridors and Stepping Stones, Restoration areas) any designated Wildlife Corridors shown in neighbourhood plans or the CEC Core Strategy and SADPD and any areas identified in Local Nature Recovery Strategies. Habitat creation in these strategically important sites will deliver a greater benefit for biodiversity and so potentially less habitat creation will be required in order to achieve the same biodiversity benefits.

8.6 Existing habitats or habitat creation/enhancement proposals within the Cheshire East Ecological Network or the Local Nature Recovery Strategy should be entered into the Biodiversity Metric Calculation as being “Formally identified in a Local Strategy”.

20 (see para.186(1) of the NPPF [National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/432464/nppf-2019-07.pdf))



8.7 Habitat creation and enhancement will be prioritised to locations where they deliver the maximum benefits for biodiversity, but delivery is only ever possible where suitable opportunities arise 'on the ground'. Consequently, off-site habitat creation and enhancement may be delivered at any suitable location within Cheshire East (with preference given to those locations listed in the previous paragraph) where a suitable opportunity exists.

8.8 In most cases this is likely to be some distance from the site of the related development proposals. The DEFRA metric considers the 'spatial risk' associated with off-site BNG delivery. Spatial risk is the relationship between the development site and the off-site provision. The metric penalises proposals where off-site habitat is located at a distance from the development site. Under the metric, off-site delivery within the same Local Authority area is not assigned a penalty and therefore where opportunities exist which are in the same LPA area, these should be explored first. This approach would ensure compliance with the Biodiversity Net Gain Hierarchy.

8.9 Where a proposed development affects a designated site, or other ecological or geological feature listed in Local Plan Strategy SE.3 compensation measures will only be considered where the proposed development is held to comply with the policy tests detailed in policy SE3 and the mitigation hierarchy described above

8.10 Compensation, which should only be provided as a last resort where impacts cannot be avoided or mitigated, involves strategies such as the creation of new habitat or the enhancement of existing habitats, which is provided in lieu of habitat lost as a result of development.

8.11 The translocation of existing habitats, unavoidably lost as part of development proposals, to an alternative location on or off site may be required where the benefits of this are proportionate to the impacts associated with the development. Translocated habitats are anticipated to lose a significant proportion of their biodiversity value through translocation, consequently additional habitat creation must be included within a development scheme to adequately compensate for this loss of biodiversity value when translocation takes place.

Aerodrome Safeguarding

8.12 It should be noted that an aerodrome safeguarding zone exists around Manchester Airport within which development that would impact on the safety of the airport's operation will be referred to the airport for consultation. BNG delivery in this location should not increase the risk of bird strike hazard within 13km of the airport. The safeguarding zones are mapped on the Council's interactive GIS mapping and available to view online.

8.13 Similarly, in the south of the borough the civil parishes of Dodcutt cum Wilkesley, Audlem, Buerton and Newhall have areas within a Birdstrike Safeguarding Zone surrounding RAF Tern Hill, some 8.4km south of the boundary of Cheshire East Council. Within these parishes the creation of BNG should not be designed in a way that attracts large and flocking bird species.

8.14 Where schemes trigger the need to consider aerodrome safeguarding, applicants are encouraged to enter into a dialogue with the airport authorities early in the project planning stage.



Canals and Rivers

8.15 The Canals and Rivers Trust manage over 2000 miles of waterways in England and Wales. Where applicants undertake development within the Trust's statutory consultee notified area (especially when it is within 10m of a waterway) the developer is encouraged to undertake pre-application discussions with the Trust to ensure that appropriate BNG requirements and opportunities are discussed. Details on pre-application advice can be found on the Canal and Rivers Trust website.



9 Which Applications will BNG Requirements Apply to?

9.1 The mandatory requirement for developments to achieve minimum 10% net gain under the Environment Act came fully into effect for all relevant planning applications on the 2nd April 2024. At the time of writing, the following application types are excluded for the BNG requirement under the legislation:

1. Variations of conditions applications where the original consent was not subject to a BNG requirement
2. Developments that do impact a priority habitat and impact less than 25 square meters of habitat (5m x 5m) or 5 meters of linear habitat
3. Self Build and Custom Build applications as defined in section 1(A1) of the Self-Build and Custom Housebuilding Act 2015 of no more than 9 dwellings, on a site no larger than 0.5 hectares
4. Development undertaken mainly for the purpose of providing the BNG requirement for another development
5. Retrospective applications

9.2 It should be noted that the requirements of the development plan in Cheshire East remain and therefore, where possible, the Council will seek a positive contribution to the natural environment for developments excluded from the statutory requirements but which are covered by Local Plan Policy.

9.3 Irreplaceable Habitats

9.4 Where irreplaceable habitats are affected by development, the irreplaceable habitats must be entered into the metric but the 10% net gain requirement is not applied to these habitats. Irreplaceable habitats receive strong protection through the NPPF, which is not weakened through the application of BNG and any impacts will be captured and highlighted by the metric as being unacceptable with bespoke compensation being required in agreement with the LPA.

Major Development

9.5 Major Development is development for housing where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development, major development is that which includes additional floorspace of 1,000m² or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

9.6 All major development is required to provide Biodiversity Net Gain under local plan policy ENV2 'Ecological Implementation' and a 10% net gain under the mandatory scheme unless exempt.

Minor Development

9.7 Minor development is development at a scale less than the definition for major development. For residential developments, minor development is where:



9.8 the number of dwellings to be provided is between 1 and 9 (inclusive) with a site area of less than 1 ha.

9.9 Where the number of dwellings is not known and the site area is less than 0.5 ha.

9.10 For all other development types, minor development is where the site area is less than 0.5 ha.

BNG in Minor Development

9.11 In order to make the 10% minimum BNG requirement easier to implement for minor development, a simplified version of the Biodiversity Metric, called the Small Sites Metric ⁽²¹⁾, can be used where the following criteria are met:

9.12 For residential development:

1. there are fewer than 10 residential units on a site area (no more than 9 units) less than 1 hectare; or
2. if the number of residential units is not known, the site area is less than 0.5 hectare

9.13 For non-residential development:

1. where the floor space to be created is less than 1,000 square; or
2. where the site area is less than 1 hectare

9.14 However, the SSM cannot be used on such sites where:

1. the application is for the winning and working of minerals or the use of land for mineral working deposits or for waste development
2. habitats not available in the SSM are present
3. priority habitats are within the development site (excluding some hedgerows and arable field margins)
4. European protected species are present on the development site
5. any off-site interventions are required to be input into the metric

9.15 Development that qualifies as minor development and meets the tests above will be able to utilise and submit the DEFRA Small Sites Metric with their proposals. However, as this metric is unsuitable to calculate off-site losses and gains, where calculation of off-site losses and gains is required, the latest version of the full statutory DEFRA Biodiversity Metric should be used.

Permitted Development

9.16 Certain development is granted planning permission by national legislation without the need to submit a planning application and is considered 'permitted development'. To be eligible for such permitted development rights, each 'class' of development specified in the legislation has associated limitations and conditions that must be adhered to.

21 <https://publications.naturalengland.org.uk/publication/6047259574927360>



9.17 However, legal protection for wildlife still applies regardless of the existence of permitted development rights and so any legally protected animals, plants or habitats that may be affected will need proper consideration for the development to be lawful and there remains a need for the Council to consider the effects that any development relying on permitted development rights might have on biodiversity.

9.18 Where applicants propose to undertake development under Permitted Development Rights, it is the responsibility of the applicant to satisfy themselves that:

9.19 Permitted Development Rights are in place

9.20 The proposal complies with Permitted Development Rights; and

9.21 No harmful impact on legally protected species and sites arise from the proposal

9.22 To ensure such issues are dealt with appropriately, applicants are advised to consult the Councils interactive map ⁽²²⁾ in the first instance to identify if designated natural habitats are present. Applicants are also advised to secure a Lawful Development Certificate from the Council. More information on Lawful Development Certificates, and how to apply can be found on the Councils website ⁽²³⁾.

Prior Approval

9.23 Prior approval is a condition of permitted development which requires an application to the Local Planning Authority (LPA) for its 'prior approval' to determine that the circumstances of the application are such that permitted development rights are in place and do apply to the site concerned. This allows the LPA to consider the proposals, their likely impacts regarding certain factors (such as transport and highways) and how these may be mitigated.

9.24 Where natural habitats and wildlife are likely to be present, adequate information must be provided to the Council to support the assessment of the ecological implications of the development, the need for mitigation, and if necessary, the need for a licence from Natural England. Work must not commence on such proposed development until the LPA has issued its determination.

9.25 Class Q applications are applications for Prior Approval for a change of use or conversion of a building, and any land within its curtilage, from a use as an agricultural building to that of a dwelling. Where the buildings are likely to support bats or other legally protected species, there is a risk that they may be affected by the proposals, and it is therefore essential that the LPA has certainty of impacts prior to determination of any application. Sufficient information, including appropriate survey results, will be needed to support such an application.

²² <https://maps.cheshireeast.gov.uk/ce/localplan/adoptedpoliciesmap2022>

²³ https://www.cheshireeast.gov.uk/planning/view_a_planning_application/making_a_planning_application/lawful_development/lawful_development.aspx



10 Using the Metric

Step by step guide

10.1 Step 1: Map the habitat type(s) within the red-line of the application.

10.2 Step 2: Assess the baseline condition of each habitat in accordance with the Metric condition assessment criteria.

10.3 Step 3: Apply the 'avoid, mitigate, compensate' hierarchy to the development proposals to ensure impacts on biodiversity are minimised. This may include redesign and/or relocation of proposals according to survey findings.

10.4 Step 4: Enter baseline habitat details and anticipated habitat creation and enhancement delivered as part of the development into the biodiversity metric.

10.5 Step 5: Use the metric calculation results to determine if any further habitat works are required to achieve net gain and whether there are particular requirements for the type of offset needed.

10.6 Step 6: Decide how you want to provide any additional compensation required to achieve BNG.

10.7 Under SADPD Policy ENV2, the supporting information at paragraph 4.14 sets out that a net gain in biodiversity must be demonstrated using a biodiversity net gain calculation for all major developments, and developments affecting semi-natural habitats. The Environment Act requires that BNG calculations are to be undertaken for all developments except application types listed in paragraph 6.3. The statutory DEFRA metric must be used for all relevant applications within Cheshire East.

10.8 An iterative approach to site design should be employed, which considers biodiversity impacts from an early stage and throughout the design process. To ensure the best possible outcomes for biodiversity an ecological consultant should be appointed and where alternative design options are put forward once an application has been submitted, they should be accompanied by a proportionate biodiversity metric calculation.

10.9 The net gain calculation and proposals for achieving Biodiversity Net Gain must be undertaken in accordance with the following documents and/or any subsequent publications:

1. The Statutory Biodiversity Metric User guide and technical appendices (DEFRA, February 2024) (Natural England).
2. Biodiversity Net Gain, Good Practice Principles for development – A practical guide (2019) CIEEM, IEMA, CIRIA.
3. Field work undertaken to inform the metric calculation must be undertaken at the appropriate time of year.
4. The field survey and metric calculation must include all habitats within the application red-line boundary, regardless of whether these habitats are affected by the proposed development.



10.10 If a development site has been cleared , after 30th January 2020, with the resulting loss of habitats in advance of a biodiversity metric calculation having been undertaken baseline should be taken as being the habitats present prior to clearance. The biodiversity value of the habitats lost is to be estimated based upon a desk-based assessment and professional judgement. The precautionary principal to be applied when the condition or distinctiveness of the habitats lost is unknown.

How to complete the Metric Calculation

10.11 Applicants are advised to seek assistance an ecological consultant when completing the calculation. Only a competent person should use the Statutory Biodiversity Metric, as defined in the User Guide. Competency is aligned with the British Standard 'Process for designing and implementing biodiversity net gain (BS 8683:202)'. Similarly, only a qualified assessor can undertake a river condition assessment.

10.12 On site habitat is any habitat occurring within the redline of the application.

10.13 The following survey information and assessment is required to complete the calculation:

1. Area of each habitat and length of each linear feature and water course present within the red line of the application.
2. Habitat type in UK Habs, or translated into UK Habs from another survey type, Habitat condition of each habitat must be assessed in accordance with the metric criteria.
3. Calculate losses of existing habitat to development based upon current planning layout.
4. Enter area anticipated habitat type and target condition for any habitat creation/enhancement or landscaping proposed on site as part of the development. This should be based upon a landscape plan submitted in support of the application.

10.14 Condition targets should be informed by the metric condition assessment criteria and must be realistic being in mind the location and likely usage of the application plan.

10.15 The Biodiversity Metric includes a separate section for area based habitats, linear habitats (such as hedgerows and rows of trees) and watercourses. Each of these categories of habitats are assessed separately and a net gain must be achieved separately for each of the habitat categories present on the application site. Where water courses are considered as part of the metric calculations for a Modular River Physical (MoRPh) survey will be required to inform the metric calculation for any development with a watercourse within the application site or within 10 metres of the red line boundary.



11 Implementation of Net Gain

11.1 Major development and those schemes affecting natural/semi natural habitats require a BNG Assessment under Local Plan Policy. All developments, except those covered by the exclusions listed in paragraph 6.3 are now required to deliver BNG under the Environment Act.

11.2 If the biodiversity metric calculation shows that a proposed development would result in a failure to deliver the required net gain for biodiversity the applicant should:

1. Firstly, review design solutions and re-apply the Mitigation Hierarchy, seeking to avoid any impacts particularly on higher value habitats in accordance with the Biodiversity Gain Hierarchy,
2. Secondly, review habitat creation proposals to ensure the maximum biodiversity value can be delivered on site, but still ensuring that habitat creation proposals are realistic and achievable.

11.3 Where the above process is followed and concludes that off-site provision is necessary to achieve a net gain, off-site habitat creation for the purposes of delivering Biodiversity net gain and will be secured by either:

1. Option 1 Developers providing their own off-set
2. Option 2 Purchase of off-sets from an independent provider
3. Option 3 A mixture of the above
4. Option 4 Purchasing statutory credits from the government (as a last resort)

11.4 Option 1: Developers providing their own Biodiversity Units on land within their control

11.5 This option may be used if there is land suitable for habitat creation within Cheshire East which is owned or in the control of the applicant. Habitat creation measures, management and monitoring would be secured by a legal agreement or planning condition to ensure they are delivered in accordance with good practice principles for a period of at least 30 years.

11.6 Option 2: Purchase of Biodiversity Units from an independent provider and delivery body/habitat bank

11.7 Under this option a contribution from the developer will be paid directly into the independent provider/habitat bank. The provider/habitat bank would then be required to provide suitable assurances of habitat delivery and 30 years monitoring/management to the satisfaction of the LPA. This would again usually be secured by the provider being a signatory to the section 106 agreement or conservation covenant with a responsible body. Biodiversity units provided by a third party provider must be registered and allocated on the national registry maintained by Natural England.



12 Incorporation of Additional Biodiversity Features

12.1 In addition to proposals for habitat creation and enhancement as assessed by the biodiversity metric calculation all development proposals must also include proposals for the incorporation of features to enhance the biodiversity of the resulting development. Such features can include:

1. Features for nesting birds associated with the built environment such as swifts and house sparrows
2. Features for roosting bats
3. Log piles and compost heaps
4. Provision of gaps in boundary fences to allow access by hedgehogs and provision of hedgehog domes. Hedgehog Highways should be marked out on site to ensure they are not blocked up by future landowners.



13 Implementation of Net Gain for Development Excluded from Mandatory Net Gain

13.1 Developments that are excluded from mandatory net gain (under the Environment Act) must be supported by proposals for the incorporation of features for biodiversity enhancement. As listed above, these would be in addition to any features that may be required to address any adverse impacts resulting from the development.

13.2 Under the Act all BNG works will need to be secured legally for at least 30 years. The legal mechanism could be:

1. A 'standalone' section 106 specific to the application signed by the LPA and both the developer and whoever delivers the habitat works.
2. A 'Habitat Bank' section 106 between the LPA and the habitat delivery body, that secures the 'bulk' provision of BNG under one single s106 agreement, independent of any individual planning application. This would mean that a separate section 106 would not be required for any applications where the developer is purchasing units from the provider.
3. Conservation Covenant with a Responsible Body.
4. A planning condition if BNG is delivered on site. However, a section 106 will also be required to secure on site delivery when appropriate.

13.3 Securing BNG

13.4 As the full details of off-site delivery are not required until discharge of the deemed Biodiversity Gain condition, it may be that section 106 negotiations take place post grant of planning consent but prior to the discharge of the Biodiversity Gain Condition.

13.5 The Council will only consider entering a 'Habitat Bank' section 106 agreement directly with a Habitat Provider when the Council is satisfied the is able to deliver and maintain the required habitats to an acceptable standard. Further guidance is likely to be forthcoming, but it is likely that Habitat Providers would be need to demonstrate that he following requirements are met:

1. The Habitat Provider must have legal control over the land proposed as a habitat bank for a minimum of 30 years following the completion of any BNG Habitat Creation Works.
2. In order to contribute to Biodiversity Net Gain (BNG) any habitat creation and enhancement works must demonstrate additionality. Therefore, any habitat works required under an existing agreement or requirement are not acceptable as contributing to BNG.
3. There must not be any extant legal obligation, planning permissions, funding agreements, environmental stewardship/ELMS/Landscape recovery/Countryside Stewardship/sustainable farming Incentive agreements, consents, licenses or permissions or other form of obligation that requires the delivery of the habitat creation or management to be undertaken on the land proposed as a habitat bank.
4. The land proposed as a habitat bank must not be designated as a SSSI.
5. The land proposed as a Habitat Bank must not be in Mineral Safeguarding Area or an area of Archaeological Interest.
6. The Habitat Provider must be willing to enter into a section 106 legal agreement requiring the implementation of habitat creation and 30 years monitoring and management in



accordance with a habitat creation method statement and management & monitoring strategy agreed with the Council.

7. Habitat creation works undertaken for BNG must not be sold as Carbon Credits or nutrient neutrality credits, from the land proposed for use as a Habitat Bank.
8. A plan clearly showing the location of the proposed habitat bank must be provided. The plan should indicate north and either road names or place names sufficient to allow the area of land to be readily identified
9. A baseline ecological assessment of the area proposed as a habitat bank been undertaken.
10. The assessment must include a UKHABs survey and condition assessment undertaken in accordance with the statutory Metric guidance. The assessment must be undertaken by a suitable experienced and qualified person and undertaken at the correct time of year.
11. Soil tests will be required for the creation of many habitat types.
12. The assessment must be agreed with the LPA.
13. Habitat Creation and enhancement proposals and a 30 year habitat management and monitoring plan must be prepared and agreed with the LPA.
14. The Habitat Creation proposals must be realistically achievable and informed by the result of the ecological assessment and soil tests.
15. It is recommended that the 30 year management and monitoring this be in the format of the Natural England Habitat Management and Monitoring Plan Template: ⁽²⁴⁾
16. Monitoring must include a condition assessment of the proposed habitat creation/enhancement and a report must be submitted to the LPA in years: 1,2,3,5,10,20,30.
17. The 30 year habitat management plan must to adaptive to the results of the monitoring reports and the habitat provider must commit to the implementation of remedial measures to address any short fallings in the habitat works.
18. The habitat provider must be agreeable to allowing an officer of the Council to inspect habitat creation and enhancement measures once complete. The 30 year management period will only commence when the Council is satisfied that the initial habitat works have been completed satisfactorily.
19. The habitat provider must commit to pay a reasonable monitoring fee to the Council to meets its expenses of monitoring the implementation of the agreed habitat management plan.
20. No irreplaceable habitats must be adversely affected by the proposed BNG works.
21. The habitat provider must be willing to grant access permission to officers of Cheshire East Council to visit the land to undertaker monitoring and compliance checks.

13.6 The Habitat Provider must commit to entering the BNG works onto the national registry and informing the registry when units are allocated to a development.

13.7 The habitat provider must demonstrate that the proposed habitat creation measures achieve the best outcome for biodiversity in accordance with the "Biodiversity Net Gain – Good practice principals for development" (CIEEM, Ciria, IEMA).

24 [Habitat Management and Monitoring Plan Template - JP055 \(naturalengland.org.uk\)](https://www.naturalengland.org.uk)



14 Monitoring and Facilitation Fee

14.1 The Council will apply a monitoring fee in relation to all applications that require a biodiversity net gain, secured through a legal agreement. A monitoring fee must cover costs the LPA incurs related to: staff costs to assess management plans, visit and assess the sites where BNG are to be delivered (staff, time, travel, associated expenses); administration and correspondence; the set-up cost of software systems necessary to record monitoring information, the ongoing costs of software maintenance; and administrative staff costs to maintain and update records.

14.2 A fee will be charged for each habitat monitoring report submitted, as required under the section 106 agreement associated with the consented development. The purpose of the fees will be to recoup the Council's expenditure in associated with BNG including monitoring the BNG delivery. Fees will be established via the Council's 'Fees and Charges Schedule', and published on the Council's website.

14.3 Currently, the LPA is not taking on responsibility for delivery of off-site net gain. This may change in the future and if so, a monitoring and delivery fee will be applied based on the costs to the authority of implementing, delivering and monitoring net gain.

14.4 The Cheshire Nature Recovery Strategy (LNRS) is in the early stages of development, eventually the Council expect to adopt the LNRS and work to the guidance this document sets out. The purpose of the strategy is to ensure that biodiversity net gain can be secured in a strategic way across the region. At this point, Cheshire East Council are not introducing a fee for the production and on-going delivery of the strategy, however, if fees are introduced via the LNRS Cheshire East Council will apply these too.

Legal Fees

14.5 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.

Typical Conditions

14.6 Condition for securing on site delivery of BNG:

14.7 Prior to the commencement of development, a habitat creation method statement and a 30-year habitat management plan for the retained and newly created habitats on site shall be submitted to and approved in writing by the Local Planning Authority. The habitat creation method statement to detail habitat creation and enhancement measures to ensure the delivery of those habitats specified in the biodiversity metric calculations submitted with the applications.

14.8 The 30-year habitat management plan shall detail how the newly created, enhanced, and retained habitats will be managed achieve the target condition specified in the Biodiversity Metric Calculations submitted with the application. The habitat management plan to include



a schedule of ecological monitoring and reporting and a mechanism to secure the agreement and implementation of contingency measures if monitoring reveals that habitats on site are failing to achieve their target distinctiveness and/or condition.

14.9 The development shall be carried out in accordance with the approved details.

14.10 Reason: To safeguard biodiversity in accordance with ENV2.

14.11 Condition for submission of features to enhance biodiversity of a consented development:

14.12 Prior to the commencement of development, a strategy for the incorporation of features to enhance the biodiversity value of the proposed development is to be submitted to the LPA. The submitted strategy should include proposals for the provision of features for nesting birds including house sparrow and roosting bats, gaps in garden fences to facilitate the movement of hedgehogs, native species planting, brash piles and a wildlife pond. The proposals shall be permanently installed in accordance with approved details.

14.13 Reason: to safeguard biodiversity in accordance with the NPPF and Local Plan Policy SE3.



15 Glossary

Table 15.1

Ancient Woodland	Areas of woodland that have persisted since 1600 in England, Wales and Northern Ireland, and 1750 in Scotland.
Biodiversity Net Gain	An approach to development which makes sure that habitats for wildlife are left in a measurably better state than they were before the development
CIEEM	Chartered Institute of Ecology and Environmental Management
Core Areas, Corridors, Stepping Stone and Restoration Sites	Components of the Ecological Network within Cheshire East
Deemed condition	A deemed condition will prevent commencement of the planning permission until a BNG plan has been approved by the local planning authority
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
Ecological Network	Areas of land of significant value to nature
Geographic Information Systems	Electronic mapping software
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.
Habitat Bank	A parcel of land that can be used to create a significant uplift in biodiversity
Habitat Provider	A third party land owner managing land for the purposes of selling BNG units
Habitat Site	An area of land specially designated for its value to nature
Local Nature Recovery Strategy	Local Nature Recovery Strategies map nature recovery actions. They target actions in locations where they are most needed and where they provide the best environmental outcomes. The strategies will help to join up national efforts to reverse the decline of biodiversity.
Local Plan	The plan for the development of the local area, drawn up by the local planning authority in consultation with the community.



	In law this is described as the Development Plan Documents adopted under the Planning and Compulsory Purchase Act 2004.
	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.
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.
Local Wildlife Site	An exceptional area of land valuable to wildlife and identified in the local plan
Major Application	Larger scale development – housing of more than 10 units/0.5 hectares; retail, community, recreation or cultural development of more that 1000 square metres
	Business, storage or distribution of 5000 square metres or above/1 hectare
	Mineral extraction
	Waste development
Material consideration	Matters that are relevant to a decision
Minor Application	Development of less that 1000 square metres/less than one hectare.
	Change of use less than 1000 square metres
	Gypsy and traveller sites of less than 9 pitches
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
Natural / semi natural habitat	Ecological assemblages that have been substantially modified in their composition, balance or function by human activities
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).
Priority Species and Habitats Planning area	List of habitats and species of principal importance in England School(s) designated to an area for the purposes of pupil place planning.
Red-Line Boundary	The total area of land to which a planning permission will apply



Site Allocations and Development Policies Document	Part of the Local Plan which will contain land allocations and detailed policies and proposals to deliver and guide the future use of that land.
Reserved Matters	Outstanding issues to be determined when an outline application is considered
Supplementary Planning Document	A Local Development Document that may cover a range of issues, thematic or site specific, and provides further detail of policies and proposals in a 'parent' Development Plan Documents.
Sustainability Appraisal	An appraisal of the economic, environmental, and social effects of a plan from the outset of the preparation process to allow decisions to be made that accord with sustainable development.
Strategic Environmental Appraisal	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.
Validation	The process to ensure planning applications are submitted with the correct supporting information and in the correct format
Viability Study	A report, including a financial appraisal, to establish the profit or loss arising from a proposed development. It will usually provide an analysis of both the figures inputted and output results together with other matters of relevance. An assessment will normally provide a judgement as to the profitability, or loss, of a development.



16 Appendices

16.1 The appendices listed below are submitted for consultation alongside the SPD and are viewable within the PDF version of the SPD and individually on our consultation portal: <https://cheshireeast-consult.objective.co.uk/kse/folder/29414>

16.2 Appendix 1: Table of Local Requirements for Protected Species

Table 16.1

Local Requirements for Protected Species. If a planning application involves any of the development proposals shown in the Table below, the relevant protected species survey and impact assessment must be submitted in support of a planning application.	Bats	Barn Owls	Breeding Birds	Great Crested Newt	Otters	Domouse	Kingfisher	Water Vole	Badgers	Reptiles	White Clawed Crayfish	Lesser Silver Water Beetle
Proposed development which includes the modification conversion, demolition or removal of buildings and structures (especially roof voids) involving the following:	x											
all agricultural buildings (e.g. farmhouses and barns) particularly of traditional brick or stone construction and/or with exposed wooden beams greater than 20cm thick;	x	x										
all buildings with features suitable for bats (i.e. accessible soffit boxes, weather boarding and/or hanging tiles) that are within 200m of woodland and/or water;	x											
pre-1960 detached buildings and structures within 200m of woodland and/or water;	x											
pre-1914 buildings within 400m of woodland and/or water;	x											
pre-1914 buildings with gable ends or slate roofs, regardless of location;	x											



for non-residential development is more than 1000m ² floor area or more than 1 hectare)																					
Minor proposals within 100m of a pond (or similar water body) *																					
Proposals directly affecting or within 10m of a pond (or similar water body) *																					
Proposals affecting the floodplain of a river or within 10m of rivers, ditches, streams, canals, lakes, or other aquatic habitats.																					
Proposals affecting 'derelict' land (brownfield sites), allotments and railway land.																					
Proposed development affecting any buildings, structures, feature or locations where protected species are known to be present **.																					

* The Impact of development on great crested newts is highly variable and site specific, hence these distances are for guidance only. For large developments it may sometimes only be necessary to survey ponds 250m away. Conversely, minor developments may sometimes need to consider ponds further than 100m. An impact assessment in the absence of a full survey may be appropriate in some circumstances.

** Confirmed as present by either a data search (for instance via the local environmental records centre) or as notified to the developer by the local planning authority, and/or by Natural England, the Environment Agency or other nature conservation organisation. Note: a data search not recording any protected species will not in itself be sufficient evidence that such species are not present.





Cheshire East Council

Email: planningpolicy@cheshireeast.gov.uk

www.cheshireeast.gov.uk/localplan

Tel: 01270 685893

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APPENDIX 2

Cheshire East Local Plan

Developer Contributions Supplementary Planning Document

Report of Consultation on Final Draft SPD

May 2024

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1. Introduction

- 1.1 Supplementary Planning Documents (SPDs) add further detail to the policies in the development plan and are used to provide guidance for development on specific sites, or on particular issues. SPDs may be a material planning consideration in planning decisions but are not part of the development plan.
- 1.2 The Ecology and Biodiversity Net Gain SPD provides guidance on the implementation of existing development plan policies from the Cheshire East Local Plan Strategy (LPS) (adopted July 2017), Site Allocations and Development Policies Document (SADPD) (adopted December 2022) and 'saved' policies from the Cheshire Minerals Local Plan and the Cheshire Waste Local Plan.
- 1.3 The SPD provides guidance on the Council's approach to securing protecting and enhancing the environment and implementing Biodiversity Net Gain. The SPD is limited to matters that fall within the remit of the Council's duties in regard to ecology and biodiversity net gain. The specific areas covered in the SPD are:
 - Validation
 - Information requirements
 - Using the DEFRA Metric
 - Monitoring and facilitation fees
- 1.4 The first draft of the BNG SPD was published for consultation during May and June 2021. A report of consultation on the first draft document was also produced, which detailed all the main issues raised and a council response to those issues.
- 1.5 The final draft Environmental Protection SPD was published for four weeks consultation between October and December 2023. This report of consultation provides further information on this final draft consultation.

2. Consultation documents

- 2.1 In addition to the Final BNG SPD, a Strategic Environmental Assessment, Habitats Regulations Assessment screening assessment and an Equalities Impact Assessment were published alongside the consultation document for comment.
- 2.2 In addition, a statutory notice and comments form were published to support the consultation.

- 2.3 The consultation documents remain available to view on the council's consultation portal¹.

3. Document availability

- 3.1 Electronic copies of the consultation documents were made available online on the council's consultation portal, which could be accessed through the council's website.
- 3.2 Printed copies of documents were also available (on request) at the following locations during opening hours:
- Crewe Customer Service Centre, Delamere House, Crewe
 - Macclesfield Customer Service Centre, Macclesfield Town Hall
 - Council Offices, Westfields, Sandbach.

4. Publicity and engagement

Consultation notifications

- 4.1 Notification of the consultation was sent to all active stakeholders on the council's Local Plan consultation database who had not opted out of receiving notifications of new consultations, via printed letters and emails. This consisted of around 200 printed letters and over 2,000 emails sent on 31st October 2023. The stakeholders on the database include residents of Cheshire East, landowners, developers, planning consultants, businesses, local groups, and other organisations including the statutory consultees.
- 4.2 Notifications were also sent to all town and parish councils in Cheshire East, elected members and MPs.
- 4.3 Examples of notification letters and emails are included in Appendix 1.

Other publicity

- 4.4 A number of pages on the Council's website provided information and links to the consultation. These pages included:
- The council's homepage (in the 'latest news' section): www.cheshireeast.gov.uk.
 - The consultations page www.cheshireeast.gov.uk/consultations

¹ [Final Draft Developer Contributions SPD - Details - Keystone \(objective.co.uk\)](http://www.objective.co.uk)

- The Supplementary Planning Documents page www.cheshireeast.gov.uk/planning/spatial-planning/cheshire-east-local-plan/supplementary-plan-documents

4.5 An example screenshot of webpages is included in Appendix 2.

4.6 A media release was issued on 31st October 2023, which informed people about the consultation. A copy of the media release is included in Appendix 3.

5. Submitting comments

5.1 Comments could be submitted in several ways:

- Online: using the consultation portal accessed from the council's website.
- By email to localplan@cheshireeast.gov.uk
- By post to Strategic Planning (Westfields) C/O Municipal Buildings, Earle Street, Crewe CW1 2LL.

5.2 Screenshots of the consultation portal are included in Appendix 4.

5.3 Printed copies of consultation response forms were available for people to take away from the locations listed in paragraph 3.2 above. The form could also be downloaded from the consultation portal for completion offline. A copy of the response form is included in Appendix 5.

5.4 Information on how to submit comments was included on the consultation portal and the printed/downloadable response form.

6. Representations received.

6.1 In total, the final draft consultation received 150 comments from 24 consultees.

6.2 The comments received covered a range of topics and issues. A summary of the main issues raised and the council's response (including any changes proposed to the SPD) is set out in the Table below.

6.3 A summary of the representations received at the previous draft stage and the council's response (including changes made to the SPD) is included at Appendix 6 for completeness.

<u>Consultee</u>	<u>Consultee Response</u>	<u>CE Response</u>
Emery Planning	<p>It is unclear why the Council are pursuing a SPD prior to statutory instruments becoming law in 2024;</p> <p>The SPD cannot set out new policy requirements as this can only be done through the development plan process. At section 5 the SPD states the council will require a 10% net gain, this is not current development plan policy.</p>	Since consultation further detail around BNG has been published by the government including the formal requirement for 10% net gain. The final SPD is now consistent with national legal requirements.
The Planning Bureau on behalf of McCarthy and Stone	The Council should then amend the draft SPD so that it is consistent with any updated guidance and draft regulations. We also note that the BNG SPD covers an area wider than just the statutory notion of Biodiversity Net Gain and therefore to avoid confusion the BNG SPD should be renamed to something on the lines of 'Ecology and Biodiversity Net Gain'.	The SPD has been reviewed to take account of updated guidance and the name has been changed.
Environment Agency	We generally support the principles of the draft Biodiversity Net Gain (BNG) Supplementary Planning Document (SPD). However, we note that, again, there is no mention of the 'Watercourse' component of the DEFRA Biodiversity Metric. We raised this concern when we responded to the first draft of the SPD back in June 2021. There's no reference to the River Condition Assessment and the fundamental requirement for a Modular River Physical (MoRPh) survey for any development with a watercourse flowing within, and 10 metres from, the red line boundary. Developers have an important role in carrying out river restoration to secure 10% BNG as part of the 'Watercourse' component of the Metric. This will also make a crucial contribution to Water Framework Directive measures to improve our watercourses, so they reach the statutory objective of 'good ecological status and potential.' River restoration associated with BNG will also help reconnect priority habitats, contributing to the objectives of the Local Nature Recovery Strategy for Cheshire.	Text has been added to address this point.
Canal and River Trust	We would ask that where a local planning authority is aware of a proposal to undertake development within the Trust's statutory	Text has been added to highlight this matter

		<p>consultee notified area (especially when it is within 10m of our waterway) the developer is encouraged to undertake pre-application discussions with the Trust to ensure that appropriate BNG requirements and opportunities are discussed. Details on our pre-application advice can be found on our website.</p>	
Pegasus on behalf of Tatton Estate Management and DB Symmetry		<p>We note that the Council have consulted on a separate Biodiversity Net Gain SPD, which sets out costs associated with the Council's monitoring of 30-year management plans at either a fee of £1,500 per application or 10% of the off-site BNG compensation costs. Whilst we note that BNG is a new national policy requirement, which developers will need to adhere to (at their cost), these additional monitoring costs were not set out as part of the evidence for the Site Allocations DPD, the LPS or CIL process and therefore are a new developer cost. Again, this fails the tests applied by the NPPF and Paragraph: 002 Reference ID: 10-002-20190509 of the NPPG and should be picked up through a full review of the Local Plan.</p>	<p>Planning Practice Guidance advises that: 'Local planning authorities can charge a monitoring fee though section 106 planning obligations, to cover the cost of monitoring and reporting on delivery of that section 106 agreement.' (Paragraph: 028 Reference ID: 74-028-20240214)</p>
Knutsford Council	Town	<p>The Town Council would like to see the mitigation hierarchy expanded to include clear stages to better minimise the impact of unavoidable ecological losses. The Town Council suggests the following hierarchy be applied:</p> <ul style="list-style-type: none"> • Avoid - All development proposals must ensure losses of, and impacts to biodiversity are firstly avoided. • On-site Mitigation - Where impacts cannot be fully avoided, mitigation proposals will be required on site. • Local Area Mitigation – Where on-site mitigations cannot fully meet requirements, where appropriate, Cheshire East Council and the relevant town/parish council could discuss options with developers and local landowners to seek mitigations implemented within the parish the development is located, or if this is not possible within the surrounding parishes. 	<p>The requirements of the mitigation hierarchy are set out in para.186 (a) of the NPPF which the Council will work to on planning matters.</p> <p>Town and parish councils are valued consultee in the planning process and the Local Planning Authority welcomes commentary on the proposals it determines, be they received directly from town and parish councils or via the local ward members as local representative.</p> <p>Whilst advisable to do so, there is no formal requirement for applicants to engage with town and parish councils and therefore introducing such an expectation in a SPD would not be appropriate. There is no legal basis for requiring BNG to be delivered in a</p>

	<ul style="list-style-type: none"> • Wider-Area Mitigation – Where Local Area mitigations cannot be met, where appropriate, Cheshire East Council and the relevant town/parish councils could discuss options with developers and landowners to seek mitigations implemented within the wider borough. • Out-of-Area/Compensatory Mitigation - When all available options in the above hierarchy have been explored and residual net gain is not possible, habitat creation or enhancement may be delivered out of the local authority area, and as a last resort, compensation should be provided. 	specific location, however, Neighbourhood Plans can play an important role in this matter setting out local expectations around BNG and mitigation an encouraging applicants to look for opportunities within the relevant parish wherever are possible (this can be assisted where the local neighbourhood plan includes an assessment of local habitats).
David Davies	<p>Proposed text amendment for clarity: "..it has diminished biodiversity to a fraction.." [not " decreased"].</p> <p>Comment that the statistics quoted are for the world: question whether there are equivalent stats for England/UK that could be quoted in this paragraph for context.</p>	Changes to the introduction have been made to provide some local headline indicators.
	This para could also add context by clarifying that, in addition to the Environment Act 2021, there has previously been the SECTION 40 DUTY (etc) in NERC ACT 2006 which already expected LPAs to prepare Plans having regard to conserving biodiversity.	The NERC act is a separate process and does not need to be addressed in the scope of this SPD.
	Proposed text amendment for clarity “..Sets out what written information is required to be submitted with a..”	Change made.
	Question: should text discuss HOW MATERIAL it is considered to be (ie after its adoption)? Also this para should clarify that SPD would apply to all Borough, not just Macclesfield.	Change has been made to clarify that the SPD applies across Cheshire east.
Natural England	<p>Natural England (NE) welcome the inclusion of overarching Planning Policy Framework within the SPD. In terms of Legislative Context, the Environment Act 2021 underpins Schedule 7a of the Town and Country Planning Act 1990. Paragraph 3.2 should be updated to reflect this.</p> <p>NE advise paragraph 3.2 is also updated to align with the revised January 2024 date for mandatory BNG, to align with the release of the</p>	Relevant changes have been made and the duplicated reference to SE 6 removed.

	<p>Statutory Biodiversity Metric and to reference habitat securement, management and monitoring for at least 30 years.</p> <p>We note Policy SE 6: Green Infrastructure is referenced twice at 3.22 and 3.26. Please amend to only include one of these.</p>	
David Davies	Update para references re: NPPF (12/23)	Done.
Simon Browne	It is important to also include reference to 'irreplaceable habitats', preferably as related to NERC S41 definitions. These should be offered a very high degree of protection irrespective of site designations. In Cheshire Lowland Raised Bog should certainly be included in this definition.	Additional text on irreplaceable habitats added.
Gordon Richardson	This paragraph would be strengthened and made less ambiguous by reference to s.41 of the NERC Act 2006. In this way, an array of habitats not included in the Biodiversity Gain (irreplaceable habitats) Regulations 2024 would be brought within the remit of the SPD, giving the Council and developers a greater range of proxy habitats to consider.	The NERC act is a separate process and does not need to be addressed in the scope of this SPD.
Natural England	<p>Previous versions of the biodiversity metric are referred to in paragraphs 5.1 and 5.10.</p> <p>These should be amended to reflect the release of the Statutory Biodiversity Metric.</p> <p>Where the Small Sites Metric is mentioned in paragraph 5.3, NE advise this is reworded to note the requirement to use the metric will take effect over differing timeframes depending on the size of the development. For instance, the Small Sites Metric is to be used from April 2024 and the relevant tool for Nationally Significant Infrastructure Projects (NSIPs) is to be used from late November 2025.</p> <p>At 5.11, NE welcomes reference to delivering BNG in strategically important locations. We advise this is updated to provide clarity that</p>	These comments have been addressed in revisions and the document updated accordingly.

	<p>strategic locations will be identified and informed by the Local Nature Recovery Strategy (LNRS) once complete.</p> <p>5.12 should be amended to clarify BNG will need to be secured by an appropriate legal agreement to ensure long term management over a period of at least 30 years.</p> <p>Guidance on appropriate legal agreements can be found here: Legal agreements to secure your biodiversity net gain.</p> <p>Similarly, NE advise 5.14 is amended to say “Monitored and reviewed at regular intervals”.</p> <p>NE welcome 5.13 and direct you to recent guidance on Creating a habitat management and monitoring plan for biodiversity net gain.</p>	
Poynton TC	<p>Poynton Town Council urge that Paragraph 5.1 of the draft Biodiversity Net Gain SPD be strengthened as shown below.</p> <p>“5.1 Aligning to national requirements, Cheshire East Council are seeking a minimum 10% net gain in biodiversity from new development. In all but exceptional cases this must be delivered on-site, and the gain must be demonstrated using the latest Defra approved biodiversity metric. In exceptional cases where this is not possible, the gain may involve off-site compensation within the same town or parish or no more than one mile from the parish boundary, with the approach to be agreed with the Local Planning Authority (LPA). Such compensation sites will normally be accessible to the public.”</p>	<p>Unfortunately, this proposed amendment is not in accordance with the statutory requirements which the document must align to.</p>
Cllr Knibbs	<p>Off Site compensation is non-sensical and must be avoided and discouraged at all costs. It's not the easy way out of paying lip-service to the destruction of our biodiversity.</p>	<p>The Biodiversity Gain hierarchy will apply, but offsite delivery is acceptable when on site delivery cannot be achieved.</p>
David McDonald	<p>Don't be content with 10%. The timescales and resources involved mean that it will be impossible to recreate any habitat accurately - are you really going to provide all of the food plants and breeding habitat for the birds and insects that visit that pond you are about to dig up?</p>	<p>10% is the statutory requirement anything beyond this, such as in a site specific allocation, needs to be justified and evidenced.</p>

	Are you visiting at night to see what bats and other creatures need that pond to survive. Given that we know the results cannot be as rich as the original, why not ask for 20%?	
David McDonald	Have all the relevant forms been amended so that applicants know exactly what is expected? Can we move away from having dozens of conditions tacked on to each planning application by having rigid guidelines on the form and by throwing out at source applications that do not meet those guidelines?	Forms have been amended.
Barratt & David Wilson Homes	<p>“To calculate how the minimum 10% increase in biodiversity is to be achieved, biodiversity losses and gains associated with development and land management practices need to be measured in a consistent, robust, and transparent way.”</p> <p>Suggest that including a reference to the three habitat types is made to ensure applicants don't omit hedgerows and rivers where present. The same comment here would be valid in Paragraph 6.6.</p>	Additional text added to cover this point.
	<p>“Where compensation is targeted at a specific species, off site compensation must be delivered in an area where this species is known to occur. Desk and field-based assessments may be required to establish this.”</p> <p>We support this however this para would benefit from additional clarity as it may get confused between the additionality principle generally, and the nuance of the additionality principle whereby compensatory habitat can be counted towards BNG in part but not for the full 10%. Similarly, does this also apply to developments, the primary objective of which, is nature conservation.</p> <p>Paragraph 5.5 of the SPD states: “Agreed in advance with the LPA” Agreed in advance of what? Or at what stage of planning? Some clarity would be beneficial.</p>	<p>Text clarified.</p> <p>The reference to ‘Agreed in advance’ has now been removed.</p>
	“Secured by an appropriate agreement to ensure long term management”. Suggest including at least the option to use S106	Text revised.

	agreements and conservation covenants subject to CEC acting as a responsible body would be beneficial.	
Natural England	<p>Previous versions the biodiversity metric are referred to in paragraphs 6.11 and 6.24. These should be amended to reflect the release of the Statutory Biodiversity Metric.</p> <p>NE note the link provided at 6.12 is out of date and advise it is replaced with a link to the Draft Small Sites Metric Statutory User Guide.</p> <p>We also advise paragraph 6.37 is amended in line with up to date guidance on Exempt Developments and reference to the 'Government's response to the recent consultation on Biodiversity Net Gain Regulations and Implementation' is removed.</p>	These matters have now been addressed.
CWaC	Is it best to use local plan policy wording here rather than "positive contribution", as that is what will be relied upon for small sites until April 2024?? E.g. The wording in 12.1.	The text has now been revised and updated.
Barratt & David Wilson Homes	<p>Between Paragraphs 6.6 and 6.7 the SPD states: "Minor Development" plus associated paras 6.7-6.10.</p> <p>Suggest that this section could be removed as paras 6.13-6.23 cover minor development requirements in more detail.</p>	Already revised.
David Davies	The text here could be clarified by saying that applicant should ascertain that their pd scheme would not breach any relevant legislation pertaining to nature/species protection. As currently drafted gives the impression that ANY HARM would result in legal breach. You may also want to list relevant legislation e.g. WACA 1981, other still applicable European legislation etc.	The text has now been revised and updated.
	Text correction "..the Council's interactive."	The text has now been revised and updated.
Ben McLachlan CWaC	The Council recognises the importance of ensuring that the application of the Biodiversity Net Gain requirement is proportionate to the size of the development and the resulting impact on habitats. Therefore, the Council considers that Policies SE3 and ENV2 do not apply to	The text has now been revised and updated.

	<p>commercial or leisure development of a size below a 'de minimis' threshold of 25m2.</p> <p>Why is this only highlighted for commercial or leisure development?</p>	
Natural England	<p>Natural England welcome the inclusion of a separate chapter dedicated to the mitigation hierarchy.</p> <p>As a 'last resort', and if the applicant provides full justification for why it is not possible to deliver BNG on-site or locally off-site, it may be possible for the applicant to buy Statutory Biodiversity Credits from the Government to fulfil their BNG requirements.</p>	The text has now been revised and updated.
	<p>We note paragraph 8.1 states BNG delivery will be sought on-site where possible and engagement with ecological consultants is vital to ensure the design process demonstrates how policy requirements are addressed. NE advise the mitigation hierarchy must also be included within these policy requirements.</p> <p>8.3 details what to do when on-site BNG is not possible. However, further clarity is to be required. The Biodiversity Gain Hierarchy steps must be followed in order, see Understanding Biodiversity Net Gain with further information about the Biodiversity Gain Hierarchy provided in the Regulations, see part 7A in The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.</p> <p>NE advise paragraph 8.4 is amended to give further weight to the upcoming LNRS.</p> <p>Example wording as follows:</p> <p>"Off-site habitat provision should be prioritised firstly towards those areas identified in the Local Nature Recovery Strategy, when published.</p>	<p>The mitigation hierarchy is mentioned in the revised text.</p> <p>BNG hierarchy text added.</p> <p>Reference to the LNRS added.</p>

	<p>Until then, other areas/sites should be prioritised for off-site provision such as...”</p> <p>Similarly, we advise 8.5 is reworded to say:</p> <p>“Until the Local Nature Recovery Strategy is published, existing habitats or habitat creation/enhancement proposals within Cheshire East Ecological Network or areas identified in the previous paragraph (8.4) should be...”</p> <p>When the LNRS is published, only locations and actions mapped in the LNRS can trigger high strategic significance for BNG. Before the LNRS is completed, other strategies identified by the Local Authority can be used to trigger high (if within an identified plan or strategy) or medium (if not within an identified plan or strategy, but is ecologically desirable) strategic significance. Further information can be found in the Strategic Significance Table on page 26 of the Statutory Biodiversity Metric Draft User Guide.</p>	
Barratt & David Wilson Homes	<p>“BNG delivery in this location should not increase the risk of bird strike hazard within 13km of the airport.”</p> <p>Would the issue of a list of the types of habitat deemed unsuitable or those likely to increase risk of birdstrike be possible to ensure habitat design constraints are understood early?</p>	This information would need to come from MAG as it is very site specific, text has been inserted accordingly.
Natural England	Where development falls within an Impact Risk Zone (IRZ), Natural England must be consulted.	This is mentioned in the Habitat regulations assessment section.
	9.2 To support determination of planning applications, the Council therefore expects adequate ecological information to be provided. Where no ecological report has been submitted and there is a likelihood of biodiversity being present and affected by a proposal, applicants will be requested to provide reasonable information in line with Government Standing Advice.	To reflect this, the name of the SPD has been changed to ‘Ecology and BNG’

	<p>The phrase “likelihood of biodiversity being present and affected by a proposal” is assumed to be from Government Circular 06/06, but that legislation just covers protected species? “Reasonable information” could be challenged.</p> <p>Within section 7, 9 and 10, there is mention of impacts on protected species and HRA’s, as well as general biodiversity enhancements in other sections; so maybe change the name of the SPD to include more than Biodiversity Net Gain?</p>	
Natural England	<p>We note paragraph 10.14 refers to the submission of an Ecological Impact Assessment with the majority of planning applications. While we welcome this, the paragraph would be better placed under the Ecological Appraisal Reports section of Chapter 10.</p> <p>Any Biodiversity Net Gain report or Biodiversity Gain Plan would be required once planning permission has been granted. Paragraph 10.15 should be amended to align with this and the release of the Statutory Biodiversity Metric.</p> <p>The objective noted in 10.17 should read “to deliver at least 10% net gain for biodiversity in line with the mitigation hierarchy and therefore...”.</p>	<p>The reference to EclA is only to introduce the issue, rather than address it in detail. Changes have been made to the text at 10.17.</p>
David Davies	<p>text correction: "effect" not "affect". Also formatting issue: paras 10.8 / 10.9/10.11 appear to be indented under the other paras</p>	<p>The text has now been revised and updated.</p>
Barret & David Wilson Homes	<p>Paragraph 10.15 of the SPD contains what was likely a footnote to CIEEM Guidance.</p> <p>Could it be clarified if the footnote was intending to refer to the CIEEM BNG Report Templates?</p>	<p>The text has now been revised and updated.</p>
	<p>Paragraph 10.18 of the SPD may benefit from a reference to the Biodiversity Gain Plan.</p> <p>Section 11 may be better included as an appendix for applicant guidance rather than a dedicated section within the SPD.</p>	<p>More information on biodiversity gain plans has been included.</p>

<p>Natural England</p>	<p>Natural England encourage steps within the Step by step guide are updated as follows:</p> <p>11.1 Step 1: Identify and map the habitat type(s) within red line boundary of the application by undertaking baseline ecological assessment surveys at appropriate time of year.</p> <p>11.2 Step 2: Assess the baseline condition of each habitat by undertaking baseline ecological assessment surveys at appropriate time of year.</p> <p>11.3 Step 3: Apply the mitigation hierarchy (avoid, mitigate, compensate) to development proposals to ensure negative impacts on biodiversity are minimised.</p> <p>This may include redesign and/or relocation of proposals according to survey findings.</p> <p>Previous versions the biodiversity metric are referred to in paragraphs 11.8, 11.9, 11.11 and 11.19. These should be amended to reflect the release of the Statutory Biodiversity Metric.</p> <p>Natural England also advise only a competent person should use the Statutory Biodiversity Metric, as defined in the Draft User Guide. Competency is aligned with the British Standard 'Process for designing and implementing biodiversity net gain (BS 8683:202)'. Similarly, only a qualified assessor can undertake a river condition assessment.</p> <p>We welcome the inclusion of paragraph 11.14. A project red line boundary must not be adjusted to move habitats only subject to enhancement to off-site sections of the biodiversity metric tool. On-site is defined as all land within a red line boundary of a development. Off-site for the purposes of the metric calculation tool means land outside of the on-site boundary, which is dedicated to habitat interventions</p>	<p>Text revised to take account of these recommendations.</p>
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	<p>(habitat enhancement or creation), regardless of proximity or ownership.</p> <p>In reference to 11.15, purposeful degradation of habitats in advance of a metric calculation being undertaken, the use of data records, satellite imagery and historic field surveys should be provided to determine pre-degradation habitat types. A higher condition score should be assigned in the absence of contrary evidence.</p>	
CWaC	<p>Some advice on what is on site and what is off site in terms of red line and blue line areas could be useful here?</p> <p>Also to consider detailing Minimum Mapping Units for baseline and habitat creation areas so there is a documented approach for this ,as there are conflicts currently between the Metric and UK Habs.</p>	The text has now been revised and updated in regard to the red-line. No action taken on 'minimum mapping'
Barratt and David Wilson Homes	Paragraph 11.7-8 are repeated elsewhere in the document and could be removed.	The text has now been revised and updated
David Davies CWaC	<p>appears to be missing text?: " ..all habitats within the ? of the application.."</p> <p>11.1-11.6 could be integrated into Section 11.17-11.22?</p>	The text has now been revised and updated
David Davies / Barratt and David Wilson Homes	<p>Paragraph 11.15 of the SPD states:</p> <p>"If a development site has been cleared with the resulting loss of habitats in advance of a biodiversity metric calculation having been undertaken baseline should be taken as being the habitats present prior to clearance."</p> <p>Suggest that the date within the primary legislation 30th January 2020.</p> <p>"Off-site delivery - Delivery and monitoring where biodiversity credits are purchased"</p> <p>Suggest updating text to specify statutory biodiversity credits? If so, this may be difficult to track and monitor as the location of the site where</p>	<p>Text revised to include 2020 date.</p> <p>The text has now been revised and updated</p>

	the creation/enhancements may eventually be delivered may be far from the source of the impact.	
Natural England	<p>Natural England advise paragraph 12.10 is amended to give reference to the management and monitoring timeframe of at least 30 years.</p> <p>We also advise paragraph 12.12 is updated to provide clarity that legal agreements can be secured by planning obligation (section 106 agreement) with the Local Planning Authority or via a conservation covenant with a Responsible Body.</p> <p>In reference to 12.13 regarding the councils position on acting as a habitat provider, all off-site gain sites will need to be registered on the national biodiversity gain site register by application before planning permission can be granted.</p>	The text has now been revised and updated and the third point acknowledged.
David Davies	<p>In relation to Paras 12.5 – 12.13:</p> <p>section: -should there also be an option of buying credits from the Government (if applicable), or would this be covered under option 2?</p> <p>-Also, must option 2 site be WITHIN Cheshire East (as this is not specified)? -it is understood why the LPA would want to agree the location of off-site BNG creation through a 3rd party provider, but beyond this (and assuming they sign the legal agreement in any event), why must the identity of the 3rd party provider be agreed with LPA? Isn't this a free market issue? - is there any reason the SPD does not promote using conservation covenants under the Environment Act 2021 (alongside generic planning legal agreements)?</p>	The text has now been revised and updated to reference statutory credits.
Barratt and David Wilson Homes	<p>Paragraph 12.8 of the SPD states: "Option 3 A mixture of the above"</p> <p>The statutory credit scheme has been omitted from the offset options.</p>	Statutory credits have been added as an option.

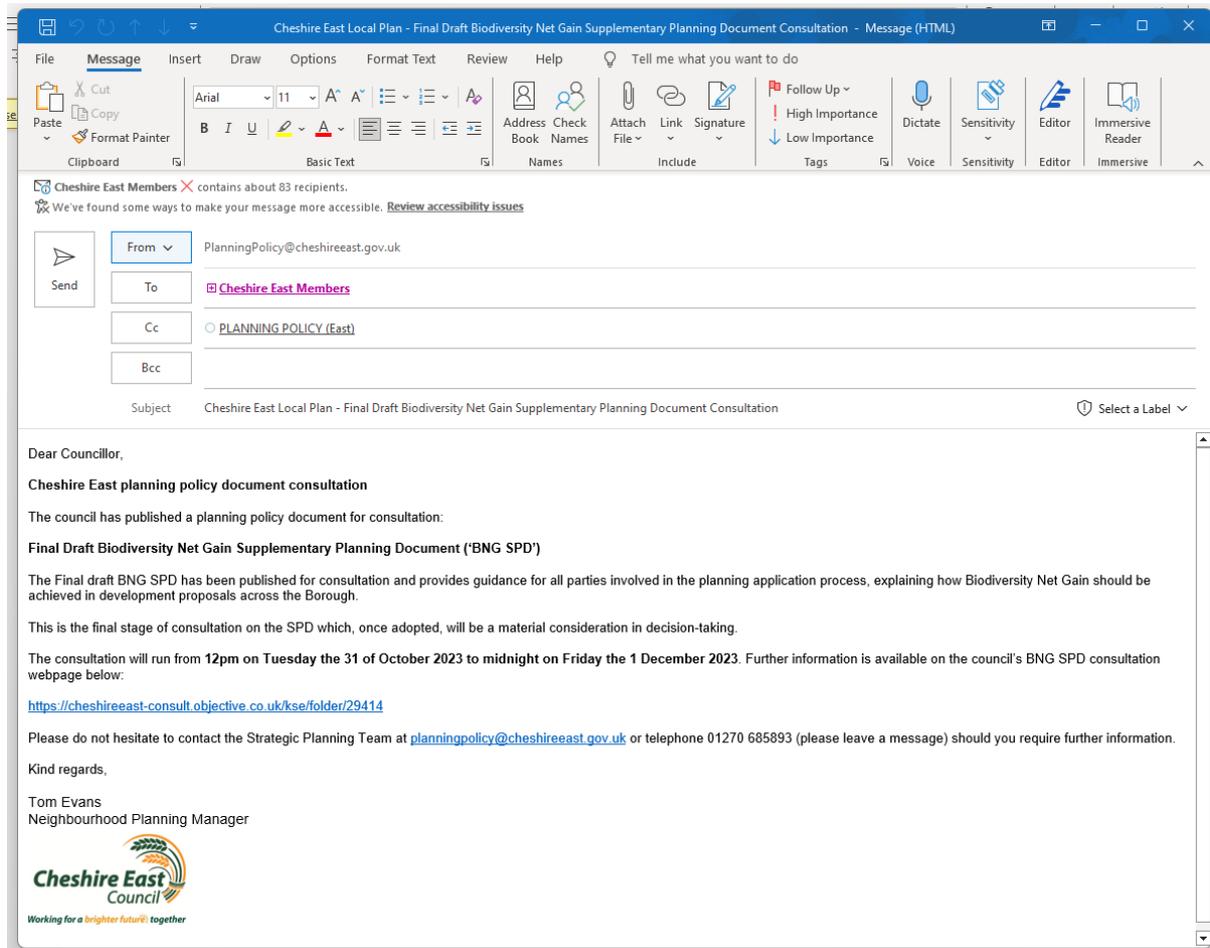
<p>McCarthy and Stone</p>	<p>Para 16 b) of the NPPF requires plans to be, amongst other elements, ' b) be prepared positively, in a way that is aspirational but deliverable'. Planning Practice Guidance addresses Supplementary Planning documents and at Paragraph: 008 Reference ID: 61-008-20190315 states that 'Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development'.</p> <p>Section 13 deals with the 'Incorporation of Additional Biodiversity Features' this details a number of features beyond what may be delivered by the biodiversity metric, that proposals must include to enhance biodiversity. Although this is building on policies in the adopted Local Plan the requirement for additional features such as green walls, brown roofs and new wildlife ponds for example has a financial cost and therefore should not be introduced within an SPD. This section should therefore be removed for the SPD to be in accordance with Paragraph: 008 Reference ID:</p> <p>61-008-20190315.</p> <p>Recommendation</p> <p>Delete section 13 for the SPD to be consistent with Paragraph: 008 Reference ID:</p> <p>61-008-20190315</p>	<p>Providing guidance on what features should be provided to lead to an enhancement of biodiversity and meet the legal requirement is not introducing a new policy requirement.</p>
<p>Barratt and David Wilson Homes</p>	<p>Paragraph 13.8 and 13.5 references to green walls and green/brown roofs and creation of new wildlife ponds.</p>	<p>Point acknowledged but these are examples of features that can be incorporated into developments. Reference to 'ponds, green roofs and walls' has been removed.</p>

	The habitats noted as being additional biodiversity features are contained within the biodiversity metric and shouldn't necessarily be considered additional.	
Natural England / Barratt and David Wilson Homes	Natural England note Chapter 14 has the same title as Chapter 12 but states the section applies to minor applications. Therefore, we advise it should be retitled to align with statement at 14.1. We advise the Chapter is also updated to clarify such identification of priorities should occur until the LNRS is completed. Once complete, these should be supplementary tools and the LNRS should inform priorities noted within this Chapter.	Chapter titles have been revised and references to LNRS added.
CWaC	Does there need to be a line in there saying that this may be superseded by LNRS mapping in the future?	References to LNRS added.
David Davies	text correction: "comprise" not "compromise"	Revised.
Cllr Knibbs	There is insufficient buffering zone for all wildlife sensitive areas. It must be at least 30m for Ancient Woodlands and 15m for Rivers streams and other nature conservation areas.	There is no established distance for buffering and therefore any specified distance would need justification. Given the difference in circumstances around sites and habitats, a blanket approach may not be suitable in all circumstances.
Barratt and David Wilson Homes	Suggest updating this section to include reference to the irreplaceable habitats guidance of which Ancient Woodland, among others, forms a part?	There is no guidance on buffers for other irreplaceable habitats.
Poynton Town Council	Fees should not be set at a level that will unfairly discourage small developments and "self-build" schemes.	Fees are being reviewed.
Natural England	Therefore the wording of paragraph 8.5 could be altered to reflect that situation for clarity and to ensure that the document remains up to date post LNRS publication. Could make reference to Natural England Green Infrastructure Framework	Text has been revised to include reference to LNRS.
McCarthy and Stone	Para 16 b) of the NPPF requires plans to be, amongst other elements, ' b) be prepared positively, in a way that is aspirational but deliverable'. Planning Practice Guidance addresses Supplementary Planning documents and at Paragraph: 008 Reference ID: 61-008-20190315	The Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 was introduced in September 2019 to allow fees for monitoring obligations to be

	<p>states that ‘Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development’.</p> <p>Section 16 ‘Monitoring and Facilitation Fee’ sets the Council’s intention to ‘introduce a monitoring fee in relation to all applications that require biodiversity net gain’.</p> <p>Policy ENV2 of the adopted Site Allocation and Development Policies Document ensures that developers manage and maintain of on-site and off-site habitat but does not discuss the council’s own monitoring costs. Therefore this is again introducing a financial cost and should not be introduced within an SPD. This section should therefore be removed for the SPD to be in accordance with Paragraph: 008</p> <p>Reference ID: 61-008-20190315.</p> <p>Recommendation</p> <p>Delete para 16.1 to 16.12</p>	<p>sought from developers where: a) the sum to be paid fairly and reasonably relates in scale and kind to the development; and b) the sum to be paid to the authority does not exceed the authority’s estimate of its cost of monitoring the development over the lifetime of the planning obligations which relate to that development.</p> <p>There is therefore a legal basis on which the LPA can recover the costs associated with BNG.</p>
CWaC	<p>16.7 and 16.8 discusses approaches to offsite monitoring fees of either Option 1: 10% of sum or Option 2: £1500 per application that requires the delivery of BNG off site. These may not cover costs based on the work other LPA’s have done and the monitoring fee calculator that Verna have released.</p>	<p>Fees being revised.</p>
David Davies	<ul style="list-style-type: none"> -“Biodiversity Gain Plan”, -“ Environment Act 2021”, -“Conservation Covenant” 	<p>The Glossary has been updated to include additional terms.</p>

	-“LEMP” -“LNRS” -“Mitigation hierarchy”	
Natural England	Natural England advise Appendix 2 is cross-referenced and updated in accordance with any of the advice provided within this letter, particularly the retitling of any associated documentation during the BNG process.	Appendix 2 has now been removed and reference made to a link to the relevant section of the council's website.

Appendix 1: Example letters and emails



Example Email sent to consultees on database



Working for a brighter future together

Address

Strategic Planning
Westfields, Middlewich Road
Sandbach
CW11 1HZ

Tel: 01270 685893 (please leave a message)
Email: planningpolicy@cheshireeast.gov.uk

DATE: 31/10/2023 OUR REF: Final Draft BNG SPD

Dear Clerk,

Cheshire East planning policy document consultation

The council has published a planning policy document for consultation:

Final Draft Biodiversity Net Gain Supplementary Planning Document (BNG SPD)

The final Draft Biodiversity Net Gain Supplementary Planning Document provides guidance for all parties involved in the planning application process, explaining how Biodiversity Net Gain should be achieved in development proposals across the Borough.

This is the final stage of consultation on the SPD which, once adopted, will be a material consideration in decision-taking.

The consultation will run from **12pm on Tuesday the 31 of October 2023 to midnight on Friday the 1 December 2023**. Further information is available on the council's BNG SPD consultation webpage: <https://cheshireeast-consult.objective.co.uk/kse/folder/29414>

Please do not hesitate to contact the Strategic Planning Team using the details at the top of this letter should you require further information on this consultation.

Yours sincerley,

A handwritten signature in black ink, appearing to be "Tom Evans", written in a cursive style.

Tom Evans
Neighbourhood Planning Manager

Letter sent to consultees on database

Appendix 2: Example website screen shot



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Supplementary planning documents

Supplementary planning documents add further detail to policies in the development plan and provide further guidance on specific topics or locations.

Draft supplementary planning documents

Final Draft BNG SPD Consultation

The final draft consultation began at **12pm of Tuesday the 31 of October 2023**, and will close at **midnight of Friday the 1 of December 2023**.

You can view the document and the representations made, as well as make your own comments on our [consultation portal](#).

Final Draft DC SPD Consultation

The final draft consultation began at **12pm of Friday the 17 of November 2023**, and will close at **midnight of Friday the 15 of December 2023**.

You can view the document and the representations made, as well as make your own comments on our [consultation portal](#).

Final Draft EP SPD Consultation

The final draft consultation began at **12pm of Friday the 17 of November 2023**, and will close at **midnight of Friday the 15 of December 2023**.

You can view the document and the representations made, as well as make your own comments on our [consultation portal](#).

Other Draft SPDs

SPDs being prepared on a number of topics including:

- [Jodrell Bank Observatory](#); and
- [Sustainable Drainage Systems](#).

Comments on previous consultations are currently being considered and the next steps for each SPD will be published here when available.

Screenshot: SPDs webpage www.cheshireeast.gov.uk/planning/spatial-planning/cheshire_east_local_plan/supplementary_plan_documents

Appendix 3: Press release



 Listen and translate

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/ 31/10/2023 - Protection of wildlife and natural habitats embedded in latest planning document



Protection of wildlife and natural habitats to be embedded in council's latest planning guidance

31 October 2023

Developers are to be urged to follow new guidelines to protect natural habitats and promote biodiversity, as Cheshire East Council seeks views on its latest draft supplementary planning guidance.

A four-week consultation is to begin on the updated planning document following the feedback received on the initial draft published and consulted on in May/June 2021.

The latest draft of the biodiversity net gain supplementary planning document was presented to the council's environment and communities committee and a [further consultation](#) will now take place, starting Tuesday 31 October.

This supplementary planning document provides guidance to developers as to how Cheshire East Council seeks to reduce the impact of developments on our environment by requiring at least ten per cent overall improvement to biodiversity and habitats, promoting sustainable development, while helping to mitigate the impacts of the climate emergency.

The policy reflects the council's corporate plan to be an open, fair, and green authority.

Although the council has been developing an approach to biodiversity net gain for some time, this guidance will bring the council in line with the new 2022 Environment Act, which comes into effect from January 2024.

Councillor Mick Warren, Cheshire East Council's chair of the environment and communities committee, said: "This is an important document if we want to take real steps towards protecting our environment and natural habitats and make our own contribution towards tackling the biodiversity crisis.

"The views of all interested parties are important to us so that we can finalise new planning guidance that will supplement our existing local plan strategy and help the council, developers and communities to achieve housing or commercial developments that enhance our environment and not detract from it."



The guidance will help the council secure improvements to and protection of sites with high biodiversity and geodiversity value. The document provides advice on additional requirements for submission of construction management plans, landscaping, green infrastructure and open space proposals, in certain circumstances.

Once adopted, the supplementary planning document will help to inform all future planning decisions and assist developers to bring forward sites and applications that reflect the aspirations of the council, as a green authority, and a council that seeks to protect the environment and enhance, rather than destroy, our natural habitats.

[To take part in the consultation follow this link](#)

Copy of press release

Supplementary Planning Documents Consultations

Final Draft Biodiversity Net Gain Supplementary Planning Document

INFORMAL SUBMISSION - CLOSED

The Biodiversity Net Gain SPD provides guidance for all parties involved in the planning application process, explaining how BNG should be achieved in development proposals across the Borough.

INFORMATION	PROPOSAL	WHAT PEOPLE SAY
<p>More Information ▲</p> <p>Strategic Planning Team</p> <p>Cheshire East Council</p> <p>0300 123 5014 (Please ask for Strategic Planning)</p> <p>planningpolicy@cheshireeast.gov.uk</p>	<p>PRIVACY POLICY</p> <p>If you take part: your name may be displayed, your answers may be displayed, your town/city will not be shown</p> <p>GO TO EVENT</p>	<p>The Final Draft Biodiversity Net Gain Supplementary Planning Document provides guidance for all parties involved in the planning application process, explaining how Biodiversity Net Gain should be achieved in development proposals across the Borough.</p> <p>Responses are invited on the First Draft Biodiversity Net Gain SPD between 12pm Tuesday 31 of October 2023 and midnight on Friday 22 of December 2023.</p> <p>At the end of November the government plans to release further guidance and statutory regulations to support the delivery of Biodiversity Net Gain. In order to allow interested parties further time to consider this Supplementary Planning Document alongside the pending advice, our consultation on the Cheshire East Biodiversity Net Gain Supplementary Planning Document is to be extended until midnight on 22nd of December.</p> <p>Consultation Document</p> <p>The Final Draft Biodiversity Net Gain SPD is available to download on this consultation portal:</p> <ul style="list-style-type: none"> Final Draft Biodiversity Net Gain SPD (PDF) <p>Appendices:</p> <ul style="list-style-type: none"> Appendix 1 Table of Local Requirements for Protected Species (PDF) Appendix 2 Example BNG S106 (PDF) Appendix 3 First Draft BNG SPD Report of Consultation (PDF) Appendix 4 Final Draft BNG SPD SEA HRA Screening (PDF) Appendix 5 Draft BNG SPD EqIA Form (PDF) <p>A screening exercise has been carried out to determine whether the draft document gives rise to the need for further Strategic Environmental Appraisal or Appropriate Assessment (under the Habitats Regulations). This screening concludes that further such assessment is not necessary. The screening report is also available for consultation and this is included at Appendix 4 of the draft SPD.</p> <p>An Equalities Impact Assessment ("EIA") has also been published and this concludes that the Final Draft Biodiversity Net Gain Supplementary Planning Document will not have a significant adverse impact on persons sharing any of the characteristics protected under the Equality Act 2010. Copies of published EIAs can be found on the Council's website .</p> <p>For the duration of the consultation, the document can also be viewed at public libraries in Cheshire East. Opening hours may currently be restricted due to the coronavirus pandemic and you are advised to check the current libraries opening times on our website or telephone the 24 hour library information service on 0300 123 7739.</p> <p>Submit your views</p> <p>To comment online using this consultation portal, please log-in or register and then click the 'Start Survey' button below. This is our preferred method of submitting responses, but you can also respond by email (to planningpolicy@cheshireeast.gov.uk) or in writing (to Strategic Planning Westfields, C/O Municipal Buildings, Earle Street, Crewe CW1 2BJ).</p> <p>Alternatively, you can download this Final Draft BNG SPD Comments Form (PDF) and return it by email or by post to the relevant address above.</p> <p>Whichever method used, please make sure that your comments reach us by midnight on Friday 22 of December 2023. We are not able to accept anonymous comments and you must provide us with your name and contact details. Your personal information will be processed in line with our Strategic Planning Privacy Notice and your name and comments will be published on this consultation portal.</p>
<p>Supporting Files ▲</p> <p>Appendix 1 Table of Local Requirements for Protected Species.pdf</p> <p>Appendix 2 Example BNG S106.pdf</p> <p>Appendix 3 First Draft BNG SPD Report of Consultation.pdf</p> <p>Appendix 4 Final Draft BNG SPD SEA HRA Screening Jul23.pdf</p> <p>Appendix 5 Draft BNG SPD EqIA Form.pdf</p> <p>Final Draft BNG SPD Comments Form.pdf</p> <p>Final Draft BNG SPD Statutory Notice.pdf</p> <p>Final Draft BNG SPD Oct 23.pdf</p>		
<p>Recent Comments ▲</p> <p>Rebecca Wyllie</p> <p>Patryk Gorzka</p> <p>See What People Say</p>		

Consultation portal screenshot 2

Appendix 5: Consultation response form



Cheshire East Local Plan Final Draft Biodiversity Net Gain Supplementary Planning Document - Comments Form

The Final Draft Biodiversity Net Gain Supplementary Planning Document ('BNG SPD') has been prepared. The SPD provides guidance for all parties involved in the planning application process, explaining how Biodiversity Net Gain should be achieved in development proposals across the Borough.

Consultation on the final draft SPD will take place between **12pm on Tuesday the 31 of October 2023 to midnight on Friday the 1 December 2023**.

Consultation document

The consultation document can be viewed online at

<https://cheshireeast-consult.objective.co.uk/kse/folder/29414>

A screening exercise has been carried out to determine whether the draft document gives rise to the need for further Strategic Environmental Appraisal or Appropriate Assessment (under the Habitats Regulations). This screening concludes that further such assessment is not necessary. The screening report is also available for consultation, and this is included as an Appendix of the SPD.

For the duration of the consultation, the document can also be viewed at public libraries in Cheshire East during opening hours. For information about opening hours see www.cheshireeast.gov.uk/libraries or telephone 0300 123 7739).

Submit your views

The council's online consultation portal is our preferred method of submitting responses (<https://cheshireeast-consult.objective.co.uk/kse/folder/29414>) but you can also submit responses or return this form by email or post to:

By e-mail: planningpolicy@cheshireeast.gov.uk

By post: Strategic Planning (Westfields), C/O Municipal Buildings, Earle Street, Crewe CW1 2BJ

Please make sure that your comments reach us by **midnight on Friday the 1 December 2023**. We are not able to accept anonymous comments and you must provide us with your name and contact details. Your personal data will be processed in line with our Strategic Planning Privacy Notice, which is available on the council's website:

https://www.cheshireeast.gov.uk/council_and_democracy/council_information/website_information/privacy-notices/spatial-planning-including-neighbourhood-planning-team-privacy-notice.aspx

For further assistance in making comments, you can contact the Strategic Planning Team at planningpolicy@cheshireeast.gov.uk or by leaving a message on 01270 685893 and we will respond as soon as possible.



Cheshire East Local Plan Final Draft Biodiversity Net Gain Supplementary Planning Document - Comments Form

Please return to: Strategic Planning (Westfields)
C/O Municipal Buildings, Earle Street, Crewe CW1 2BJ or by email to
localplan@cheshireeast.gov.uk

Please return by: Midnight on Friday the 1 December 2023

This comment form has two parts:

- Part A – Personal details.
- Part B – Your representation(s).

Comments Form Part A: Personal Details

	Personal Details*	Agent's Details (if applicable)
	<i>* If an agent is appointed, please complete only the Title, Name and Organisation in column 1 but complete the full contact details of the agent in column 2.</i>	
Title	<input type="text"/>	<input type="text"/>
First Name	<input type="text"/>	<input type="text"/>
Last Name	<input type="text"/>	<input type="text"/>
Job Title (where relevant)	<input type="text"/>	<input type="text"/>
Organisation (where relevant)	<input type="text"/>	<input type="text"/>
Address Line 1	<input type="text"/>	<input type="text"/>
Address Line 2	<input type="text"/>	<input type="text"/>
Address Line 3	<input type="text"/>	<input type="text"/>
Address Line 4	<input type="text"/>	<input type="text"/>
Postcode	<input type="text"/>	<input type="text"/>
Telephone Number	<input type="text"/>	<input type="text"/>
Email Address (where relevant)	<input type="text"/>	<input type="text"/>
Your Reference No. (if known)	<input type="text"/>	<input type="text"/>

Please complete a separate Part B form for each comment that you would like to make. This response form provides enough space for four comments but please copy and attach further part B forms if required.

**Comments Form Part B: Final Draft Biodiversity Net Gain SPD
Comments Form**

Name and
Organisation:

Office Use Only:

PD:

RD:

Q1. Which section of the document are you commenting on?

Page / Chapter / Paragraph / Figure

(please delete as appropriate and state which): _____

Q2. What is your overall view on this section? (please tick one box)

Support

Object

Comment only

Q3. Please set out your comments or views on this section:

**Comments Form Part B: Final Draft Biodiversity Net Gain SPD
Comments Form**

Name and
Organisation:

Office Use Only:

PID:

RIID:

Q1. Which section of the document are you commenting on?

Page / Chapter / Paragraph / Figure

(please delete as appropriate and state which): _____

Q2. What is your overall view on this section? (please tick one box)

Support

Object

Comment only

Q3. Please set out your comments or views on this section:

**Comments Form Part B: Final Draft Biodiversity Net Gain SPD
Comments Form**

Name and
Organisation:

Office Use Only:

PID:

RIID:

Q1. Which section of the document are you commenting on?

Page / Chapter / Paragraph / Figure

(please delete as appropriate and state which): _____

Q2. What is your overall view on this section? (please tick one box)

Support

Object

Comment only

Q3. Please set out your comments or views on this section:

**Comments Form Part B: Final Draft Biodiversity Net Gain SPD
Comments Form**

Name and
Organisation:

Office Use Only:

PID:

RID:

Q1. Which section of the document are you commenting on?

Page / Chapter / Paragraph / Figure

(please delete as appropriate and state which): _____

Q2. What is your overall view on this section? (please tick one box)

Support

Object

Comment only

Q3. Please set out your comments or views on this section:

Extract from comments form (not including the duplicated part B forms)

Appendix 6: Representations from the previous first draft stage

Document section	Summary of the main issues raised	Representors	Council response including any changes proposed
Section 1: Introduction	The content of this draft Biodiversity Net Gain SPD aligns much more closely with the SADPD which awaits Examination rather than the adopted Plan document from 2017.	Cashtal Properties Ltd	The first draft BNG SPD was prepared in anticipation of the SADPD being adopted in early 2022 but the examination process took longer than expected. The SADPD has now been examined, found sound and adopted in December 2022. The BNG SPD provides guidance on environmental policies of the CELPS but has been designed to align closely to the SADPD, in particular to policies 'ENV1 Ecological Network' and 'ENV2 Ecological Implementation'.
	All staff and elected members involved in consideration of biodiversity issues relating to planning decisions need to be adequately trained and mentored	Peak District National Park Authority	Staff and elected members have undertaken training in BNG matters and CPD related to this agenda is an on-going requirement and practice for in-house ecologists who provide internal training to planning staff.
Section 2	CPRE recognise SA and SEA not required of the document	CPRE Cheshire	Cheshire East Council are of the view that SEA and SA are not a required part of the process related to the production of this SPD.
Section 3	This section could be considerably strengthened by conveying the urgency that the interlinked climate and biodiversity crisis means for making biodiversity net gain	Mr. Christopher Thornton	Noted. Further explanatory text has been included in the introductory parts of the document.
	We recommend that a reference should be included to the climate emergency and the harm to biodiversity that will arise consequently in the future.	CPRE Cheshire	As above
	We consider that no further work can proceed on the emerging BNG SPD until: 1. The objections to the emerging SADPD in relation to biodiversity net gain have been resolved through independent examination; and/or 2. The Environment Bill has received royal assent and there will undoubtedly be transition arrangements in place for authorities whereby adopted development plans do not place such a burden on developers. Appendix 1 of the BNG SPD seeks to address strategic environmental assessment and habitat regulations assessment screening and it concludes that no significant environmental effects would arise as a result of the SPD.	Bloor Homes (NW) Ltd Jones Homes & Persimmon Homes (Jones Homes & Persimmon Homes	The first draft BNG SPD was prepared in anticipation of both the progression of Environment Act being implemented , and the SADPD being adopted in early 2022. However the examination process for the SADPD took longer than expected. The SADPD has now been examined, found sound and adopted in December 2022. The BNG requirements of the Environment Act come into force in January 2024 and it has been prudent to delay progression of this SPD to allow for the emergence of further guidance on how the Act should be implemented, and also await for the publication of associated regulations.

			<p>The BNG SPD provides guidance on environmental policies of the CELPS but has been designed to align closely to the SADPD, in particular to policies 'ENV1 Ecological Network' and 'ENV2 Ecological Implementation'.</p> <p>The points raised have now been resolved.</p>
	<p>It may be prudent for the Council to delay the progression of the Biodiversity Net Gain SPD until the Environment Bill is passed into law. This would enable the Council to reflect the requirement to deliver a 10% net gain in biodiversity within the SPD, rather than providing only limited guidance beyond that set out in the Local Development Plan.</p>	<p>Gladman Developments Ltd</p>	<p>As above, the Bill is now enacted.</p>
	<p>The Framework does not advocate a blanket approach to biodiversity net gain and it does not promote a quantitative metric calculator for identifying whether a net gain can be achieved.</p>	<p>Bloor Homes (NW) Ltd</p> <p>Jones Homes & Persimmon Homes (Jones Homes & Persimmon Homes</p>	<p>The SPD recognises other metrics may be used and sets out the councils approach but also states that using an alternative to the DEFRA metric may result in delays as officers establish how to work with an alternative set of calculations.</p>
	<p>The Council must in the first instance seek to fully understand the consequences of applying the BNG SPD as drafted in terms of viability, site capacities and the overall strategy and objectives of the Cheshire East LPS.</p>	<p>Bloor Homes (NW) Ltd</p> <p>Jones Homes & Persimmon Homes (Jones Homes & Persimmon Homes</p>	<p>Viability of the primary policies which this SPD provides guidance on was considered during the examination of the SADPD. No viability problems were identified.</p>
	<p>There is no evidence that the Council has sought to understand the implications of the Draft BNG SPD for the requirements for a deliverable supply of sites.</p>	<p>Bloor Homes (NW) Ltd</p>	<p>As above</p>
	<p>The detailed guidance set out in the BNG SPD should only relate to the policies of the adopted development plan, in accordance with national policy and the legal framework governing the remit of supplementary planning documents.</p>	<p>IM Land</p>	<p>The first draft BNG SPD was prepared in anticipated of both the progression of Environment Act being implemented , and the SADPD being adopted in early 2022. However the examination process for the SADPD took longer than expected. The SADPD has now been examined, found sound and adopted in December 2022.</p> <p>The BNG requirements of the Environment Act come into force in January 2024 and it has been prudent to delay progression of this SPD to allow for the emergence of further guidance on how the Act should be implemented, and also await for the publication of associated regulations.</p> <p>The BNG SPD provides guidance on environmental policies of the CELPS but has been designed to align closely to the SADPD, in particular to policies 'ENV1 Ecological Network' and 'ENV2 Ecological Implementation'.</p>

			The points raised have now been resolved.
	The SPD requires amendment to stipulate that BNG should not increase the risk of bird-strike hazard within 13km of the airport	Manchester Airport Group	The point is noted and the SPD has been updated accordingly to clarify the approach to BNG within the Manchester Airport Consultation zone and provide a link to digital mapping for applicants.
Section 4	We advise that this section includes clarification that Biodiversity Net Gain (BNG) does not replace existing environmental legislation or policy requirements. This includes the application of the mitigation hierarchy and BNG does not apply to development subject to the Habitats Regulations	Natural England	Noted, document updated accordingly and the mitigation hierarchy is explained in the document
	In answer to the question in paragraph 4.1, whether smaller sites should consider biodiversity net gain, we believe there should be a commitment to ensure a minimum of 10% Biodiversity Net Gain for all developments in Cheshire East and this must be highlighted in the Supplementary Planning Document	The Environment Agency	Explanatory text has been included in regard to small sites
	the SPD's progress should be held in abeyance until the BNG legislation within the Environment Bill passes into law, with the associated DEFRA metric endorsed and finalised by government	Barratt David Wilson North West, Barratt Homes Manchester, Bellway Homes, Taylor Wimpey Homes and Redrow Homes	Please see comments above. The SPD is now being progressed now that there is greater certainty on the governments intentions around BNG.
	We note that DEFRA will be introducing a "small sites" metric and the SPD should commit to being fully consistent with this to ensure clarity for developers.	Jones Homes & Persimmon Homes (Jones Homes & Persimmon Homes	A small sites metric has been published . The SPD has been updated to reflect this guidance.
	Achieving the "greatest" BNG is not a requirement of national policy and should not therefore be sought within the SPD. It also fails to reflect other valid constraints/considerations which may arise on site which mean that the greatest BNG cannot be achieved.	Harrow Estates plc and Avro Heritage Ltd	Noted, the wording in the document has been changed in the interests of clarity.
	The provision for off-site mitigation should be incorporated into §4.4(d) for consistency with the broad approach advocated elsewhere in the draft SPD.	Bourne Leisure Limited	This has now been addressed in the document.
	Recommendation (2) At §4.4 clarification needs to be added to confirm that this is a data gathering exercise, and not a field-based exercise.	Barratt David Wilson North West, Barratt Homes Manchester, Bellway Homes, Taylor Wimpey Homes and Redrow Homes	This has now been addressed in the document.
Section 5.	Acknowledging that the ecological networks are likely to evolve into Local Nature Recovery Strategy Networks which will play an important role in guiding the delivery of BNG going forward	Natural England	This has now been addressed in the document.
	The Ecological Network Map is difficult to decipher.	Transition Wilmslow	A link to a digital version of this map has been included and the original image removed.

	production of the SPD should be delayed until the adoption of the SADPD so that the evidence can be tested properly, and it can be demonstrated that the two documents clearly align.	Harrow Estates plc and Avro Heritage Ltd	See comments above
	canal corridors may also be recognised as potential 'off site' ecological assets for habitat provision (section 8.11), and prioritised for projects where additional benefits need to be sought. Offsite commuted sums could be used to provide biodiversity net gain along our waterways, where these can't be secured on site.	Canal & River Trust	Whilst Canal corridors maybe used as potential offsite providers of BNG, they are not specifically mentioned in the SPD. Rather they are included under the umbrella term of 9thrid party land owners). Should the Canal and Rivers Trust decide to act as BNG providers, the guidance related to third party landowners will apply.
	For the avoidance of doubt it is necessary that this section makes clear what type and scale of application or development will be subject to these requirements.	Bourne Leisure Limited	Type and scale of application referenced
	At §5.3 the guidance should be updated to make clear that the Core Area can be delivered off-site or potentially through the use of 'Biodiversity Credits' to be brought in under the Environment Bill. This can be achieved by including "on or off the development site" following "the size of the core area":	Barratt David Wilson North West, Barratt Homes Manchester, Bellway Homes, Taylor Wimpey Homes and Redrow Homes	This is no longer part of the Environment Act but further regulations may allow this approach.
	The requirements should be proportionate, and the text should be re-worded to clarify the types of application to which this requirement will apply.	Harrow Estates plc and Avro Heritage Ltd	A new section on Development Management Process has been introduced and addresses this point.
Section 6	it would be more appropriate to produce the SPD once the relevant legislation has reached Royal Assent, and the final version of the metric has been published	Bourne Leisure Limited	See comments above
	Gladman recommend that the Council consider allocating land to specifically provide opportunities for offsite mitigation of the effects of new development on biodiversity. This would be a proactive approach to ensuring a net gain in biodiversity can be achieved by all new development, where offsite mitigation is required.	Gladman	The council may consider this through the review of the Local Plan or via the Cheshire Nature Recovery Strategy
	The other triggers for requiring application of the metric are unclear. To ensure there is no doubt when an application would trigger this requirement "all other developments effecting natural or semi-natural habitats" and a "transport scheme" should be more clearly defined or explained to assist in transparency of the Council's application of this requirement.	Bourne Leisure Limited Harrow Estates plc and Avro Heritage Ltd	To consider. New wording has been introduced at X to further clarify the position in this regard
	Consider whether each change to a layout requires BNG – what parameters are reasonable?	Bourne Leisure Limited	The approach to design changes is set out at section 10.9
	The SPD appears to suggest at §6.3 that there will be a requirement for a different BNG calculation if a layout changes. This requirement is considered to be disproportionate.	Harrow Estates plc and Avro Heritage Ltd	The approach to design changes is set out at section 10.9
	The SPD should make it clear about what level of detail is expected for the different types of planning application e.g. outline, reserved matters or full planning applications.	Jones Homes & Persimmon Homes (Jones Homes simmon Homes	Further guide has been provided at section X regarding

	§6.6 as currently drafted is inaccurate and therefore needs to be removed; the current metric (2.0) does not allow for indirect impacts to be input into the calculator	Barratt David Wilson North West, Barratt Homes Manchester, Bellway Homes, Taylor Wimpey Homes and Redrow Homes	Use of latest metric included in the latest version. Further guidance provided on indirect impacts.
	We would strongly suggest that reference to the Cheshire Wildlife Trust is removed from paragraph 6.8 due to the potential perceived conflict of interest.	Barratt David Wilson North West, Barratt Homes Manchester, Bellway Homes, Taylor Wimpey Homes and Redrow Homes	Reference removed
	Clarity is requested in relation to §6.10. It states: The survey and calculation should include the whole of the development boundary (red line) and adjacent land where direct or indirect impacts upon adjacent habitats are anticipated. As written the emerging SPD suggests surveys will be required to look at land within the red edge but also land beyond. It is not clear what would trigger a requirement to consider land outside the red edge.	Bourne Leisure Limited Barratt David Wilson North West, Barratt Homes Manchester, Bellway Homes, Taylor Wimpey Homes and Redrow Homes Harrow Estates plc and Avro Heritage Ltd	The document has been updated to clarify the circumstances under which land outside the red-line boundary will be considered for the purposes of BNG calculations.
	The survey and calculation should NOT be required to consider or include (undefined) 'adjacent' habitats. It should focus on the red line area.	Mineral Products Association	The document has been updated to clarify the circumstances under which land outside the red-line boundary will be considered for the purposes of BNG calculations.
	Identify phrases that need clarifying in the glossary 'low distinctiveness' 'poor condition' etc.		References to low distinctiveness etc have now been removed from the document
	The statement that creation of low distinctiveness habitats can only ever reach poor condition is harsh given that the SPD specifically encourages developers to incorporate biodiverse habitats into the site's green infrastructure. There are many examples of design guidance that focusses on biodiversity. The SPD should provide more encouragement for developers to build biodiverse-friendly habitats into new urban habitats. We suggest that this is re-worded to state that low distinctiveness habitats will normally be expected to achieve poor condition, unless the applicant can demonstrate how moderate or good condition would be achieved for the site in question.	Jones Homes & Persimmon Homes (Jones Homes & Persimmon Homes - 1274852)	noted
	The wording of the SPD at §6.14 regarding pre-development habitat value should be rephrased to more precisely reflect the emerging legislation in the Environment Bill	Bourne Leisure Limited	The section has been updated to more closely reflect the legislation.
Section 7	General support for use of the mitigation hierarchy		noted

	Harrow broadly supports the suggested approach to applying the mitigation hierarchy but considers that there should be scope to agree mitigation with the Council during the application process	Harrow Estates plc and Avro Heritage Ltd	Noted and reflected in the SPD
	For outline applications, it may not be possible or reasonable for a developer to provide detailed information on how or where off-site measures will be delivered. This statement of the mitigation hierarchy should be accompanied by a recognition that for outline applications, sufficient information should be provided to give the LPA confidence that BNG can be secured through conditions or obligations attached to the outline permission.	Jones Homes & Persimmon Homes (Jones Homes & Persimmon Homes	Noted and clarification provide in the document
Section 8	It would be beneficial to provide clarity on the preference for on-site provision of BNG and that the Council will only consider off-site provision when it has been adequately demonstrated that net gains cannot be achieved on-site. Natural England advise that off -site provision should always be located as close as possible to where the losses in habitat will occur	Natural England	The mitigation hierarchy and addresses this
	Section 8 places the onus entirely on the developer to prepare a package of measures in advance of a planning application submission and ensure deliverability and long-term management arrangements. This puts a great deal of burden on the developer and is likely to result in an ad-hoc and inconsistent approach in terms of planning applications. A simple mechanism for S106 should be put in place, led by the Council.	Bloor Homes (NW) Ltd Jones Homes & Persimmon Homes (Jones Homes & Persimmon Homes	It is the developers responsibility to demonstrate how net gain will be achieved.
	8.5 inconsistent with earlier parts of the document. Agreement mechanism for offsite/onsite delivery not set out. Monitoring and management plan needs to be proportionate.	Bourne Leisure Limited	Noted and updated accordingly.
	Recommendation (9) Clarification is required at §8.5(d) to make clear the meaning of the term 'strategically important'. Recommendation (10) Clarification is required at §8.5(g) to make clear which bodies will run the proposed 'offset register'. Recommendation (11) Clarification is required at §8.5(h) to make clear which bodies will be responsible for 'monitoring'.	Barratt David Wilson North West, Barratt Homes Manchester, Bellway Homes, Taylor Wimpey Homes and Redrow Homes	Noted. Strategically important has been clarified at section 5.
	Consider including model clauses at 7.5	Bloor Homes (NW) Ltd	Noted, an example S106 is included at appendix 2.
	For outline applications, sufficient detail should be provided to demonstrate that there is no reason for the LPA to consider that BNG cannot be delivered through planning condition or obligation.	Jones Homes & Persimmon Homes (Jones Homes & Persimmon Homes	Noted and document updated
	The Council needs to provide resource to identify land parcels suitable for offsite solutions and create a geodatabase of sites that have been assessed and verified as potential offset sites. This would create a more open market.	Jones Homes & Persimmon Homes (Jones Homes & Persimmon Homes	This is not the role of the council currently.
Section 9	9.1 - Consistency is needed with para 4.1	Jones Homes & Persimmon Homes (Jones Homes & Persimmon Homes	Noted and text has now been amended

9.14	In the first instance we note that the Council will receive a fee for the determination of the planning application and as this work will form part of the application process there is no clear justification for an additional fee. If this fee is to be applied, the precise fee should be identified, evidence should be provide to show why it cannot be covered by the planning application fee and evidence should be provided to show how the figure identified has been derived. Harrow is concerned that the unit costs identified and set up fees seem high and no clear explanation is provided to demonstrate how these costs have been derived so it is not clear whether they are justified.	Harrow Estates plc and Avro Heritage Ltd Barratt David Wilson North West, Barratt Homes Manchester, Bellway Homes, Taylor Wimpey Homes and Redrow Homes	Approach to fees updated with updated explanation.
	The Council's proposed admin fee of £1,200 per unit seems reasonable, but there should be a basis of calculation provided for transparency	Jones Homes & Persimmon Homes (Jones Homes & Persimmon Homes	Approach to fees updated with updated explanation.
	Gladman submit that the formula and a breakdown for these costings (and any subsequent updates) is provided for review and comment.		Approach to fees updated with updated explanation.
	9.22 we would welcome standard templates for both conditions and s106 agreements as they would help avoid any delays with decision making.		Included in Appendices
	No break-down is provided at §9.23 on how the set-up fee has been calculated (at £6,945). In any event, and especially if these costs are from Cheshire Wildlife Trust, the future draft of the SPD needs to provide additional evidence justifying this figure. It is not considered to be reasonable as drafted, without this justification. The £6,945 set-up fee per agreement seems high for simple agreements. We appreciate the benefits of a simple charging structure, but we suggest the Council might consider a two-band structure with a lower charge for small schemes and/or situations where a new management plan does not need to be prepared. In any case, the £6,945 should be clarified in terms of staff time, in the interests of transparency.		Approach to fees updated with updated explanation.
Section 10 10.1	It is not clear how an 'approved' organisation will be defined and agreed by the LPA. Harrow considers that details should be provided as to how these "approved responsible" bodies will be identified as this information is not currently provided in the SPD.	Bourne Leisure Limited Harrow EStates	The updated SPD no longer makes reference to 'approved organisations'.
10.1	Section 10 needs to be strengthened to include a detailed process for coming to these legal agreements with developers including a list of appropriate sanctions if they will not comply. Therefore, there should be a recommendation that the biodiversity agreement MUST BE IN PLACE before the development starts.	Bollington Town Council	noted
10.4	We disagree that all High Distinctiveness habitats require a specialist contractor to implement, and we are not convinced that this will be enforceable. We suggest that this requirement is modified to state that for high distinctiveness habitats, the developer's ecologist should provide assurances of the ability of the contractor to implement the habitat establishment	Jones Homes & Persimmon Homes (Jones Homes & Persimmon Homes	The updated SPD no longer makes reference to 'high distinctiveness habitats'.
10.5	At §10.5 the SPD notes that the implementation of off-site habitat creation proposals will be secured by means of a section 106 agreement. Whilst this approach is welcomed, Bourne Leisure considers that the option of securing proposals by means of a negatively worded 'Grampian' condition should also be included in this section.	Bourne Leisure Limited	Noted. Explanation o the approach to conditions is set out at section 16.

10.6	Harrow notes that §10.6 of the SPD requires that all development proposals must also include proposals for the incorporation of features to enhance the biodiversity of the resulting development in addition to proposals for habitat creation and enhancement as assessed by the biodiversity metric calculation. Examples identified include green wall and green/brown roofs, and features for nesting birds and bats. Harrow is concerned that this requirement is effectively seeking additional biodiversity enhancement when proposals will already be subject to significant biodiversity requirements through the metric. It is not considered that this approach is justified as the Council will effectively be 'double charging' in order to achieve additional biodiversity gain.	Harrow Estates plc and Avro Heritage Ltd	Approach clarified and updated in the document
10.7	We do not consider that the wording of §10.7 (page 24) is currently appropriate, as it states that where schemes that are classed as 'minor AND not affecting natural/semi-natural habitats', they will be exempt from having to be put through the Defra metric. We consider that all minor and small-scale major applications should be exempt. This approach would remain consistent with the adopted and emerging Development Plan Documents as they would still have to demonstrate ecological enhancement, using appropriate features from (a) – (k) in §10.8. (18) The reference to natural and semi-natural habitats should be removed from paragraph 10.7 and replaced by a scale-based approach which would remain consistent with the Development Plan whilst continuing to ensure BNG is delivered.	Barratt David Wilson North West, Barratt Homes Manchester, Bellway Homes, Taylor Wimpey Homes and Redrow Homes	Legislation has been updated to clarify the position, the updated document reflects this.
10.8	The list of BNG features is good, but more guidance is needed on what is actually expected and what a planning officer and small developer should agree on without specialist knowledge. Again, this indicates that a Biodiversity SPD should precede or incorporate the BNG SPD. Alternatively, the Cheshire East Design Guide could be amended to incorporate advice on BNG measures.	Jones Homes & Persimmon Homes (Jones Homes & Persimmon Homes	Noted. Guidance is now provided via the small sites metric, referred to in the document at section 5.
Section 11	We advise the Ecological Network Map should be made available as an online interactive map and with GIS shapefiles for download and use.	Jones Homes & Persimmon Homes (Jones Homes & Persimmon Homes	Noted. The ecological map is now linked to in the document
	Whether within the red line of a proposed development or at an offsite area, an isolated area of gain for biodiversity will be of limited value if there is not an identified corridor or stepping ability to a wider natural environment. In all cases the developer should be required to demonstrate that this linking is identified within the proposal.	Mr Roger Cole	Noted.
Section 12	England Trees Action Plan and Peat Action Plans introduce actions to research further protections for such habitats. We suggest that there is merit in referring to these strategies and perhaps deferring more detailed guidance on buffer zones pending the outcome of these pieces of research.		Guidance on buffer zones has been included
Section 13	Table 1 has a vague heading– states CWT BNG. Clarification is required on the purpose of this table and if this is a Cheshire Wildlife Trust (CWT) or Cheshire East requirement, Tables 2 and 3 are not appropriately titled and reference is again made to CWT. Full clarification is required on how the costs and prices have been calculated for transparency as expected from a local authority.	Jones Homes & Persimmon Homes (Jones Homes & Persimmon Homes	Table updated, references updated
13.4	Accelerated succession will not be an option in Defra metric 3.0 and sites which are suitable for woodland creation may not always support existing grassland. Finer detail and more clarification is needed on this point.	Jones Homes & Persimmon Homes (Jones Homes & Persimmon Homes	Noted. This section of text has now been removed and updated.

	Recommendation (20) Land should not be designated as Potential Local Wildlife Sites unless there is a realistic chance of habitats being proposed, we would instead suggest that future monitoring of land to assess its suitability against the Local Wildlife Sites Criteria.	Barratt David Wilson North West, Barratt Homes Manchester, Bellway Homes, Taylor Wimpey Homes and Redrow Homes	Noted. Reference to potential local wildlife sites has been removed.
	Recommendation (14) A breakdown should be included to justify how the figure of £1,200 covering Cheshire East Council's costs is arrived at, given that we are not aware of other Local Authorities who charge such a fee.	As above	Noted and approach modified
	Recommendation (16) It is essential that a break-down of the £6,945 set-up fee is provided as justification to Table 1, to ensure the SPD is robust and reasonable.	As above	Noted, approach to fees ahs been updated and modified at section 16.
	It is therefore essential that the SPD is explicit in stating that the BNG metric will not be applied to sites which already benefit from outline planning permission, given that to introduce this would go beyond the scope of a Reserved Matters submission. This is a key point that the guidance needs to cover as both the adopted LPS and the emerging SADPD refer only to Net Gain being delivered within 'development proposals', and does not differentiate between Full, Outline, and Reserved Matters submissions.	As above	Noted, approach modified and reference to how outline applications should be dealt with is included at section 9.

Biodiversity Net Gain Supplementary Planning Document: Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report

1. Cheshire East Council has produced a Biodiversity Net Gain Supplementary Planning Document (“SPD”). The purpose of the SPD is to provide guidance on the provision of Biodiversity Net Gain and achieving an appropriate Biodiversity Net Gain mix on development sites proposed in the borough, adding further detail to policies contained within the Development Plan.
2. The Development Plan for Cheshire East consists of the Local Plan Strategy (LPS) and the Site Allocations and Development Policies Document (SADPD). In addition, made Neighbourhood Plans also form part of the Development Plan.
3. The policy framework for the SPD is contained in the LPS, with a particular focus on Policy SE 3 (“Biodiversity and Geodiversity”), SE 5 (“Trees, Hedgerows and Woodland”) and Policy SE 6 (“Green Infrastructure”); and within the SADPD via policies ENV1 (“Ecological Network”) and ENV2 (“Ecological Implementation”).
4. This screening report is designed to determine whether or not the contents of the Biodiversity Net Gain 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 Biodiversity Net Gain SPD has a significant adverse effect upon any internationally designated site(s) of nature conservation importance and thereby subject to the requirements of the Habitats Regulations. The report contains separate sections that set out the findings of the screening assessment for these two issues.
5. This statement, alongside the Biodiversity Net Gain SPD, has been the subject of consultation in accordance with the relevant regulations and the Council’s Statement of Community Involvement. This includes consultation with the relevant statutory bodies (Natural England, Environment Agency and Historic England).
6. From 17 May 2021 until the 14 June 2021, the first iteration of the BNG SPD and its accompanying SEA and HRA Screening Report were consulted on. Feedback was received from Natural England and The Environment Agency, but not in relation to the screening report.

7. During October and November 2023 consultation was carried out on a final draft of the BNG SPD. Again, feedback was received but not in relation to the SEA and HRA Screening Report.

Strategic Environmental Assessment Screening

Legislative Background

8. 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.
9. 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 the Biodiversity Net Gain SPD

10. The purpose of the Biodiversity Net Gain SPD is to provide further guidance on the implementation of the SE 3 (“Biodiversity and Geodiversity”), SE 5 (“Trees, Hedgerows and Woodland”) and Policy SE 6 (“Green Infrastructure”) LPS policies.
11. It is important to note that policies in the LPS and SADPD were the subject of Sustainability Appraisal, which incorporated the requirements of the SEA regulations (as part of an Integrated Sustainability Appraisal). The likely significant environmental effects have already been identified and addressed – the SPD merely provides guidance on existing policies. The LPS Integrated Sustainability Appraisal has informed this SPD screening assessment.
12. SEA has been undertaken for policies SE 3 (“Biodiversity and Geodiversity”), SE 5 (“Trees, Hedgerows and Woodland”) and Policy SE 6 (“Green Infrastructure”), 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.

13. In addition, an SA adoption statement was prepared in July 2017 to support the adoption of the LPS. It should also be noted that the SADPD and the policies contained in it have also been supported by a Sustainability Appraisal (incorporating the requirements for the SEA directive).

SEA Screening Process

14. The council is required to undertake a SEA screening to assess whether the Biodiversity Net Gain SPD is likely to have significant environmental effects. If the Biodiversity Net Gain 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
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1.	Is the SPD subject to preparation and/or adoption by a national, regional or local authority OR prepared through a legislative procedure by Parliament or Government? (Art. 2 (a)).	Yes	The SPD will be prepared and adopted by Cheshire East Borough Council.
2.	Is the SPD required by legislation, regulatory or administrative provisions? (Article. 2 (a)).	No	The Council's Local Development Scheme (2020 – 2022) does not specifically identify the need to produce a Biodiversity Net Gain SPD.
3.	Is the SPD prepared for agricultural, forestry, fisheries, energy, industry, transport, waste management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Article 3.2 (a)).	No	The SPD is being prepared for town and country planning use. It does not set a framework for future development consent of projects in Annexes I and II to the EIA Directive (Article 3.2 (a)). Whilst some developments to which the guidance in the SPD applies would fall within Annex II of the EIA Directive at a local level, the SPD does not specifically plan for or allow it.
4.	Will the SPD, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? Art 3.2 (b)).	No	A Habitats Regulations Assessment has been undertaken for the LPS and emerging SADPD. The SPD does not introduce new policy or allocate sites for development. Therefore, it is not considered necessary to undertake a HRA assessment for the SPD. This conclusion has been supported by an HRA screening assessment as documented through this report.
5	Does the SPD determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art 3.3)	No	The SPD will not determine the use of small areas at a local level. The SPD provides guidance on the how applicants should demonstrate the delivery of biodiversity net gain, 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.

15. 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 SPD will have any significant environmental effects using the criteria set out in

Annex II of SEA Directive 2001/42/EC¹ and Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004².

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

SEA Directive Criteria Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004	Summary of significant effects, scope and influence of the document	Is the Plan likely to have a significant environmental effect (Yes / No)
1.Characteristics of the SPD having particular regard to:		
(a) The degree to which the SPD sets out a framework for projects and other activities, either with regard to the location, nature, size or operating conditions or by allocating resources.	<p>Guidance is supplementary to policies contained in the LPS and SADPD, both of which have been the subject of SA / SEA. The policies provide an overarching framework for development in Cheshire East.</p> <p>The Biodiversity Net Gain SPD provides further clarity and certainty to form the basis for the submission and determination of planning applications, consistent with policies in the LPS.</p> <p>Final decisions will be determined through the development management process.</p> <p>No resources are allocated.</p>	No
(b)The degree to which the SPD influences other plans and programmes including those in a hierarchy.	The 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, SADPD and other policies in the Development Plan, 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 SPD promotes sustainable development, in accordance with the NPPF (2019) and LPS policies. The LPS has been the subject of a full Sustainability Appraisal (incorporating SEA). The SPD has relevance for the	No

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001L0042&from=EN>

² http://www.legislation.gov.uk/uksi/2004/1633/pdfs/uksi_20041633_en.pdf

SEA Directive Criteria Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004	Summary of significant effects, scope and influence of the document	Is the Plan likely to have a significant environmental effect (Yes / No)
	integration of environmental considerations and promotes sustainable development by providing guidance on the delivery of Biodiversity Net Gain in the borough.	
(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 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 SPD adds detail to adopted LPS and SADPD policy; itself the subject of SA.	No
(b)The cumulative nature of the effects of the SPD.	The SPD adds detail to adopted LPS and SADPD policy, itself the subject of SA. The SA associated with the LPS and SADPD have considered relevant plans and programmes. No other plans or programmes have emerged that alter this position.	No
(c)The trans-boundary nature of the effects of the SPD.	Trans-boundary effects will not be significant. The SPD will not lead to any transboundary effects as it is providing additional detail regarding the implementation of policies SE 3, SE 5 & SE 6 in the LPS and ENV1 and ENV2 in the SADPD, and does not, in itself, influence the location of development.	No
(d)The risks to human health or the environment (e.g. due to accident).	The SPD will not cause risks to human health or the environment as it is adding detail to environmental policies in the Local Plan.	No
(e)The magnitude and spatial extent of the effects (geographic area and size of	The SPD covers the Cheshire East administrative area. The SPD will assist	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)
the population likely to be affected) by the SPD.	those making planning applications in the borough.	
(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 SPD will not lead to significant effects on the value or vulnerability of the area. It is adding detail regarding the implementation of environmental policies SE 3, SE 5 and SE 6 in the LPS, and policies ENV1 and ENV2 of the SADPD, 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

16. The SPD is not setting new policy; it is supplementing and providing further guidance on an existing LPS and SADPD policy. Therefore, it is considered that an SEA is not required on the Biodiversity Net Gain SPD. This conclusion will be revisited following consideration of the views of the three statutory consultees (the Environment Agency, Historic England and Natural England) and if there are significant changes to the SPD following public consultation.

Habitats Regulations Assessment Statement

17. The Council has considered whether its planning documents would have a significant adverse effect upon the integrity of internationally designated sites of nature conservation importance. European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna (Habitats Directive) provides legal protection to habitats and species of European importance. The principal aim of this directive is to maintain at, and where necessary restore to, favourable conservation status of flora, fauna and habitats found at these designated sites.
18. The Directive is transposed into English legislation through the Conservation of Habitats and Species Regulations 2017 (a consolidation of the amended Conservation of Habitats and Species Regulations, 2010) published in November 2017.
19. European sites provide important habitats for rare, endangered or vulnerable natural habitats and species of exceptional importance in the European Union. These sites consist of Special Areas of Conservation (SACs, designated under the EU Directive 92/43/EEC on the conservation of natural habitats and of fauna and flora (Habitats Directive)), and Special Protection Areas (SPAs, designated under EU Directive 2009/147/EC on the conservation of wild birds (the Birds Directive)). Government policy requires that Ramsar sites (designated under the International Wetlands Convention, UNESCO, 1971) are treated as if they are fully designated European sites for the purposes of considering development proposals that may affect them.
20. Spatial planning documents may be required to undergo Habitats Regulations Screening if they are not directly connected with or necessary to the management of a European site. As the Biodiversity Net Gain SPD is not connected with, or necessary to, the management of European sites, the HRA implications of the SPD have been considered.
21. 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.
22. Both the LPS and SADPD have been subject to HRA.

23. The Biodiversity Net Gain SPD does not introduce new policy; it provides further detail to those policies contained within the LPS. The HRA concluded that policies s SE3 'Biodiversity and Geodiversity', SE5 Trees Hedgerows and Woodland, SE6 'Green Infrastructure' could not have a likely significant effect on a European Site. The same applies to the Biodiversity Net Gain SPD. The Biodiversity Net Gain SPD in itself, does not allocate sites and is a material consideration in decision taking, once adopted.
24. The Biodiversity Net Gain 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

25. Subject to views of the three statutory consultees (the Environment Agency, Historic England and Natural England), this screening report indicates that an Appropriate Assessment under the Habitats Regulations is not required.

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EQUALITY IMPACT ASSESSMENT

TITLE: Biodiversity Net Gain Supplementary Planning Document (“SPD”)

VERSION CONTROL

Date	Version	Author	Description of Changes
03.03.2021	1	Allan Clarke / Tom Evans	Initial Draft
-	-	Sarah Walker	EDI sign off
27.08.2023	2	Tom Evans	Final Draft
07.09.2023	2	Phil Christian	EDI sign off
24.04.2024	3	Tom Evans	Adoption Version
01.05.2024	4	Phil Christian	EDI sign off

EQUALITY IMPACT ASSESSMENT

CHESHIRE EAST COUNCIL - EQUALITY IMPACT ASSESSMENT

Stage 1 Description: Fact finding (about your policy / service / service users)

Department	Strategic Planning
Service	Environmental and Neighbourhood Services
Date	24/04/2024
Lead officer responsible for assessment	Tom Evans Interim Environmental Planning Manager
Other members of team undertaking assessment	Tom Evans Interim Environmental Planning Manager
Version	3
Type of document	Strategy
Is this a new/ existing/ revision of an existing document	New

<p>Title and subject of the impact assessment (include a brief description of the aims, outcomes, operational issues as appropriate and how it fits in with the wider aims of the organisation)</p> <p>Please attach a copy of the strategy/ plan/ function/ policy/ procedure/ service</p>	<p>Draft Biodiversity Net Gain Supplementary Planning Document (“SPD”)</p> <p><u>Background</u></p> <p>Supplementary Planning Documents (“SPDs”) provide further detail to the policies contained in the development plan. They can be used to provide guidance for development on specific sites, or on particular issues, such as design. SPDs are capable of being a material consideration in planning decisions but are not part of the development plan. They must be consistent with national planning policy, must undergo consultation and must be in conformity with policies contained within the Local Plan.</p>
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	<p>The council has consulted on various drafts leading to the production of this adoption version of the Biodiversity Net Gain SPD. The adoption version provides additional guidance on the implementation of polices SE3 (“biodiversity and geodiversity”), SE5 (“Trees, Hedgerows and Woodland”) and SE6 (“Green Infrastructure”) in the council’s Local Plan Strategy (LPS), adopted in July 2017; and polices ENV1 (“Ecological Network) and ENV2 (“Ecological Implementation”) of the Site Allocations and Development Policies Document (SADPD). The SPD, once adopted, should assist applicants when making planning applications, to establish the BNG requirement for their site and give certainty to how the council will apply the relevant policies of the Development Plan. The SPD provides further guidance on how existing policies should be implemented, rather than setting a new policy approach in relation to biodiversity and habitats, and provides advice on localised approaches related national regulations.</p> <p>The SPD has been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended by the Local Planning, Development Management Procedure, Listed Buildings etc (England) (Coronavirus) (Amendment) Regulations 2020), the National Planning Policy Framework and National Planning Practice Guidance and national regulations relating to BNG.</p> <p>An Equalities Impact Assessment was prepared alongside the integrated Sustainability Appraisal work which supported the Local Plan Strategy (LPS) and also for the SADPD. The assessment found that the LPS and SADPD policies are unlikely to have negative effects on protected characteristics or persons identified under the Equality Act 2010.</p>
<p>Who are the main stakeholders and have they been engaged with? (e.g. general public, employees, Councillors, partners, specific audiences, residents)</p>	<p>Two stages of public consultation have taken place on the draft versions of the SPD for four weeks in accordance with the Town and Country Planning ((Local Planning) (England) Regulations 2012) and the council’s adopted Statement of Community Involvement. These consultations included issuing email notifications of the consultation to the general public, town and parish councils, statutory consultees, elected members, and consultees who have registered on the strategic planning database. The online consultation enables participants to provide comments on specific sections of the document or general comments as appropriate.</p>

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<p>What consultation method(s) did you use?</p>	<p>The council prepares a Statement of Community Involvement which provides detail on how it will consult on Local Plan documents and SPDs. This includes requirements on the availability of documents, how residents and stakeholders will be notified etc. The Council's Local Plan consultation database, which will be notified of the consultation, also includes a number of organisations who work alongside groups with protected characteristics in the borough.</p> <p>All consultation comments received have been reviewed ahead of amendments being made to the SPD. A report of consultation has also been prepared alongside the adoption version of the SPD setting out how the council has responded to issues raised during consultation. No issues related to protected characteristics or other equalities issues have been raised at previous stages of consultation.</p>
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Stage 2 Initial Screening

<p>Who is affected and what evidence have you considered to arrive at this analysis? (This may or may not include the stakeholders listed above)</p>	<p>Given the policy guidance relates to funding the provision of habitat improvements it is unlikely that there will be an impact on those with protected characteristics. Consultation has not raised any issues related to equalities issues.</p>
<p>Who is intended to benefit and how?</p>	<p>Local communities including landowners and developers. The SPD provides additional guidance on the implementation of existing planning policies related to the assessment of planning applications on matters relating to ecology and biodiversity, providing guidance on how a gain in volume and quality of such assets should be achieved. Achieving biodiversity net gain is beneficial to all communities through natural environmental services our ecosystem relies on. The means through which a net gain is achieved (by improving green spaces within development) may improve access to green space and recreation opportunities in, and nearby to, new and existing development.</p>
<p>Could there be a different impact or outcome for some groups?</p>	<p>No, the SPD builds upon existing planning policy guidance and provides further information about how the Council will consider planning applications. The provision of biodiversity net gain will assist</p>

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	in supporting communities to access green space for recreation, improve local amenity, and mitigate some impacts of climate change, such as flooding but the main focus is on achieving more and improved habitats to support biodiversity. Further guidance on factors that inform an appropriate approach to delivering more habitats and improve ecology will support ecosystems across Cheshire East. The SPD, in applying additional guidance to assist in the interpretation of planning policies should be beneficial to a variety of groups.
Does it include making decisions based on individual characteristics, needs or circumstances?	No, the introduction of the SPD is not based on individual characteristics, needs or circumstances. The SPD includes information on the natural environment and characteristics of land and habitats in Cheshire East. The content of the SPD does not relate directly to the characteristics of human populations.
Are relations between different groups or communities likely to be affected? (eg will it favour one particular group or deny opportunities for others?)	No, the SPD is not intended to affect different groups or communities in this way.
Is there any specific targeted action to promote equality? Is there a history of unequal outcomes (do you have enough evidence to prove otherwise)?	No, the SPD is not intended to target any group and will be consulted upon in line with the council's Statement of Community Involvement.

Is there an actual or potential negative impact on these specific characteristics?	Yes/ No
Age	No
Disability	No
Gender reassignment	No
Marriage & civil partnership	No
Pregnancy & maternity	No
Race	No
Religion & belief	No
Sex	No
Sexual orientation	No

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Characteristic	What evidence do you have to support your findings? (quantitative and qualitative) Please provide additional information that you wish to include as appendices to this document, i.e., graphs, tables, charts
Age	No negative impacts are identified at this stage in relation to any of the specific characteristics. Public consultation did not result in any feedback in relation to protected characteristics.
Disability	No negative impacts are identified at this stage in relation to any of the specific characteristics. Public consultation did not result in any feedback in relation to protected characteristics.
Gender reassignment	No negative impacts are identified at this stage in relation to any of the specific characteristics. Public consultation did not result in any feedback in relation to protected characteristics.
Marriage & civil partnership	No negative impacts are identified at this stage in relation to any of the specific characteristics. Public consultation did not result in any feedback in relation to protected characteristics.
Pregnancy & maternity	No negative impacts are identified at this stage in relation to any of the specific characteristics. Public consultation did not result in any feedback in relation to protected characteristics.
Race	No negative impacts are identified at this stage in relation to any of the specific characteristics. Public consultation did not result in any feedback in relation to protected characteristics.
Religion & belief	No negative impacts are identified at this stage in relation to any of the specific characteristics. Public consultation did not result in any feedback in relation to protected characteristics.
Sex	No negative impacts are identified at this stage in relation to any of the specific characteristics. Public consultation did not result in any feedback in relation to protected characteristics.
Sexual orientation	No negative impacts are identified at this stage in relation to any of the specific characteristics. Public consultation did not result in any feedback in relation to protected characteristics.

EQUALITY IMPACT ASSESSMENT

Lead officer sign off	
Date	24/04/2024
Head of service sign off	
Date	01/05/2024

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OPEN

**Environment and Communities
Committee**

18 July 2023

**Appointments to Working Groups and
Panels**

Report of: David Brown, Director of Governance and Compliance

Report Reference No: EC/30/24-25

Ward(s) Affected: No specific wards

Purpose of Report

- 1 This report seeks approval from the Environment and Communities Committee to appoint members to its working groups and panels for the 2024-25 municipal year.

Executive Summary

- 2 The Council, at its annual meeting on 15 May 2024, approved the political representation on its main committees. The appointment of certain sub-committees, working groups, panels and boards is a matter for the relevant service committees.
- 3 This report addresses the composition of the working groups of which membership is required to be appointed by the Environment and Communities Committee.
- 4 Where political proportionality is applicable, the agreed conventions and methods of calculation have been applied.

RECOMMENDATIONS

The Environment and Communities Committee is recommended to:

1. Appoint Members to the Local Plan Member Reference Group as follows: Con: 3; Lab: 3; Ind: 1; Lib Dem: 0; NGI: 0
2. Appoint Members to the Section 106 Member/Officer Working Group
3. Appoint Members to the Cemeteries Strategy Member Advisory Panel
4. Agree that the Household Waste and Recycling Centres Working Group be discontinued
5. Agree that the names of the Members appointed will be submitted to the Head of Democratic Services and Governance

Background

5 **Bodies which report to the Environment and Communities Committee**

6 Cemeteries Strategy Member Advisory Panel

7 At its meeting on 11 November 2021, the Environment and Communities Committee received a report titled 'A Review of the Cemeteries Strategy' and resolved to establish a Member Advisory Panel to scrutinise the Cemeteries Strategy.

8 [Environment and Communities Committee Minutes 11 November 2021](#)

9 It is recommended that the Environment and Communities Committee agree to the appointment of Members to the Cemeteries Strategy Member Advisory Panel, and that the nominees be notified to the Head of Democratic Services and Governance.

10 Local Plan Member Reference Group

11 At its meeting on 10 November 2022, the Environment and Communities Committee received a report titled 'Local Development Scheme 2022' and resolved to establish a Member Reference Group to support the preparation of the Local Plan.

12 [Environment and Communities Minutes 10 November 2022](#)

13 The agreed Terms of Reference state that the membership should reflect the political make-up of the Council.

14 It is recommended that the Environment and Communities Committee agree to the appointment of Members to the Local Plan Member Reference Group in line with the following, and that the nominees be notified to the Head of Democratic Services and Governance:

3 Conservative

3 Labour

1 Independent

15 Section 106 Member/Officer Working Group

At its meeting on 31 October 2022, the Environment and Communities Committee received a report titled 'Local Planning Authority Review and Service' and resolved to establish a Member/Officer Working Group following the findings of the proposed Section 106 funding internal audit, to explore the process of Section 106 planning obligations as part of the Modernisation Plan.

[Environment and Communities Committee Minutes 31 October 2022](#)

It is recommended that the Environment and Communities Committee agree to the nomination of Members to the Section 106 Member/Officer Working Group and that the nominees be notified to the Head of Democratic Services and Governance.

16 Household Waste and Recycling Centres Working Group

17 At its meeting on 29 September 2022, the Environment and Communities Committee received a report titled 'Household Waste Recycling Centre Contract' and resolved to establish a Working Group to look at future household waste and recycling centre provision, with particular attention to provision for Congleton, and to further look at what the scope and remit of the group should be.

18 [Environment and Communities Minutes 29 September 2022](#)

19 The final recommendations for the Household Waste and Recycling Centres review are due to come to the Environment and Communities Committee for approval on 26 September 2024.

20 It is therefore recommended that the Environment and Communities Committee agree that this working group is not re-appointed for the 2024-25 municipal year.

Consultation and Engagement

- 21 There has been consultation with Group Leaders and Administrators in relation to the political representation of committees.

Reasons for Recommendations

- 22 In accordance with the Constitution, the Environment and Communities Committee is responsible for the appointment of its working groups and panels.

Other Options Considered

12	Option	Impact	Risk
	Do nothing	The Council's Constitution requires these working groups and panels to be appointed in line with the legislation referenced in this report. Not appointing to these groups would negatively affect the Council's ability to make decisions in an open and transparent manner.	Failure to comply with the Council's Constitution and the legislation referenced in this report could leave the Council open to legal challenge.

Implications and Comments

Monitoring Officer/Legal

- 23 The Local Government (Committees and Political Groups) Regulations 1990, made pursuant to the Local Government and Housing Act 1989, make provisions in respect of the political group representation on a local authority's committees in relation to the overall political composition of the Council. The legislation applies to the decision-making committees and sub-committees of the Council.

- 24 The legislation requires that, where proportionality applies, and seats are allocated to different political groups, the authority must abide by the following principles, so far as is reasonably practicable:
- 25 Not all of the seats can be allocated to the same political Group (i.e., there are no single group committees).
- 26 The majority of the seats on the body are to be allocated to a political Group with a majority membership of the authority.
- 27 The total number of seats on all ordinary committees and sub committees allocated to each Political Group bears the same proportion to the proportion on the full Council.
- 28 The number of seats on each ordinary committee allocated to each Political Group bears the same proportion to the proportion on full Council.
- 29 The proposals contained in this report meet the requirements of the legislation.
- 30 The 1990 Regulations require Political Group Leaders to notify the Proper Officer of the Groups' nominations to the bodies in question.

Section 151 Officer/Finance

- 31 There are no financial implications that require an amendment to the Medium-Term Financial Strategy.

Policy

- 25 There are no direct policy implications.

An open and enabling organisation

Ensure that there is transparency in all aspects of council decision making

Equality, Diversity and Inclusion

- 26 There are no direct equality, diversity and inclusion issues.

Human Resources

- 27 There are no direct human resources implications.

Risk Management

- 28 Failure to comply with the Act and Regulations when appointing its committee memberships would leave the Council open to legal challenge.

Rural Communities

- 29 There are no direct implications for rural communities.

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

- 30 There are no direct implications for children and young people.

Public Health

- 31 There are no direct implications for public health.

Climate Change

- 32 There are no direct implications for climate change.

Access to Information	
Contact Officer:	Brian Reed Head of Democratic Services and Governance Brian.reed@cheshireeast.gov.uk
Appendices:	N/A
Background Papers:	None

Environment and Communities Committee**18 July 2024****Cheshire East Major Emergency
Response Plan Update****Report of: Tom Shuttleworth, Interim Director Environment and
Neighbourhoods****Report Reference No: EC/22/24-25****Wards Affected: ALL****Purpose of Report**

- 1 This report seeks approval to adopt the updated Cheshire East Major Emergency Response Plan (“MERP”).
- 2 Updating the MERP supports the Open Corporate Plan objective by ensuring that the Councils duties under the Civil Contingencies Act 2004 are clearly set out a structured way, providing a framework for responses to emergency events and defining the role of officers and members in doing so.

Executive Summary

- 3 As a Unitary Council, with statutory emergency planning and community resilience responsibilities as a category 1 responder as defined in the Civil Contingencies Act 2004, Cheshire East Council must have in place a plan that guides its response should an emergency impact upon the organisation itself or the community it serves. It is also required to support the actions of the emergency services, together with any other authority that may require assistance as a result of an emergency in the surrounding area.
- 4 The updated MERP is considered a confidential document for internal use within the Council organisation and is therefore contained as a part 2 appendix A to this report.

- 5 The plan gives an outline of how Cheshire East Council will respond to emergencies. It is a generic plan for a wide range of incidents.
- 6 In 2016, Cheshire East Council adopted the current MERP, and following a full review and consultation exercise, we have now produced an updated Plan for approval, which meets our legislative responsibilities as a Category 1 responder, alongside other organisations such as the emergency services, NHS and the Environment Agency.

RECOMMENDATIONS

The Environment and Communities committee is recommended to:

1. Approve the adoption of the updated Major Emergency Response Plan for Cheshire East
2. Delegate authority to the Interim Director Environment and Neighbourhoods to undertake updates to the Plan on a periodic basis.

Background

- 7 The purpose of the Council Major Emergency Response Plan is to provide guidance to Council Officers and Services on the various procedures and actions that will be put in place in the event of a major emergency.
- 8 An emergency is defined in the Civil Contingences Act 2004 as: *“An event or situation, with a range of serious consequences, which requires special arrangements to be implemented by one or more emergency responder agencies.”*
- 9 A major emergency is beyond the scope of business-as-usual operations, and is likely to involve serious harm, damage, disruption or risk to human life or welfare, essential services, the environment or national security.
- 10 As a Unitary Council, with statutory emergency planning and community resilience responsibilities as a category 1 responder as defined in the Civil Contingences Act 2004, Cheshire East Council must have in place a plan that guides its response should an emergency impact upon the organisation itself or the community it serves. It is also required to support the actions of the emergency services, together with any other authority that may require assistance as a result of an emergency in the surrounding area.

- 11 The current version of the Cheshire East MERP has been in place since 2009 and has been activated effectively in response to many major incidents or major incident standbys in the intervening period including the Bosley Wood Flour Mill Disaster (2015).
- 12 The last large scale revisions were made when Public Health functions transferred to local authorities (2013), and a Members' section was introduced (2015), with the current version having been adopted in 2016.
- 13 Considering the Pandemic and the lessons learned in responding to this, together with more recent government led guidance updates it is considered an appropriate point in time to undertake a more holistic update.
- 14 The updated MERP is considered a confidential document for internal use within the Council organisation and is therefore contained as a part 2 appendix A to this report.
- 15 The plan gives an outline of how Cheshire East Council will respond to emergencies. It is a generic plan for a wide range of incidents.
 - (a) The plan gives definitions of a Major Incident and Major Incident Stand-by;
 - (b) Guidance on procedures in an emergency incident and also the different incident response models;
 - (c) Ensures that there is a coordinated response both internally as a council, and with other Category 1 responders;
 - (d) The plan outlines responsibilities of different roles (such as Incident Coordinator, the Strategic Emergency Management Group and Elected Members);
 - (e) It explains the council response structure and how it fits in with the multi-agency command and control structures and;
 - (f) The plan also signposts to additional incident, location or other specific response plans (such as flooding and severe weather, COMAH sites and the Rest Centre plans)
- 16 The implementation of the MERP will be the responsibility of the Emergency Planning team. The Plan is a live document and will be reviewed and updated regularly based on experience and learning from emergencies and events, together with any national legislative or policy guidance changes and the like.

Consultation and Engagement

- 17 The MERP was developed by the Emergency Planning Team over several months. Consultation was undertaken and input sought and received from numerous services and Members.
- 18 External to the council, revised information that went into the MERP came from the Department for Levelling Up, Housing and Communities, Cheshire and Merseyside Integrated Care Board, Cheshire Police, the Northwest Headquarters of the Army and officers from the Cheshire Resilience Forum.

Reasons for Recommendations

- 19 It is important that any MERP is reviewed and updated regularly to ensure that it remains fit for purpose as highlighted by the prevailing statutory guidance and considering experience and lessons learned from actual emergency events.

Other Options Considered

- 20 The Council has the option to proceed without adopting an updated MERP. However, the current Plan last saw a substantive update in 2016 and has been successfully utilised in response to a variety of events in the intervening period. It is good practice to ensure that the Plan is updated regularly so it remains reliable and relevant.

Implications and Comments

Monitoring Officer/Legal

- 21 The Civil Contingencies Act 2004 places an obligation on local authorities as nominated category 1 responders. It is good practice to have in place a MERP to ensure that the organisations response is co-ordinated in a range of different scenarios and that officers understand their roles and responsibilities in managing a major emergency event situation.
- 22 The current MERP has been in place for 8 years and due to amended guidance and the experience and lessons learned in the intervening period, it is the right time to update the current Plan.

Section 151 Officer/Finance

- 23 There are no significant direct financial costs arising from adoption of the MERP. The production of the updated MERP has been delivered within existing Emergency Planning service budgets.

24 The Emergency Planning service budget funds day-to-day implementation of the MERP. Therefore, there is no anticipated impact on the Council's approved budget/Medium Term Financial Strategy (MTFS), however as is the case now any major emergency event could potentially result in further costs subject to type and scale.

Policy

25 Updating the MERP contributes to delivery of the priorities in the [Corporate Plan](#) as follows:

<p>An open and enabling organisation</p> <p>Ensure there is transparency in all aspects of council decision making</p>	<p>A thriving and sustainable place</p> <p>A great place for people to live, work and visit</p> <p>Reduce impact on the environment</p>
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Equality, Diversity and Inclusion

26 There are no specific equality, diversity or inclusion issues relating to having a MERP in place for the organisation.

Human Resources

27 There are no direct implications for human resources.

Risk Management

28 Having a MERP in place and the framework that this provides to ensuring a robust and coherent response to emergency events mitigates the risk that the Council fails to properly undertake its duties as a nominated category 1 responder under the Civil Contingencies Act 2004.

Rural Communities

29 There are no direct implications for rural communities specifically; however, the MERP will apply to the whole borough of Cheshire East, including all rural communities.

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

30 The MERP does not have a direct implication for children and young people or cared for children.

Public Health

31 The MERP provides the framework to respond to emergency events which may relate to public health issues such as outbreaks of infectious diseases and the like.

Climate Change

32 There are no direct implications for climate change.

Access to Information	
Contact Officer:	Chris Samuel, Senior Officer – Emergency Planning Chris.samuel@cheshiresharedservices.gov.uk Derek Hart, Emergency Planning Officer Derek.hart2@cheshiresharedservices.gov.uk
Appendices:	Appendix 1: Updated Cheshire East Major Emergency Response Plan (Part 2 confidential)
Background Papers:	N/A

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Environment and Communities Committee Work Programme 2024-25

Report Reference	Environment & Communities Committee	Title	Purpose of Report	Lead Officer	Consultation	Equality Impact Assessment	Corporate Plan Priority	Part of Budget and Policy Framework	Exempt Item
EC/02/24-25	26/09/24	Jodrell Bank Observatory Supplementary Planning Document	To seek approval to consult on the final draft of the Jodrell Bank Observatory Supplementary Planning Document	Interim Director Environment and Neighbourhoods	Yes	Yes	Green	No	No
EC/09/24-25	26/09/24	S106 / CIL Update	To provide an update to Members on the current position relating to the S106 Audit previously reported to committee in 2023.	Interim Director Environment and Neighbourhoods	No	No	Open	Yes	No
EC/10/24-25	26/09/24	Local Nature Recovery Strategy (LNRS)	To provide an update on the Local Nature Recovery Strategy	Interim Director Environment and Neighbourhoods	Yes	No	Open	No	No
EC/12/24-25	26/09/24	Approval of Carbon Neutral 2045 Action Plan	To seek approval to adopt the action plan associated with the delivery of the Carbon Neutral 2045 borough target.	Interim Director Environment and Neighbourhoods	Yes	Yes	Open	Yes	No
EC/23/24-25	26/09/24	First Financial Review of 2024/25 (Environment & Communities Committee)	To note and comment on the First Financial Review and Performance position of 2024/25, including progress on policy proposals and material variances from the MTFS and (if necessary) approve Supplementary Estimates and Virements.	Director of Finance and Customer Services	No	No	Open	Yes	No
EC/13/24-25	14/11/24	Libraries Strategy - Implementation	To seek approval to implement the final details of the Libraries Strategy.	Interim Director Environment and Neighbourhoods	Yes	Yes	Open	Yes	Yes
EC/15/24-25	14/11/24	Local Plan Update – feedback on Issues Paper	To provide feedback from the consultation undertaken on the Issues Paper as presented to Committee in March 2024 and set	Interim Director Environment and Neighbourhoods	Yes	Yes	Open	No	No

Environment and Communities Committee Work Programme 2024-25

Report Reference	Environment & Communities Committee	Title	Purpose of Report	Lead Officer	Consultation	Equality Impact Assessment	Corporate Plan Priority	Part of Budget and Policy Framework	Exempt Item
			out the next steps for the Local Plan review.						
EC/16/24-25	14/11/24	Strategic Leisure Review - Implementation Update	To provide an update to Committee in relation to the implementation of the initiatives brought forward under the Strategic Leisure Review and where appropriate set out any additional savings proposals.	Interim Director Environment and Neighbourhoods	Yes	Yes	Open	No	No
EC/24/24-25	14/11/24	Second Financial Review of 2024/25 (Environment and Communities Committee)	To note and comment on the Second Financial Review and Performance position of 2024/25, including progress on policy proposals and material variances from the MTFS and (if necessary) approve Supplementary Estimates and Virements.	Director of Finance and Customer Services	No	No	Open	Yes	No
EC/25/24-25	14/11/24	Medium Term Financial Strategy Consultation 2025/26 - 2028/29 (Environment & Communities Committee)	All Committees were being asked to provide feedback in relation to their financial responsibilities as identified within the Constitution and linked to the budget alignment approved by the Finance Sub-Committee in March 2024. Responses to the consultation would be reported to the Corporate Policy Committee to support that Committee in making	Director of Finance and Customer Services	No	No	Open	Yes	No

Environment and Communities Committee Work Programme 2024-25

Report Reference	Environment & Communities Committee	Title	Purpose of Report	Lead Officer	Consultation	Equality Impact Assessment	Corporate Plan Priority	Part of Budget and Policy Framework	Exempt Item
			recommendations to Council on changes to the current financial strategy.						
EC/32/24-25	14/11/24	Waste Collections - residual waste	To seek approval to recommendations relating to the potential implementation of changes to residual waste collections, including feedback from a planned public consultation exercise (provisional report subject to Govt legislation announcement)	Interim Director Environment and Neighbourhoods	Yes	Yes	Open	TBC	Yes
EC/17/24-25	30/01/25	Carbon Neutral Programme Update	To provide an annual update on the progress of the implementation of the carbon neutral programme.	Interim Director Environment and Neighbourhoods	No	No	Open;#Green	Yes	Yes
EC/26/24-25	30/01/25	Third Financial Review of 2024/25 (Environment & Communities Committee)	To note and comment on the Third Financial Review and Performance position of 2024/25, including progress on policy proposals and material variances from the MTFS and (if necessary) approve Supplementary Estimates and Virements.	Director of Finance and Customer Services	No	No	Open	Yes	No

Environment and Communities Committee Work Programme 2024-25

Report Reference	Environment & Communities Committee	Title	Purpose of Report	Lead Officer	Consultation	Equality Impact Assessment	Corporate Plan Priority	Part of Budget and Policy Framework	Exempt Item
EC/28/24-25	30/01/25	Medium Term Financial Strategy Consultation 2025/26 - 2028/29 Provisional Settlement Update (Environment & Communities Committee)	All Committees were being asked to provide feedback in relation to their financial responsibilities as identified within the Constitution and linked to the budget alignment approved by the Finance Sub-Committee in March 2024. Responses to the consultation would be reported to the Corporate Policy Committee to support that Committee in making recommendations to Council on changes to the current financial strategy.	Director of Finance and Customer Services	No	No	Open	Yes	No
EC/18/24-25	27/03/25	Cemeteries Investment Programme	To seek committee approval to the proposed investment programme for the Cheshire East Council operated cemeteries	Interim Director Environment and Neighbourhoods	No	Yes	Open	Yes	No
EC/19/24-25	27/03/25	Updated Local List of Historic Buildings	To seek approval to the updated local list of historic buildings	Interim Director Environment and Neighbourhoods	TBC	No	Open	TBC	No
EC/27/24-25	27/03/25	Service Budgets 2025/26 (Environment & Communities Committee)	The purpose of this report is to set out the allocation of approved budgets for 2025/26 for services under the Committee's remit, as determined by Finance Sub Committee	Director of Finance and Customer Services	No	No	Open	Yes	No